

NATIONAL COUNCIL OF WOMEN OF CANADA (Established 1893)

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Lynn Gordon, Clerk, The Senate

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Brief to the Senate Standing Committee on Energy , Environment and Natural Resources re: Amendments to the Navigable Waters Protection Act

The National Council of Women of Canada (NCWC) , representing hundreds of thousands of Canadians from a broad diversity of affiliated member groups across the country, has a long standing interest in the protection of our national waters through strong Federal legislation and policies and environmental assessment restrictions.

For instance in 1976, NCWC resolved that it *"request the Provincial Councils of Women, to study federal legislation and the legislative provisions in their respective Provinces for the management, preservation and control of waterways and water bodies, with a view toward the development of a co-ordinated federal-provincial policy for the management of national waters ."*

And, in 1978, noting that *"it is crucial that social and environmental assessments be made prior to project development approval ; that the public have freedom of access to all reports and documents and that the right of public participation in the review process be guaranteed"*, NCWC urged the government of Canada to *"enact legislation, instituting mandatory assessment procedures prior to the construction of installations potentially damaging to the environment for all projects , carried out by or on behalf of, or funded in whole or part by the Government of Canada, its Crown Corporations or Agencies"*, and, to *" encourage by every available means, the co-operation of the Provincial Governments to establish similar mandatory legislation and regulations for environmental impact assessment procedures in those areas within their jurisdictions."*

Further to this, in 1985, NCWC recognized that *" There is often inadequate pre-project environmental impact assessment ... and river basins are functional hydrological and geomorphic wholes, which support and interact intimately with complex biological systems of their watersheds, streams, rivers and lakes ... and, that all five of Canada's five river basins extend beyond the boundaries of any province ."*

NCWC then urged the Government of Canada to *"establish a national river basin management policy in co-operation with the provinces and territories to :*

a) plan and coordinate further development and modification of Canada's major river systems to attempt to ensure compatible and ecologically -sound uses are made of the water

b) maintain as wide a range of future options for development as possible, considering not only surface waters but associated ground waters, the systems from head waters to estuaries and receiving coastal waters and the requirement for coordinating land use within watersheds with water use. ... "

Finally, In 1997, NCWC urged the Government of Canada to *" retain and promote an active , independent and strong regulatory role in the protection of the environment."*

The National Council of Women of Canada therefore has a very strong interest in continued federal presence where Canada's waterways are concerned and is most alarmed by the Federal Government's, and then subsequently the Senate's, rushed passage of Bill C-10, the Budget Implementation Act - specifically amendments to the Navigable Waters Protection Act. (NWPA)

These amendments would substantially weaken existing environmental assessment protections for Canada's waterways. For instance, the proposed NWPA eliminates environmental assessments for development projects on Canadian waterways with very few exceptions and decisions will not be made on the basis of good science or a long-term view of "*complex biological systems of watersheds, streams, rivers and lakes*," or as NCWC's 1985 policy felt was important, the interactions of "*surface*" and "*ground waters*". Instead, Cabinet decisions will be based on a pared down set of priorities that put projects on a fast track to initially (in the next two years) provide jobs and in the longer term to allow whatever government is in power to move ahead with its own agenda.

While it may be expedient to allow projects on waterways to move quickly ahead, especially in these difficult economic times, however, as our 1978 and 1985 policies advocate, the waterways of Canada need the protections of an even stronger Navigable Waters Protection Act, not weaker ones.

Weakening or even removing environmental assessments for waterway projects will create jobs, particularly in the short term, however the chances of long term costs of a degraded environment will in many cases outweigh these benefits. For example, according to Maurice Nadeau, President of the Alberta Fish & Game Association, "*The changes to the Act would subject our water ways, big and small, to commercial, industrial and private exploitation without regard for the environment, habitat, fisheries and access. Without the protection provided in the original Act, which is already poorly enforced in Alberta, we can only project irreversible damages and changes to our waters, fish, wildlife, habitat ...our quality of life.*"

What is also of concern to NCWC, is that many waterways in Canada have weak or no provincial EA protections and rely somewhat or solely on the Navigable Waters Protection Act. Minus NWPA protections, waterways in some provinces will be at considerable risk, not only from projects that are being promoted by their own governments, but also a Federal system that divides waterways into the deserving and the less deserving, allows politicians to determine priorities, and may well reduce the numbers of assessments to a fraction of those now conducted.

Additionally it is very troublesome that under the changes to the NWPA, "class" lists may be drafted by Cabinet in secrecy, with no scientific basis or public consultation. This latter important change runs directly counter to NCWC's 1976 policy that "*the public have freedom of access to all reports and documents, and that the right of public participation be guaranteed.*"

As well, NCWC is very concerned that with the NWPA amendments, for the next two years at least, the "*environmental trigger*" for an assessment has been removed and the Minister has discretion regarding "*major projects*", with regard to "*booms, bridges, dams or causeways.*" These kinds of projects have the potential to cause considerable harm to waterway environments. For instance, over the past several years along the St. Lawrence River and on the Great Lakes plans for large infrastructure projects have raised alarm bells on both sides of the border. e.g. the 2004 Missisquoi Bay Causeway, which while being built in Vermont, had the potential to damage water quality on both sides of the Canada/US border. Such large projects on Canadian navigable waterways definitely need more, not less scrutiny!

It is also very worrisome that the changes in the NWPA may well reflect a government intent to further cut back on environmental assessments under various other acts such as the Fisheries

Act. This would be particularly damaging in cases where the Federal government presently has the sole jurisdiction . For example, according to West Coast Environmental Law, in British Columbia, *"controversial extensive gravel extraction projects of 100,000+ cubic metres are being undertaken on the Fraser River without any Provincial EA. Because fish habitat is being impacted, however, a Federal Fisheries Act authorization is required and so Federal EA reviews have been triggered. For these projects, the only EA safeguard is federal."* And, even worse, if the Federal Government opts out, the province has no jurisdictional power to pass laws to re-institute protections that have been removed

To conclude, the National Council of Women of Canada urges Committee members to take a precautionary approach to amendments to the NWPA -one that would consider the very long term future of our irreplaceable waterway environments and the huge damages that could be incurred in the rush to dismantle environmental protections in order to create jobs.

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[Text prepared by Gracia Janes, NCWC VP Environment