



## New Water Legislation Fails to Protect Every Lake, Every River

On February 8, 2018, the Liberal government introduced Bill C-69, a long-awaited bill that made sweeping changes to Canada's water, environmental and energy legislation. In fact, Bill C-69 hands even more power to corporations in environmental, water, and energy decision making.

Bill C-69 includes three main new laws: the Impact Assessment Act (IAA), the Canadian Energy Regulator Act (CERA) and the Canadian Navigable Waters Act (CNWA). The new CNWA was supposed to restore the protections the Harper government removed from the 99% of lakes and rivers at the behest of Big Oil lobby groups. But Bill C-69 fails to restore protections and introduce modern safeguards, despite the Trudeau government's repeated promises.

The Trudeau government has pushed the 400-page Bill through the House of Commons at an alarming rate, stopping debate at every opportunity. In February 2018, the Trudeau government shut down debate on this lengthy and complex Bill in the House of Commons after just two days.

In a closed-door meeting in March 2018, the Liberal-dominated Environment Committee passed another motion to shut down the clause-by-clause study of the Bill by giving it less than four days of debate only giving Committee members a chance to debate just over half of the Bill. Nearly 7,000 people sent letters to the Environment Committee calling for the debate time to be extended.

Committee members did not have the opportunity to debate all of the 478 amendments submitted by parties on important issues like Canada's environmental commitments, climate change and the United Nations Declaration on the Rights of Indigenous Peoples.

Finally, in June 2018, when the Bill returned to the House of Commons, the Liberals introduced another motion that shut debate down

a third time at report stage. The Liberals then shut down debate a fourth time and forced a vote at third reading on the Bill. Liberal Members of Parliament passed the Bill on June 20, 2018 despite it failing to adequately protect waterways, protect Indigenous rights and curb climate change.

There are three significant concerns with Bill C-69:

### 1. Bill C-69 leaves waterways unprotected.

The new CNWA still exempts pipelines and powerlines leaving lakes and rivers unprotected. Pipelines like Kinder Morgan's Trans Mountain pipeline, which crosses 1,355 waterways, would not be regulated by this Act. Environment and Climate Change Minister Catherine McKenna has stated the Kinder Morgan pipeline would have been approved under the new Act.

The CNWA would also create two categories of "protected" waterways. It maintains the schedule of now 97 lakes, 64 rivers and 3 oceans that the former Harper government created. But it also creates a confusing second category of protected waterways. If all navigable waters are protected under this Act, why are there two categories of "protected" waterways? It is essential that every lake, river and watershed must be clearly protected.

Then there are the dams. Bill C-69 could also give the green light to the 118 proposed Site C-type dams. As well, the Canadian Centre for Policy Alternatives (CCPA) reported that, "A subsidiary of Petronas, the Malaysian state-owned petro giant courted by the B.C. government, has built at least 16 unauthorized dams in northern part of the province to trap hundreds of millions of gallons of water used in its controversial fracking operations. The 16 dams are among "dozens" that Petronas and other companies have built without proper authorizations, a senior dam safety official with the provincial government told the CCPA."

These dams should also be regulated by the federal government, but, conveniently for fracking companies, Harper's changes absolved the federal government from having to review projects like this.

A section in the new CNWA, under the section "Major Works in any Navigable Water Listed in the Schedule," gives the Minister power to approve an activity after it has begun. This section, combined with how navigable waters are now defined, could give fracking companies a free pass to continue building these illegal dams without federal scrutiny.

### **2. Bill C-69 ignores the UN Declaration on the Rights of Indigenous Peoples.**

Bill C-69 includes sections on the rights of Indigenous peoples and references to Indigenous traditional knowledge. However, the amendments fall short of requiring free, prior and informed consent as outlined in the UN Declaration on the Rights of Indigenous Peoples. This is at odds with the many times Justin Trudeau's government has committed to respecting and implementing these obligations, including the recent passage of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. The new legislation should explicitly recognize Indigenous people's right to free, prior and informed consent for all environmental reviews, but it does not.

### **3. Bill C-69 allows the corporate capture of Canada's offshore oil boards.**

In April 2018, the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB) gave the greenlight to BP – the same company responsible for the devastating oil spill in the Gulf of Mexico – to drill offshore Nova Scotia despite the oil corporation's weak safety record, poor emergency planning, and lack of protection for fisheries.

Robin Tress, the Council of Canadians' Atlantic Organizing Assistant, writes that Bill C-69 "proposes handing some environmental assessment powers to the CNSOPB and its Newfoundland and Labrador counterpart, CNLOPB, even though this adds to the already blatant conflict between the boards' promotional and regulatory functions... In essence, Bill C-69 will only make it easier for corporations to blow through regulatory processes, and make it harder for grassroots and Indigenous people to be part of important decisions about our energy future."

### **Take action for water!**

Tragically, the Liberal government supports an economic system that puts unlimited growth above the vital needs of people and the planet. Bill C-69 further cements market-based, corporate-friendly policies into Canada's water, environment and energy laws.

We need to redefine what is important to our communities. We need to promote water and energy security, alternatives to corporate power, respect for Indigenous rights and a living democracy across Canada.

Here are a few ways you can take action in your community:

1. Call your Member of Parliament tell them you object to Bill C-69 and that you want them to support a national action plan on water that would create a federal Minister of Water position and include legislation implementing the right to water.
2. Write a letter to the editor expressing your concerns about Bill C-69.
3. Visit [www.canadians.org](http://www.canadians.org) to sign the petition and read more about what we are doing to stop Bill C-69 and to promote right to water legislation.

*To find out the latest updates about Bill C-69 and the Council's campaign to protect Every Lake, Every River, visit our website at [canadians.org/EveryLakeEveryRiver](http://canadians.org/EveryLakeEveryRiver), or call us toll-free at 1-800-387-7177.*

