

## Motion

### **Federal Changes to Environmental Law**

WHEREAS the Government of Canada has enacted major revisions to a number of environmental protection laws, including the *Canadian Environmental Assessment Act*, the *Fisheries Act*, the *Navigable Waters Act* and the *Species at Risk Act*, through its two omnibus budget implementation bills, Bill C-38 and Bill C-45;

AND WHEREAS a vigorous environmental management regime is essential for the protection of our vulnerable northern ecosystems, for citizens' participation in the management of our natural heritage, and for protection of Aboriginal rights and fulfillment of the constitutional duties to consult with Aboriginal peoples;

AND WHEREAS the impact of diminished federal environmental protections will be more acute in the Northwest Territories than in the provinces, owing to the continuing federal responsibility for management of natural resources;

AND WHEREAS many Canadians, including former federal fisheries ministers, First Nations and environmental organizations, have expressed concern that Bills C-38 and C-45 substantially weaken the federal *Fisheries Act* protections for fish and fish habitat, will compromise the federal government's ability to adequately protect vital food fisheries and to ensure protection of waters, and will undermine the exercise of Aboriginal harvesting rights;

AND WHEREAS many Canadians have expressed concern that the introduction of deadlines for the completion of environmental assessments, of restrictions on the types of projects that may be referred to environmental assessment, and of new restrictions on citizen involvement in environmental assessments will limit the quality of or eliminate necessary public review of environmental impacts;

AND WHEREAS Bills C-38 and C-45 have removed the requirements of the *Navigable Waters Act* for reviews of pipeline and power line projects, and for reviews of projects including dams, road crossings, mines, and bridges affecting all but two lakes and one river in the Northwest Territories, thus removing protection even from Heritage Rivers;

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Date of Notice: February 12, 2013

Date of Introduction: February 14, 2013

Disposition: Defeated RV

Carried:

Moved by: Mr. Bromley

Seconded By: Mr. Yakeleya

Ruled Out of Order:

AND WHEREAS pipeline and oil and gas projects will no longer be referred to independent panels, but will be assessed in-house by the National Energy Board, and off-shore projects will no longer be assessed unless designated for assessment by the federal Cabinet, thus limiting comprehensive public scrutiny of the potentially major environmental and socio-economic impacts;

AND WHEREAS changes to the federal *Species at Risk Act* have ended the application of the Act to pipeline projects, and will allow for the issuance of open-ended permits for projects that affect species at risk and/or their habitat;

AND WHEREAS the terms of the devolution agreement-in-principle require that the GNWT take over this diminished federal environmental and resource management regime;

AND WHEREAS the only means for the GNWT to improve this diminished regime would be to allocate GNWT revenues over and above the federal funding provided for in the devolution agreement;

AND WHEREAS the GNWT was not consulted or even informed in advance of these changes to laws that are critically important to the citizens of the NWT and are a central issue in the on-going devolution negotiations;

NOW THEREFORE I MOVE, seconded by the honourable Member for Sahtu, that the Government of the Northwest Territories inform the federal government of our dissatisfaction both with the dismantling of the federal environmental protection regime and with the federal government's failure to consult and inform this government on changes directly affecting our interests, the ensured integrity of our environment and the content of devolution negotiations that are currently underway;

AND FURTHER, that the Government of the Northwest Territories immediately begin to determine the costs of repairing and maintaining the environmental management regime post-devolution in order to restore it to the responsible standard expected by our public;

AND FURTHERMORE that the Government of the Northwest Territories begin to identify the means through which such costs could be funded, including rigorously seeking Government of Canada support;

AND FURTHERMORE, that the Government of the Northwest Territories provide a comprehensive response to this motion within 120 days.