



THE CANADIAN
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May 9, 2012

Via email: flaherty.j@parl.gc.ca

The Hon. James M. Flaherty P.C. M.P.
Minister of Finance
Finance Canada
140 O'Connor Street
Ottawa, ON K1A 0G5

Dear Minister:

**Re: Bill C-38, *Jobs, Growth and Long-term Prosperity Act*
Part 3, Division 1 - Re-enacting the *Canadian Environmental Assessment Act*
Part 3, Division 5 - Amendments to the *Fisheries Act*
Part 3, Division 6 - Amendments to the *Canadian Environmental Protection Act*
Part 3, Division 7 - Amendments to the *Species at Risk Act***

I write on behalf of the Canadian Bar Association ("CBA")'s National Environmental, Energy and Resources Law Section ("NEERLS") to ask you to send certain portions of the Budget Implementation Bill to the Standing Committee on Environment and Sustainable Development for review.

The CBA has more than 37,000 members across the country. Members include lawyers, law professors and notaries. The CBA seeks to improve the law and the administration of justice. NEERLS has a particular interest in federal laws that regulate and affect the natural environment, as Section members include many of Canada's most respected lawyers specializing in the areas of environmental, energy and natural resources law.

NEERLS strongly encourages you to send the above-noted Divisions of Part 3 contained in Bill C-38 (with the exception of Part 3, Division 5), to the Standing Committee on Environment and Sustainable Development ("Committee") for review.

A budget implementation bill is not an appropriate legislative vehicle for addressing material changes to key federal environmental legislation. On its current legislative path, Bill C-38 will not be subject to a Parliamentary debate on the details of Bill C-38's proposed environmental amendments. Interested Canadians will not have a reasonable opportunity

to provide important feedback on such amendments. We strongly encourage you to send Part 3, Divisions 1, 6 and 7 of Bill C-38 to the Standing Committee on Environment and Sustainable Development ("Committee") for review.

The *Canadian Environmental Assessment Act* ("CEAA") is important legislation designed to prevent the degradation of the environment as well as achieve sustainable development. The Committee recently conducted a statutory review of the CEAA and tabled a report (dated March, 2012) in the House setting out its findings and recommendations. This Committee would be best positioned, from the viewpoint of expertise and interest, to conduct the review of the proposed re-enacted environmental assessment legislation set out in Part 3, Division 1 ("New EAA") as well as to review the proposed amendments set out in the other environmental legislation. This Committee would also be in the best position to hear from interested and informed Canadians on the proposed amendments.

We recommend that *Fisheries Act* amendments set out in Part 3, Division 5 be reviewed by the Standing Committee on Fisheries and Oceans for the same reasons as those set out above concerning the New EAA.

We understand that Bill C-38 is currently being debated in the House and will be sent to Standing Committee shortly. If, for some reason, Bill C-38 must be sent in its entirety to the Standing Committee on Finance, then we would ask that the New CEAA and the other noted environmental amendments be set out in a separate stand-alone bill and referred to the appropriate Committee.

Our membership looks forward to your response.

Yours truly,

(original signed by Rebecca Bromwich for Jonathan W. Kahn)

Jonathan W. Kahn
Chair, National Environmental, Energy and Resources Law Section

cc.	Hon. Thomas Mulcair, Leader, Official Opposition	thomas.mulcair@parl.gc.ca
	Hon. Bob Rae, House Leader, Liberal Party	bob.rae@parl.gc.ca
	Hon. Elizabeth May, Leader, Green Party of Canada	Elizabeth.May@parl.gc.ca