



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

The Honourable Steven Guilbeault
Minister of Environment and Climate Change

April 24, 2024

The Honourable Arif Virani
Minister of Justice

RE: Urgent Need to Take Action on Highway 413

Dear Honourable Minister Guilbeault and Minister Virani,

We are writing to you regarding the urgent need to take serious action on the proposed Highway 413 development, which threatens Ontario's wildlife and ecosystems. We must ensure Highway 413 is subjected to a thorough federal environmental assessment (EA).

We urge the federal government to: 1) Restore and repair the federal Impact Assessment Act, to ensure it will allow for joint federal-provincial reviews; 2) Not issue permits where the survival of species at risk are threatened; 3) Ensure assessments are made with regards to impacts on the Great Lakes Annex; and 4) Ensure consultation with Indigenous communities and commit to actioning their recommendations.

Canadians are deeply committed to environmental protection and sustainable development, and so it should be no surprise that so many are profoundly disappointed with the current trajectory of the Highway 413 project. Premier Ford's consistent efforts to expedite construction through the Greenbelt without conducting adequate environmental assessments or consulting Indigenous communities have sparked significant concern across Ontario.

The recent identification of technical flaws in the Impact Assessment Act (IAA) by the Supreme Court should have prompted a reaffirmation of the government's commitment to robust environmental protections and meaningful reconciliation with Indigenous communities.

It is then all the more surprising to us that the federal government has struck a deal resulting in a Memorandum of Understanding with Premier Ford to rely on provincial

assessments that have not been defined yet on the Highway 413 project before the proposed updated IAA is in place.

As independently confirmed by Environmental Defence, there are up to 29 federally listed Species at Risk in the area of the proposed Highway 413 development, some of which are endangered. Both the Federal Fisheries Act and the Species at Risk Act mandate the federal government protects species under these laws.

We recognize that Minister Guilbeault's responsibility for ensuring the federal government conducts responsible reviews of environmental impacts of projects within federal jurisdiction is in some flux due to the Supreme Court of Canada (SCC) decision issued October 13, 2023, on the reference case on what was C-69. The recent cancellation is not a necessary nor desirable response to that decision. The EA of Highway 413 must remain on track with amendments to the IAA that conform to the SCC advice and restore the kind of predictable, constitutionally robust environmental assessment process established under former prime minister, the Right Hon Brian Mulroney and continued until former PM Stephen Harper repealed that law in spring 2012.

At a minimum such an EA process would review all projects on federal land, involving federal money or decisions impacting what used to be called the "law list." In the case of Highway 413, the legally binding commitments to protect the integrity of the Great Lakes through the Annex agreements between the US, Canada, eight Great Lakes states and two Canadian provinces would trigger a federal EA of the impact on the upper Humber River and interbasin water flows under any properly structured response to the reference case. As well, as noted, there are serious concerns about the species at risk that will be impacted.

Without meaningful consultation with Indigenous communities on the impact of Highway 413 development on their legal and inherent rights, the government is putting reconciliation in jeopardy. This consultation must occur and recommendations and breaches to Indigenous rights must be cornerstones of any decision to move forward. Construction of Highway 413 is anticipated to begin in the next year according to the provincial government which is why we are calling on the federal government to take the necessary action needed now.

We are committed to supporting organizations challenging the construction of Highway 413 and advocating for environmental stewardship. It is our firm belief that the federal government must fulfill its responsibilities and commitments to environmental protection without compromise.

Thank you for your attention to this matter, and we eagerly anticipate your prompt action in addressing these concerns. We would greatly appreciate the opportunity to meet with you to discuss this further. Thanks for the work you do in service of Canadians.

Sincerely,



Mike Morrice,
MP for Kitchener Centre



Elizabeth May, MP for Saanich-Gulf Islands, BC
Leader of the Green Party of Canada



Aislinn Clancy,
MPP for Kitchener Centre
Deputy Leader, Green Party of Ontario



Mike Schreiner,
MPP for Guelph
Leader, Green Party of Ontario