



May 8, 2006

Mr. Patrick Finlay, Director
Minerals and Metals Branch
Pollution Prevention Directorate
Environment Canada
351 Saint-Joseph
Gatineau, Quebec
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RE: Regulations amending the Metal Mining Effluent Regulations - Canada Gazette, Part I, published April 8, 2006.

To Mr. Patrick Finlay,

We, the undersigned Canadian Waterkeepers, offer this comment regarding the Regulations amending the Metal Mining Effluent Regulations, Canada Gazette, Part I, as published on April 8, 2006. Canada's Waterkeepers are grassroots defenders of Canadian waterways. As members of the Waterkeeper Alliance, with over one hundred fifty local water programs worldwide, we are individuals working together to protect our rivers, lakes, and oceans in order to maintain clean water and a community's right to a healthy watershed.

The Canadian government proposal to amend the *Metal Mining Effluent Regulation (MMER)* is seriously flawed and must be rejected. It undermines the integrity of the Fisheries Act by allowing a mining operator to avoid the costs of environmental protection and destroy fish habitat in order to maximize profits.

The proposal requests that natural ponds be added onto Schedule 2 of the MMER so that they can be used for mining effluents. This practice will destroy these water bodies as fish habitat forever. There is absolutely no justification for this addition other than to save the industry on the true costs of protecting the environment. This is in direct opposition to the Fisheries Act, which is designed to protect fish habitat and not permit fish habitat destruction due to cost pressures from mining lobbying.

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Additionally, the suggested habitat compensation plan to protect the net loss of fish and fish habitat resulting from the project is problematic. A habitat compensation plan should only ever be used as a last resort not as a viable alternative driven by purely financial reasons.

From a policy perspective, the most damaging component of the proposal is the danger to the continuing effectiveness and strength of the Fisheries Act. The addition of new water bodies for exemption in Schedule 2 will allow for uncontrolled applications to redefine pristine water bodies as waste dumps. It would also exempt mining companies from the limitations set by the MMERs on effluents that enter the environment. There is absolutely no justification for allowing this sort of attack on the Fisheries Act – Canada’s most effective and protective environmental legislation.

We thank you for your consideration.

Mark Mattson
President & Waterkeeper
Lake Ontario Waterkeeper

Endorsed by:

Daniel Droitsch - Bow Riverkeeper, Alberta

Ken Cloutier- Canadian Detroit Riverkeeper, Ontario

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