

THE FEDERAL GOVERNMENT'S RESPONSE

*to the Final Report of the Standing
Committee on Natural Resources:*

STREAMLINING ENVIRONMENTAL REGULATION FOR MINING

Tabled in the House of Commons by
The Honourable A. Anne McLellan,
Minister of Natural Resources

March 1997

Canada

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This document constitutes the Government of Canada's response to the Standing Committee's Final Report.

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INTRODUCTION

In June 1996, the Government responded to the Standing Committee's Interim Report on *Streamlining Environmental Regulation for Mining*. The response recognized that the report was of an interim nature, and that recommendations were made after hearing only from federal agencies and the mining industry. The Government noted that it believes that stakeholders should have the opportunity to express their concerns, interests and ideas. The Government is pleased to see that the Committee continued its study and heard the views of other stakeholders, including representatives of the environmental community.

In order to facilitate ongoing discussions on streamlining environmental regulation for mining, the Government responded to the Committee's Interim Report by outlining its overall commitment to regulatory reform and environmental protection. A consolidation of ongoing reform initiatives was also provided. The response to the Interim Report demonstrated that regulatory reform for mining was effectively under way. Specific reforms and timeframes for their delivery were identified.

SUSTAINABLE DEVELOPMENT AND REGULATORY REFORM

When formulating the reform initiatives contained in the response to the Interim Report and those that are identified in this response to the Committee's Final Report, the Government has been guided by its objective of sustainable development and the need to integrate economic, environmental and social objectives. As stated in the Government's *Building a More Innovative Economy Initiative* (BAMIE) announced in December 1994, the objective for the regulatory reform of mining is to make comprehensive improvements to the federal regulatory regime to promote sustainable development, provide greater certainty, and reduce costs related to environmental and land-use decision-making processes.

The minerals and metals industry (including metal fabrication) makes a contribution of approximately \$30 billion to Canada's Gross Domestic Product and provides jobs for approximately 350,000 Canadians. In 1995 this industry produced a trade balance surplus of over \$8 billion. Over the next five years it is estimated that new mine development has the potential to create in the order of 15,000 long-term jobs and 15,000 indirect jobs. In addition, some 40,000 person-years of direct and indirect construction work will be created. The cumulative value of new mine production is estimated to be approximately \$19 billion over the same time period.

Although mining has a significant positive impact on our economy, it is recognized that the mineral development process, including mining, smelting and refining, also has the potential to cause significant environmental effects. These effects can be the result of surface disruption, solid waste generation, and toxic and non-toxic air emissions and liquid effluents. Each year, for example, the Canadian mining industry produces about 500 million tonnes of waste rock, some of which produce acid rock drainage containing heavy metals. In addition, the primary metals industry produces approximately 925,000 tonnes of sulphur dioxide emissions annually, or approximately one third of Canada's total sulphur dioxide emissions in 1995. An effective and efficient regulatory regime, technological advances and voluntary measures on the part of industry have resulted in greatly improved mining practices. However, because of the potential for negative environmental impacts, the maintenance of a strong federal environmental management regime remains essential.

Minerals and metals play a critical role in the everyday lives of Canadians from food production to transportation and medical care. Mineral development sustains or contributes to the economic viability of over 150 communities, mostly in rural and remote regions of Canada. In the

North, mining constitutes one of the few opportunities for Aboriginal peoples and communities to develop an economic base that, if properly managed, can help meet their political, cultural and economic aspirations.

PROGRESS ON REGULATORY REFORM

The Government has clarified its intention to create an environmental regulatory regime that promotes a proper investment climate and achieves the highest level of environmental quality. Starting with *Creating Opportunity*, the Government indicated that business and environmental excellence have become intertwined and that tomorrow's prosperous industries will be those that achieve the efficiencies that accrue from integrating economic, environmental and social objectives.

This commitment was reiterated in the February 27, 1996, Speech from the Throne. It was also addressed in the *Minerals and Metals Policy of the Government of Canada: Partnerships for Sustainable Development* (released by the Minister of Natural Resources in November 1996). The Policy states that the Government of Canada is committed to continuing to make federal environmental regulations affecting mining more efficient and to meet Canada's environmental protection objectives.

The Government's June 1996 response to the recommendations made in the Committee's Interim Report drew substantially from its work in a number of fora in order to provide a consolidation of ongoing reform initiatives. Examples of such fora include the *Building a More Innovative Economy Initiative* (BAMIE), the multi-stakeholder Whitehorse Mining Initiative (WMI), the Canadian Council of Ministers of the Environment (CCME), and the annual meetings of federal and provincial mines ministers.

Appendix 1 to the Government's response (Status Report on the Commitments Identified in the Government's Response to

the Interim Report of the House Standing Committee on Natural Resources) summarizes the progress that has been made to meet all of the individual commitments made by the Government in its June 1996 response to the Committee's Interim Report. Clearly, the Government has made significant progress in meeting those commitments. Highlights include the CCME's *Canada-Wide Accord on Environmental Harmonization*, the introduction of amendments to the *Fisheries Act*, the publication of the proposed Federal Coordination Regulations, and a bilateral agreement with Alberta for cooperative environmental assessment of the Cheviot project. These and other initiatives are described in more detail in this response.

The Department of Natural Resources (NRCan), in cooperation with responsible federal agencies, is actively monitoring progress on meeting the Government's commitments in its response to the Committee's Interim Report. NRCan is also monitoring the impact of these reforms by tracking all significant mineral development projects as they go through the federal environmental regulatory system. These and other activities will be used to provide the Government and other stakeholders with information on progress on regulatory reform.

**RESPONSE TO
THE COMMITTEE'S
RECOMMENDATIONS**

The Government, in consultation with stakeholders, has made meaningful progress towards a more efficient and effective environmental regulatory regime. As noted above, regulatory reform is an ongoing process and the Government agrees with the Committee's view that further advances are needed to improve the efficiency of the current environmental regime affecting mining.

The Government is therefore committed to additional environmentally sound reforms as set out in the following responses to the recommendations contained in the Committee's Final Report.

Recommendation No. 1

That when incorporating time lines into environmental assessment regulation, the federal government will ensure that the duration of the entire assessment process be limited to a period of one year. For subsequent permitting, authorization and other regulatory requirements, an overall time line of six months should be enshrined in regulation.

The vast majority of projects subject to the federal environmental assessment process are reviewed at the screening level. These reviews have been completed within one year, and many have been completed within weeks.

Larger projects are generally subject to either a comprehensive study or a review by an environmental assessment panel or mediator. It is not possible to guarantee that the environmental assessments of all such projects will be completed within one year. Some of these projects may have potential effects that are complex and that could impact on a large geographic area. Assessments of these proposed projects may require the involvement of many stakeholders and necessitate consultations, for example, with remote Aboriginal communities. In addition, the timing of an assessment is also dependent on the adequacy of information submitted by the proponent of the project. Notwithstanding these considerations, the Government has made considerable progress in establishing time lines (and the flexibility to accept provincial time lines) for environmental assessment processes of significant projects in order to enhance regulatory certainty for potential investors.

With respect to comprehensive studies, the Canadian Environmental Assessment Agency (Agency) has, to date, informed responsible authorities of the Minister of the Environment's decision within 60 days of submission of a comprehensive study report to the Agency. The Agency will strive to maintain this standard. In keeping with its commitment in the Government's response to the Committee's Interim Report, the Agency has developed draft procedures for comprehensive studies and is consulting broadly with stakeholders. With respect to time lines and process certainty, the Agency is promoting the development of project-specific schedules that are agreed to in advance by interested parties.

Concerning environmental assessment panels, the Government has now developed procedures that will ensure that federal panel reviews are procedurally consistent, timely, predictable, efficient, effective, and conducted in a manner that is open and accessible to the public. Developed through the multi-stakeholder Regulatory Advisory Committee (RAC), these procedures will be enshrined in a ministerial guideline early in 1997 and will be applied to the next federal panel review. The Agency will subsequently examine the need to enshrine them in regulation.

Some of the key features of the new panel review procedures to be in the ministerial guideline are:

- Excluding the time taken by a proponent to provide information, the maximum time for an overall review (as measured from referral to a panel to the submission of the panel report) will be 396 days or 441 days depending on whether the panel asks the proponent to submit additional information.
- Although there is no mandatory time period for the Government's response to a panel's report, the procedures will require that the Government make every effort to respond to a panel report within 60 days of receipt of the report.
- Procedural improvements will include the ability for direct questioning, mandatory public meetings to discuss the adequacy of the environmental impact statement (in addition to public hearings to discuss the environmental effects of the project), and providing participants with more time to prepare for hearings.
- Where appropriate the procedures will permit adoption of provincial time lines in cases where the federal government has entered into bilateral agreements with provinces.

- For joint reviews where a bilateral agreement does not exist, the Agency will use the panel procedures as a starting point for developing joint review processes with non-federal jurisdictions.

An authorization under Section 35(2) of the *Fisheries Act* and a Navigable Waters Protection Permit issued under the *Navigable Waters Protection Act* are among the most common permits or authorizations that are required subsequent to an environmental assessment decision. In all cases following a government decision resulting from an environmental assessment, these permits have been issued within six months. This is also, in almost all instances, the case in the Yukon and the Northwest Territories, where land use permits and a Water Board licence may be required. Given these timeframes and the fact that current policy requires that there be a demonstrated need for regulation before new initiatives are undertaken, regulatory action by the Government does not appear to be warranted. However, the Government will monitor its performance related to issuing federal permits and will make recommendations for improvement in the event that approvals take more than six months.

Recommendation No. 2

That the federal government clearly limit project proponent responsibility under the CEAA provision on cumulative effects to being project-specific. Federal, provincial and local governments should cooperate to produce baseline environmental data necessary for regional policy and land-use planning.

Section 16(1)(a) of the *Canadian Environmental Assessment Act* stipulates that every project subject to a federal screening, comprehensive study, mediation or a panel review shall consider any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out. Section 16(1)(b) requires that the significance of those effects be considered. Further information on which cumulative environmental effects must be considered is provided in the November 1994 Reference Guide for the *Canadian Environmental Assessment Act* prepared by the Agency.

Based on the evolution of the polluter pays principle, it is expected that proponents will provide the Government with the information needed to assess the possible environmental effects of a proposed project. The *Canadian Environmental Assessment Act*, however, does not require proponents to provide the Government with baseline environmental information for policy or land-use planning. The obligation requires proponents to only provide the information needed to consider any cumulative environmental effects likely to result from their proposed project.

A number of efforts are under way to provide certainty and clarify the requirements to assess cumulative impacts, including:

- For comprehensive studies and panel reviews, the Agency, responsible authorities (RA), proponents and other interested parties commonly discuss scoping issues associated with the assessment of cumulative effects when the scope of the assessment is being established. This consultation might include consideration of the geographic boundaries or scale of the assessment, the imminent projects and activities to be included, the types of cumulative environmental effects to be assessed, the availability of scientific methods and data, the appropriate level of effort, and how the RA intend to determine the significance of any cumulative effects.
- The Agency has established a stakeholder Working Group on Cumulative Environmental Assessment to develop a Manual on Best Methods Practice and a Manual for Decision-Makers for cumulative environmental assessment. These manuals will assist practitioners by identifying the various methods and techniques that can be applied when undertaking cumulative environmental assessment. They, along with the consultation process, will also provide more certainty to proponents

on what is involved when proposed projects are subject to these assessments. The manuals will be circulated for review in the fall of 1997.

- The Agency, in collaboration with the Department of the Environment and the Department of Natural Resources, is developing generic guidelines for preparing comprehensive study reports and environmental impact statements for the mining sector. The guidelines, which are to be released before the fall of 1997, will include a section on cumulative environmental assessment.

Recommendation No. 3

That the federal and provincial governments work diligently and quickly towards the achievement of the Whitehorse Mining Initiative's stated objective of a single nation-wide environmental assessment process containing nationally agreed-upon standards. How the regulatory tasks are allocated between the two levels of government should be determined on the basis of each province's own regulatory capacity, and would be reflected in a set of amended bilateral agreements with each province. In the interim period, until such time as the current environmental assessment system is restructured, new and improved agreements should be negotiated with those provinces willing to sign bilateral deals.

The Government is working to develop a means to ensure that a single environmental assessment process containing nationally agreed upon standards is applied to each project. It is working with provincial and territorial governments to develop such a process in order to alleviate problems associated with the potential application of more than one environmental assessment process to the same project.

On November 20, 1996, the CCME agreed in principle to the *Canada-Wide Accord on Environmental Harmonization* and to prepare a new approach to harmonization of environmental assessment. In this context, federal, provincial and territorial governments have committed to working towards developing a single assessment and review process that may involve more than one jurisdiction. The federal government is committed to these objectives and looks forward to the CCME's targeted ratification of an environmental assessment sub-agreement at its meeting in May 1997.

Bilateral agreements for environmental assessment cooperation have been concluded with Alberta (1993) and Manitoba (1994). By early 1997 the Government intends to conclude bilateral agreements with British Columbia and Ontario. The federal government has had discussions with the governments of Newfoundland and Saskatchewan and

is hopeful that these discussions will resume in the near future and lead to the successful completion of two more bilateral agreements. The federal government welcomes discussions with other provinces interested in developing bilateral agreements on environmental assessment cooperation.

In those jurisdictions where no agreements are in place and where a project requires a panel review, the Agency has negotiated project-specific agreements. A recent example is the Memorandum of Understanding on Environmental Assessment of the Proposed Voisey's Bay Mining Development (in Newfoundland-Labrador) that was announced on January 31, 1997.

The Agency is currently involved in a pilot project to develop a standard for environmental assessments at the screening level. The standard will be developed by a multi-stakeholder committee under the auspices of the Canadian Standards Association (CSA). Although it is currently unrelated to the CCME harmonization initiative, the work is aimed at developing a consistent, reliable and auditable process for the environmental assessment of small- and medium-sized projects.

From a federal perspective, the objectives of the standard are to: streamline the federal environmental assessment screening process, maintain or improve the quality of screening, and encourage proponents to do voluntary screenings of projects early in the planning process. It is also intended to serve as a guideline for other jurisdictions, for gathering information to meet the requirements of other interested parties, and to minimize duplication of effort for project proponents that results from multiple requests for assessments.

The standard will clearly define its use and application and will provide technical and methodological options for

assessing the effects of a proposed operation on key components of the environment.

Recommendation No. 4

That the federal government rapidly complete its review of the CEAA's impact on industrial competitiveness. The shift away from the Joint Monitoring Program towards a more informal review process should only be undertaken if the final program evaluation results indicate conclusively that the CEAA's introduction has not materially harmed the competitiveness of the Canadian mining sector.

The Joint Monitoring Program (JMP) was initiated to determine whether the *Canadian Environmental Assessment Act* (Act), in the first year after its implementation, was fulfilling its stated purposes in practice and if it was placing any unnecessary burden on industry. The JMP was well publicized within government, industrial sectors, environmental and other interest groups, and the general public. Several business associations assisted in developing the methodology of the study program and in identifying potential participants. While the degree of participation in the JMP by private industry was less than expected, several major industry associations, including The Mining Association of Canada, were very cooperative and provided important information.

Those respondents who provided comments on the implementation of the Act were generally positive in terms of their experience with the new environmental assessment process. The JMP provided no indication that implementation of the Act had significant competitiveness impacts that were attributable to its implementation. A report on the first year of the implementation of the Act has been delayed, but will be released in early 1997. It will indicate that the Act was found to be fulfilling its purposes in practice.

Notwithstanding the fact that the Act appears to be fulfilling its purpose, the Government remains committed to the ongoing monitoring of the Act's impact on competitiveness using a process that will be more comprehensive and rigorous than the JMP. Such an approach will be established by the Agency and Industry Canada by the fall of 1997.

As previously noted, the Department of Natural Resources, in cooperation with responsible federal agencies, is tracking all significant mining projects as they progress through

the federal preproduction assessment and permitting process. The resulting information will be provided to the Agency and Industry Canada for use in their monitoring program.

The new approach will also be consistent with the Regulatory Process Management Standards adopted by Treasury Board as part of the federal regulatory policy after the Act and regulations came into force. The Management Standards are designed to enhance adherence to the federal regulatory policy, which includes, among its requirements, an open, transparent process for developing regulations, impact analysis such as the Business Impact Test or its equivalent to assess the economic effects of proposed regulations, and the creation of a complaints procedure to hear from clients. A schedule to review and report on compliance with the Management Standards will be developed jointly with the Treasury Board Secretariat.

There will be a continuing effort, in a structured way, to carefully monitor any effects of the Act on the competitiveness of the Canadian mining sector. The Government wants to ensure that environmental assessment in Canada is conducted in an efficient and effective manner that will support the highest environmental quality for Canadians, and provide a proper investment climate for jobs and economic growth.

Recommendation No. 5

That the federal government's entire policy of "no net loss" of fish habitat be subjected to a thorough review, including extensive consultation with stakeholders. Until such time as this review process is completed, the Government should, in clear and practical terms, explain to each and

The Department of Fisheries and Ocean's (DFO) Policy for the Management of Fish Habitat (1986) establishes an approach whereby proposed projects can proceed if the productive capacity of fish habitat is not compromised as a result of project development. According to the "no net loss" principle contained in the Policy, proponents are required to implement measures that will avoid or prevent reductions in the productive capacity of fish habitat. In situations where losses of productive capacity are unavoidable,

every mining project proponent what the consequences of the "no net loss" policy are for their specific project.

project proponents are normally required to develop and implement measures to compensate for such habitat losses.

Although the guiding principle of "no net loss" of the productive capacity of fish habitat is an important component, it does not, by itself, represent the entire Policy. Other strategies set out in the Policy, such as integrated resource planning, habitat research, public consultation, education, habitat restoration and cooperative action, are also used to achieve the Policy's objectives.

The Policy for the Management of Fish Habitat is an integral component of DFO's Sustainable Development Strategy, which is to be developed in response to the recent amendments to the *Auditor General Act*. DFO will consult with stakeholders in the first quarter of 1997 to identify issues that should be addressed in its Sustainable Development Strategy. Recognizing that some stakeholders, including the mining industry, have concerns with respect to the Policy, DFO will include a review of the Policy for the Management of Fish Habitat as part of its consultations on the above-noted Sustainable Development Strategy.

It is intended that the Fish Habitat Policy recognize and take into account other legitimate users of water resources whose interests may conflict with those of habitat managers. In addition, because individual project authorizations issued under the *Fisheries Act* trigger the *Canadian Environmental Assessment Act (Act)*, factors other than fish habitat are normally taken into consideration during an assessment of most projects with harmful effects on fish habitat. Furthermore, the Policy sets out a process whereby proponents can request DFO's senior management or Minister to review an authorization decision. In the event that differences cannot be resolved, the Minister may refer the project to an independent body or panel for a public review. These elements of the Policy promote integrated planning and decision-making.

As a matter of course, DFO officials discuss the requirements of the *Fisheries Act*, the *Canadian Environmental Assessment Act* and its Policy for the Management of Fish Habitat with project proponents during project planning and review. DFO will continue to provide proponents with clear explanations of the review and authorization process as it relates to their projects. In this regard, project proponents are encouraged to contact DFO as early as possible in the planning stages of their projects to ensure that they have a good understanding of DFO's requirements. This promotes a more effective and efficient review process and allows the proponents to take fish habitat interests and requirements into account during the early stages of project planning when environmental concerns may be more effectively integrated into project design.

In response to recommendations in the Committee's June 1996 Interim Report, DFO has undertaken a number of initiatives aimed at promoting clarity and certainty with respect to the application of the Policy for the Management of Fish Habitat. For example, a discussion paper on policy issues surrounding habitat compensation has been prepared and will be distributed to the provinces, environmental groups, industry and other stakeholders for review and comment by the summer of 1997. DFO is also working to clarify its procedures for project authorization, especially in cases where significant impacts on fish habitat are expected, even with the implementation of mitigation and habitat compensation measures. As a means of improving program delivery, draft service standards have been distributed for public comment and are in the process of being finalized.

In addition, DFO is receptive to any suggestions from the mining industry regarding the development of information requirements or initiatives that will facilitate compliance with the requirements of the *Fisheries Act*.

Recommendation No. 6

That to assist in updating and modernizing the regulation of water quality under the *Fisheries Act*, the federal government should quickly review and adopt where appropriate the recommendations contained in the AQUAMIN report. In order for the MMLERs to take its data into account, the Government should strive to ensure that the Metals in the Environment Program now being developed by the Geological Survey of Canada is completed promptly.

The federal government launched the science-based, multi-stakeholder AQUAMIN process in 1993 to identify and assess the effects of Canadian mine effluents on the aquatic environment. The key recommendation of the October 1996 AQUAMIN Final Report calls for a cooperative national environmental protection framework that will include:

- The revision and updating of the federal Metal Mining Liquid Effluent Regulations (MMLERs) under the *Fisheries Act* in order to ensure a consistent minimum quality for mine and mill effluents discharged to aquatic ecosystems;
- The establishment, if necessary, of more stringent site-specific requirements by provincial, territorial or local authorities to ensure the protection of sensitive local receiving environments; and
- A national environmental effects monitoring program for metal mining that would provide information to decision-makers and the public regarding the effectiveness of environmental protection measures and the development of long-term environmental protection strategies.

The Government is committed to implementing the recommendations contained in the AQUAMIN Final Report and developing options for moving forward. This forward progress, however, must be done in a way that ensures that the result is a complete integrated package of initiatives that reflects the comprehensive nature of the AQUAMIN recommendations. The Minister of the Environment will announce plans for implementing the recommendations in the AQUAMIN Final Report by the spring of 1997.

A multi-stakeholder advisory group, supported by scientific and technical working groups comprised of representatives of the federal, provincial and territorial governments, the

mining industry, and environmental and Aboriginal groups, will provide advice on implementation options. Implementation will be carried out in the same spirit of openness that characterized the AQUAMIN process and within the context of government priorities such as regulatory reform and federal-provincial/territorial harmonization.

The Geological Survey of Canada is accelerating its timetable for the development of the Metals in the Environment research program in response to the Committee's recommendation. NRCan will give this program a priority in order to help provide a better basis for assessing the environmental impact of mining activities by improving the ability to distinguish between contributions from natural and anthropogenic sources of metals. Stakeholders are being consulted to establish a common understanding of the scientific issues involved and to outline an appropriate research program. Development of this program will not delay the implementation of the recommendations contained in the AQUAMIN Final Report.

Recommendation No. 7

That the federal government should, collectively with all provincial and territorial governments, negotiate one set of effective nation-wide minimum standards in freshwater fish habitat management. Once these standards have been determined, the federal government should provide the other involved governments with every opportunity to assume as much of the regulatory responsibility in this area as would be feasible while ensuring that fish habitat is effectively protected.

The federal government is committed to the delegation of certain decision-making responsibilities with respect to the management of freshwater fish habitat to inland provinces as set out in the February 1996 Speech from the Throne. This was reaffirmed at the meeting of First Ministers in June 1996 and at a meeting of fisheries ministers in September 1996.

The Government has proposed the necessary amendments to the *Fisheries Act* in Bill C-62, which was tabled in the House of Commons in October 1996, and is preparing to proceed with negotiations with inland provinces to develop agreements on delegation. Bill C-62 provides the Minister of Fisheries and Oceans with the authority to delegate decision-making responsibility for certain habitat provisions, including authorizations for the harmful alteration, disruption or destruction of fish habitat, to provinces. Partly to

ensure that requirements are clear, it also establishes a new requirement for mandatory permits, which would not be delegated, for certain prescribed projects to be defined in regulation. The types of projects that may be prescribed as requiring permits will be determined after consulting with provinces, environmental groups, industry associations, Aboriginal groups and other stakeholders. The Government is also proposing that these permits for prescribed projects replace subsection 35(2) authorizations as triggers for the *Canadian Environmental Assessment Act*.

Canada-wide standards for fish habitat management will be a prerequisite of any delegation agreements with provinces. DFO is continuing to consult with a range of stakeholders with respect to delegation. For example, DFO conducted a national workshop on habitat delegation on November 3-5, 1996. The objective of the workshop was to hear the views of stakeholders, including environmental and angling groups, industry associations and national Aboriginal organizations, with respect to the appropriate thresholds for projects requiring federal review and approval, as well as the standards and conditions that must be met for delegation to provinces to occur. The results of the workshop were released in February 1997.

Recommendation No. 8

That in conjunction with ongoing, hopefully accelerated, efforts on the part of the federal government to attain harmonization agreements with the provinces and territories on the application of the Metal Mining Liquid Effluent Regulations, these regulations should be updated and aligned with provincial regulations by no later than the spring of 1997. The harmonization

During the past several years, the Government has taken steps to improve the efficiency of implementing the MMLERs through both formal bilateral agreements and informal working arrangements. For instance, the September 1994 *Canada-Saskatchewan Administrative Agreement for the Control of Deposits of Deleterious Substances under the Fisheries Act* enables a single government window approach for compliance, promotion and verification, and investigations and enforcement with respect to the MMLERs. Informal working arrangements with Ontario, Nova Scotia, New Brunswick and Newfoundland have allowed single government window approaches in administering the MMLERs to be implemented in these provinces.

agreements should allow for an optimal take up by each province of administration and enforcement responsibilities regarding those effluent regulations.

The Government remains committed to working in partnership with the provinces and territories to improve efforts to more effectively and efficiently protect the environment and meet the objectives of a proper investment climate for jobs and growth. In this context, the Minister of the Environment has continued, as a priority, discussions with the provinces on agreements that would provide a basis for harmonizing the administration of the MMLERs.

On November 20, 1996, the CCME agreed in principle to the *Canada-Wide Accord on Environmental Harmonization*. Aimed at achieving the highest level of environmental quality in the context of sustainable development, the Accord formalizes a new framework of cooperation. It is based on the principle that the Government best situated to assume a given role will do so, provided that it reports regularly to the public on progress in achieving the desired environmental result. The Government is committed to updating and applying the MMLERs within the context of this harmonization effort. The Minister of the Environment will announce plans for implementing the recommendations of the AQUAMIN Final Report in this respect by the spring of 1997.

In order to implement the Accord, the CCME is developing sub-agreements on environmental standards, inspections, and environmental assessment. It is intended that these sub-agreements be ratified by federal and provincial environment ministers in May 1997. These sub-agreements will provide the federal, provincial and territorial governments with a framework for ensuring a more efficiently administered, predictable, and consistent Canada-wide environmental regulatory regime.

Under the Standards Sub-Agreement, governments will set Canada-wide environmental standards. This approach offers the prospect of a consistent level of environmental protection across Canada, as well as improved predictability of the Canada-wide environmental regime for industry

sectors, including the mining sector. In an effort to move their harmonization agenda forward, environment ministers proposed a first set of possible candidate areas for Canada-wide environmental standards in November 1996. They are targeting November 1997 as a time line for setting standards for their first set of priorities, and intend to have related implementation plans developed by May 1998.

The Inspections Sub-Agreement provides an umbrella framework for a single government window approach to environmental inspections. In their Harmonization Workplan, environment ministers have agreed to the development of bilateral implementation agreements on inspections by May 1998. The federal government is prepared to begin discussions with those provinces and territories that have an interest in pursuing harmonization of inspections related to the MMLERs.

Recommendation No. 9

That the federal government undertake to complete its announced modernization of the *Navigable Waters Protection Act* by the spring of 1997, following consultation with stakeholders to be completed by the end of the 1996 calendar year.

The Government is committed to modernizing the *Navigable Waters Protection Act* (NWPA). The modernization will focus on three main aspects: (1) defining the geographic scope of the Act and providing a clearer definition of navigability, (2) reviewing the applicability of the Act and harmonizing it with other federal legislation (as well, the possible delegation of certain types of works to other administrations, including interested provinces, will be examined), and (3) developing a cost-recovery mechanism for services provided by NWPA officers.

The amendment process will ensure consultations take place with stakeholders and other federal departments on defining "navigability" and on the means to ensure a more streamlined, less burdensome approval process.

The process leading to amendment of the Act is under way. A discussion paper on modernizing the NWPA will be

circulated to stakeholders in the summer of 1997. Based on stakeholder input, it is expected that Cabinet approval will be sought before the end of 1997 to draft the necessary amendments.

Recommendation No. 10

That any regulatory changes affecting mining project proposals should, when investment expenditures have already been committed, be accompanied by an explicit grandfathering provision.

As previously noted, regulatory reform is an ongoing process that will result in change. The Government recognizes that there have been cases where regulatory change modified the overall federal requirements for reviewing project proposals (e.g., inclusion of Section 35(2) of the *Fisheries Act* as a trigger for the *Canadian Environmental Assessment Act*).

However, where the Government makes changes to environmental regulations that could modify the process being used to review a mining project proposal, that project should, generally, be allowed to continue through the existing process in instances where the changes would have a significant impact on the investment that has been made by the proponent. In fact, Section 74 of the *Canadian Environmental Assessment Act* specifically provided for projects that had started into a specific track (e.g., screening, panel review) of the former assessment process (Environmental Assessment and Review Process Guideline Order [EARPGO]) prior to the proclamation of the Act on January 19, 1995, by allowing them to continue to be assessed in accordance with EARPGO. The panel review of the BHP diamond project is an example of a project that was grandfathered under EARPGO.

The Government also believes that uncertainty about future regulatory requirements can be significantly reduced by involving industry and other stakeholders in the regulatory development process. To advance this approach, *The Minerals and Metals Policy of the Government of Canada: Partnerships for Sustainable Development* states that "In undertaking reforms, and in establishing any new regula-

tory process, the Government will ensure the early involvement of stakeholders in defining a problem and developing regulatory approaches." The previously noted process for considering possible amendments to the Metal Mining Liquid Effluent Regulations (including the AQUAMIN project) is an example of this approach.

The Government of Canada will continue to manage the process of modernizing the federal regulatory regime to reduce investor uncertainty and promote investor confidence in order to establish a more efficient and effective regulatory regime. This will, as appropriate, involve the use of grandfathering provisions.

Recommendation No. 11

That adequate financial compensation be provided by the federal government in those instances where environmental regulatory functions affecting the mining sector are transferred to provincial governments. In the future, unilateral intervention by the federal government in areas of predominantly provincial jurisdiction such as mining should be avoided.

As part of its commitment to work with the provinces to ensure that the Canadian federation is modernized to meet the challenges of the 21st century, the February 27, 1996, Speech from the Throne indicated that the Government is committed to pursuing partnerships with the provinces, territories and others in addressing issues within its jurisdiction.

Environmental protection and conservation, and fisheries and habitat management are among the areas where the Government is meeting its commitment to strengthen processes for working in partnership with the provinces and territories. As previously mentioned, the Government is, for example, building strong partnerships for working more efficiently with provinces and territories through the Canadian Council of Ministers of the Environment (CCME). Similarly, federal and provincial fisheries ministers are exploring the nature of agreements that would delegate certain federal decision-making responsibilities for freshwater fish habitat management to inland provinces. The Government will continue to work with the provinces and territories in these and other areas where better coordination of their respective activities can be achieved.

The environment is a matter of shared jurisdiction and, as such, federal, provincial and territorial governments have all established policies and programs, and undertaken environmental protection initiatives. In an era of reduced budgets in all government administrations, the challenge is to make the most efficient and effective use of available resources. In areas of shared or overlapping jurisdiction, this means finding new and innovative ways to better coordinate activities and deliver services. The above-noted CCME discussions, as well as those related to the delegation of fish habitat management are a case in point—both levels of government have put in place appropriate regulatory regimes and have been managing similar programs for years.

To maximize efficiency in the administration of such programs, one option currently being considered is for the level of government best able to carry out a given activity to continue doing so, instead of both. This option would also provide for appropriate accountability to the public. The Government does not consider this as a “transfer” of environmental regulatory functions that would result in additional responsibilities or workload for provinces; therefore, financial transfers are not envisaged. Rather, this is an approach to maximize efficiency in the administration of Canada’s environmental regime. The Government will continue to work in partnership with the provinces and territories in this regard to achieve the highest level of environmental quality for all Canadians.

The Government remains committed to devolving responsibilities to the territories with appropriate financial considerations. In this respect, a specific proposal for devolution was made to the Yukon government in February 1997.

As outlined in the *Minerals and Metals Policy of the Government of Canada: Partnerships for Sustainable Development*, the Government recognizes that provincial

governments are responsible for mining. Nonetheless, the Government will continue to fulfil its responsibilities in such areas as environmental protection and international relations. The Government is committed to making every effort to continue to work cooperatively with the provinces and territories in doing so in order to avoid any unnecessary inefficiencies that may arise out of overlapping interest.

**CONCLUSION:
LOOKING TO THE
FUTURE**

In its response to the Committee's Interim Report, the Government expressed its commitment to provide the Committee with a comprehensive and forward-looking response to its Final Report.

The initiatives identified in the Government's response to the Interim Report, combined with those made in this response to the Committee's Final Report, constitute a package of reforms that will reduce uncertainty, costs and delays at virtually all stages of the mineral development process. When implemented, this package of reforms will result in a significant improvement in the efficiency of the federal environmental regulatory regime affecting not only mining, but all of Canada's natural resource industries. This will in turn promote a proper investment climate for jobs, particularly in rural and remote Canada, and encourage economic growth while maintaining the ability to meet commitments to achieve the highest level of environmental quality within the context of sustainable development.

At the same time, the Government recognizes that further reforms will be needed and has expressed its commitment to ongoing review and making improvements to provide efficient environmental regulations affecting mining while maintaining the highest standards of environmental quality. Consequently, the Government will carefully consider progress reports on the regulatory reform of mining to be prepared by NRCan in consultation with appropriate regulatory departments. The reports will evaluate the impact of

the Government's efforts in this regard and identify any additional reforms that may be needed.

The Government would like to express its appreciation to the Committee and those who provided information and testimony related to its study on *Streamlining Environmental Regulation for Mining*. Their views and recommendations have made a significant contribution to a rigorous evaluation of the existing federal regulatory regime, and have provided many helpful ideas on how the Government can achieve its objective of sustainable development.

**Status Report on the Commitments
Identified in the Government's Response
to the Interim Report of the House of
Commons Standing Committee on
Natural Resources**

Regulatory Reform Commitment ¹	Status
<i>General Principles and Approaches</i>	
The Minister of the Environment will be working with the provinces on a much strengthened process with which to confirm partnership on environmental management.	The <i>Canada-Wide Accord on Environmental Harmonization</i> was agreed to in principle by the Canadian Council of Ministers of the Environment (CCME) on November 20, 1996.
The Minister will continue to support, as a priority, pragmatic approaches to bring greater efficiency, predictability and clarity to an improved environmental regulatory regime that also improves environmental protection and achieves the objective of sustainable development (p. 5).	The sub-agreement on environmental assessment is currently being negotiated, and the sub-agreements on inspections and standards are substantially completed. The three sub-agreements are to be presented to the CCME for ratification in May 1997.
Identify and focus regulatory reform efforts on real regulatory problems and ensure that requirements are clear, predictable and efficient (p. 22).	<i>The Minerals and Metals Policy of the Government of Canada: Partnerships for Sustainable Development</i> , published in November 1996, commits the Government to maintaining a cooperative approach to mining issues and defines the Government's role, policy and strategy for regulatory efficiency.
	Natural Resources Canada (NRCan), in cooperation with responsible federal agencies, is monitoring mining projects as they progress through the preproduction assessment and permitting process. The intent is to identify real regulatory problems and to evaluate the impact of regulatory reform initiatives on mining operations.
<i>Regulatory Process Coordination, Management and Monitoring</i>	
By the summer of 1997, prepare a comprehensive progress report on regulatory reform of the mining sector for the Minister of Natural Resources (p. 6).	NRCan, in consultation with the Treasury Board Secretariat, is preparing a comprehensive progress report on the regulatory reform of mining for the summer of 1997. It will: report on the commitments made in the Government's response to the House Standing Committee on Natural Resources Interim and Final Reports; report on the impact of regulatory reform initiatives on mining operations; and identify, if appropriate, areas and approaches for further reform.

¹ Source: The Federal Government's Response to the Interim Report of the Standing Committee on Natural Resources: *Streamlining Environmental Regulation for Mining*, June 1996.

Appendix 1 (cont'd)

Regulatory Reform Commitment ¹	Status
<p>Departments will seek to ensure that systems are in place to meet their responsibilities pursuant to the Government's Regulatory Process Management Standards (p. 6) as well as reporting, as appropriate, on compliance with these standards (p. 12).</p>	<p>Regulatory authorities, including the Canadian Environmental Assessment Agency (CEAA), Environment Canada (EC) and the Department of Fisheries and Oceans (DFO), are establishing the necessary systems.</p>
<p>For major mining projects south of 60°N, NRCan will work with other federal departments, especially those with regulatory mandates, to ensure open communication and the development of coordinated policy responses (p. 7).</p>	<p>NRCan officials have assumed this role with the Voisey's Bay project in Newfoundland-Labrador and with the proposed Cheviot coal project in Alberta.</p>
<p>The Government will prepare a comprehensive and forward-looking response to the House Standing Committee on Natural Resources' Final Report on <i>Streamlining Environmental Regulation for Mining</i> (p. 22).</p>	<p>The Government's response to the Committee's Final Report was tabled in the House of Commons by April 17, 1997.</p>
<i>Land-Use Decision-Making</i>	
<p>Federal regulatory agencies and the mining industry agree to establish formal mechanisms for discussing pressing regulatory concerns and achieving efficient and effective solutions related to land use (p. 5).</p>	<p>Formal mechanisms for discussing solutions related to land use have been established, including:</p> <ul style="list-style-type: none"><li data-bbox="789 1161 1308 1392">– Endangered Species Conservation Task Force: The Mining Association of Canada was one of many stakeholders appointed by the Minister of the Environment to the Task Force. The Task Force prepared a report that formed the basis for the <i>Canada Endangered Species Protection Act</i> (Bill C-65). Public consultations were also held across the country.<li data-bbox="789 1415 1308 1593">– Model Areas for Sustainable Development Program: A workshop involving the mining and other natural resource industries was held November 6, 1995, to discuss the concept. A Draft Proposal was released for comment and to solicit their support in the summer of 1996.<li data-bbox="789 1617 1308 1898">– Northwest Territories (NWT) Protected Areas Strategy (PAS): The draft report, <i>Protected Areas Strategy for the NWT</i>, prepared by the Government of the Northwest Territories, was circulated for public consultation in the fall of 1996. In addition, a steering committee has been established to ensure that the proposed Strategy meets the governments' objectives (DIAND and GNWT). A stakeholders workshop will be held in March 1997 to help design the Strategy.

Regulatory Reform Commitment ¹	Status
<i>Regulatory Regime on Federal Lands</i>	
On federal lands north of 60°N, NRCan will support efforts by DIAND to ensure an efficient and effective regulatory regime (p. 7).	<p>NRCan has supported/is supporting DIAND on:</p> <ul style="list-style-type: none"> - consultation document on <i>Mine Reclamation Policy for the Northwest Territories</i>, released for comment on February 3, 1997. - <i>Mackenzie Valley Resource Management Act</i> tabled in House of Commons December 12, 1996. - amendments to the <i>Yukon Quartz Mining Act</i> and to the <i>Yukon Placer Mining Act</i> that received Royal Assent as of November 29, 1996, and are awaiting Royal Proclamation. Work on regulations for mine development, production and reclamation is under way. - <i>Nunavut Water Act</i> tabled in House of Commons June 14, 1996.
<i>Environmental Assessment and Review Process</i>	
By the summer of 1996, federal regulatory agencies and the mining industry agree to establish formal mechanisms for discussing pressing regulatory concerns and achieving efficient and effective solutions related to environmental assessment (p. 5).	Federal agencies and The Mining Association of Canada are members of the multi-stakeholder Regulatory Advisory Committee (RAC) that advises on regulatory initiatives.
By December 1996, introduce procedures, in guidelines or regulation, for improving the panel review process that will include time lines (p. 8).	Panel review procedures have been developed through the Regulatory Advisory Committee. A draft ministerial guideline will be issued in early 1997.
For comprehensive studies, the Agency intends to initiate a consultative process with all stakeholders to develop procedural guidelines or regulations with time lines (p. 8).	The Agency has developed draft procedures for comprehensive studies and is consulting broadly with stakeholders. With respect to time lines and process certainty, the Agency is promoting the development of project-specific schedules that are agreed to by interested parties.
Before the fall of 1997, develop generic guidelines for the mining sector for preparing comprehensive study reports and environmental impact statements (p. 8).	A draft <i>Guidance Document for Environmental Assessment of Canadian Mining Projects</i> is being prepared and will be released for public review in the spring of 1997.

Appendix 1 (cont'd)

Regulatory Reform Commitment ¹	Status
Strive to ensure that Responsible Authorities are informed of any decision by the Minister of the Environment within 60 days of submission of final comprehensive study reports to the Agency (p. 8).	This standard has been met for all comprehensive studies to date. Placer Dome Canada's Musselwhite (gold) mine was the first mining project to receive approval of a comprehensive study review under the <i>Canadian Environmental Assessment Act</i> that came into force on January 19, 1995. The final Comprehensive Study Report for this project was submitted in late September 1995 and was approved by the Minister of the Environment in November 1995. The Huckleberry Comprehensive Study Report was received by the Agency on December 28, 1995, and an addendum to the report was submitted on February 9, 1996. Approval of the project was announced on March 26, 1996. The Comprehensive Study Report for Kemess South was submitted on May 5, 1996. On June 4, 1996, Royal Oak proposed changes to the mine plan. The federal environmental assessment considered proponent changes to the mill plan. On August 2, 1996, the CEAA extended the public consultation period to September 11, 1996. The project was approved by the Minister of the Environment on October 16, 1996.
By the end of 1996, promulgate the Federal Coordination Regulations (p. 9).	The Federal Coordination Regulations were pre-published in the Canada Gazette, Part 1, on January 4, 1997, for public comment.
Cooperate with The Mining Association of Canada to develop a better understanding of the application and the requirements of cumulative effects assessment for mineral development projects (p. 10).	The Canadian Environmental Assessment Agency established, in September 1996, a Working Group on Cumulative Environmental Assessment to develop a Manual on Best Methods Practices and a Manual for Decision-Makers for Cumulative Environmental Assessment.
Collect and make available case studies that illustrate the practice of cumulative effects assessment (p. 10).	Information for ongoing and recent assessments is being collected.
Accelerate efforts to negotiate bilateral agreements on environmental assessment with all provinces and promote cooperative environmental assessments with other provinces using the "British Columbia approach" to the extent that it is legally and operationally possible (p. 11).	By early 1997, the Government intends to conclude agreements with British Columbia and Ontario.

Regulatory Reform Commitment ¹	Status
Where bilateral agreements do not exist, the federal government will work with the provinces to develop project-specific agreements to avoid any duplication in environmental assessment (p. 12).	Although a cooperation agreement exists with Alberta, the Agreement Between Alberta Energy and Utilities Board and the Federal Minister of the Environment Concerning the Panel for the Cheviot Coal Project was signed on October 24, 1996, to facilitate joint panel hearings that commenced in January 1997. The Memorandum of Understanding on Environmental Assessment of the Proposed Voisey's Bay Mining Development was signed by the governments of Canada and Newfoundland and Labrador, the Labrador Inuit Association, and the Innu Nation on January 31, 1997.
In the summer of 1996, the ministers of the Environment and Industry will release a report on the results of the Joint Monitoring Program (JMP) for the first year of implementation of the Act (p. 12).	A report on the first year of the Act's implementation will be released in 1997.
Continue to monitor the application of the Act, giving particular attention to the comprehensive study and panel review processes, in order to address any process implementation problems that may affect large-scale mining projects (p. 12).	The CEAA and Industry Canada are developing an ongoing monitoring process as follow up to the Joint Monitoring Program (JMP). NRCan, in cooperation with responsible federal agencies, is monitoring mining projects as they go through the preproduction assessment and permitting process. The intent is to identify regulatory impediments and to evaluate the impact of regulatory reform initiatives on mining operations.
<i>Fisheries Authorizations and Approvals</i>	
Federal regulatory agencies and the mining industry agree to establish formal mechanisms for discussing pressing regulatory concerns and achieving efficient and effective solutions related to fish habitat (p. 5).	The Deputy Minister of Fisheries and Oceans has met with the President of The Mining Association of Canada to discuss the mining industry's concerns regarding the administration of the habitat protection provisions of the <i>Fisheries Act</i> .
Work with the mining industry to develop information requirements and consultative procedures to enhance the review process where it deals with fish habitat issues (p. 14).	Consultations on habitat delegation were held with the mining industry and other stakeholders at a workshop held in November 1996.
Provide stakeholders with a draft discussion paper as part of a review of policy issues concerning habitat compensation (p. 14).	A draft discussion paper on policy issues surrounding habitat compensation has been prepared and will be distributed to the provinces, environmental groups, industry and other stakeholders for review and comment.

Appendix 1 (cont'd)

Regulatory Reform Commitment ¹	Status
In early 1997, develop and participate in workshops to promote a better understanding of DFO's policies and programs (p. 14).	DFO will consult with stakeholders during the development of its Sustainable Development Strategy. This consultation will include the Policy for the Management of Fish Habitat.
Develop service standards in consultation with stakeholders, as part of a government-wide program to improve the delivery and efficiency of programs (p. 15).	DFO distributed draft service standards for public comment. The standards will be finalized during 1997.
Assist the mining industry develop guidelines for a code of best practice for mineral development projects (p. 15).	DFO is ready to assist the industry with such guidelines. This approach was taken for the Watercourse Crossing Guidelines developed by the pipeline industry in consultation with DFO.
Develop proposals, in consultation with stakeholders, to formalize and clarify fish habitat management arrangements with the inland provinces (p. 15).	The Government of Canada tabled the amendments to the <i>Fisheries Act</i> in Bill C-62 on October 3, 1996. The amendments would provide the authority to delegate certain decision-making responsibilities with respect to the management of freshwater fish habitat to inland provinces. DFO is preparing for negotiations with inland provinces to develop agreements on delegation. Consultations on regulations to define projects that would remain federal responsibility, and to establish conditions for the delegation of fish habitat to the provinces, have begun. A stakeholders workshop was held on November 3-5, 1996. A workshop report is being prepared by DFO.
<i>Administration and Regulation of Liquid Effluents</i>	
Before the end of 1996, the Minister of the Environment will announce if any measures to update, strengthen or further harmonize the Metal Mining Liquid Effluent Regulations (MMLERs) are needed (p. 16).	The AQUAMIN Final Report was released in October 1996. The Minister of the Environment will announce plans for implementing the recommendations presented in the Report by the spring of 1997. The Government is committed to implementing the recommendations contained in the AQUAMIN Report.

Regulatory Reform Commitment ¹	Status
<p>The Minister of the Environment will, as a priority, continue discussions on bilateral or multilateral agreements to harmonize the administration of the MMLERs (p. 18).</p>	<p>The Government is committed to updating the MMLERs within the spirit of the <i>Canada-Wide Accord on Environmental Harmonization</i>. That Accord was approved in principle by the CCME on November 20, 1996.</p> <p>Sub-agreements on standards and inspection will provide a possible basis for harmonizing the administration of some aspects of the MMLERs. It is anticipated that the CCME will endorse those sub-agreements in May 1997.</p>
<p><i>Transportation of Recyclable Metals</i></p>	
<p>Work to remove the negative connotation given to recyclable materials associated with the term "waste" (p. 19).</p>	<p>In November 1996, the Government released the Minerals and Metals Policy that states that the Government will promote, in both domestic and international fora, common approaches to the definition of waste that underline the need to differentiate between recyclable materials destined for recovery operations on the one hand, and wastes destined for final disposal on the other.</p>
<p>Through the CCME, continue to review the definitions of "waste" and "hazard," and to develop an appropriate definition of waste to be used domestically and for the Organization for Economic Co-operation and Development's discussions by March 1997 (p. 19).</p>	<p>The CCME hosted a workshop in December 1996 to explain its proposal to redefine "waste" and recyclable materials. The CCME proposes to uncouple the definition of "recyclable materials" from the definition of "waste."</p>
<p>Identify recyclable materials that require controls but need not be managed as "waste" (p. 19).</p>	<p>The Government of Canada advocates regulating recyclable metals on the basis of the risk posed to human health or the environment.</p>
<p>Remove transboundary restrictions to recyclable metals that do not pose a risk to human health and the environment and whose industrial use is well managed (p. 19).</p>	
<p>Continue to work with the provinces and international counterparts to apply appropriate materials movement and management controls that reflect their risk to human health and the environment (p. 19).</p>	
<p><i>Application of the Navigable Waters Protection Act (NWPA)</i></p>	
<p>Propose amendments to the NWPA to provide for, amongst other things, a better definition of the scope of the application and purpose of the Act, and a provision to enable delegation of responsibility for certain types of "work" to other administrations including the provinces. It is anticipated that these amendments will be introduced in 1997 (p. 20).</p>	<p>The <i>Proposal to Amend the Navigable Waters Protection Act Discussion Paper</i> is under internal review. The Discussion Paper will be distributed to stakeholders in the summer of 1997.</p>

Appendix 1 (cont'd)

Regulatory Reform Commitment ¹	Status
<p><i>Non-Regulatory Approaches</i></p> <p>Give due consideration to the use of all non-regulatory measures before making any decisions to develop new environmental regulations and establish objectives, and continue to consult with all stakeholders during the development of its environmental measures (p. 22).</p>	<p>Finding evidence of a problem and identifying and reviewing alternative solutions are the first two steps set out in the Regulatory Process Management Standards that departments are currently putting in place. The Treasury Board Secretariat published a Guide to the Standards in November 1996.</p> <p>The November 1996 <i>Minerals and Metals Policy of the Government of Canada</i> requires that a broad range of non-regulatory approaches be considered as alternatives or compliments to regulation prior to making any decisions to develop new regulations.</p> <p>Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements (Canada Gazette, Part 1, January 4, 1997) note that alternatives were considered and that stakeholders were involved in the regulation-making process.</p>
