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New Brunswick Environmental Law Society

## **New Brunswick water regulations strong: “keep it that way”, say environmentalists**

(MONCTON) Environmentalists meeting with various government officials on the future of mining in the province are counting on the continued enforcement of provincial regulations designed to protect lakes and ponds from unnatural activities.

A number of environmental groups met, Wednesday, with several representatives from the provincial Department of Environment, Fisheries and Oceans Canada and Environment Canada. The discussions centered on Federal regulations which allow governments to re-designate lakes as Tailings Impoundment Areas (TIA).

"We think it is ridiculous that, by the stroke of a pen, a minister can legally determine that a lake is no longer a lake", says Randy Nason, from Grand Lake Watershed Guardians and Chairperson of the NBEN Mining Caucus. Mr. Nason refers to the use of the Schedule 2 amendment of the Metal Mining Effluent Regulations (MMER) that allows for the redefining of natural fish bearing lakes as tailings impoundment areas.

The federal MMER, which first came into force in 2002, is a regulation that allows for mine tailing deposits into natural fish-bearing waters so long as they meet toxicity requirements. The regulation falls under Section 36 of the Fisheries Act which otherwise prohibits the deposit of deleterious substances into water frequented by fish.

"In Canada, Schedule 2 has been used in over a half dozen projects, but no such project requesting the use of a lake currently exists in New Brunswick; we want to keep it that way", says Nason.

In fact, the New Brunswick government seems to have some of the strongest regulations in the entire country when it comes to the protection of lakes and ponds. So says Michel DesNeiges of the New Brunswick Environmental Law Society. "The Water Classification Regulation of the Clean Water Act renders virtually impossible the use of a lake as an impoundment area for mine tailings. If such a project were proposed in New Brunswick, it would have to be turned down by government."

But the possibility of re-designating lakes as TIAs has the group worried. "We know that the Graham government is looking hard at making New Brunswick more attractive to the mining industry", says DesNeiges. "Our worry is that they may be trying too hard, and that positive laws such as the Clean Water Act and its Water Classification Regulation may come under fire."

The environmental groups are members of the NB Environmental Network Mining Caucus, which consists of representatives of citizen environmental groups from across the province who are interested in mining issues. The Caucus intends to further their discussions with government officials in order to keep a tab on developments. "Our meeting yesterday was very positive. We want that dialogue to continue", says Randy Nason.

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