



JAN 31 2014

Dear Dr. Coronado:

Canada has reviewed the Secretariat's Determination issued on December 11, 2013 pursuant to Article 14(1) and (2) of the *North American Agreement on Environmental Cooperation* (NAAEC) concerning the *Alberta Tailings Ponds* submission (SEM-10-002) (the "Determination"). The purpose of this letter is to advise the Secretariat, in accordance with Article 14(3) of the NAAEC, that the matter raised in the submission is currently the subject of a pending judicial proceeding.

On September 12, 2013, Mr. Anthony Neil Boschmann, a private citizen, swore "an information," in accordance with section 504 of the *Criminal Code*, before the Alberta Provincial Court alleging that Suncor Energy Inc., a company operating in the Alberta oil sands region, permitted the deposit of deleterious substances into the Athabasca River, in violation of subsection 36(3) of the *Fisheries Act* (see the attached document for details). The Court is set to hold a process hearing on the matter on February 27, 2014, in which Government of Canada prosecutors will participate.

We note that the allegations made by Mr. Boschmann relate directly to the assertions contained in the *Alberta Tailings Ponds* submission, namely that "Canada has failed to effectively enforce subsection 36(3) of the [...] *Fisheries Act* with respect to the leaking of deleterious substances from oil sands tailings ponds into surface waters and the groundwater of Northeast Alberta" (p.1 of the Revised Submission).

Further to this notification and in accordance with Article 14(3), we ask that the Secretariat proceed no further with this submission and promptly notify the Submitter and the Council, in writing, that the submission process is terminated, without prejudice to the Submitter's ability to file a new submission, in accordance with section 9.6 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC*.

Sincerely,

Dan McDougall
Assistant Deputy Minister
International Affairs Branch

Attachment (1):

- Annex I - Docket No 131083271P101001-0C "Information On Behalf of Her Majesty The Queen"

CANADA
Province of Alberta
Province d'Alberta

Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine

Docket No. N° de réf. 131083271P101001-0C	Police File No. N° du dossier de police
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Adult Youth Adolescent Form 2
Criminal Code
Sections 506
and 788Formula 2
Code criminel
Articles 506
et 788

Insert full name,
residence, and
occupation of
informant.
Insérer le nom
complet,
le domicile et la
profession ou
l'occupation du
dénonciateur.

THIS IS THE INFORMATION OF

LES PRÉSENTES CONSTITUENT LA DÉNONCIATION DE

ANTHONY NEIL BOSCHIMAN, a private citizenof FORT MCMURRAY, ALBERTA

hereinafter called the Informant.

ci-après appelé le dénonciateur.

THE INFORMANT SAYS THAT he has reasonable
grounds to believe and does believe thatLE DÉNONCIATEUR DÉCLARE QU'il a des motifs
raisonnables de croire et qu'il croit queName in full _____ Male / Female _____
(le nom complet)born on _____ of _____
(né(e) le) Year Month Day Année Mois Jour de _____ Address _____State the offence.
Indiquer
l'infraction.

For
Administrative
purposes
only. Does
not form part
of the charge.
Espace
réservé à
l'administration.
Ne fait pas
partie de
l'accusation.

- Count #1: On or about the 27th day of September, 2012, A.D., at or near Fort McMurray, in the province of Alberta, did unlawfully permit the deposit of a deleterious substance in a place under such conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter water frequented by fish to wit; the Athabasca River contrary to section 36(3) of the FISHERIES ACT OF CANADA.
- Count #2: On or about the 25th day of September, 2012, A.D., at or near Fort McMurray, in the province of Alberta, did unlawfully permit the deposit of a deleterious substance in a place under such conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter water frequented by fish to wit; the Athabasca River contrary to section 36(3) of the FISHERIES ACT OF CANADA.

Count 3. On or about the 27th day of September, 2012, A.D., at or near Fort McMurray, in the province of Alberta, did unlawfully permit the deposit of a deleterious substance into water frequented by fish; to wit the Athabasca River contrary to section 36(3) of the FISHERIES ACT of CANADA.

Count 4: On or about the 28th day of September, 2012, A.D., at or near Fort McMurray, in the province of Alberta, did unlawfully permit the deposit of a deleterious substance into water frequented by fish; to wit the Athabasca River contrary to section 36(3) of the FISHERIES ACT of CANADA.

CANADA
Province of Alberta
Province d'Alberta

Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine

Docket No. N° de réf. 131083271P101001-01	
Police File No. N° du dossier de police	

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Administrative
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Espace
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Ne fait pas
partie de

Count 5: On or between the 27th day of September 2012, and the 28th day of September 2012, both dates inclusive, at or near Fort McMurray in the province of Alberta, did knowingly release or permit the release of a substance, to wit chloride, into the Athabasca River in an amount, concentration or level or at a rate of release that is in excess of that expressly prescribed by an approval, a code of practice or the regulations contrary to Section 108(1) of the Environmental Protection and Enhancement Act of Alberta.

Count 6: On or between the 27th day of September 2012 and the 28th day of September 2012, both dates inclusive, at or near Fort McMurray in the province of Alberta, did knowingly release or permit the release of a substance, to wit chloride, into the Athabasca River in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect contrary to Section 109(1) of the Environmental Protection and Enhancement Act of Alberta.



CANADA
Province of Alberta
Province d'Alberta

Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine

Docket No. N° de rôle 131083271P101061
Police File No. N° du dossier de police

Adult Youth Adolescent

Form 2
Criminal Code
Sections 506
and 788

Formulaire 2
Code criminel
Articles 506
et 788

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Count 7; On or between the 27th day of September 2012 and the 27th day of September 2012, to all dates inclusive, at or near Fort McMurray, in the province of Alberta, did release or cause or permit the release of a substance into the Athabasca River, that may cause, is causing or has caused an adverse effect, as soon as that person knows or ought to know, failed to report that release to the downstream community of Fort Chipewyan and those residents that may be directly affected by the release contrary to section 110(1)(c) of the Environmental Protection and Enhancement Act of Alberta.



CANADA
Province of Alberta
Province d'Alberta

Information
On Behalf of Her Majesty The Queen
Dénonciation
Au nom de Sa Majesté la Reine

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Police File No. N° du dossier de police

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on Sept 12, 2013 (year) (année)

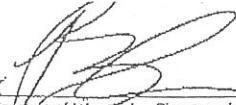
at Fort McMurray Alberta.

by TRINDA COOPER

JUSTICE OF THE PEACE IN AND FOR
Justice of the Peace
LIEUTENANT
THE PROVINCE OF ALBERTA

ADJUDICATION AND DISPOSITION BELOW

DÉCISION CI-DESSOUS


Signature of Informant Signature du dénonciateur