

1 October 1996

BY FAX AND REGISTERED MAIL

Friends of the Old Man River
c/o Mrs. Martha Kostuch
Box 1288
Rocky Mountain House
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Fax: (403) 845-5377

**Re: Submission on enforcement matters under Articles 14 and 15 of the North
American Agreement on Environmental Cooperation**

Submitter(s): The Friends of the Old Man River
Party: Canada
Date: September 9, 1996
Submission No.: SEM-96-003

Dear Sirs/Madams:

Please find below the Secretariat's Article 14(1) Determination in connection with your submission on enforcement matters filed on September 19, 1996 under Article 14 of the *North American Agreement on Environmental Cooperation* ("Agreement").

Article 14(1) provides that the Secretariat may consider a submission if the Secretariat determines that the submission meets the requirements listed in its paragraphs (a) to (f). Your submission meets the requirements listed in paragraphs (a) to (d) and (f) of Article 14(1) of the Agreement. Unfortunately, for the reason stated below, your submission does not meet paragraph (e) of Article 14(1) which requires that a submission "indicate that the matter has been communicated in writing to the relevant authorities of the Party and indicate the Party's response, if any..."

Indeed, your submission is divided in two main parts. First, you describe what you allege amounts to a failure to effectively enforce the *Fisheries Act* and the *Canadian Environmental Assessment Act* in general. Second, you provide "a specific example of the alleged failure to apply and comply with the Fisheries Act and to circumvent or avoid triggering CEAA".

Regarding the specific example, you state: “This submission is related to the general failure of the Government of Canada to apply, comply with and enforce the Fisheries Act and the Canadian Environmental Assessment Act and not this particular case which is provided only as an example” (emphasis added).

Although your submission indicates that the specific example of the alleged failure you provide has been communicated in writing to the relevant authorities of the Party and indicates the Party’s response, there is no indication that the matter (that you characterized to be the alleged general failure to enforce) has been communicated to the relevant authorities of the Party and fails to indicate the Party’s response, if any.

For this reason, the Secretariat has determined not to consider your submission.

Therefore, in accordance with Guideline 6.2 of the *Guidelines for Submission on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* (“Guidelines”), you have 30 days, after receipt of this notification from the Secretariat, to provide the Secretariat with a submission that conforms to the criteria of Article 14(1) of the Agreement and to the requirements set out in the Guidelines.

Please do not hesitate to call or write us if you have any question.

Yours truly,

Commission for Environmental Cooperation - Secretariat

per: Victor Lichtinger
Executive Director

c.c. Mr. H. Anthony Clarke, Environment Canada
Mr. William Nitze, U.S. EPA
Mr. José Luis Samaniego, SEMARNAP