

18 October 1996

BY FAX AND REGISTERED MAIL

Mrs. Martha Kostuch
The Friends of the Old Man River
Box 1288
Rocky Mountain House
Alberta T0M 1T0

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: October 8, 1996
Submission No.: SEM-96-003

Dear Ms. Kostuch:

Please find below the Secretariat Article 14(1) Determination in connection with your amended submission on enforcement matters dated October 8, 1996 and filed pursuant to the previous Secretariat Article 14(1) Determination of October 1, 1996.

In evaluating the submission under Article 14(1), the Secretariat considered whether the primary purpose of the relevant provisions of the *Fisheries Act* and the *Canadian Environmental Assessment Act* is “the protection of the environment” and not primarily “managing the commercial harvest exploitation, or subsistence or aboriginal harvesting, of natural resources.”

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The Secretariat viewed the primary purpose of the above-mentioned provisions as falling within the purview of the areas listed under the subsections of Article 45(2)(a), namely: (i) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants, (ii) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto and (iii) the protection of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas.

In other respects your amended submission satisfies the initial screening criteria under Article 14(1)(a-f) of the North American Agreement on Environmental Cooperation. Accordingly, your submission will now be reviewed under Article 14(2) to determine whether the submission merits requesting a response from the Government of Canada.

We will keep you informed of the status of your submission.

Yours truly,

Commission for Environmental Cooperation - Secretariat

per: Greg Block
Director

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