

Minister of the Environment

Ministre de l'Environnement

Ottawa, Canada K1A 0H3

Jan 10 1997

Mr. Victor Lichtinger
Executive Director
Commission for Environmental Cooperation - Secretariat
393 St-Jacques Street West
Suite 200
Montreal, Quebec
H2Y 1N9

Dear Mr. Lichtinger,

I am responding to your letter of November 8, regarding the submission on enforcement matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) presented by the Friends of the Oldman River (CEC File SEM-96-003).

Pursuant to Article 14(3) of the Agreement, I advise the Secretariat that the matter raised in this submission is the subject of a pending judicial or administrative proceeding before the Federal Court of Canada.

On November 7, the Friends of the West Country Association filed an Originating Notice of Motion in the Trial Division of the Federal Court of Canada in Alberta, *The Friends of the West Country Association v. The minister of Fisheries and Oceans and the Attorney General of Canada* (Federal Court case No. T2457-96), I enclose the supporting documentation. At issue in both the submission to the NAAEC and the case before the Federal Court are the application and interaction of sections 35, 37 and 40 of the *Fisheries Act* and of the *Canadian Environmental Assessment Act*.

Moreover, as referred to in Article 14(3), private remedies in connection with the matter raised in the above-mentioned submission are available and are being pursued in the Federal Court action.

Yours sincerely,

Hon. Sergio Marchi

Enclosure

Canada