



MiningWatch Canada

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Protecting Fish/Protecting Mines

What is the real job of the Department of Fisheries and Oceans?

Since its founding in 1999, MiningWatch Canada has researched and documented the environmental and social impacts of mines on the surrounding communities. We have been repeatedly dismayed by the extensive destruction of fish habitat associated with mine development:

- In Newfoundland and Labrador, the Voisey's Bay Nickel Company has received authorization to use a fish-bearing pond as a tailings disposal area. Fish have been relocated to a "fishless pond".
- In Northern B.C., a proposed 150 kilometre road to the Galore Creek mine would require 222 stream-crossings. There are fish present at 134 of these crossings. This project is still in the planning stages — will the mine receive approval for its preferred road location?
- Also in Northern B.C., the Tulsequah Chief mine is proposing to dig a 3-metre trench across much of the Tulsequah River floodplain to accommodate the mine effluent discharge system. This installation will transect fish habitat. Officials of the Department of Fisheries and Oceans (DFO) have recommended approval of this project, ignoring independent analysis suggesting that the overall confidence in the proponent's aquatic science is low and the risk of habitat destruction and cumulative impacts high.
- In Northern Ontario, the proposed Victor Diamond Project would cause significant alteration of water levels and water flow in the Attawapiskat and Nayshkootayaow Rivers. The loss and alteration of fish habitat as result of mine dewatering is of concern to First Nations interests in the Attawapiskat River Basin.

These are mining projects that have been approved or are being considered by the Department of Fisheries and Oceans - the federal agency mandated to manage and protect fish and fish habitat in inland waters. Through the use of "Fisheries Authorizations", the Habitat Management Program at DFO is allowing mining companies to cause extensive "harmful alteration, disruption and

destruction" (HADD) of fish habitat. "Letters of Advice" from DFO to the mine proponent aim to help mitigate the destruction of fish habitat, but are they being used as a mechanism to bypass the federal environmental assessment process and to entrust the protection of the environment (and fish habitat) to the proponent?

A report by MiningWatch Canada, *Protecting Fish/Protecting*

Mines, to be released on June 28, 2005, examines questions about the use of Authorizations pursuant to S.35(2) of the Fisheries Act and Letters of Advice on mining projects and asks whether the Habitat Management Program's objective of "No Net Loss" is being achieved. It looks ahead at changes proposed by the federal government to meet Smart Regulations objectives and the possible increased loss of regulatory oversight and control by DFO of fish habitat.



Ace, a female grizzly on the bank of the Nakina River in the Taku watershed, eying up a salmon. Photo by Mark Connor.

The study concludes that

DFO must act on its regulatory responsibilities to protect fish and fish habitat. Specifically, the department must:

1. **STOP** expanding the scope of Letters of Advice as a means to avoid triggering an Environmental Assessment;
2. **STOP** allowing fish bearing waters being used as tailings dumps (Tailings Impoundment Areas or TIAs), and stop including additional tailings dumps in Schedule 2 of the Metal Mining Effluent Regulations;
3. **ENSURE** that decisions on mitigation and compensation measures are made through the EA process; NOT through the permitting process;
4. **SCOPE** projects so that the EA reviews the entire project, not individual components; and
5. **NOT** depend on voluntary compliance of guidelines and "Best Management Practices" by mining companies.

The report recommends that DFO increase its capacity to monitor mitigation measures and compensation plans and develop appropriate and adequate measures to meet its regulatory responsibilities.