

*Government Orders*

important subsections is pulled. The National Energy Board Act, some subsections are proposed to be deleted. In relation to water and fish, one of the most important ones in relation to the Oldman dam, Kemano II, Rafterty-Alameda, the Great Whale project, the Fisheries Act, sections 35, 36 and 37.

Again, this is the Canadian Bar Association: "It is our strongly held view that the power under subsection 35(2) of the Fisheries Act referred to at page 68 of the Statutory and Regulatory Provisions Regulations Work Book should be included in this regulation. The discussions of sections 35 and 37 of the Fisheries Act which appears at page 43 of the majority reasons of the Supreme Court of Canada in the Oldman River case is specific to the inclusive and not exhaustive definition of proposal in the EARP order".

I just have a couple of more examples that are critically important. It goes on to say: "However, leaving section 37 to one side for a moment, if section 36 of the Fisheries Act is omitted altogether from the statutory and regulatory provisions regulation, the effect may be to unduly restrict the application of impact assessment to the protection of fisheries. Specifically, we would be left with the rather unprincipled position that authorization, pursuant to section 35(2) of works or undertakings that alter, disrupt or destroy fish habitat, is subject to impact assessment while works or undertakings that result in the deposit of deleterious substances in water frequented by fish, or in any place where such substance may enter such waters, would not attract impact assessment. The federal government would thus be left with the rather blunt regulatory tool of prosecution".

Surely, that is not what we are after. It is that kind of regulatory nonsense that should be allowed for the scrutiny of this House, as my friend from The Battlefords—Meadow Lake has asked.

There are more examples that are critically important to the public understanding of why this particular amendment should be carried by all members of the House.

On the comprehensive study list as it is now proposed, whole categories of projects have simply been dumped out the side. That is quite inappropriate and it is

members, such as members of this House, who would want to be involved.

For example, with modifications of national park boundaries, it is suggested that if it is more than 10 per cent of a national park that is going to be taken away, then there is an environmental assessment. But if it is less than 10 per cent, then that is fine. As the Canadian Bar points out, a 10 per cent limit may encourage project segmentation and the piecemeal erosion of national park areas or park areas.

On water management, similarly it is suggested that there has to be a 40 per cent target level. If only 40 per cent of a river is going to be taken away for a dam or a diversion, then there is no environmental assessment. So, as long as it is less than 40 there is no environmental assessment. Is it going to be measured at the headwaters, is it going to be measured at the estuary, is it going to be measured at high water, low water? These are Mack truck regulatory loopholes that are being brought in through the back door. It is why corporations in the country are quiet about this legislation; this is why the private sector are saying "well, we've been told—". For example, another Mack truck loophole is the criterion of 100 cubic metres per second of annual flow. Unless you are taking more than that, you do not need an environmental assessment.

• (1740)

Two more very quick examples, Mr. Speaker. I know that you, as an Albertan and Alberta born, will want to hear about these. These are critical in the west.

There is a limitation of 10,000 tonnes a day on minerals and mineral processing. Unless you are higher than that there is no environmental assessment required.

I mean, what kind of regulatory jiggery-pokery is that? You know about acid generating minerals, Mr. Speaker. What about the high arsenic levels in gold mines? What about uranium mines, what if they mine 9,999 tonnes a day? No assessments.

Similarly, this morning I raised a matter concerning the nuclear industry. Unless a nuclear site is going to produce more than 30 thermal megawatts, no environmental assessment is necessary. So, if a Slowpoke is going into the Edmonton General Hospital, there would