

d) Environmental Law Issues

The work of our Unit in respect of environmental law issues included:

- providing comments to the Justice Environmental Issues Secretariat on the draft memorandum to Cabinet concerning the guidelines for the environmental assessment of policy and programs proposals; concerns were raised that environmental assessment of policy in the foreign affairs area could give rise to difficulties for Canada in its relations with other countries and with international organizations;
- providing comments on the proposed Canadian Environmental Assessment Act (formerly Bill C-78 now Bill C-13);
- providing advice on federal legislation that may trigger the Environmental Assessment Process (for eg., the Immigration Regulations, the International Boundary Water Treaty Act)
- assisting our sister legal service unit at the Department of Fisheries and Oceans on an issue related to the Order made by the Governor in Council on October 30, 1991, authorizing the transit of Dixon Entrance by U.S. nuclear submarines;
- assisting the Vancouver Regional Office and the headquarters divisions of Justice in the preparation of the defence in the matter of Vancouver Island Peace Society et al. v. Her Majesty the Queen; the applicants are seeking, inter alia, to compel the Minister of Defence, the Secretary of State for External Affairs and the Minister of Transport to conduct an environmental screening or initial assessment to determine whether there may be potentially adverse environmental effects from the visits of nuclear powered and nuclear armed warships to Canadian Ports and to have the proposed visits publicly reviewed by a panel pursuant to the provisions of the Environmental Assessment and Review Process Guidelines Order (EARPGO) (SOR/84-467);
- participating in a project with respect to contaminated federal Crown lands. The Department of the Environment (DOE) commissioned an agent to prepare, under the direction and supervision of Justice, a study examining the roles and responsibilities of the DOE in the management of contaminated federal lands.

Our Unit participated, along with members of the Justice Steering Committee, in a meeting the Physical Resources Bureau of EAITC to discuss these responsibilities in the context of the acquisition, management and disposal of real property in foreign jurisdictions.