

# Why is the Canadian Government Letting Mining Companies Turn Lakes into Toxic Dumps?

## STOP DESTROYING OUR LAKES!

It is called “**Schedule 2**” – an inconspicuous name for legislation that is responsible for the destruction of freshwater bodies in Canada. Schedule 2 is a loophole in the Metal Mining Effluent Regulation (MMER) of the federal Fisheries Act that allows metal mining corporations to use lakes and rivers as toxic dumpsites. Once added to Schedule 2, healthy freshwater lakes lose all environmental protections.

Schedule 2 was first introduced by the Liberal government in 2002. At the time, environmental groups were told it was merely an administrative detail aimed at accounting for the lakes and rivers that had historically been used for mining waste. The Liberal government gave assurances that Schedule 2 would not be used for healthy bodies of water.

Then in 2006, under the Harper government, two lakes in Newfoundland and Labrador were approved for destruction using the MMER loophole and a precedent was set that would put the future of all lakes and rivers throughout the country in jeopardy. The exact number of lakes scheduled for destruction is hard to find. Several sources, including Environment Canada and Mining Watch, provide information that shows mining corporations have applied to use more than 20 natural water bodies as toxic dumpsites – or what the companies refer to as “tailings impoundment areas.” Five bodies of water have already been approved for destruction.

These lakes only represent the water bodies that face destruction within the next couple of years. Other mining companies have expressed interest, but details are not being released by Environment Canada.

### What are the impacts?

The practice of dumping toxic mining waste into a lake effectively kills the body of water and all living things in it. The lake cannot be reclaimed 10 or 15 years later after the mining company has packed up and left. It will stay contaminated for decades. The contamination cannot be isolated and contained. Lakes and rivers are part of



a larger watershed and are connected through groundwater and a network of tributaries. What affects one body of water threatens all other bodies of water within the larger system. Dumping toxins into Sandy Pond in Newfoundland and Labrador, for example, will form a contaminant plume in the aquifer that will eventually reach Long Harbour.

Canada isn't the only country where healthy lakes are under threat. An Alaskan mining company has appeared before the U.S. Supreme Court to demand that U.S. laws be overturned to allow the corporation to dump its tailings into a fish-rich lake in Alaska. Efforts are also underway at the provincial level. There is a proposal to amend New Brunswick's Clean Water Act, which currently prohibits mining companies from dumping toxins into natural bodies of freshwater.

### Canadian lakes at risk

The federal government has approved the northwest arm of Second Portage Lake, Tail Lake in Nunavut and Sandy Pond in Newfoundland and Labrador for destruction under Schedule 2. Other waters – Little Fish Lake and Fish Creek in British Columbia and Marathon-area springs and creeks in Ontario – are also proposed as tailings impoundment areas.

### Teztan Biny (Fish Lake)

Vancouver-based Taseko Mines Ltd's proposal to drain Teztan Biny (Fish Lake) in B.C. in order to stockpile rock waste, and use Fish Creek and Little Fish Lake as tailings impoundment areas for a gold-copper mining project called Prosperity Mine, was rejected by the federal government in 2010. The water system, also known as Teztan Biny, is cherished by the Tsilhqot'in, who have lived in the area for thousands of years and use the waters for spiritual gatherings and a source of food. The mining company submitted a new proposal in 2011, saying it will spend \$300 million to construct

*“Allowing a lake to be turned into a dumpsite for a private company is nothing short of privatizing a public resource that is essential to life. Contaminating a water body will have devastating consequences on entire watersheds at a time when the world is dealing with a fresh water crisis.”*

*- Maude Barlow, National Chairperson, The Council of Canadians*

a tailings pond for mining waste. The Tsilhqot'in still vehemently oppose the proposal, saying the mine and tailings pond will have irreversible environmental impacts on the land and water.

### **Sandy Pond**

Newfoundland and Labrador's Sandy Pond has received provincial and federal approval to be turned into a toxic dumpsite for Vale, a Brazilian mining company. The corporation's nickel processing plant is being built near Long Harbour, at Placentia Bay, and will process metals from Voisey's Bay. The result will be approximately 400,000 tons per year of toxic mine tailings that will be dumped in nearby Sandy Pond, a 38-hectare freshwater lake. The mine tailings that Vale plans to dump will destroy the lake and cause irreversible damage that will be left long after the mining company closes its operations. A coalition of community activists and national organizations, including the Council of Canadians, has formed the Sandy Pond Alliance to Protect Canadian Water (SPA) and will fight plans to destroy this lake. The SPA has launched a legal challenge to have Schedule 2 declared a violation of the Fisheries Act.

### **Marathon-area waterways**

Stillwater Canada Inc. (formerly Marathon PGM) wants to develop a massive metal-copper open-pit mine near Marathon, Ontario, on the north shore of Lake Superior. The company is proposing using 44 ponds and 30 streams as tailings impoundment areas, as an alternative to the original proposal of dumping mining waste directly into Bamoos Lake. One of the estimated twelve dams required for this option would be approximately 89 metres high – the height of a 27-story building – and half a kilometre wide. This is the first project proposed that would dump toxic tailings directly into healthy bodies of water in Ontario that are a part of the Great Lakes Basin. The project is scheduled to undergo an environmental review.

### **A better way**

Schedule 2 underscores the urgent need for a National Water Policy that makes protecting watersheds a priority in Canada. It is symptomatic of a federal government that places the interests of corporations above all else. Schedule 2 must be scrapped. But even more importantly, Canada needs legislation that enshrines water as a human right and a shared public resource.



## **Schedule 2 loophole must be closed!**

### **Take Action to protect Canadian lakes and rivers!**

To date the Harper government has refused to change its position on Schedule 2. Plans for Canadian lakes and rivers are also veiled in secrecy as Environment Canada has released no further public information on the status of freshwater bodies being considered for reclassification under Schedule 2. There are alternatives for mining companies to dispose of their waste. These alternatives may cost mining corporations more money, but the environmental cost of permanently destroying healthy freshwater lakes across Canada is much higher.

Contact Environment Minister Peter Kent today and demand that the government protect our lakes and rivers by preventing them from being used as dumping areas for mine waste. Say no to Schedule 2!

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