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# Environment Canada's Mandate

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ENVIRONMENT CANADA'S  
MANDATE



**DGR**

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## ENVIRONMENT CANADA'S MANDATE

The Government Organization Acts (1970 and 1979) give the Minister of the Environment broad powers over environmental matters which are under federal legislative jurisdiction, and not specifically allocated by Acts of Parliament to other federal Departments and Agencies. This authority is elaborated upon in a number of more specific Acts of Parliament, and by other mandate instruments including Cabinet decisions, Orders in Council, Memoranda of Understanding, and formal agreements. The following is an overview of the federal and Departmental authority for environmental matters, and an outline of the Departmental mandate governing specific programs. The appendices list the Service programs and their specific mandate instruments.

Sections 91 and 92 of the Constitution Acts 1867-1981 are the principal sections of that Act which distribute legislative jurisdiction between Parliament and the provincial legislatures. The management of the environment as such is not dealt with in the Acts. The authority exercised by the federal government in this area is based on certain specific spheres of legislative jurisdiction found essentially in these two Sections such as: federal property, taxation and spending, statistics, navigation and shipping, seacoast and inland fisheries, Indian lands, criminal law, federal works and undertakings, interprovincial and international trade, and the implementation of Empire treaties. Within the sphere of federal legislative jurisdiction, the federal government can both make and implement treaties, and is the only body in Canada with the authority to make a treaty with a foreign state on any subject. In addition to these specific matters, some authority is derived from the general or residual powers of Section 91, generally known as the peace, order, and good government clause.

The federal government is often perceived as having more authority in environmental matters than is constitutionally correct. The provincial legislatures have areas of legislative jurisdiction which accord them an equal, if not greater power to regulate the management of the environment than is available to the federal government. This includes: direct taxation within a province, and the power to spend these revenues for provincial purposes; ownership and control of the vast majority of public lands in a province; the regulation of local works and undertakings (including most manufacturing and mining activity); and ownership of natural resources on public lands.

In view of the split in jurisdiction, co-operation on environmental management between the federal and provincial governments is essential. Because the provinces have so much power over the implementation of environmental management, much of the federal (and DOE) activity in the environmental field has been directed to establishing national standards for adoption and enforcement by the provinces; providing scientific and statistical data as a basis of co-operative action; encouraging uniform (national) practices of resource management; and engaging in joint federal-provincial cost shared programs. The specific powers of the federal government that mandate its activities in these areas are outlined below.

## **Property**

The federal government owns and has legislative control over federal lands including office buildings, laboratories, national and historic parks, harbours, airports, national defence lands, federal territories, and lands owned by Crown Corporations. For these, the federal government can regulate the type of activities and the manner in which they will be carried out. In the case of Indian lands, the federal government has legislative authority over the ultimate control of these reserved lands, in particular how they will be developed.

## **Taxation and Spending**

Under Section 91.3 of the BNA Act, the federal government may levy taxes in any manner, and has no legal limits on the areas of its spending authority. This gives the federal government fiscal powers beyond its legislative authority, allowing it for example to exercise leverage directly over particular types of economic activity, or give grants (under certain conditions) in the interest of overall direction of the national economy. Through cost-shared projects with the provinces, the federal government can influence provincial legislative programs, thereby effecting regulation indirectly. These mechanisms judiciously applied have become important in developing federal incentive strategies for sound environmental management. Tactically, co-operation with the provinces is essential since they can either frustrate or facilitate the effect of a federal intervention by virtue of their ownership jurisdiction, parallel taxing powers, and implementation responsibilities.

## **Federal Works and Undertakings**

The federal government regulates a number of economic activities which have potential environmental impact. These include international and interprovincial transportation systems such as railways, trucking, shipping, and pipelines; aeronautics; the operation of harbours; works declared to be for the general advantage of Canada such as atomic energy; and the operations of federal Crown Corporations that are involved in manufacturing or processing.

## **Interprovincial and International Trade and Commerce**

Under Section 91.2 of the BNA Act, the federal government may regulate international and interprovincial trade and commerce as well as "general trade". It may effect the regulation of provincial transactions as well, as long as this is incidental to the regulation of interprovincial or international trade. In the environmental field, regulating the importation or interprovincial movement of pollutants is one of the most effective ways of controlling these substances at their source.

### **Census and Statistics Power**

The "Census and Statistics" power of the federal government (Sections 91.6 and 91.17 of the BNA Act) for conducting research and for data gathering on any matter, when combined with its spending powers, gives the federal government effective national product standards control in many industrial sectors. Even indirectly, the exercise of this power can provide the federal government with the knowledge-base which is essential in formulating environmental standards, and providing legally compelling evidence of environmental damage, or risk to human health.

### **Navigation and Shipping, and Seacoast and Inland Fisheries**

The federal Navigation and Shipping powers (Section 91.10 of the BNA Act) and the Seacoast and Inland Fisheries powers (Section 91.12) have been used as vehicles for environmental regulation. The erection of works, dams and flood controls on navigable waterways must conform to federal regulations (which may include water quality and quantity considerations); "shipping" power can be used to control pollution from ships; and the "preservation of fish stocks" can be used to control any activity that may affect the quality of fishing waters even though the activity itself would normally fall under provincial jurisdiction.

### **Criminal Law**

Under Section 91.27 of the BNA Act, the federal government has the power to enact criminal law even where it affects certain jurisdictions of the provinces. This power allows the federal government to prohibit and to exact penalties for activities which are detrimental to the health and safety of people. The activity of polluting, or the use of substances or processes that fall into this category can be prohibited by federal legislation.

### **Treaty Powers**

The treaty-making power of the federal government is not contained in the Constitution Act since such power was vested in the Crown in 1867. The federal government is recognized in current international law as the Canadian authority for the negotiation of international agreements including matters of environmental management. The provinces, however, have the responsibility for the implementation of international agreements where the subject matter falls within their sphere of legislative jurisdiction. The federal government retains the power it had under Section 132 of the Constitution Act of 1867 for implementing Empire treaties, specifically in the case of DOE, the Boundary Waters Treaty (1909), and the Migratory Birds Convention (1916).

Current international law is evolving to recognize an expanded sovereignty over the offshore by bordering states, especially in the realm of economic pre-eminence. In Canada's case these expanded areas of jurisdiction are recognized in international law to accrue to the federal government unless the land and water involved formed part of provincial territory at the time the provinces entered Confederation. The jurisdictional questions have significance for pollution control, and marine parks.

## **General Powers**

Under Section 91 of the Constitution Act, the federal government has general powers which are then elaborated upon as specific subjects. Over time, the Courts have interpreted these general powers as emergency, residual, and national dimension doctrines. Emergency powers would be exercised only over a finite period of time in response to a demonstrable "crisis" and in the service of peace, order and good government. The residual powers are deemed to be all matters not specifically assigned to the provincial governments. The national dimension doctrine applies to issues which require a national resolution. Neither of these latter two doctrines has been fully explored by the federal government as the basis for environmental protection legislation, since there has to date been no cause for the Courts to define the extent of federal authority in this area. Their great potential application would be in the area of the international and interprovincial transmission of pollutants in water and the atmosphere, where the provincial governments lack sufficient legislative scope to deal effectively.

## **ENVIRONMENT CANADA'S DEPARTMENTAL MANDATE**

The Government organization Act (1979, Part 3) describes the duties powers and functions of the Minister of the Environment, in those matters over which Parliament has jurisdiction not by law assigned to any other federal Department, board or agency, related to the preservation and enhancement of the quality of the environment, renewable resources, water, and meteorology. The Minister is also responsible for enforcing the rules and regulations of the International Joint Commission which relate to environmental enhancement; and for co-ordination of the policies and programs of the federal government in environmental areas.

In exercising these powers, the Act requires the Minister to initiate, recommend, undertake and co-ordinate programs to promote the establishment or adoption of objectives or standards relating to environmental quality or to control pollution; to ensure that new federal projects are assessed and reviewed for potential adverse environmental effects; and to provide information to the public. The Minister is also obliged to co-operate with provincial governments or other bodies, and advise heads of departments, boards and agencies on environmental issues. He may, with Cabinet approval, establish guidelines for federal Departments, agencies and some Crown Corporations, and enter into agreements with the provinces.

In addition to these general responsibilities, the Minister of Environment Canada administers Acts dealing with specific responsibilities as follows:

1. An Act Respecting the National Battlefields at Quebec, 1914
2. Canada Water Act 1970
3. Canada Wildlife Act 1973-74

4. Clean Air Act 1971
5. Department of Transport Act (Chapter T15 - Canals)
6. Environmental Contaminants Act 1974
7. Fisheries Act 1970 (Section 33)
8. Forestry Development and Research Act 1970
9. Game Export Act 1970
10. Historic Sites and Monuments Act 1970
11. International River Improvements Act 1970
12. Migratory Birds Convention Act 1970
13. National Parks Act 1970
14. Ocean Dumping Control Act 1974-75
15. Weather Modification Information Act 1970-71-72

Not all Departmental program responsibilities derive from Statutes. Some significant Departmental mandates provided by Cabinet decisions or government directives are:

1. Federal Forest Sector Strategy, 1981
2. Federal Land Use Policy, 1980
3. Establishment of the Federal Environmental Assessment and Review Process - 1973
4. Control Abatement of Pollution by Federal Activities-Clean-up and Prevention - 1972
5. Solid Waste Management - 1973
6. Environmental Emergency Activities - 1973
7. Government Policy on National Standards for Pollution Control and Abatement (best practicable technology) - 1973
8. Establishment of a Program of Byways and Special Places (later Agreements for Recreation and Conservation) - 1972

The Department has certain program commitments which derive from international agreements to which Canada is a signatory. These commitments vary from a responsibility for administering part of an agreement (International Boundary Waters Treaty), to the provision of occasional advice and assistance (United Nations - ICOMOS). These agreements are detailed in the appendices.

Both the Government Organization Act and the specific Acts administered by the Department authorize the Minister, usually with Cabinet approval, to enter into federal/provincial agreements. Each Service administers a number of these (see Appendix 3 for details). They are usually cost recovery services provided by one level of government to the other, cost-shared programs in areas of mutual interest, or memoranda of understanding to avoid duplication in areas where the two levels of government have shared responsibilities.

Environment Canada is not the only federal department implicated in environmental matters, although under the Government Organization Act it has broad responsibilities for co-ordinating federal environmental activities. Other Departments in the course of administering their mandates become involved in environmental issues. DOE has a number of interdepartmental agreements and bodies which are used to clarify the respective departmental roles, obtain consensus on policy initiatives, or administer joint programs (eg. Long Range Transport of Air Pollutants - LRTAP). These agreements and bodies appear in detail in Appendix 1, but briefly they involve:

1. Transport Canada (vehicle emission standards, provision of meteorological services)
2. Health and Welfare (toxic substances, pollution)
3. Agriculture Canada (pesticides, toxic substances, meteorological services)
4. Fisheries and Oceans (water pollution control, meteorological services)
5. External Affairs (international matters, LRTAP)
6. Indian and Northern Affairs (northern land planning, arctic pollution)
7. PCO (emergency preparedness)
8. ITC/DRIE (forestry matters, regional agreements)
9. DND (forest management, emergency preparedness, provision of meteorological services)
10. Atomic Energy Control Board (AECL - meteorological services)

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Abbreviations

AES	- Atmospheric Environment Service
ARC	- Agreements for Recreation and Conservation Branch
BNA Act	- British North America Act
CCSD	- Cabinet Committee on Social Development
CEIC	- Canada Employment and Immigration Commission
CFS	- Canadian Forestry Service
CWS	- Canadian Wildlife Service
DIAND	- Department of Indian Affairs and Northern Development
DOE	- Department of Environment
DND	- Department of National Defence
DOT	- Department of Transport
DPW	- Department of Public Works
DREE	- Department of Regional Economic Expansion
DRIE	- Department of Regional and Industrial Expansion
EARP	- Environmental Assessment and Review Process
ECS	- Environmental Conservation Service
EPS	- Environmental Protection Service
FEARO	- Federal Environmental Review Office
ITC	- Industry Trade and Commerce
IWD	- Inland Waters Directorate
LRTAP	- Long Range Transport of Air Pollutants
NHPS	- National Historic Parks and Sites
NCC	- National Capital Commission
PCO	- Privy Council Office
UIC	- Unemployment Insurance Commission



APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

A. DOE Statutes and Statutory Instruments

- |  |  |
|--|--|
| 1. An Act Respecting the National Battlefields at Quebec 1914 <ul style="list-style-type: none"><li>- amendments</li><li>- National Battlefield Park Bylaw</li></ul>   | (Parks Canada)<br>National<br>Battlefields<br>Commission |
| 2. Canada Water Act RSC. 1970 <ul style="list-style-type: none"><li>- Part 1, Comprehensive Water Resource Management</li><li>- Part 2, Water Quality Management</li><li>- Part 3, Nutrients</li><li>- Part 4, General</li><li>- Phosphorus Concentration - Part 1 &amp; 2</li><li>- Control Regulations - Part 3</li></ul>  | ECS<br>EPS<br>EPS  |
| 3. Canada Wildlife Act 1973-74 <ul style="list-style-type: none"><li>- Wildlife Area Regulations</li></ul>   | ECS CWS  |
| 4. Clean Air Act 1971, amended Bill C-51<br>Dec 17, 1981 <ul style="list-style-type: none"><li>Ambient Air Quality Objectives Order, No. 1</li><li>Ambient Air quality Objectives Order, No. 2</li><li>Ambient Air Quality Objectives, No. 3</li><li>Asbestos Mining and Milling</li><li>National Emissions Standards Regulations</li><li>Chlor-Alkali Mercury National Emission Standards Regulations</li><li>Fuels Information Regulations, No. 1</li><li>Leaded Gasoline Regulations</li><li>Lead-Free Gasoline Regulations</li><li>Metallurgical Industries Arsenic Information Regulations</li><li>Metallurgical Industries Mercury Information Regulations</li><li>Secondary Lead Smelter National Emission Standards Regulations</li><li>Vinyl Chloride National Emission Standards Regulations</li></ul> | EPS  |
| 5. Department of Transport Act Chapter T15 (Canals) <ul style="list-style-type: none"><li>- Canal Lands Regulations transferred DIAND to DOE</li><li>- certain canals transferred from DOT to DOE</li></ul> July 25, 1979  | Parks Canada<br>ARC                                      |

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

A. DOE Statutes and Statutory Instruments (Cont'd)

6. Environmental Contaminants Act, 1974 Chlorobiphenyl Regulations No. 1 Mirex Regulations Polybrominated biphenyl Regulations Polychlorinated Terphenyl Regulations Schedule to the Act, amendment	EPS
7. Fisheries Act 1970, Section 33 Chlor-Alkali Mercury Liquid Effluent Regulations Meat & Poultry Products Plant Liquid Effluent Regulations Metal Mining Liquid Effluent Regulations Petroleum Refinery Liquid Effluent Regulations Potato Processing Plant Liquid Effluent Regulations Pulp & Paper Liquid Effluent Regulations Alice Arm Tailings Deposit Regulations	EPS
8. Forestry Development and Research Act, 1970 - Forestry Timber Regulations	CFS
9. Game Export Act, 1970	ECS CWS
10. Government Organization Act-1979 - Part 3	DOE - general
11. Historic Sites and Monuments Act, 1977 - transferred DIAND to DOE June 27, 1979	Parks Canada NHPS
12. International River Improvements Act, 1970 - International River Improvements Regulations	ECS IWD
13. Migratory Birds Convention Act, 1970 - Migratory Birds Regulations - Migratory Birds Sanctuary Regulations	ECS CWS
14. National Parks Act, 1970, c.-13 Banff National Park Zoning Regulations Banff Townsite Zoning Regulations	Parks Canada NP

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

A. DOE Statutes and Statutory Instruments (Cont'd)

Banff Townsite Zoning Regulations No. 1, 1974	
Jasper Townsite Zoning Regulations	
National Historic Park Order	
National Parks Regulations	
Building	
Business	
Camping	
Cemetery	
Cottages	
Electrical	
Fire Protection	
Fishing	
Forest Telephone	
Game	
Garbage	
General	
Grazing	
Highway Traffic	
Ice Removal	
Lease and Licence of Occupation	
Natural Gas	
Signs	
Theatre and Motion Picture	
Timber	
Townsite and Subdivision Designation	
Water and Sewer	
Wood Buffalo National Park Game Regulations	
Proclamation Setting Aside Certain Lands as National Parks (1974, C.11)	
Kouchibouguac	
La Mauricie	
Proclamation Setting Aside Lands as Reserves for National Parks of Canada	
15. Ocean Dumping Control Act 1974-75	EPS
- Ocean Dumping Control Regulations	
16. Weather Modification Information Act 1970-71-72	AES
- Weather Modification Information Regulations	

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

B. Statutes of Other Departments or Agencies Impacting on DOE or Partly Administered by DOE

1. Animal Contagious Diseases Act (Agriculture Canada)	ECS	CWS
2. Arctic Water Pollution Prevention Act (DIAND)	EPS	
3. Canada Shipping Act (DOT)	EPS	
4. Canada Warbook (DND)	EPS/AES	
5. International Boundary Water Treaty Act (External Affairs) - International Joint Commission - Can/US Great Lakes Water Quality Agreement - Can/Ont. Agreement on Great Lakes Water Quality - Lake of the Woods Water Quality Agreement (Can./US/Ont./Manitoba) - Lake of the Woods Control Board Act	ECS	IWD
6. Motor Vehicle Safety Act (DOT)	EPS	
7. National Housing Act (Public Works)	ECS	IWD
8. Navigable Waters Protection Act (DOT)	EPS	
9. Northern Inland Waters Act (DIAND)	ECS	IWD
10. Pest Control Products Act (Agriculture Canada)	EPS	CFS
11. Transportation of Dangerous Goods Act (DOT)	EPS	

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

**C. Significant Cabinet Decisions**

Dec 18/73	- Establishment of the Federal Environmental Assessment and Review Process	DOE ADMIN FEARO
Feb 8/77	- Amendment of EARP	
Jun 8/72	- Control Abatement of Pollution by Federal Activities-Clean-up and Prevention	EPS
Jun 7/73	- Solid Waste Management	EPS
Nov 29/73	- Environmental Emergency Activities	EPS/AES
1973	- Government Policy on National Standards for Pollution Control and Abatement (best practicable technology)	EPS
1972	- Establishment of a Program of Byways and Special Places (later Agreements for Recreation and Conservation)	PARKS CANADA ARC
1981	- A Forest Sector Strategy for Canada	CFS
1982	- A Forest Renewal Strategy	CFS
1982	- Transfer of DREE Agreements to CFS	CFS
1977	- Towards Federal and National Land-Use Policies	ECS LANDS
1980	- Federal Policy on Land Use	ECS LANDS
1981	- Establishment of new AES computer facility in Montreal	AES
1981	- approval of Canadian numerical weather prediction system	AES

**D. Selected International Agreements and Bodies**

The following list identifies the major Departmental commitments in the international field. For a complete discussion see the Provisional Inventory of the Department of Environment's International Relations published by DOE, Sept. 1983.

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

International Conventions

1. Convention of the Prevention of Marine Pollution By Dumping of Wastes and Other Matter - Dec 29, 1972 - Ocean Dumping Control Act, 1975	EPS
2. Convention on Long-Range Transboundary Air Pollution, 1979	AES
3. Agreement on Conservation of Polar Bears, 1973	ECS CWS
4. Migratory Birds Convention 1916 - Migratory Birds Convention Act 1917	ECS CWS
5. International Plant Protection Convention, 1951.	ECS CWS
6. International Convention for the Prevention of Pollution of the Sea by Oil, 1969	EPS
7. International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage, 1971.	EPS
8. International Convention on Civil Liability for Oil Pollution Damage, 1969.	EPS
9. International Convention for the Prevention of Pollution from Ships, 1973.	EPS
10. Convention on Safety of Life at Sea, 1974	EPS
11. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971.	ECS CWS
12. Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972. (World Heritage List)	PARKS CANADA

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

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|--|-----|-----|
| 13. Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITIES) 1973. | ECS | CWS |
| 14. Convention of the World Meteorological Organization, 1947  | AES |     |

International Organizations (Governmental)

- |  |  |   |
|--|--|---|
| 1. United Nations  |  | - |
| (1) U.N. Environmental Program (UNEP)  |  |   |
| (2) Economic Commission for Europe (ECE)   |  |   |
| (3) World Meteorological Organization (WMO)  |  |   |
| (4) Food and Agriculture Organization (FAO)  |  |   |
| (5) International Maritime Organization (IMO)                                      |  |   |
| (6) UNESCO (ICOMOS - Parks)  |  |   |
| (7) International Atomic Energy Organization (IAEA)                                |  |   |
| (8) World Health Organization (WHO)  |  |   |
| (9) International Civil Aviation Organization (ICAO)                               |  |   |
| 2. Organization for Economic Co-operation and Development (OECD)                   |  | - |
| (1) Environment Committee  |  |   |
| (2) Committee for Agriculture  |  |   |
| (3) International Energy Agency (IEA)  |  |   |
| (4) Nuclear Energy Agency  |  |   |
| 3. North Atlantic Treaty Organizations (NATO)                                      |  | - |
| (1) Committee on the Challenges of Modern Society                                  |  |   |
| (2) Science Committee  |  |   |
| 4. International Union for Conservation of Nature and its Natural Resources (IUCN) |  | - |
| 5. Pan-American Health Organization  |  | - |
| 6. Commonwealth Forestry Institute   |  | - |
| 7. Commonwealth Institute of Biological Control                                    |  | - |
| 8. Standing Committee on Commonwealth Forestry                                     |  | - |
| 9. Canada France Committee (National Parks)  |  | - |

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

International Organizations (Non-governmental)

1. International Union of Forestry Research Organizations (IUFRO)
2. International Seed Testing Association (ISTA)
3. Commonwealth Forestry Association
4. International Council of Scientific Unions (ICSU)
5. ICSU, Scientific Committee on Problems of the Environment (SCOPE)
6. ICSU, Scientific Committee on Oceanic Research (SCOR)
7. International Union of Geodesy and Geophysics (IUGG)
8. IUGG, International Commission of Snow and Ice (ICSI)
9. International Association of Meteorology and Atmospheric Physics (IAMAP)
10. International Commission on Meteorology of the Upper Atmosphere (ICUMA)
11. International Association of Hydrological Sciences (IAHS)
12. Air Pollution Control Association
13. Institute of Marine Engineers
14. Institute of Water Pollution Control
15. International Association of Water Pollution Research (IAWPR)
16. International Union of Pure and Applied Chemistry
17. International Waterfowl Research Bureau
18. International Society of Landscape Ecology and Management
19. International Geographic Union (IGU)
20. International Standards Organization (ISO)
21. International Commission on Large Dams (ICOLD)
22. International Commission of Irrigation and Drainage (ICID)
23. International Glaciological Society (IGS)
24. International Association for Hydraulic Research (IAHR)
25. International Water Resources Association (IWRA)
26. European Association of Remote Sensing Laboratories (EARSel)
27. International Association of Environmental Analytical Chemistry
28. International Society of Toxicological and Environmental Chemists
29. International Biodeteriorations Society
30. International Council for Bird Preservation (ICBP)
31. Organization of Wildlife Planners
32. Alliance for the History of Landscape Preservation
33. Company of Military Historians
34. National Parks and Recreation Association
35. Society for Industrial Archaeology
36. Society of Historical Archaeology
37. Victorian Society Summer School
38. International Council for Monuments and Sites (ICOMOS)
39. International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM)



APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

40. International Association for Arson Investigators
41. International Commission for Alpine rescue (ICAR)
42. International Institute for Conservation of Historic and Artistic Works
43. Victorian Society in America
44. Garden History Society
45. Society of Architectural Historians
46. International Mountain Society
47. Federation of Astronomical and Geophysical Services (FAGS)
48. International Institute for Applied System and Analysis (IIASA)
49. International Commission on Atmospheric Chemistry and Global Pollution

Canada-United States Bilateral Agreements

- |   |     |
|---|-----|
| 1. Agreement for the Exchange of Information on Weather Modification Activities.  | AES |
| 2. Memorandum of Understanding Concerning Co-operation in the High Plains Co-operative Experiment (weather modification).             | AES |
| 3. Automated Shipboard Aerological Program.   | AES |
| 4. Memorandum of Agreement concerning the AES GOES Data Collection System.  | AES |
| 5. Memorandum of Understanding Concerning the Arctic Buoy Program.  | AES |
| 6. Memorandum of Understanding Concerning the Provisions of Meteorological Services to the Canadian Distant Early Warning (DEW) Line. | AES |
| 7. Storm Response Experiment (Strex)  | AES |
| 8. Corrective Complex Precipitation Experiment (CCOPE)  | AES |
| 9. NASA NIMBOS-7 Passive Microwave Program  | AES |

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

10. Memorandum of Understanding for Co-operation in Cross Application Tracer Experiment (CAPTEX)	AES
11. Forest Fire Agreements Between Canada and the United States	CFS
12. CANUSA Agreement (to combat spruce budworm)	CFS
13. Memorandum of Understanding on Co-operation in the Field of Forestry-related Programs	CFS
14. Co-operative Agreement on Crown Fire Propagation Model Development	CFS
15. Migratory Birds Convention 1916	ECS
16. Canadian Wildlife Service - U.S. Fish and Game Wildlife Service Program Review Committee	ECS
17. Boundary Waters Treaty 1909	ECS
18. International Lake Memphremagog Board	ECS
19. Convention, Protocol and Agreement to Regulate the Level of the Lake of the Woods	ECS
20. Rainy Lake Convention	ECS
21. The Long Lac-Ogoki Diversions	ECS
22. Treaty Concerning the Diversion of the Niagara River 1950	ECS
23. Columbia River Treaty 1961	ECS
24. Canada-U.S. Committee on Water Quality in the Saint John River	ECS

APPENDIX 1 - DOE MANDATE INSTRUMENTS AND MECHANISMS

25. Poplar River Co-operative Monitoring Arrangement	ECS
26. Joint Canada - U.S. Marine Contingency Plan	EPS
27. Baffin Island Oil Spill (BIOS) Project Arrangement	EPS
28. Memorandum of Understanding Concerning Research and Development in Spill Response Technology	EPS
29. Memorandum of Understanding for the Exchange of Environmental Information	ADMIN
30. Memorandum of Understanding to Update the International Great Lakes Datum	ADMIN
31. Memorandum of Understanding for St. Croix Island International Historic Site	PARKS
32. Canada - U.S. Joint Advisory Committee on National Parks	PARKS
33. Klondike Goldrush International Historic Park	PARKS
34. Waterton - Glacier International Peace Park	PARKS
35. Great Lakes Water Quality Agreement	DOE
36. Memorandum of Intent Concerning Transboundary Air Pollution	DOE

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Appendix 2.1

**Organizational Component:** Parks Canada

**Objective:**

- To protect for all time, those places which are significant examples of Canada's natural and cultural heritage, and also to encourage public understanding, appreciation and enjoyment of this heritage in ways which leave it unimpaired for future generations.

**Programs and Activities:**

NATIONAL PARKS

- Parks Canada operates 28 national parks through 5 regional offices. The program and mandate reflects the heavy emphasis on the management of physical assets and their regulatory requirements.
- the following program elements are representative of the kinds of activities which Parks Canada policy has established as necessary to carry out its mandate and provide a service to the public: - natural resource conservation; presentation and interpretation; system planning; townsite management (Banff, Jasper, Waterton); real property management; co-operative activities; visitor services, publicity.

**Mandate:**

NATIONAL PARKS ACT - RSC ch-13 AS AMENDED 1974 AND REGULATIONS

- Part 1 establishes procedures for acquisition, ownership and disposal of park lands; 7 (1) authorizes Cabinet to make regulations for their management - 8(1-3); sets out penalties; Section 9 protects timber agreements established before 1930.
- Part 2 contains revised proclamation procedures for national parks including the obligation to hold public hearings on park development plans; section 11 (1) authorizes Cabinet to set aside park reserve lands in the Yukon and Territories pending land claim settlements.
- Part 2 also authorizes Cabinet to set aside land for commemoration and preservation of historic parks, and to manage them as with national parks.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

### Comments:

- Parks Canada has submitted to CCSD a number of amendments to the Act. They include the proclamation of 4 national parks or reserves, authority required to permit representative government for Banff and Jasper, a Landmarks program, voluntary payment of fines, land claims settlement, and regulation-making authority which will affect some current practices.

### MEMORANDA OF UNDERSTANDING

- with ECS regarding wildlife management and research in National Parks.
- with DPW regarding roles, responsibilities and criteria of each for engineering projects on Parks property.

### **Programs and Activities:**

#### NATIONAL HISTORIC PARKS AND SITES

- NHPS operates a large number of historic parks and commemorates historic sites (eg. with plaques) as recommended by the Historic Sites and Monuments Board of Canada.
- the following activities support the mandate and policies of Parks Canada as the means by which it delivers a service directly to the public - research (archaeology, history); conservation (artifacts, architecture); commemoration (plaques); co-operative activities presentation/interpretation; inventories/collections; real property management.

### **Mandate:**

#### HISTORIC SITES AND MONUMENTS ACT 1952-53, AMENDED 1977 AND REGULATIONS

- establishes an Historic Sites and Monuments Board to advise the Minister on proposed historic sites, plaques, and other forms of commemoration which the Board may receive and consider.
- authorizes the Minister to commemorate by any means, to make agreements with any persons to do so, to establish historic museums with Cabinet approval; to acquire historic places with TB approval; to make regulations with Cabinet approval.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Comments:

- Part 2.10 of National Parks Act is used as the mandate to establish and manage historic parks with their real property, and visitor safety implications.

CABINET DECISION, 1982 - FEDERAL HERITAGE BUILDING REVIEW OFFICE FHBRO

- to protect federal heritage buildings from alteration or destruction.
- authorizes NHPS with the NCC to establish an independent Board, and a National Register of all federal buildings over 40 yrs old owned by the federal government, so that they will not be altered or destroyed without review by heritage criteria. (excludes Crown Corporations)

UNITED NATIONS - UNESCO membership

- obligates DOE to make contributions of money, and expertise on occasion.
- World Heritage List - Parks Canada represents Canada on the Committee establishing world heritage sites, and promotes the addition of Canadian nominations to this list.

**Programs and Activities:**

AGREEMENTS FOR RECREATION AND CONSERVATION (ARC)

- operation and presentation of 9 heritage and recreational canals.
- federal/provincial (ARC) agreements for designation and co-operative management of heritage areas and rivers.

**Mandate:**

DEPARTMENT OF TRANSPORT ACT - Chapt. T-15 transferred to DOE 1972

- Sections 1-34; Canal Regulations 1976

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

CABINET DECISION 1972 established Byways and Special Places (later ARC).

- authorizes Minister with Cabinet approval to enter into federal/provincial agreements (cost-shared) to protect and present assets of national heritage significance.

**Programs and Activities:**

NATIONAL BATTLEFIELDS IN QUEBEC

- National Battlefields Commission (reporting directly to the Minister of the Environment) maintains, protects national battlefields in Quebec City.

**Mandate:**

AN ACT RESPECTING THE NATIONAL BATTLEFIELDS AT QUEBEC, 1908 -  
Chapter 57 and Regulations

- a Commission established by Cabinet to acquire land and operate the existing lands set out in Schedules attached to the Act.

**Comments:**

- Revisions to this Act have been proposed. The National Battlefields Commission is a Schedule C Crown Corporation. Most of the revisions will be of a technical nature to amend archaic wording. Amendments are required to provide for traffic regulation, voluntary payment of fines, and attendance fees to the Commissioner.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Appendix 2.2

**Organizational Component:** Atmospheric Environment Service (AES)

**Objective:**

- To ensure that Canada has adequate information on the atmosphere, ice and sea-state for the safety of life, the security of property, the greater efficiency of economic activities, and for the maintenance and enhancement of environmental quality.

**Programs and Activities:**

AES provides national meteorological information services to a wide variety of clients including direct services to the public, and special services to government departments and industry (marine, aviation, agriculture, forestry). It is a highly regionalized Service especially in weather forecasting. Services are provided to Transport Canada and DND on a cost-recovery basis.

In addition to updated weather forecasts, AES provides national information on climate (historical, current and forecasts). It has federal provincial-agreements with Alberta and Quebec for data gathering, and collects data directly in the other provinces and territories. AES provides leadership for the Canadian Climate Program which is a multidisciplinary program involving other federal departments, the provinces and universities.

AES provides a sea-ice and iceberg information service for waters in the Canadian Arctic, the East Coast, and the Great Lakes.

To fulfill its commitments on integrated programs and as part of the departmental mandate for air quality, AES conducts air quality services and atmospheric research to study atmospheric pollutants.

**Mandate:**

GOVERNMENT ORGANIZATION ACT 1979 PART 3 (for all AES Programs)

- Minister has specific federal jurisdiction for meteorology 14(5)(a)(iv) and for providing Canadians with environmental information in the public interest 14(6)(1)(a)(iii).
- Minister may, with approval of Cabinet, enter into federal/provincial agreements 14(6)(3).



APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

- Minister shall initiate programs for the preservation and enhancement of the quality of the natural environment including water, air and soil quality - 14(5)(a)(i) (applies especially to Air Quality Services).

Comment:

1. There is no specific Act for the AES weather, climate and ice services, other than the authority contained in the Government Organization Act.
2. Meteorological services provided to DOT and, DND, are in support of their Departmental mandates, and are provided on a cost-recovery basis under a Memorandum of Understanding.
3. There are now no standards for private meteorology services; AES would like to encourage private sector while retaining "mandated core services".

WEATHER MODIFICATION INFORMATION ACT AND REGULATIONS (1970-71-72)

- requires reporting of any activity which produces by physical or chemical means, changes in the composition or dynamics of atmosphere affecting precipitation, hail, lightning, fog, clouds; provides for fines to \$1,000.

Comment:

1. Does not control such activity - only requires reporting.

CANADA/QUEBEC AGREEMENT RE CLIMATOLOGICAL NETWORK IN QUEBEC (province supplies data to fed. gov't.)

CANADA/ALBERTA AGREEMENT RE METEOROLOGICAL STATIONS AND PROGRAMS IN ALBERTA (cost-recovery for special services)

MEMORANDA OF UNDERSTANDING WITH U.S.A.

- DEW line stations/buoy deployment in Arctic for ice monitoring.

WORLD METEOROLOGICAL ORGANIZATION (1954) - U.N.

- convention of which Canada is a signatory
- provision of scientists, and information on Atlantic atmospheric conditions beyond Canadian offshore limits.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

INTERNATIONAL CIVIL AERONAUTICAL ORGANIZATION - ICAO

- obligates Canada (AES) as the meteorological authority in Canada.
- provision of inflight data to international commercial airlines; weather warnings to 30°W.

DOE/COGLA AGREEMENT

- provision of weather, climate, ice services (under development).

YUKON/NWT DIRECT AGREEMENT WITH DOE (not with DIAND)

- provision of information for air/ground transportation.

CANADA WARBOOK (DND)

- describes role AES is to play in wartime provision of services.

INTERDEPARTMENTAL COMMITTEE ON EMERGENCY PREPAREDNESS (PCO)

- co-ordinates government-wide emergency roles including AES.

MEMORANDUM OF UNDERSTANDING

- with Agriculture Canada, Canadian Forest Service (DOE), Department of Fisheries and Oceans (OSS) for meteorological services.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Appendix 2.3

**Organizational Component:** Canadian Forestry Service (CFS)

**Objective:**

- To provide and enhance, on the basis of sound ecological principles, the sustained economic utilization of Canada's forest resource

**Programs and Activities:**

CFS pursues its objective through the activities of 1) forest development and 2) research and technical Services.

The research conducted principally at CFS Forestry Research Stations and Laboratories is focused on solving problems related to: the genetic quality of major tree species, growth and yield potential, forest management systems, the effects of pollutants, the control of forest fires, pest control, and forest utilization. Technical services are provided in support of this mandate, and to other departments such as DIAND and DND for the management of their forest resources. Some research is funded through non-profit institutes such as FORINTEK and FERRIC.

The forest development component focuses on the intensive management of forests for an increased sustainable yield. To do this it negotiates and administers federal/provincial cost-shared agreements, engages in federal employment stimulation programs (with CEIC), conducts economic analysis, develops legislation and policies for CFS, and liaises with outside sectors.

**Mandate:**

GOVERNMENT ORGANIZATION ACT 1979 PART 3

- Section 5 gives the Minister of the Environment duties, powers and functions related to the forest resources of Canada over which Parliament has jurisdiction not by law assigned to any other Department or agency (limits federal powers for forests to federally controlled territories/possessions).

FORESTRY DEVELOPMENT AND RESEARCH ACT 1966-67

- Minister shall provide for the conduct of research and may establish labs for this purpose - Part 2 deals with forest Experimental Stations.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

- may promote public co-operation in forest protection
- may, with Cabinet approval, enter into agreements with provinces or individuals related to research, utilization, publicity or protection.
- may assume responsibility the protection and management of forests, timber of any other federal government agency (at their request) - see Forest Timber Regulations.
- may assist woodlot owners and industry with economic studies and marketing.

### Comments:

- Act is currently under review to bring the substance in line with other DOE Acts, and to broaden the mandate to cover forest development agreements and other activities authorized in recent years in a series of Cabinet Decisions.
- The DOE forestry mandate is circumscribed by other Departmental mandates so that CFS neither controls nor co-ordinates all federal forestry activity. Other Departments implicated in forest conservation, research, information or regulation are Agriculture Canada, ITC/DRIE, Customs and Excise, and Statistics Canada.

### CABINET DECISIONS

- A Forest Sector Strategy for Canada, 1981
- A Forest Renewal Strategy, 1982
- Transfer of DREE Agreements to CFS, 1982

### CANADIAN COUNCIL OF RESOURCE ECONOMIC MINISTERS (CCREM)

- federal/provincial agreement in June 79 for forest imperatives for Canada largely to address the wood supply problem.

### CABINET-DECISIONS RELATED TO MANPOWER INITIATIVES

- UIC Section 38; Cabinet Initiatives; fed/prov forestry agreements; CEIC programs; National Manpower & Human Resources Development Agreement with the Canadian Pulp and Paper Association.

### MEMORANDA OF UNDERSTANDING

- With provinces re respective research roles and research co-ordination (from FDR Act).

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

INFLUENCING BODIES

- Forest Industries Advisory Committee (Industry/labour reps)
  - ITC/DRIE Committee which makes recommendations to the Minister of the Environment.
  
- Forest Industry Development Committee (interdepartmental)
  - ITC/DRIE Committee to which DOE is invited, largely for information exchange.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Appendix 2.4

**Organizational Component:** Environmental Protection Service (EPS)

**Objective**

To influence human activities in a way that will achieve and maintain a state of the environment necessary for the health and well being of man; the health and diversity of species and of ecosystems; and the sustained use of natural resources.

**Programs and Activities**

EPS delivers its mandate principally through programs of priority environmental issues and environmental protection.

Current priority environmental issues are toxic chemicals; the long range transport of air pollutants (LRTAP); environmental quality of the Fraser River Estuary; DOE's co-ordination role in the North; water pollution control through the Great Lakes Water Quality Agreement; and the quality of the St. Lawrence River. The focus of EPS effort is to provide scientific and information support to federal and provincial negotiation and regulation efforts.

Environmental Protection focuses on more long range issues such as the knowledge base, prevention and remedial measures. To do this the Service conducts applied research, maintains inventories, conducts a waste management program, a commercial chemicals program, industrial programs, and provides technical and laboratory services.

In support of those Acts having regulation applications, EPS carries out sampling programs, prosecutes instances of water pollution, issues permits for ocean dumping (usually dredging operations), carries out monitoring to detect changes in pollution loading, and maintains a spill reporting and alert system.

**Mandate:**

GOVERNMENT ORGANIZATION ACT 1979, PART 3

This Act gives the Minister of the Environment duties, powers and functions over all matters over which Parliament has jurisdiction not by law assigned to any other federal department, board, or agency relating to the preservation and enhancement of the quality of the natural environment.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

There are 4 Sections with particular application to EPS:

1. Section 14(6)(2) authorizes the Minister, with Cabinet approval to establish environmental guidelines for use by Departments, Boards, Agencies and Schedule D Crown Corporations.
2. Section 14(5)(a)(vi) gives the Minister responsibility for co-ordinating federal activities for environmental protection.
3. Section 14(6)(3) authorizes the Minister to enter into agreements with the provinces.
4. Section 14(6)(a)(i) gives the Minister responsibility for promoting the establishment or adoption of objectives and standards relating to environmental quality or to control pollution.

### CANADA WATER ACT 1970 PART, 3 NUTRIENTS

EPS administers this part of the Act which prescribes nutrient concentrations permissible in cleaning agents either imported or manufactured in Canada. It has been followed up with one regulation dealing with the phosphorus content of detergents. The Act permits the entry of premises and the seizure of agents and effluent.

#### Comments

1. The Act was intended as a vehicle for the total management of water resources, so that its administration is divided between EPS and ECS Inland Waters Directorate.
2. There are 4 parts to the Act - Part 1 "Comprehensive Water Resource Management" is administered by IWD of ECS; Part 2, "Water Quality management - Pollution of Waters" is not used because of the difficulty in establishing water quality management areas and agencies with the provincial government. Other federal/provincial agreements and strategies with the same objectives have been substituted; Part 4 - a "Public Information Program" has focused on the dangers of flood plain development.

### FISHERIES ACT 1970 (amended 1980-81), SECTION 33 AND REGULATIONS

This Act is concerned with the management of fish resources and habitat for commercial and sport fisheries. It is a water pollution control instrument through its regulations which prohibit discharges into water of "deleterious substances" harmful to fish stocks.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Section 33 deals with abatement and prevention, authorizing prosecutions for pollution, and giving the Minister authority to review plans for operations and works, to demand modifications or to prohibit construction.

### Comments:

1. Section 33 of Act was transferred to DOE from Fisheries by Agreement among officials in 1977, subsequently confirmed by a directive from the Prime Minister in Nov, 1978. Recently the Department of Fisheries and Oceans has made a formal request to reclaim administrative jurisdiction of Section 33 and of the Ocean Dumping Act.
2. The loss of this statute would seriously impede DOE's power to fight water pollution. It is currently the principal water pollution statute because it derives from a clear federal constitutional authority (Seacost and Inland Fisheries), and because there exists a large experienced enforcement staff in the field.

## OCEAN DUMPING CONTROL ACT AND REGULATIONS

- prohibits deliberate disposal of proscribed substances from ships, aircraft, platforms or other man-made structures.
- excludes by-products of sea bed mining, and disposal which is part of "normal" operation of vehicles.
- permits are granted and there is "appeal" Board of Review; contains Schedule of prohibited substances.
- fines \$50-100K; permits entry by inspectors, seizure and forfeiture of property.
- in part fulfills Canada's obligations under London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1975.

### Comments:

- amendments are proposed to clarify the definition of "ocean dumping", and to provide authority to carry out experimental spills.

## CLEAN AIR ACT 1971 AND REGULATIONS

- this Act enables the Minister of the Environment to establish monitoring stations, collect data, conduct research, formulate control plans, publish, enter into co-operative arrangements with provinces and others, establish contaminant objectives and national standards, and form advisory boards and committees.



## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

- empowers Minister to demand samples and information, and to prescribe emission standards where there is a danger to health or a violation of an international agreement.
- establishes controls on the production or import of fuels meeting federal standards, and gives the Minister power of seizure; maximum penalty \$200K/offence.
- obligates Minister to report operations under the Act to Parliament.
- for list of Regulations see Appendix 1.

## ENVIRONMENTAL CONTAMINANTS ACT 1974-75 AND REGULATIONS

- to protect human health and the environment from contaminants, controlling them at source by requiring those who import, manufacture, or process those substances specified in Regulations (see Appendix 1) to furnish information to the Minister, and to publish this in the Canada Gazette.
- authorizes data collection, entry, inspection, seizure and imprisonment.
- requires Minister to consult with affected provinces.
- authorizes Minister to make regulations and prepare Schedules of toxic substances.

### Comments:

1. is jointly administered by Ministers of DOE and NH&W.
2. this Act was designed to be a preventative measure, to eliminate the introduction of hazardous substances into the environment.
3. there are some weaknesses in the Act related to obtaining technical information on new "exotic" chemicals; regulating all possible uses of a chemical; and co-ordinating administration of the Act with other departments or agencies.
4. amendments currently at the policy stage would strengthen the Minister's authority to obtain technical information, and provide for the adoption of internationally agreed testing standards.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

ACTS ADMINISTERED BY OTHER DEPARTMENTS IN WHICH DOE (EPS) PLAYS ADVISORY ROLE

Motor Vehicle Safety Act (Transport Canada)

- DOE establishes safe emission standards

Arctic Water Pollution Prevention Act (DIAND)

Canada Shipping Act (Transport Canada)

Pest Products Control Act (Agriculture Canada)

Transportation of Dangerous Goods Act (Transport Canada)

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Appendix 2.5

**Organizational Component:** Environmental Conservation Service (ECS)

**Objective**

- To conserve and enhance Canada's renewable resources of water, land, and wildlife and their related ecosystems and promote their wise use in a sustainable matter.

**Programs and Activities:**

INLAND WATERS DIRECTORATE (IWD)

IWD's activities focus on water quality, supply, levels, distribution, and use. Under the authority of the Minister for entering into federal/provincial agreements, IWD negotiates and administers flood damage reduction, water quality objectives, river basin planning studies, and hydrometric data systems. Some of these are also carried out at the international level. The Directorate also carries out research related to its water programs and publishes information.

**Mandate:**

GOVERNMENT ORGANIZATION ACT 1979 PART 3 gives the Minister of the Environment responsibility for water, migratory birds and other non-domestic flora and fauna, water and soil quality.

CANADA WATER ACT 1970 (see annual report to Parliament on operations under this Act)

Part 1 Comprehensive Water Resource Management authorizes the Minister, with Cabinet approval, to enter into fed/prov agreements for water policies and programs; Part 2 Water Quality Management (see comments below); Part 3 Nutrients (see EPS); Part 4 Public Information Program.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

### Comments:

1. This Act was intended as the mechanism for the management of water resources in Canada. Part 1 is administered by Inland Waters Directorate. The Canada Water Act Annual Report (to Parliament) outlines ECS activities with respect to the Act.
2. Part 2 of the Act is not used because of the difficulty in obtaining provincial consensus for water management areas and Boards. Some of the objectives of this part of the Act are met under other legislation and fed/prov agreements.
3. The New Constitution 1981 Part VI 92A(1)(c) grants specific powers to the provinces re the "development, conservation, and management of sites and facilities in the province for the generation and production of electrical energy". The significance of this for the federal water management mandate is uncertain.
4. The public information program focuses on warnings against development on flood plains.

### INTERNATIONAL RIVER IMPROVEMENTS ACT AND REGULATIONS 1970

- Act prohibits "improvements" not licensed by Cabinet which increase, decrease, or alter the natural flow of water in international rivers - Section 2(a); provides for fines and dismantling of works - Section 5, 6; requires Minister to report to Parliament on operations under Act; it equates with provincial standards unless they are contrary to the spirit of the Act - Section 9.

### INTERNATIONAL BOUNDARY WATERS TREATY ACT (1909)

- intent of the Act is to prevent disputes regarding the use of boundary waters. Article 8 established the International Joint Commission.
- Act administered by External Affairs
- DOE (IWD) is responsible for administering on behalf of Canada the rulings of the International Joint Commission.

### **Program and Activities:**

#### CANADIAN WILDLIFE SERVICE (CWS)

This program component is made up of three major national programs.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

Migratory Birds Conservation which provides for the management of migratory birds and their habitat. It also includes research and programs for the reduction of damage to crops by waterfowl, and other avian problems.

Wildlife Research and Conservation which provides for studies on wildlife pathology, parasitology and toxicology; the management of transboundary species other than migratory birds; interdisciplinary studies; identification and rehabilitation of rare and endangered species; and the interprovincial or international movement of captive wildlife and products.

Interpretation which provides for public communications through printed material, displays and interpretation centres.

### **Mandate**

#### MIGRATORY BIRDS CONVENTION ACT 1970 AND REGULATIONS

- authorizes Cabinet to make regulations to protect birds, nests, eggs of specific species from molestation or destruction (Section 4); sets out seasons and controls/forbids marketing, possession, export; empowers game officers to inspect, enter premises, seize property, charge for violations.
- Migratory Bird Sanctuary Regulations (1978) set out specific areas as migratory bird sanctuaries in each province and territory, and establishes regulations for their operations.

#### Comments:

1. Act currently under revision respecting a protocol to be negotiated with the U.S. re native harvesting and land claims.
2. Act is weak in area of habitat protection.
3. O.A.S. Convention needs specific agreements with South American countries as followup to protect migratory birds outside Canada and U.S.
4. the fines for contravention are so low as not to be deterrent.

#### CANADA WILDLIFE ACT 1973

- authorizes the Minister to undertake, promote, or recommend measures for wildlife conservation and interpretation including conferences, advisory committees, co-operative fed/provincial policies and programs, and research on species and habitat.

## APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

- Cabinet may set aside lands to the care of the Minister for wildlife conservation.
- Minister, with Cabinet approval, may enter into fed/prov agreements.
- Minister may protect any endangered species in co-operation with provinces.
- Cabinet may authorize Minister to purchase, acquire or lease any lands for the purpose of research, conservation or interpretation.
- Wildlife Area Regulations (1978) set out description of national wildlife areas, and the regulations for their management.

### Comments

1. requires provincial co-operation for all species except migratory birds.
2. there is currently no authority for the Minister to protect endangered plants or insects as they are not "wildlife" under the Act. Some are covered by the Convention on Endangered Flora and Fauna administered under the Export/Transport Permits Act but not with an eye to their conservation at source.

## GAME EXPORT ACT 1970

- restricts the export of dead animals/birds from the province in which they were killed without a permit issued by that province.
- authorizes search and seizure.

### Comments

1. Act was originally enacted at the request of the provinces to facilitate interprovincial trade.
2. deals only with dead animals and birds.
3. does not deal with export from Canada to abroad or import into Canada and so there is no federal control over import of species dangerous to the Canadian ecosystem.
4. new legislation is being drafted for a wildlife Export and Import Act which will address weaknesses in existing Acts. It will screen imports of live wildlife and control export, and has provincial support.

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

(U.N.) CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

- responsibility for the administration of this Convention rests with External Affairs, and Customs and Excise.
- deals with a limited number of designated species.

Comments

1. currently there is no federal import/export control of live and dead animals except those species falling under CITES or Agricultural Pest Control provisions. (see comment #4 under Game Export Act).

FEDERAL/PROVINCIAL WILDLIFE MINISTERS (AGREEMENT)

- Guidelines for Wildlife Policy in Canada - Sept. '82.
- co-ordination of overall direction.

CABINET DECISIONS

- Crop Damage Prevention Program (Cabinet approval in principle)
- Wildlife Habitat Canada Foundation (Cabinet approval in principle)

**Programs and Activities:**

LANDS DIRECTORATE

The Lands Directorate's programs derive not from a statutory authority but from Cabinet decisions to establish within DOE a focus for federal land policy applicable to all departments. There are four principal activities:

1. Land Use Policy Development and Co-ordination
2. Land Use Monitoring and Ecological Research
3. Land Use Research
4. Land Data Systems and Services

APPENDIX 2 - DOE PROGRAMS AND THEIR RELATED MANDATES

**Mandate:**

CABINET DECISIONS

Cabinet approved policy applicable to all federal Departments on Federal Policy and Land Use.

Cabinet Decision to establish a Canada Lands Inventory.



APPENDIX 3 - DOE FEDERAL/PROVINCIAL AGREEMENTS

For details on the Agreements listed below, see Federal-Provincial Programs and Activities 1982-83, Federal-Provincial Relations Office

**Parks Canada**

**A. NATIONAL PARKS**

Agreements with Provinces and municipalities for the establishment of national parks (Gros Morne, Kouchibouaquac, Grasslands, Pacific Rim)  
Agreements with Provinces and municipalities for the provision of forest or municipal fire protection

**B. NATIONAL HISTORIC PARKS AND SITES**

Agreements with Provinces and municipalities for historic sites

**C. AGREEMENTS FOR RECREATION AND CONSERVATION**

Agreements with Provinces for the establishment of co-operative heritage areas

Canada - Ontario: Rideau-Trent-Severn (CORTS)

Canada - Manitoba: Red River Corridor

Canada - Saskatchewan: Qu'Appelle Valley

Canada - British Columbia: Alexander Mackenzie Trail

Canada - Quebec: Replacement of Highway Bridges Over Canals Under Parks Canada Jurisdiction

**Atmospheric Environment Service**

Agreement Canada - Quebec: Climatological Networks

Agreement Canada - Alberta: Meteorological Programs and Stations

**Environmental Conservation Service**

**A. INLAND WATERS DIRECTORATE**

**1. Agreements for Water Planning and Management**

Canada - Newfoundland: Waterford Basin

Canada - Ontario: Great Lakes Water Quality

Canada - Saskatchewan: Qu'Appelle Implementation

Canada - Saskatchewan: Souris-Basin Implementation

APPENDIX 3 - DOE FEDERAL/PROVINCIAL AGREEMENTS

- Canada - British Columbia: Lower Fraser Valley Flood Control Implementation
- Canada - British Columbia-Yukon Territory: Yukon River Basin Study
- Canada - Manitoba: Mercury in Churchill River Diversion System

2. Agreements for Flood Damage Reduction

- Canada - Newfoundland: General, Flood Risk Mapping
- Canada - New Brunswick: General, Flood Risk Mapping, Studies; Flood Forecasting - St John River Basin, Flood Damage Reduction - Marsh Creek
- Canada - Nova Scotia: General, Flood Risk Mapping, and Studies
- Canada - Quebec: General and Flood Risk Mapping, Studies and Implementation of Dykes and Flow Regulation Works - Montreal Region
- Canada - Ontario: All Inclusive Flood Damage Reduction
- Canada - Manitoba: General, Flood Risk Mapping, Studies; Flood Forecasting; Ring Dyke Upgrading
- Canada - Saskatchewan: General
- Canada - Northwest Territories: General.

3. Agreements for Regulation, Apportionment, Monitoring and Survey

- Canada - British Columbia: Fraser River Estuary Study
- Canada - Alberta-Manitoba-Saskatchewan: Prairie Provinces Water Board
- Canada - Ontario-Quebec: Ottawa River Regulation
- Canada - British Columbia-Alberta-Saskatchewan-Northwest Territories-Yukon Territory: Makenzie River Basin

4. Federal-Provincial Water Quantity Survey Agreements Program:  
all provinces

5. Lake of the Woods Control Board: Canada/Ontario/Manitoba

6. Water Quality Monitoring Agreements

APPENDIX 3 - DOE FEDERAL/PROVINCIAL AGREEMENTS

**B. CANADIAN WILDLIFE SERVICE**

Agreements for Wildlife Conservation

- Canada - Newfoundland: Wildlife Conservation
- Canada - Manitoba-Saskatchewan-Northwest Territories:  
Beverly-Kaminuriak Barren Ground Caribou Management
- Canada - British Columbia: Creston Valley Wildlife Management
- Canada - British Columbia: Sturgeon Bank Management
- Canada - Northwest Territories: Wildlife Research

**Canadian Forestry Service**

Forestry Subsidiary Agreements (formerly DREE agreements)

- Canada - Newfoundland: Forestry II; Pulp and Paper Mill  
Modernization (environmental component)
- Canada - Prince Edward Island: Comprehensive
- Canada - Nova Scotia: Pulp and Paper Modernization (environmental  
component)
- Canada - New Brunswick: Forestry Development; Pulp and Paper  
Modernization (environmental component)
- Canada - Quebec: Forestry Development; Pulp Mill Modernization  
(environmental component)
- Canada - Ontario: Forest Management; Pulp and Paper Industry  
Facilities Improvement; Eastern Ontario Forest Improvement;  
Northern Ontario Rural Development
- Canada - British Columbia: Intensive Forest Management

Research Agreements

- Canada - Gulf/Aquitaine: Impact of Airborne Emissions from Sour Gas  
on Forest Systems

**Environmental Protection Service**

- Canada - Newfoundland: High Point Bog Fuel Pilot Project
- Canada - Prince Edward Island: Cooperative Shellfish Program
- Canada - Newfoundland-Nova Scotia-New Brunswick: Pulp and Paper Mill  
Modernization (environmental component)
- Canada - Nova Scotia: Modernization of the Sydney Steel Corporation  
Plant - Sydney (environmental component)
- Canada - Nova Scotia: investigation of Polycyclic Aromatic  
Hydrocarbon Contamination in Sydney
- Canada - Quebec: Inventory of Below Ground Disposal Sites for  
Hazardous Wastes
- Canada - Quebec: Control of Contamination in Shellfish Beds

APPENDIX 3 - DOE FEDERAL/PROVINCIAL AGREEMENTS

- Canada - Quebec: Inventory of Sources of Pollution and Application of Corrective Measures
- Canada - Quebec: Pulp and Paper Mill Modernization (environmental component)
- Canada - Ontario: Pulp and Paper Mill Modernization (environmental component)
- Canada - Ontario: Great Lakes Water Quality
- Canada - Saskatchewan: Levels and Effects of Radionuclides in Aquatic Fauna of the Beaverlodge Area
- Canada - Saskatchewan: Literature Survey of Solvent Extraction of PCB's from Soil
  
- Long Range Transport of Air Pollutants Program; Agreements with Provinces for sulphur dioxide emission reductions (Manitoba, Ontario,, Quebec, N.B.)
- Agreements with Provinces for the National Air Pollution Surveillance Network
- Agreements with Provinces for the National Alerting and Reporting Network
- Agreements with Provinces for National Analysis of Trends in Emergencies Systems
- Agreements with Provinces for National Inventory of Municipal Waterworks and Wastewater Systems in Canada (MUNDAT)
- Agreements with Provinces for the National Survey of Abandoned Waste Disposal Sites
- Steering Committee for the Control of Toxic Substances
- Canada - Alberta; Manitoba; Nova Scotia; New Brunswick; Prince Edward Island: Accords on Environmental Quality