

**Submission to the Consultation process for A Minerals Strategy for Newfoundland and Labrador on behalf of *Nature Newfoundland and Labrador* and the *Sandy Pond Alliance for the Protection of Canadian Waters* – 13 April 2011**

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Summary of recommendations

- 1. The framework for an ecosystems services analysis should be part of the Minerals Strategy and ecosystems services valuation should be a requirement of any development application.*
- 2. Explicit adoption of the Precautionary Principle should be an integral part of the new Minerals Strategy.*
- 3. Government should be encouraged to release a Natural Area Systems Plan, including a list of new and planned protected areas, to provide clarity for resource development planning.*
- 4. The Minerals Strategy should not be seen as encouraging the destruction of unique ecosystems. Rather, it should set the standard for environmentally sound practices that protect biodiversity.*
- 5. Government policy should require 'best practice' in order to minimize impacts on the environment and to encourage innovation. Developments should not be allowed to proceed where no environmentally sound approach is yet available.*

Any mining development is likely to be in conflict with and have impact on the natural landscapes and ecosystems of the Province. For this reason, the following considerations should be part of a forward-looking 21<sup>st</sup> Century strategy for the development and use of our non-renewable mineral resources.

**1. Assessing the value of our natural environment**

According to the Discussion Paper, the value of mining and minerals is estimated to be 7 % of our provincial GDP. This figure should not be taken as an indication of priority relative to other values in our economy. For example, it has been estimated that activities related to the natural environment of Newfoundland and Labrador, including tourism activity combined with fishing, hunting and contribute more than 2 % of provincial GDP, amounting to nearly \$500 million in 2006 (Department of Tourism, n.d.).

Beyond this are the multiple services provided by our natural ecosystems that are taken for granted (until we see we are losing them) and rarely appear on the ledger sheet when development costs and impacts are being counted. However, valuations of

ecosystem services are increasingly being applied in relation to development planning (Constanza et al., 1997, Olewiler, 2004), and resources are available to assist policy-makers with this kind of analysis (Environment Canada, 2010, TEEB, 2010).

‘Our ecosystems are the foundation of our well-being. Forests provide carbon storage and raw materials such as timber; wetlands offer water natural treatment services and habitat for birds, mammals and fish. Lakes provide food sources, means of transportation and recreation activities.’ Environment Canada, 2010.

***The framework for an ecosystems services analysis should be part of the Minerals Strategy and ecosystems services valuation should be a requirement of any development application.***

## **2. The ‘Precautionary Principle’**

There is no reference to the precautionary principle in the Discussion Paper. Yet it is widely recognized as fundamental to sustainable development, including those jurisdictions that promote “leading practice” in mining.

The ‘precautionary principle’ should be drawn on when considering the impacts of mine operations, including tailings storage facilities. The principle states that where there is a clearly identified threat of serious or irreversible harm to people or the environment, the lack of full scientific certainty should not be used as a reason for postponing measures to prevent harm to people or environmental degradation. A proactive approach to risk mitigation should be taken where there is significant uncertainty in relation to the consequence or likelihood of risk scenarios. TMWG, 2007 p.6.

***Explicit adoption of the Precautionary Principle should be an integral part of the new Minerals Strategy.***

## **3. Protected Areas**

The existence of protected areas should not be seen as an obstacle to the mining industry, but as recognition by society of the importance of retaining a basis in the landscape for conservation of biodiversity and ecosystem goods and services. Protection of adequate, representative areas of all the ecoregions of our province is one of the objectives of a sound protected areas strategy. Government should be encouraged to release its long overdue *Natural Areas Systems Plan* toward achieving this protection. This will provide clarity for industry in terms of what areas are closed to exploration.

***Government should be encouraged to release a Natural Area Systems Plan, including list of new and planned protected areas, to provide clarity for resource development planning.***

#### 4. Stewardship Obligations

As a society, we have stewardship obligations to protect natural waters, ecosystems and biodiversity, and to use all resources wisely. This is more than a moral obligation: Canada is a signatory to United Nations Convention on Biodiversity, which carries international treaty obligations, as outlined in Canada's own biodiversity strategy.

The Canadian Strategy on Biodiversity provides a framework for action at all levels that will enhance our ability to ensure the productivity, diversity and integrity of our natural systems and, as a result, our ability as a nation to develop sustainably. It promotes the conservation of biodiversity and the sustainable use of our biological resources, and describes how we will contribute to international efforts to implement the Convention. (Government of Canada, 1995)

The Government of Newfoundland and Labrador was a party to the creation of this biodiversity strategy. All too often, however, the imperative of biodiversity protection is overlooked in development planning. An example is the ease with which a mining company was able to gain permission from the federal and provincial governments to use an ancient, pristine lake – Sandy Pond - for the purpose of disposing of smelter waste. Such destruction of a unique aquatic ecosystem goes contrary to both the Convention on Biodiversity and the intent of the Canada Fisheries Act. It is disturbing to find this destructive tailings impoundment option mentioned as a viable option in the Discussion Paper.

***The Minerals Strategy should not be seen as encouraging the destruction of unique ecosystems. Rather, it should set the standard for environmentally sound practices that protect biodiversity.***

#### 5. 'Best Practice' and Innovation

It is tempting for industry to seek the path of least regulatory resistance in carrying out its operations. Governments, in seeking to promote economic development in the interests of their citizens, may fear that a robust regulatory regime will discourage developers. However, a policy that is based on environmental protection and sustainability should have the opposite effect. When encouraged to do so by regulation and incentives, industry does adjust by adopting available best practices (e.g. TMWG, 2007). Where existing techniques are inadequate, forward looking companies turn to innovation (e.g. Ednie, 2010, Suncor, 2010).

For decades, tailings ponds were seen as a necessary, if unwelcome, part of oil sands mining operations. These settling ponds, required to store and manage mine tailings, are big, unsightly—and difficult to reclaim. They are also a highly visible symbol for industry critics. Suncor has led the research drive into new technologies to improve tailings reclamation. Pending regulatory approval, the company plans to begin commercial implementation in 2010 of a new Tailings Reductions Operations (TRO<sub>TM</sub>) approach that

could fundamentally change the way oil sands are mined and the pace at which disturbed lands are reclaimed. (SUNCOR, 2010).

The mining industry in Canada has demonstrated its willingness to take seriously environmental and biodiversity considerations through its Towards Sustainable Mining (TSM) initiative (MAC, 2010). This is a major step toward accommodating evolving community interests and one that should be compatible with stronger regulation, as is the case for example in the Province of Quebec ( Government of Quebec, 2005).

***Government policy should require 'best practice' in order to minimize impacts on the environment and to encourage innovation. Developments should not be allowed to proceed where no environmentally sound approach is yet available.***

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