

# BETRAYING OUR TRUST



Our  
Future



Our  
Air



Our  
Land



Our  
Fish



Our  
Forests



Our  
Wildlife



Our  
Water

A citizen's update on environmental  
rollbacks in British Columbia, 1996–1998

# BETRAYING OUR TRUST

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ALAN SIRJULNIKOFF PHOTO

*Skowquiltz Valley*

# Executive Summary

**B**ritish Columbians are fiercely proud of the mountains, rivers, forests and other natural wonders that make this province such a beautiful, wild and wonderful place to live. At the same time, British Columbians are conscious of the urgent need to treat super, natural B.C. with greater respect so that our children and future generations can gain the same immense benefits from nature's bountiful legacy that we enjoy today.

British Columbians understand that keeping our air and water clean, protecting our fish, wildlife, forests and our land is essential to our health and our economic well-being.

The 1990s were touted by many as the turnaround decade for environmental progress, the decade when our society would take the necessary steps to become truly sustainable. In 1991, British Columbians elected an NDP Government that campaigned on a strong platform of sustainability and environmental protection.

From 1992 to 1995, under Premier Mike Harcourt, the B.C. government made better environmental stewardship a top priority. Environment Ministers John Cashore and Moe Sihota were strong voices for environmental progress. Many promising initiatives were started, such as the Protected Areas Strategy, the Clean Air Strategy, and the Water Stewardship program, and the first steps towards making our society more sustainable were taken.

In December 1995, Glen Clark took over from Mike Harcourt as Premier of B.C. The NDP were subsequently re-elected. Cathy McGregor was appointed the new Environment Minister. Since the change in leadership, environmental stewardship in B.C. has taken a dramatic turn for the worse.

Sustainability is no longer a government priority. Environmental laws have been rolled back, important decisions reversed, critical promises broken, national and international commitments violated and enforcement has dropped off. In short, our progress towards achieving a more sustainable British Columbia, towards protecting our health, our environment, our communities and the interests of future generations, has been derailed and in some cases, even reversed.

Who is pushing B.C. in the wrong direction? The culprits include big business, multinational corporations and foreign investors, particularly in the resource extraction industries. They seek to make a profit in B.C. but are happy to take the money and run. They do not share our deep love of the place that we, as British Columbians, call home.

Resource extraction industries, such as mining and logging, are capitalizing on a number of external factors including low commodity prices, the Asian recession, high capital mobility and B.C.'s economic difficulties to engage in economic blackmail against the government of B.C. Reducing environmental protection is part of the ransom that Premier Clark is being forced to pay to attract or maintain investment in the province.

The purpose of this report is to demonstrate the extent to which progress towards sustainability has been derailed or reversed. This report chronicles the litany of betrayals and broken promises. We reveal backtracking on protection of clean air, clean water, salmon, wildlife, forests, land and general sustainability initiatives.

British Columbians strongly believe that environmental protection and prosperity go hand-in-hand. Today's shortsighted economic decisions will harm British Columbia's people, communities and the environment for years and decades to come.



## OUR AIR

After blowing a lot of hot air about stabilizing greenhouse gas emissions at 1990 levels by the year 2000, B.C. abandoned its commitment in 1997. Greenhouse gas emissions in B.C. are now 16% above 1990 levels.

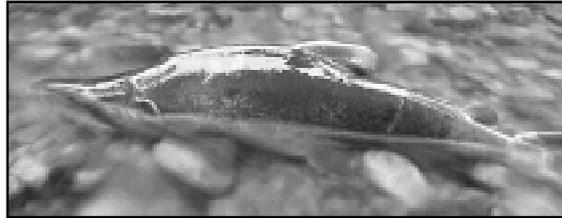
The Clark government rolled back a law that required noxious beehive burners to close by December 31, 1997. As a result, the health of British Columbians in rural and small town B.C. continues to be jeopardized by dozens of beehive burners belching pollution into the air.

The Clark government also put profits ahead of clean air by allowing pulp and paper mills to increase acid-rain causing sulphur dioxide and nitrogen oxide emissions.

## OUR WATER

B.C. has the highest rate of water-borne diseases of any province in Canada, yet promises to enact comprehensive safe drinking water legislation and groundwater legislation remain unfulfilled.

The B.C. *Environmental Protection Act*, promised for years as a badly needed tool to reduce pollution, was drafted but never passed.



## OUR FISH

B.C. has already seen 142 salmon runs go extinct while 624 more runs are perilously close to extinction.

Meanwhile, the *Forest Practices Code* continues to allow clearcutting up to the banks of many small salmon spawning streams, particularly streams frequented by endangered coho salmon.

The provincial government continues to speedily approve controversial mines, like the Tulsequah Mine on the Taku River, despite grave concerns about potential impacts on healthy salmon runs.

After Premier Harcourt cancelled the Kemano Completion Project in 1995, claiming that the Fraser River was the heart and soul of British Columbia and would be protected forever, Premier Clark cut a backroom deal that gives Alcan the right to take 89% of the water out of the Nechako River. In other words, Clark gave Alcan just as much water as Alcan wanted in the first place, effectively reversing Harcourt's decision.

## OUR WILDLIFE

The B.C. Ministry of Environment lists 292 animals and plants as threatened or endangered and another 451 species are deemed to be vulnerable to extinction.

The B.C. government has abandoned its previous commitment to introduce endangered species legislation. This backtracking means B.C. is violating the U.N. Convention on Biological Diversity, which we endorsed in 1992, and the

This report chronicles the litany of betrayals and broken promises. We reveal backtracking on protection of clean air, clean water, salmon, wildlife, forests, land and general sustainability initiatives.

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Canadian Accord on the Protection of Species at Risk, which we signed in 1996.

Although the *Forest Practices Code* introduced three new mechanisms for protecting wildlife and biodiversity from the impacts of logging, not one of these new mechanisms has ever been used.

## OUR FORESTS

The Clark government has rewritten the *Forest Practices Code* in a secret process behind closed doors with the timber industry. The weakened *Code* will result in greater environmental damage.

There has also been a senseless reversal of the NDP's policy on exporting raw logs. In the first months of 1998, raw log exports have increased dramatically, sending jobs out of B.C.

The government has also violated its pledge to reduce overcutting, by allowing the timber industry to continue to log at a rate that is 28% above what the government says is sustainable.

## OUR LAND

In the Six Mile Ranch fiasco, the Clark government has undermined the Agricultural Land Reserve through political interference, setting a dangerous precedent for the removal of farm land from the Reserve.

The B.C. government is also backsliding on its commitment to protect at least 12% of each ecosystem in our park system. "Rock and ice" is

being favored over old-growth forests and grasslands.

Another broken promise involves the Special Management Zones. Intended as areas where natural values would be given "special" treatment, the reality is that it has been "business as usual" in these areas.

## ENSURING A SUSTAINABLE FUTURE

The Clark Government has broken an election campaign promise to protect the Ministry of Environment and, in fact, has slashed the Ministry of Environment budget and staff by more than the Liberals had threatened to do during the election campaign.

As the premature approval of the Tulsequah Mine in the Taku Valley proves, B.C.'s *Environmental Assessment Act* has been serving as a rubber stamp for development. Each of the 24 mega-projects to complete the assessment process since 1995, including nine new mines, has been approved, always without the scrutiny of any public hearings.

The Clark government has been condemned for negotiating in bad faith because of its refusal to negotiate interim measures agreements with First Nations. Interim measures agreements provide a promising opportunity for achieving progress towards sustainability in B.C.

The B.C. government has eliminated the Commission on Resources and Environment, a body intended to be an environmental watchdog overseeing British Columbia's transition to a sustainable economy. The Government has also broken promises to introduce a *Sustainability Act* and to introduce an *Environmental Bill of Rights*.

## SOME GOOD NEWS

To be fair, on the positive side of the ledger, the Government has created new protected areas in the Northern Rockies, the Cummins Valley and the Empire Valley Ranch. The Government has also enacted, but not yet implemented, the *Fish Protection Act*.

However, when one stacks these accomplishments up against the long list of broken promises, rollbacks and policy reversals, only one conclusion is possible. The current provincial government is no longer balancing environmental, social and economic concerns.



IAN McALLISTER PHOTO

Johnston Creek, healthy coho habitat, approved for logging by Interfor

## THE OPPOSITION'S SILENCE

Equally disturbing is the lack of criticism from the Official Opposition and other political parties in B.C. The Liberals have not opposed any of these environmental rollbacks or broken promises and, in many areas, have actually criticized the NDP for not going further. The Reform Party has a negative position on virtually all of these environmental issues. The Progressive Democratic Alliance has a mixed record on environmental issues. Some of their policies are progressive, such as their call for limits to economic growth. However, on other issues, the PDA's position is closer to that of the NDP. The Green Party, although not represented in the legislature, is the party with the best record on the issues of clean air, clean water, wildlife, wilderness and sustainability.

On the whole, our politicians are clearly out of step with the deeply held values of British Columbians. Our incredible natural heritage, of which we are so proud, is in jeopardy. We cannot allow the current trend of backsliding to continue.

## MOVING FORWARD TOWARDS SOLUTIONS

It is imperative that we regain the momentum that we have lost. We must pay heed to the warning issued by the world's leading scientists:

*"Human beings and the natural world are on a collision course. Human activities inflict harsh and often irreversible damage on the environment and on critical resources. If not checked, many of our current practices put at serious risk the future that we wish for human society and the plant and animal kingdoms, and may so alter the living world that it will be unable to sustain life in the manner that we know. Fundamental changes are urgent if we are to avoid the collision our present course will bring about.*

*A new ethic is required - a new attitude toward discharging our responsibility for caring for ourselves and for the earth. We must recognize its fragility. We must no longer allow it to be ravaged. This ethic must motivate a great movement, convincing reluctant leaders and reluctant governments and reluctant peoples themselves to effect the needed changes."*



ADRIAN DORST PHOTO

The World Scientists' Warning to Humanity was issued in 1992 on behalf of over 1600 scientists, including a majority of living Nobel Prize winners in the sciences. The previous government paid attention to this wise advice, as the following speech from then-Environment Minister Moe Sihota in the Legislature indicates:

*"It seems to me that government can either recognize the fragility of our environment, recognize these alarm bells that science is warning us about. We can either react to the stress that this planet is under and that nature is under, and to those warnings, or be oblivious to and ignorant of them."*

Moe Sihota, former Minister of Environment, Hansard, May 30, 1995

British Columbians have a strong environmental ethic. We love this province for its unique and outstanding natural features. British Columbians believe that we can protect the environment and have a healthy economy. The false "jobs versus environment" dichotomy that certain resource industries push is being swallowed hook, line and sinker by the current government.

We must start designing and implementing some solutions that will help B.C. get back on track in addressing the challenges that lie ahead. We must treat our marvelous home with respect so that its wonders can be enjoyed by our children, our children's children and all future British Columbians. "We must recognize that we are part of the environment - what we do to the environment, we do to ourselves."

"Balance is what we want. We don't want to see people unemployed but we also want to save the environment. We don't want all the fish gone. We don't want all the trees cut down."

Prince Rupert Woman, Public Opinion Survey, 1997



# Our Air

“Our health, and that of future generations, depends on clean air and clean water.”

Vancouver Woman, Public Opinion Survey, 1997

## 1. HOT AIR ON GLOBAL WARMING—TARGETS SET, THEN IGNORED

### A. THE COMMITMENT

*“B.C. is committed to the goal of stabilizing our provincial emissions of greenhouse gases at 1990 levels by the year 2000. We must take action now.”*

Anne Edwards, Minister of Energy, Mines and Petroleum Resources  
(Province of British Columbia News Release, November 20, 1995)

*“For our province, climate change could seriously disrupt agriculture, forestry and fisheries, threaten wildlife species and habitat, and wipe out important estuaries. There would be more forest fires, more pressure on water resources, major flooding on the coast, and considerable property destruction.”*

Moe Sihota, Minister of Environment, Land and Parks, (Province of British Columbia News Release, November 20, 1995)

Following the 1992 Earth Summit in Rio, where Canada signed the United Nations Framework Convention on Climate Change, B.C. committed to stabilizing its emissions at 1990 levels by the year 2000. The provincial government then drafted the British Columbia Greenhouse Gas Action Plan to identify means of achieving its goal.

### B. THE BETRAYAL

During the Kyoto negotiations on global warming in December 1997, B.C. abandoned its earlier commitment to stabilize greenhouse gas emissions at 1990 levels by the year 2000.

Environment Minister Cathy McGregor argued publicly that B.C. should get special treatment because the province is big and cold and the population is growing. McGregor also criticized the federal government for agreeing to the Kyoto targets for reducing greenhouse gas emissions by 6% by the year 2010, saying this commitment was excessive and that protecting jobs was more important. In fact, greenhouse gas emissions in B.C. have already risen by over 16% since 1990.

### C. NO OPPOSITION

The Liberals failed to criticize the government for breaking its promise regarding greenhouse gas emissions and have no formal policy on global warming.

### D. THE SOLUTION

The government of B.C. should re-commit to stabilizing its greenhouse gas emissions at 1990 levels by the year 2000 and become a world leader in reducing greenhouse gas emissions by 2010. A range of tools should be utilized, including increasing energy efficiency, shifting away from high-carbon fossil fuels, increasing our use of renewable energy and a revenue neutral carbon tax. B.C. should also be a leader in developing technologies to reduce greenhouse gases, such as the Ballard fuel cell, giving us a technological advantage and creating jobs at the same time.

## 2. BEEHIVE BURNERS: PUTTING PROFITS AHEAD OF HUMAN HEALTH

### A. THE COMMITMENT

*“Smoke from beehive burners is one of the major sources of air pollution in B.C. . . . [and] a major air quality hazard to human health in B.C.”*

Ministry of Environment, Land and Parks, Wood Residue Burner Regulation—Questions and Answers Document, December 8, 1995

*“Simply disposing of wood residue by burning it near communities is no longer an acceptable outcome of our industrial activities.”*

Ministry of Environment, Land and Parks, “Backgrounder”, December 11, 1995

In late 1995, the NDP government introduced a new regulation that required all polluting beehive burners near B.C. communities to shut down by December 31, 1997. Beehive burners are recognized as a major health and environmental problem. A health study conducted by the government revealed that beehive burners and other sources of particulate matter are causing increased deaths, hospitalizations, emergency room visits and the loss of work and school days by people with respiratory ailments. The health costs, annually, are estimated at over \$70 million. Beehive burners have been illegal in the United States for over 30 years.

### B. THE BETRAYAL

In December 1997, the B.C. government rolled back the law, allowing about 40 beehive burners to continue poisoning British Columbians and polluting our environment.

Between December 1995 and December 1997, 40 of the 80 problematic beehive burners in B.C. were closed down. Most of the burners that shut down were operated by smaller companies. However, the Council of Forest Industries, a lobby group representing the big timber companies, pressured the government to change the December 31, 1997 deadline for shutting down burners.

In December 1997, the government changed the regulation, removing the requirement that beehive burners shut down by December 31, 1997, and substituting a process of negotiation between government and industry. The new deadline dates for shutting down burners are flexible. The bottom line is that dozens of beehive burners continue to belch particulate matter into the air near

unfortunate B.C. communities.

This backtracking has negative health, environmental and economic consequences. More British Columbians will die or suffer from respiratory illnesses, air will remain polluted, health care costs will be in the tens of millions of dollars and the responsible timber companies who shut their burners down will be at a competitive disadvantage against their rivals who dragged their heels in failing to comply with the old law, while lobbying successfully to have the law changed.

### C. NO OPPOSITION

The Liberals failed to criticize the rollback of this health and environment law.

### D. THE SOLUTION

Every beehive burner operating in or near a B.C. community should be closed immediately, saving lives, preventing illnesses, protecting our air and saving health care costs. Preferable alternatives for utilizing wood residue (instead of burning it) already exist which will create jobs, not cost jobs.

## 3. PULP MILL EMISSIONS: PUTTING PROFITS AHEAD OF CLEAN AIR

### A. THE COMMITMENT

*“B.C. will not allow air pollution to get worse.”*

Moe Sihota, Minister of Environment, Land and Parks, News Release, November 28, 1995

*“The provincial government is fulfilling its commitment to improve the quality of the air which is affected by harmful pollutants.”*

Moe Sihota, Minister of Environment Land and Parks, News Release, December 11, 1995

As part of its Clean Air strategy, the government promised to reduce air pollution from major industrial polluters like pulp and paper mills.

### B. THE BETRAYAL

In 1997, the Ministry of Environment amended the permit for Howe Sound Pulp and Paper Limited’s Port Mellon pulp mill, allowing an increase of 300% in sulphur dioxide emissions and 80% in nitrogen oxide emissions. These substances are major sources of acid rain. The government also rejected a citizen group’s efforts to bring charges against the mill for chronic violations of the law.

“Considering that then-environment minister Moe Shihota announced nearly two years ago that beehive burners would be history by the end of this month, no exceptions, you have to wonder why the sudden change of heart ... breaking yet another promise.”

Editorial, The Province, December 22, 1997

Howe Sound Pulp and Paper Limited's Port Mellon pulp mill, located near Squamish, has made repeated appearances on B.C.'s "Worst Polluter List," published semi-annually by the Ministry of Environment. The mill was repeatedly violating the emission levels contained in its Waste Management Act permit by spewing sulphur dioxide and nitrogen oxide into the air.

To make matters worse, many pulp mills in B.C. have no limits on the amount of sulphur dioxide and other air emissions they discharge, because government has focused on water pollution from these mills. As well, the pulp and paper industry is now lobbying the government to weaken the government's effluent regulations, which require mills to clean up their water pollution by 2002.

#### C. NO OPPOSITION

The Liberals oppose the publication of the

"Worst Polluter List" because they say it "demoralizes business." The Liberals have also voiced concerns about excessive environmental regulation and overly zealous enforcement of environmental laws.

#### D. THE SOLUTION

Polluters should either clean up their operations or face prosecution for violating environmental laws. The pulp and paper mill effluent regulations must not be weakened. All pulp and paper mills should have restrictions placed on their emissions of sulphur dioxide and nitrogen oxide to prevent acid rain from becoming a significant problem in B.C. The practice of relaxing permit standards to enable companies to get off of the "Worst Polluters List" should be stopped.



ALAN SIRULNIKOFF PHOTO

# Our Water

## 4. THINK BEFORE YOU DRINK: UNSAFE DRINKING WATER

### A. THE COMMITMENT

*"The people of British Columbia have both a right and a duty to protect the integrity of our water resources in a fashion that has never been seen before in this province."*

Moe Sihota, Minister of Environment, Land and Parks, May 25, 1995 (Hansard)

In 1993, the Ministry of Environment published a series of reports called "Stewardship of Water". A number of progressive measures were promised and planned, including:

- legal guarantees for the safety of drinking water (there has been a 600% increase in the number of "boil your water" advisories issued by the Ministry of Health since 1986); and
- legislation to protect groundwater (B.C. is one of the few places in North America that lacks such a law).

## B. THE BETRAYAL

Despite all of the numerous promises, B.C. still lacks comprehensive safe drinking water legislation and groundwater legislation.

Vancouver, once renowned for its clean, fresh drinking water, now has the worst drinking water quality of any major Canadian city (The Province, February 5, 1998, p. A10). As for promises made regarding safe drinking water, a testing process is now in place pursuant to the Health Act but only contamination due to fecal coliform is regulated. Many B.C. municipalities (including Victoria, Vancouver and Prince Rupert) continue to put millions of litres of raw sewage directly into rivers, lakes and the ocean.

Other health harming substances do not have legal limits as to how much can appear in your drinking water. According to GVRD water engineer Mark Ferguson, "B.C. has the highest incidence of water-borne diseases of any Canadian province" (The Province, February 5, 1998, p. A10).

*"We don't need groundwater legislation. I don't hear British Columbians asking for it."*

Cathy McGregor, Minister of the Environment, Capilano College Environmental Symposium, February 19, 1998

## C. NO OPPOSITION

The Liberals have been silent on these issues. Liberal leader Gordon Campbell actively fought efforts to require Vancouver to clean up its raw sewage problem when he was the mayor, calling sewage treatment a "luxury".

## D. THE SOLUTION

To protect the health of British Columbians, particularly children and seniors, B.C. should enact comprehensive safe drinking water legislation and groundwater legislation by the end of 1998. Cleaning up municipal sewage should be a high priority, and logging in drinking watersheds should be made illegal (as it already is for Victoria, thanks to a court case won by environmentalists in 1993).

# 5. OUR HEALTH AT RISK: PROMISED POLLUTION LAW DISAPPEARS

## A. THE COMMITMENT

*"The British Columbia Environmental Protection Act will be the major environmental protection act of the ministry. It will establish the legislative basis for programs related to pollution prevention and control, air quality, water quality, pesticides and waste management."*

Environmental Action Plan for British Columbia, Ministry of Environment, Land and Parks, 1993, p.7

*"The Waste Management Act and its forerunner, the Pollution Control Act, are now almost a generation old. They are based on outdated 'end-of-the-pipe' regulatory approaches. The time has come for new approaches and enhanced regulatory support."*

"New Approaches to Environmental Protection in B.C.: A Legislation Discussion Paper", Ministry of Environment, 1992

In 1993, the government promised to introduce the *B.C. Environmental Protection Act* which would require a pollution prevention approach, a major step forward from current end-of-the-pipe approaches. The proposed *Act* intended to allow the Ministry of Environment to exert strict controls on the use of toxic substances that threaten human health and the environment. The *Act* also included innovations such as whistleblower protection, the polluter pays principle, the precautionary approach and enhanced protection for air and water quality.

## B. THE BETRAYAL

The *B.C. Environmental Protection Act*, originally drafted in 1993, then subjected to extensive public consultation and review, was never passed.

Environment Minister Cathy McGregor has admitted that the *B.C. Environmental Protection Act* is not on the government's legislative agenda, claiming that it is no longer considered necessary.

## C. NO OPPOSITION

The Liberals opposed the *B.C. Environmental Protection Act*.

## D. THE SOLUTION

The *B.C. Environmental Protection Act* should be reintroduced and enacted. Earlier drafts could serve as a starting point for consultation.

"Our water is our life. We can't live without water."

Kelowna man, Public Opinion Survey, 1997

"Vancouver has the worst drinking water quality of any major Canadian city ... B.C. has the highest incidence of water-borne diseases of any Canadian province."

The Province, February 5, 1998





IAN McALLISTER PHOTO

# Our Fish

## 6. SALMON HABITAT HYPOCRISY

### A. THE COMMITMENTS

*“Of all our magnificent natural assets, perhaps none is more revered than the Pacific salmon.”*

Premier Glen Clark, Message from the Premier in “The BC Fisheries Strategy: A Discussion Paper”, May 1997

*“Saving the fish is the first and most fundamental priority—habitat must be protected and restored in every salmon-bearing river and stream.”*

“The BC Fisheries Strategy: A Discussion Paper”, May 1997

### B. THE BETRAYAL

At least 142 salmon runs are already extinct and a further 624 runs are teetering on the brink of

extinction, with habitat degradation from hydroelectric projects, logging, acid mine drainage and urbanization cited as major causes. The 1998 fishing season looks like one of the worst ever, and the coho crisis has reached unprecedented depths. Unless we begin to protect salmon habitat and fish more sustainably, coastal communities and fishermen are in deep trouble.

Premier Glen Clark has talked the talk about protecting B.C.’s magnificent but threatened salmon, but he has not walked the walk. When presented with a choice between protecting fish habitat or going for economic development, the Premier’s preference is clear.

**TAKU RIVER MINE PROPOSAL:** In the face of social, cultural, environmental and economic concerns raised by First Nations, environmentalists and Alaska, the B.C. government gave a rushed approval in March 1998 to a mine with an expected lifespan of nine years and a 160 km access road crossing dozens of salmon streams. The Taku River is one of B.C.’s healthiest salmon rivers, with huge runs supporting the Taku River Tlingit First Nation, Canadian and Alaskan commercial and recreational fishermen.

**FISH LAKE MINE PROPOSAL:** The B.C. government has even lobbied the federal government on behalf of mining companies intent on destroying fish habitat in B.C. Taseko Mines Ltd. wishes to build a gold mine in the Cariboo-Chilcotin. The only problem is that the gold is buried under and beside a lake—Fish Lake—so named for its unique trout population. The company would like to drain Fish Lake and use the dried out lake bed as a tailings dump. There would also be downstream impacts on salmon habitat. Both provincial fisheries officials and the federal Department of Fisheries and Oceans, to their credit, have been steadfastly opposed to this project. In fact, the Department of Fisheries and Oceans (DFO) even refused to participate in an environmental assessment, pointing out that no approval could possibly be issued in the light of federal fisheries law and policy.

The DFO’s opposition wilted when top level B.C. bureaucrats began lobbying Ottawa to force the DFO to enter the environmental assessment process. The DFO eventually capitulated and is now participating in the provincial environmental review of the Fish Lake project (now referred to by the company as the “Prosperity” project).

### C. NO OPPOSITION

The Liberals have stated that mining in B.C. is over-regulated. The Liberals have not voiced any criticisms of the unsustainable actions taken or approved by the Clark government.

### D. THE SOLUTION

The B.C. government should revoke approval of the Tulsequah Mine in the Taku Valley until concerns about impacts on salmon and other values are satisfactorily addressed; keep the water in Fish Lake (lakes are for fish, not mine tailings); and introduce a zero loss policy—no loss of productive fish habitat allowed. The province should not approve acid-generating mines in salmon watersheds until a safe and reliable technology for addressing acid mine drainage concerns has been identified.

## 7. CLEARCUTTING SALMON STREAMS

### A. THE COMMITMENT

*"If there's fish in a stream, they can't log up to it."*

David Zirnhelt, Minister of Forests, CBC Radio, April 2, 1998

*"We aren't logging fish-bearing streams... they're not telling the truth."*

David Zirnhelt, Minister of Forests, Globe and Mail, April 22, 1997

*"We've made it absolutely clear that whether or not the logging companies had prior approval, they cannot log up to fish bearing streams... the law is absolute."*

David Zirnhelt, Minister of Forests, San Francisco Chronicle, June 23, 1997

### B. THE BETRAYAL

Clearcutting up to the banks of small fish streams is still happening in British Columbia today. It never was prohibited by the *Forest Practices Code*.

Under the Code, large fish-bearing rivers and streams do receive a no-logging buffer zone to protect fish and fish habitat. However, small fish streams, less than 1.5 metres wide, can be clearcut right up to the banks, contrary to the public assertions of Forests Minister David Zirnhelt. Fisheries scientists agree that these small streams provide critical spawning habitat for fish, particularly coho salmon. In the U.S. National Forests, these small streams receive a 90 metre no-logging buffer.

In addition to clearcutting small streams up to the banks, there have also been serious problems with logging companies either failing to identify or misclassifying streams. In studies conducted by the Sierra Legal Defence Fund, the Ministry of Forests and the Ministry of Environment in 1997, between 30 and 40% of streams in the field were either not identified or were misclassified, resulting in unnecessary damage to streams.

Even B.C. streams with no-logging buffers receive only half the protection of equivalent streams in U.S. National Forests. Recent rollbacks to the Forest Practices Code create even higher risks to fish habitat.

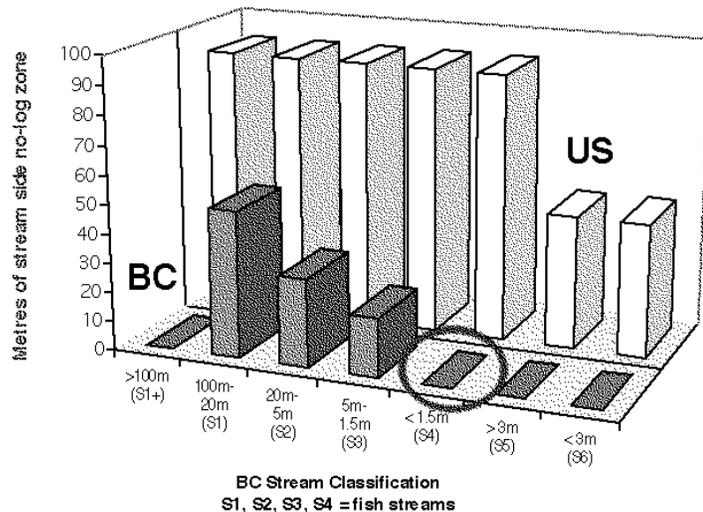
Despite grave concerns about crashing coho salmon populations, the province continues to approve road-building and clearcutting in the last unlogged coastal rainforest valleys where coho still survive, such as Johnston Creek where Interfor recently began logging operations.

"If clearcutting is still allowed right up to stream banks, then the *Forest Practices Code* has failed."

Vancouver Man,  
Public Opinion Survey,  
September 1997

Clearcutting up to the banks of small fish streams is still happening in British Columbia today. It never was prohibited by the *Forest Practices Code*.

United States / BC Stream Side Protection Comparisons



### C. NO OPPOSITION

As noted elsewhere in this report, the Liberals feel that the Forest Practices Code is still too tough, and should be weakened beyond the recent rollbacks enacted by the government.

### D. THE SOLUTION

All fish streams in B.C. should receive no-logging buffer zones of 90 metres, equal to U.S. National Forest standards. There should be a moratorium on logging in pristine coastal rainforest valleys.

## 8. KEMANO III—PUTTING THE NECHAKO RIVER OUT TO DRY

### A. THE COMMITMENT

*“The Fraser River is the heart and soul of our province—and we’ll ensure that it’s never again sold out from the people and communities who depend on it for their way of life.”*

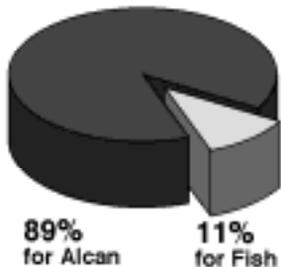
Premier Mike Harcourt, January 23, 1995

On January 23, 1995, Premier Mike Harcourt dealt a seemingly fatal blow to Alcan’s Kemano Completion Project, canceling the half-built project because of grave concerns about the potential impacts on fish, especially salmon. The hydroelectric megaproject would have allowed Alcan to divert up to 89% of the water from the Nechako River, a major salmon spawning tributary of the Fraser. Following the cancellation of the Kemano Completion Project, Alcan filed a lawsuit against the Government of British Columbia. Settlement negotiations between the company and the Province took place in the first half of 1997.

### B. THE BETRAYAL

In August 1997, the government of B.C., behind closed doors, cut a deal with Alcan which grants Alcan a permanent water licence allowing them to divert up to 89% of the water from the Nechako River. This backroom deal gives Alcan exactly the same amount of water that Alcan proposed to take from the Nechako as part of the Kemano Completion Project. Scientists agree that taking such vast quantities of water from the Nechako not only harms salmon from the Nechako watershed but likely affects the entire Fraser River system (which is why the Kemano Completion Project was canceled in the first place).

Water for Fish vs. Water for Alcan



### C. NO OPPOSITION

The Liberals had initially called for the government to cancel the Kemano Completion Project back in 1994. However, they were silent when the NDP gave Alcan the rights to 89% of the water in the Nechako River in 1997.

### D. THE SOLUTION

The B.C. government should follow through on former Premier Harcourt’s commitment to protect fish and the Fraser River. Alcan’s water

licence should be significantly reduced, in consultation with First Nations, local communities, scientists, fishermen, environmentalists and downstream users, to require adequate flows of water to protect fish and other values in both the Nechako and Cheslatta River systems.

## 9. FISH NEED WATER

### A. THE COMMITMENT

*“There will be no second chances. Either we protect this resource, or we watch it vanish, lost for generations to come. History won’t judge us kindly if we allow that to happen.”*

Premier Glen Clark, quoted in “The BC Fisheries Strategy: A Discussion Paper”, p.7, (May 1997)

Part of the B.C. Fisheries Strategy is the *Fish Protection Act*, which is supposed to deliver, among other things, a prohibition on new dams on key B.C. rivers, minimum flows of water to protect fish and water licences for conservation groups.

### B. THE BETRAYAL

The *Fish Protection Act* does not live up to its billing, or its name. While the bureaucrat responsible for issuing water licences has the option of considering the needs of fish, this is completely up to his/her discretion. This is no different from the system that has caused extensive damage to fish and fish habitat for decades. The science is simple—no water, no fish.

Although dams cannot be built on the main stems of a number of important rivers, dams can still be built on tributaries of these important rivers. As for water licences for conservation groups, the requirements of the legislation are so cumbersome that the provision will rarely, if ever, be used.

### C. NO OPPOSITION

The Liberals have been silent on this issue.

### D. THE SOLUTION

Water for fish should be mandatory (not an optional consideration, as it is under the *Fish Protection Act*). No water licences should be issued or renewed if there will be significant adverse effects on fish or fish habitat, as determined by independent fisheries scientists. Dams must not be allowed on the tributaries of important rivers, and the process for conservation groups applying for water licences on behalf of fish should be simplified.

# Our Wildlife

## 10. BROKEN PROMISES TO PROTECT ENDANGERED SPECIES

96% of British Columbians, including residents of rural communities, support legislation to protect endangered species.

Angus Reid Poll, 1995

### A. THE COMMITMENT

*“The Wildlife, Fish and Endangered Species Act will encompass all programs concerned with managing and enhancing wildlife, fish, habitat and endangered species. This Act will be a major environmental statute. It will provide for many new approaches and programs on species protection, biodiversity and wildlife enhancement, which are now required.”*

Environmental Action Plan for British Columbia, 1992, Ministry of Environment, Land and Parks, p.7

Endangered species legislation was initially being developed by the Social Credit government in 1990. The NDP continued the process, making repeated public commitments and preparing Draft #12 of a new law called the *Wildlife, Fish and Endangered Species Act*.

British Columbia is by far Canada’s most biologically diverse province, but our rich biological heritage is in trouble. In 1996, the provincial Ministry of Environment issued a report indicating that 68 species of animals and 224 plants are



IAN McALLISTER PHOTO

threatened or endangered, while another 451 species are classified as vulnerable. Remarkably, the overwhelming majority of these species receive no legal protection, as B.C. has no endangered species legislation. An embarrassingly low total of four species are given minimal protection under the *Wildlife Act*.

### B. THE BETRAYAL

The NDP government has broken its long-standing promise to introduce legislation to protect endangered species. Not only has no legislation been introduced, the B.C. government now publicly states that it will not introduce an endangered species act.

“One in ten species of vertebrate animals and plants are threatened or endangered in B.C.”

Environmental Indicator Series, Ministry of Environment, 1996

In 1994 and 1995, the logger's union (the IWA) wrote a series of letters to the government expressing "horror" that the B.C. government was considering the "drastic solution" of introducing endangered species legislation. The IWA mounted an intensive behind the scenes lobbying campaign threatening to withdraw their members' support from the NDP unless the government reversed its plans to enact endangered species legislation.

In 1992 the NDP prepared Draft #12 of a new law called the *Wildlife, Fish and Endangered Species Act*. It was never enacted. The

B.C. government now publicly states that it will not introduce an endangered species act.

In February, 1996, then-Minister of the Environment Moe Sihota wrote a letter under the heading "PERSONAL AND CONFIDENTIAL" to Gerry Stoney, then-leader of the IWA secretly guaranteeing Stoney that the government would not introduce endangered species legislation. Sihota wrote "this government does not intend to introduce endangered species legislation. . . . One of the basic reasons as to why I have taken that view is because I have recognized the points that you make as a trade union."

Current Minister of the Environment Cathy McGregor has repeatedly voiced her opposition to endangered species legislation. In a National Report Card on Species Protection, B.C. was recently awarded an "F" by the Canadian Endangered Species Coalition for failing to protect endangered species.

### C. NO OPPOSITION

The Liberal Party was previously opposed to

endangered species legislation. However, new Liberal Environment critic Murray Coell recently stated that "It is time for endangered species legislation. I don't want to live in a world where species are disappearing." It is unclear whether this is a personal belief or new Liberal policy.

Capilano College Environmental Symposium, February 19, 1998

### D. THE SOLUTION

The B.C. government should enact comprehensive stand-alone endangered species legislation that provides the following basic elements: species listed by scientists; protection of critical habitat; prohibitions on direct harm to species; mandatory development and implementation of recovery plans; advance review of activities that could harm species; incentives for habitat protection and strong penalties for non-compliance.

## 11. VIOLATION OF "U.N. CONVENTION ON BIOLOGICAL DIVERSITY"

### A. THE COMMITMENT

*"In 1992, in Rio de Janeiro, B.C. was a strong supporter when Canada ratified the United Nations Convention on Biological Diversity."*

Paul Ramsey, Minister of Environment Land and Parks, Province of British Columbia News Release, October 17, 1996

As noted by former Environment Minister Paul Ramsey, British Columbia supported Canada's decision to sign and ratify the United Nations Convention on Biological Diversity in 1992-93. The Government of B.C. pledged that it would also respect the commitments embodied in the U.N. Convention. Article 8(k) of the U.N. Convention states that all governments shall "develop or maintain necessary legislation for the protection of threatened species and populations."

### B. THE BETRAYAL

In violation of its obligation under international law, the official position of the government of B.C. is that endangered species legislation is not necessary, despite the government's own studies which indicate that over 700 B.C. species are endangered, threatened or vulnerable.



JONATHAN GRANT PHOTO

### C. NO OPPOSITION

The Liberals have failed to hold the government accountable for violating the U.N. Convention on Biological Diversity.

### D. THE SOLUTION

The B.C. government should enact comprehensive stand-alone endangered species legislation that provides the following basic elements: species listed by scientists; protection of critical habitat; prohibitions on direct harm to species; mandatory development and implementation of recovery plans; advance review of activities that could harm species; incentives for habitat protection and strong penalties for non-compliance.

## 12. VIOLATION OF "1996 NATIONAL ACCORD FOR THE PROTECTION OF SPECIES AT RISK"

### A. THE COMMITMENT

In October 1996, British Columbia signed the National Accord for the Protection of Species at Risk. The National Accord commits all Canadian governments—federal, provincial and territorial—to developing legislation that provides basic protection for endangered species across Canada. Key elements of the National Accord include:

- independent, scientific designation of species as endangered or threatened;
- legal protection from killing for endangered and threatened species;
- habitat protection for endangered and threatened species; and
- mandatory recovery plans to address threats and habitat needs.

### B. THE BETRAYAL

In clear violation of the National Accord, the B.C. government continues to claim that no endangered species legislation is necessary. Yet there is no law in B.C. that requires any of the steps identified above—steps critical to saving endangered species—to be carried out. Most endangered species in B.C. receive no legal protection whatsoever.

The B.C. government's position ignores threats from mining, oil and gas development, agriculture



MARK HOBSON PHOTO

*Marbled Murrelet*

or urban sprawl, does nothing about recovery plans for endangered species, and limits future protection from logging to an absurdly small 1% impact on the timber supply. Apparently, the B.C. government believes that zoos and parks are all we need to protect endangered species.

From a national perspective, BC is now at the back of the pack on species protection. All of the provinces and territories, with the exception of BC and Alberta, have endangered species legislation in place, have drafted legislation or have committed to doing so.

### C. NO OPPOSITION

The Liberals have not held the government accountable for failing to live up to its obligations under the National Accord for the Protection of Species at Risk.

### D. THE SOLUTION

The B.C. government should enact

All of the provinces except BC and Alberta have endangered species legislation in place, have drafted legislation or have committed to doing so.

comprehensive stand-alone endangered species legislation that provides the following basic elements: species listed by scientists; protection of critical habitat; prohibitions on direct harm to species; mandatory development and implementation of recovery plans; advance review of activities that could harm species; incentives for habitat protection and strong penalties for non-compliance.

### 13. FAILURE TO IMPLEMENT KEY WILDLIFE PROVISIONS IN THE FOREST PRACTICES CODE

#### A. THE COMMITMENT

*“Our objective is to dramatically change the way B.C.’s forests are managed and to better protect both the environment and wildlife.”*

Premier Mike Harcourt, Vancouver Sun, November 10, 1993

*“We are banning clearcuts where necessary to protect critical wildlife habitat.”*

Premier Mike Harcourt, GLOBE Conference, 1994

The B.C. Ministry of Environment recently identified logging as the “*second greatest threat to vertebrate animals*”, after “urban development and agriculture”. Many of B.C.’s endangered species depend on old-growth forests. These old-growth dependent endangered species range from well-known animals such as caribou and marbled murrelets to more obscure species such as tailed frogs and cryptic paw lichen.

There were three key mechanisms introduced by the *Forest Practices Code* which were ostensibly intended to protect B.C.’s endangered species,

wildlife and biodiversity from the damage inflicted by logging. These new mechanisms include:

1. Landscape Units
2. Old-Growth Management Areas
3. Wildlife Habitat Areas

#### B. THE BETRAYAL

As of today, close to three years after the *Forest Practices Code* became law, not a single one of the Code’s new mechanisms has been implemented! There are:

- ZERO Landscape Units;
- ZERO Old-Growth Management Areas; and
- ZERO Wildlife Habitat Areas.

Landscape Units and Old-Growth Management Areas, both of which are intended to protect vanishing old-growth forests, are unlikely to be in place until the 21st century. Assuming Wildlife Habitat Areas are eventually designated, protection for endangered species is subject to an arbitrary, scientifically indefensible limit of 1% impact on the provincial timber supply.

The timber industry convinced the government to rewrite and roll back the *Code* because the *Code* was too “tough and burdensome”. How “tough and burdensome” could the *Code* possibly have been when key environmental provisions were never implemented? How can the *Code* be protecting wildlife when the key wildlife sections have literally never been used?

#### C. NO OPPOSITION

The Liberals opposed the introduction of the *Forest Practices Code*, believe that the Code is too much of a burden on the forest industry, and argue that the Code needs to be weakened beyond the recent rollbacks enacted by the B.C. government.

#### D. THE SOLUTION

First, implementing these mechanisms (Landscape Units, Old-Growth Management Areas and Wildlife Habitat Areas) should be made a top priority, meaning adequate staff and resources need to be allocated. Second, the B.C. government needs to eliminate the arbitrary and scientifically indefensible limits on the Code’s impacts on the timber supply to 1% for protecting endangered species and 6% overall (for all non-timber values). Third, decisions relating to wildlife should be the sole responsibility of the Ministry of Environment, since this is their area of expertise. This would also reduce duplication.

The B.C. Ministry of Environment recently identified logging as the “second greatest threat to vertebrate animals”, after urban development and agriculture.



*Habitat protection for Marbled Murrelets*



*Interfor logging, Gilford Island, 1996*

# Our Forests

## 14. SLASHING THE FOREST PRACTICES CODE

*“The Forest Practices Board’s view is that these changes will likely lead to a reduction in environmental standards.”*

Keith Moore, Chair, Forest Practices Board, March 5, 1998  
Letter to Forests Minister David Zirnhelt

### A. THE COMMITMENT

*“We’ve stopped the chop. We’ve changed forest practices dramatically.”*

Premier Mike Harcourt, quoted in the Vancouver Sun, Feb. 7, 1994

*“The massive clearcutting of the past will no longer be acceptable. And in sensitive areas - such as wildlife habitat areas and near fish bearing streams - clearcuts will be outlawed.”*

Government of B.C. ad, Vancouver Province, December 1993

In 1993, the NDP government began developing B.C.’s first forest practices law. After what Minister of Forests Andrew Petter called

“decades of neglect”, the *Forest Practices Code* was intended to require sustainable forestry and ensure the protection of environmental and cultural values such as streams, endangered species, wildlife habitat, heritage sites and water quality. There was extensive public input during the development of the *Code*, which came into force on June 15, 1995. The *Code* was billed by Premier Harcourt and promoted internationally by government and industry as “world class standards” in a huge public relations campaign intended to protect international markets for B.C. forest products.

### B. THE BETRAYAL

In 1997, the NDP government began rolling back the *Forest Practices Code* with amendments placing greater emphasis on economic considerations. In March 1998, the government enacted over 550 changes to the *Code* and associated regulations under the guise of “administrative

“The Government appointed watchdog for the *Forest Practices Code* has condemned the changes to the legislation.”

Vancouver Sun April 16, 1998

streamlining". In reality, the *Code* was rewritten by the forest industry in a secret process which excluded the public, the environmental community, First Nations and scientists.

The *Code* rollbacks will result in more damage to fish and fish habitat, more damage to endangered species and wildlife habitat and increased risks of landslides. Road-building standards are being reduced. Bigger clearcuts will be encouraged. Loopholes allowing companies broad exemptions from the law are planned under the guise of "salvage logging". British Columbians are being asked to trust the timber companies while government's role in forest management is being reduced. The changes will reduce the information available to the public and result in more trees being cut down faster, exacerbating B.C.'s overcutting problem. Logging plans will be irreversibly approved before fish, terrain stability and other studies have been completed.

Keith Moore, Chairman of the government-appointed Forest Practices Board, is unhappy with the changes, stating that "the regulatory streamlining may lead to environmental damage that won't show up for several years and by then it may be too late to avoid problems" (Globe and Mail, April 8, 1998, p. B6).

Leaked internal government documents admit that the changes could result in "the forest industry setting up a free-for-all for themselves, similar to what existed prior to the *Forest Practices Code*." The leaked documents candidly admit that "the forest industry has been given the power to virtually rewrite the new regulations to their own liking."

None of the changes will address concerns raised by the public in the past two years about ongoing damage to fish streams, excessive levels of clearcutting, continued logging on steep unstable slopes despite the risk of landslides and the failure to implement key elements of the *Code* intended to protect endangered species and wildlife.

### C. NO OPPOSITION

The Liberals opposed the *Forest Practices Code*. The Liberals insist that the NDP's changes to the *Forest Practices Code* do not go far enough, and that even more rollbacks are necessary.

### D. THE SOLUTION

In order to provide truly "world class standards" of forestry in B.C., the recommendations of the government's own Clayoquot Sound Scientific Panel

should replace the weak environmental provisions in the *Forest Practices Code*. This will enable B.C. to reduce the predominance of clearcutting, to protect fish and fish habitat, to protect wildlife and endangered species, and to reduce landslide risks associated with logging and road-building.

## 15. REVERSAL ON RAW LOG EXPORT POLICY

*"It's being creative with what we have, not just selling what we have at the cheapest price."*

Participant, Public Opinion Survey, September 1997

### A. THE COMMITMENT

*"We are keeping more wood here in British Columbia and moving away from raw lumber exports—and that means increased value and more jobs for B.C. workers."*

Forests Minister David Zirnheld, Press Release, September 17, 1997

*"Getting more jobs and value from each tree cut is a central goal of our Jobs and Timber Accord. Instead of letting jobs be exported overseas, we can add value right here in B.C. and create jobs in forest communities."*

Premier Glen Clark, Press Release, September 17, 1997

The NDP has historically been a vocal and outspoken critic of allowing the export of raw logs. One of the key elements of the NDP's "Jobs and Timber Accord", which seeks to create 21,000 new jobs in the forest industry by the year 2000, involves increasing the value added to each tree logged. Increasing value added is essential to maintaining employment in the forest sector while reducing the current overcutting problem, as the Ministry of Forests estimates that we are logging approximately 28% higher than the sustainable level.

### B. THE BETRAYAL

It recently came to light that the NDP has been violating its own policy regarding raw log exports. The provincial government has begun to issue special orders-in-council allowing companies to log specifically for the purpose of exporting raw logs, for the first time since the 1980's. The Ministry of Forests received 170 applications to export raw logs in the first four weeks of 1998 (Vancouver Sun, Feb. 5, 1998, p. D1).

Exporting raw logs results in the maximum of environmental harm with the minimum of social

"It would be a mistake to re-write the Code just between government and industry"

Participant, Public Opinion Survey, 1998

"The forest industry has been given the power to virtually rewrite the new regulations to their own liking."

Leaked internal government documents, March 1998

and economic benefits. In effect, jobs are being exported along with the trees, and both B.C.'s old-growth forests and forest dependent communities are left to pay the price.

### C. NO OPPOSITION

The Liberals have been silent on the issue of raw log exports.

### D. THE SOLUTION

Raw log exports should be absolutely prohibited, as they are unacceptable to British Columbians. The existing loophole in the *Forest Act* should be closed immediately.

## 16. CUTTING OLD-GROWTH FORESTS TOO FAST

### A. THE COMMITMENT

*"Allowable Annual Cut determinations are moving B.C. systematically towards [sustainable] long-term harvest rates."*

"Securing Our Future", B.C. Government Promotional Brochure, January 1997

For years the government has acknowledged that rates of logging in B.C. have exceeded the long-term sustainable rate. In 1991, because of widespread concern both among the public and in the Ministry of Forests, the government initiated a comprehensive Timber Supply Review process intended to push the rate of logging down towards the sustainable rate.

### B. THE BETRAYAL

The timber industry still has government's blessing to overcut our public forests by 28% over the province as a whole.

In some regions the rate of overcutting is close to three times the long-term sustainable rate estimated by government (e.g. the Nass Timber Supply Area). In the controversial mid-coast area, home to many coastal rainforest valleys, the rate of logging is twice what the government considers to be sustainable (Mid-Coast Timber Supply Area).

The government approved Allowable Annual Cut is approximately 70 million cubic metres, while the government's own figures suggest that the sustainable rate is approximately 51 million cubic metres. These figures are based on the government's

formal policy of liquidating all old-growth forests outside protected areas for conversion into second-growth plantations.

Strong arguments can be made that the actual sustainable rate of logging that preserves ecosystem functions and biodiversity is well below the government figure of 51 million cubic metres.

### C. NO OPPOSITION

The Liberals have criticized even the small reduction in Allowable Annual Cut that has occurred over the past five years as unwarranted, and have been silent on the fact that the present rate of logging is unsustainable.

### D. THE SOLUTION

The rate of logging in B.C. should drop immediately to the government's own "sustainable" rate. Then B.C. needs to move towards a system where the annual rate of logging is set at the ecologically sustainable rate, based on consideration of the need to maintain ecosystem functions and biodiversity. This fundamental change must be combined with a shift towards community controlled forestry and greater emphasis on value-added opportunities. A credible transition strategy for communities affected by restructuring in the forest sector needs to be created, and funded by Forest Renewal B.C..

81% of British Columbians feel that Glen Clark is not doing enough to protect B.C.'s forests.

Comquest poll, 1997





# Our Land

## 17. UNDERMINING THE AGRICULTURAL LAND RESERVE

### A. THE COMMITMENT

*“The [Agricultural Land] Commission is an independent body. Nothing gives Cabinet the right to override those rulings of the Commission. They [Cabinet] didn’t have degrees in agrology; they didn’t have degrees in agricultural science; they weren’t all farmers and they weren’t experts on how long this agricultural land reserve might last future generations of British Columbians.”*

Ujjal Dosanjh, Attorney General of British Columbia, 1993, quoted in the Georgia Straight, Feb. 19, 1998

It was an NDP government under Premier Dave Barrett back in the early 1970s that created the Agricultural Land Reserve to protect farm land from development pressures and urban sprawl. However, during the 1980s and early 1990s, the Social Credit government routinely used a loophole in the law, (appeals to Cabinet), to remove farmland from the Agricultural Land Reserve. In 1993, the NDP introduced changes to the Agricultural Land Reserve Act to close this loophole and reduce political interference in decision-making.

### B. THE BETRAYAL

In early 1998, the NDP Cabinet approved a development application at the Six Mile Ranch near Kamloops that requires the removal of prime

farmland from the Agricultural Land Reserve. Cabinet was able to utilize a loophole that remained despite the NDP’s earlier amendments to the law. Cabinet can intervene in cases where an application to remove land from the Agricultural Land Reserve is deemed to be in the “provincial interest”.

This is precisely the kind of political interference that the NDP had indicated was intolerable, and had purported to eliminate in 1993. Notably, the proposed development is located in the Kamloops riding of the Minister of Environment, Cathy McGregor.

In an unprecedented departure from party solidarity, the Parliamentary Secretary to the Minister of Environment, NDP MLA Joan Sawicki, resigned her position to demonstrate her opposition to the decision. A number of other prominent NDP politicians including MP Libby Davies, MP Svend Robinson and former MLA Tom Perry have publicly criticized this policy reversal. Indeed, Tom Perry has warned the NDP that:

*“History may record you as the government who opened the floodgates to the disintegration of this province’s Agricultural Land Reserve.”*

Tom Perry, former NDP MLA, Vancouver Sun, February 17, 1998

### C. NO OPPOSITION

The Liberals accused the NDP of hypocrisy, but have not indicated whether they would also have removed the farmland from the Agricultural Land Reserve.

“When I first came here there were orchards everywhere. It is sort of known as a wonderful area for apples and pears and peaches and apricots. Well soon it is going to be all concrete and houses and there will be no orchards left.”

Participant, Public Opinion Survey, March 1998

## D. THE SOLUTION

The loophole in the Agricultural Land Reserve Act should be permanently closed to remove the temptation for developers and politicians to engage in pork-barrel politics over the land we depend upon to feed ourselves.

# 18. PROTECTING ROCK AND ICE—REVERSAL OF COMMITMENT TO PROTECT PIECES OF ALL OF BC'S NATURAL HERITAGE

## A. THE COMMITMENT

*"We can protect the biodiversity of the province through protecting representative ecosystems."*

Moe Sihota, Minister of Environment, Land and Parks, May 2, 1995 (Hansard, p. 13917)

*Twelve percent of representative ecosystems—that's the commitment of this government.*

Andrew Petter, Minister of Forests, Hansard, p. 12297

Protecting "viable, representative examples of the natural diversity of the province" was supposed to be the number one goal of the Protected Areas Strategy which will place at least 12% of B.C.'s land and water areas in parks. "Representative" was intended to ensure that, to the greatest extent possible, a minimum of 12% of each of B.C.'s extraordinary ecosystems received protection.

The Protected Areas Strategy also recognized that in B.C., "the opportunity still exists to protect large, dynamic ecosystems such as predator-prey systems and large wilderness areas."

## B. THE BETRAYAL

According to a recent Government of B.C. report, 61.2% of the land area protected since November 1991 is "rock and ice", more accurately referred to as alpine and sub-alpine. Not surprisingly it is easier to create a park in an alpine area that is under no threat of development. Government admits that creating new parks in high elevation, mountainous and glaciated areas "perpetuates the imbalance of ecosystem representation."

34 of the 100 land ecosystems in B.C. have

little or no representation (0-1% protected area) in our protected areas network. Major ecosystem types such as coastal douglas fir and ponderosa pine remain under-represented. Another problem with the implementation of the Protected Areas Strategy is that not enough large parks are being created—80% of B.C.'s parks are less than 1000 hectares. These smaller isolated parks will end up being "islands of extinction" if land stewardship doesn't improve throughout the province.

Meanwhile relatively little of B.C.'s world renowned old growth rainforest has been protected. On Vancouver Island, home of some of the most spectacular forests on earth, only 6% of the old-growth forest has been protected, and only 11 of 170 large watersheds remain intact. In fact, 6% is roughly the amount of old-growth that has been protected province-wide. This represents only a modest increase since 1992, yet B.C. is home to more than one quarter of the world's remaining temperate rainforests.

Despite this global heritage, and the glaring under-representation of old-growth forest ecosystems, the B.C. government has refused to defer logging or road-building in pristine rainforest valleys during the central coast planning process. Environmentalists are refusing to participate in a talk and log process that will determine the fate of

"We're only the temporary custodians of all this wondrous province. If we derive such immense pleasure from the natural beauty of this land, then why do we assume those who follow us would want less?"

Victoria Woman,  
Public Opinion Survey,  
September 1997

## BC Parks vs. Alaska Parks (area)



globally important coastal ancient rainforest ecosystems.

### C. NO OPPOSITION

The Liberals have criticized park creation announcements made by the NDP. Although the Liberal party purports to support the 12% goal, it has argued in the past that new parks on Vancouver Island included too much forest, that mining should be allowed in parks, and that too many parks are being created.

### D. THE SOLUTION

Renewed emphasis needs to be placed on protecting under-represented ecosystems, particularly old-growth forests and grasslands. On the coast of B.C. there should be a moratorium on logging in remaining pristine rainforest valleys. The government should stop using the 12% figure as a constraint, and do what is necessary to protect B.C.'s extraordinary natural heritage. B.C. should be a world leader in protected areas—the environmental and economic benefits will be enormous.

## 19. BUSINESS AS USUAL IN SPECIAL MANAGEMENT AREAS

### A. THE COMMITMENT

*“The Special Resource Development Zones are where significant natural values are given special consideration.”*

Cariboo-Chilcotin Land Use Plan, p. 177

*“Operations in this zone cannot expect business as usual.”*

Deputy Minister John Allan, January 11, 1995, Letter to Cariboo-Chilcotin Communities Coalition

As part of the land-use planning process in B.C., land outside of parks is zoned as Special Management, Regular Development or Intensive Development. Special Management Areas are intended to be treated “specially”, meaning fish, wildlife, tourism and backcountry values receive priority over industrial resource extraction like mining and logging. Where these latter activities do take place, they are expected to use innovative, lower impact practices rather than conventional practices such as clearcutting.

### B. THE BETRAYAL

The BC Government has admitted that, to date, there has been nothing special about the management of the 220 Special Management Areas around the province.

This admission confirms the results of studies conducted by the Sierra Legal Defence Fund in the Cariboo-Chilcotin which found the rate of logging and the preponderance of clearcutting were both higher in Special Management Zones than in zones designated for intensive logging. The goal of the land use plan was to limit clearcutting to 36% in the Special Management Zones, yet approved logging was 92.5% clearcutting.

Although the government is in the process of establishing a committee to study this problem, it is obvious that industry will continue to give their own “special” attention to these areas until standards are put in place to require more sustainable industrial activities.

### C. NO OPPOSITION

The Liberals have been silent on this issue.

### D. THE SOLUTION

Priority in Special Management Zones must be given to values other than industrial resource extraction, ie. maintaining fish and wildlife habitat, sustainable tourism, backcountry recreation, etc. Ecologically based, labour-intensive, minimum standards, including a ban on clearcutting should be implemented and enforced immediately in Special Management Zones across B.C.

61.2% of the land area protected since November 1991 is

“rock and ice”

Protected Areas Strategy:  
Provincial Overview &  
Status Report (Land Use  
Coordination Office)



DERYK WENAUS PHOTO

1997 Interfor clearcut



# Ensuring A Sustainable Future

## 20. SLASHING THE MINISTRY OF ENVIRONMENT, LAND AND PARKS

### A. THE COMMITMENT

*"Your best choice to protect health care, education and the environment: Re-elect Glen Clark and the NDP."*

Advertisement, Vancouver Sun, Vancouver Province, May, 1996

During the 1996 election campaign, Premier Glen Clark promised that the budget and staff of the Ministry of Environment, Land and Parks would be protected against further staff and budget cuts. Clark and the NDP campaigned on an agenda of creating jobs while defending health care, education and the environment. Meanwhile, Clark criticized Gordon Campbell and the Liberals for their "anti-environmental" policies.

### B. THE BETRAYAL

Ironically, Premier Clark's NDP government has made deeper cuts to the Ministry of Environment than Campbell's Liberals had threatened during the 1996 election.

In 1995-96, the Ministry of Environment spent \$265 million. Last year, the Ministry of

Environment had a budget of \$204 million. A further cut of 3% was announced in March 1998 as part of the current provincial budget. Since the 1996 election, the Ministry of Environment has eliminated over 300 positions, falling from 2520 employees (full-time equivalents) to 2202 employees (1997-98 budget estimates).

These cuts make it impossible for the Ministry of Environment to properly enforce our environmental laws. There are fewer officials out in the field keeping an eye on industry.

### C. NO OPPOSITION

The Liberals, led by Gordon Campbell, indicated during the election campaign in 1996 that they would reduce both the staff and the budget of the Ministry of Environment by 15%, while cutting so-called "red tape" by one-third.

### D. THE SOLUTION

Environmental protection is a priority for British Columbians and this priority should be reflected in the Ministry of Environment's budget. Recent cuts should be reversed, and steps taken to restore funding for the Ministry of Environment to levels that ensure that there is adequate enforcement capacity. Environmental laws are useless if they are not being enforced.

"What we see was given to us as a gift by our forefathers. And I'd like to be able to pass that gift on to my children and not have it destroyed."

Williams Lake Man, Public Opinion Survey, September 1997

"You can't expect the corporations to actually police themselves."

Participant, Public Opinion Survey, March 1998

# 21. RUBBER STAMP FOR DEVELOPMENT OR ENVIRONMENTAL ASSESSMENT PROCESS?

## A. THE COMMITMENT

*“The B.C. Environmental Assessment Act will contain all measures related to environmental impact assessment. It will incorporate modern ideas and procedures on this subject, and combine the current assessment processes into one integrated system.”*

Environmental Action Plan for British Columbia, Ministry of Environment, Lands and Parks, 1992, p.7

In 1995, the NDP enacted the new *B.C. Environmental Assessment Act*. The *Environmental Assessment Act* was intended to ensure thorough and public reviews of the environmental, social, cultural, economic and health impacts of proposed mega-projects, thus ensuring sustainable development.

## B. THE BETRAYAL

The *B.C. Environmental Assessment Act* has become a rubber-stamp for approving industrial mega-projects regardless of their impacts.

The track record of the *Act* in protecting the B.C. environment is revealing. Thus far, 24 proposals have gone through the process under the new *Act*. How many of these 24 proposals have been turned down on environmental grounds? The answer is none! Every project has been given a green light, including nine new mines! How many of these 24 proposals was subjected to public hearings? Again the answer is none!

The most recent environmental assessment debacle involves the proposed reopening of the Tulsequah Chief mine in the Taku watershed in northwestern B.C. The government rushed to approve a mine with an expected life of only nine years in a healthy watershed that has supported the Taku River Tlingit people plus strong salmon and wildlife populations for 10,000 years.

First Nations, environmentalists and the state of Alaska are upset because of the threat posed to the Tlingit culture, Taku salmon and the watershed's future. The Governor of Alaska accused the B.C. government of “a blatant and unacceptable violation of the public review process” (Vancouver Sun, April 7, 1998, p. A3). Still, Premier Clark had the remarkable temerity to claim that “The project,

from an environmental perspective, is very, very positive for the the environment” (Vancouver Sun, April 7, 1998, p. A3). The decision illustrates the lack of credibility of B.C.'s environmental assessment process.

Two other major mining projects that were rushed through the process and approved also resulted in major headaches. Approval of the Huckleberry Mine provoked litigation by the Cheslatta First Nation, who won their case in the B.C. Supreme Court. The Court held that the provincial government had breached its fiduciary duty to consult with the Cheslatta, particularly regarding impacts on wildlife. Sadly, the mine was built before the Court made its decision.

The Kemess Mine was subsidized to the tune of over \$160 million by the province as compensation to Royal Oak for canceling the proposed Windy Craggy mine on the Tatshenshini River. After gaining speedy approval, Royal Oak actually changed the location of its milling facility, placing the mill in a location rejected earlier by the government because of fisheries concerns. The Kemess Mine has been plagued by environmental problems caused by road and mine construction. A lawsuit by the Tsay Keh Dene First Nation failed to stop the project.

It appears that the environmental assessment process is being used as a smokescreen to deceive the public into believing that sustainable decisions are being made. In reality, little genuine consideration is given to the question of whether a project should actually be approved.

## C. NO OPPOSITION

*With regard to environmental assessment, the Liberals opposed the introduction of the B.C. Environmental Assessment Act and are currently advocating a “faster process”.*

Murray Coell, Liberal Party Environment critic, Capilano College Environmental Symposium, February 19, 1998

## D. THE SOLUTION

The environmental assessment process should require public review of major proposals by an independent scientific body. Major projects like the Tulsequah Mine should not even be considered until a land-use planning process has been completed for a region, and environmental and First Nations concerns have been thoroughly addressed.

The *B.C. Environmental Assessment Act* has become a rubber-stamp for approving industrial mega-projects regardless of their impacts. All 24 projects that have gone through the process have been approved.

## 22. ACTING IN BAD FAITH: THE PROVINCE'S REFUSAL TO NEGOTIATE INTERIM MEASURES AGREEMENTS WITH FIRST NATIONS

### A. THE COMMITMENT

*"The Province is committed to negotiating interim measures agreements."*

Ministry of Aboriginal Affairs, "Information About Interim Measures"

In 1991, the province, the federal government and First Nations accepted the B.C. Claims Task Force recommendation to negotiate interim measures where interests are being affected that could undermine the treaty negotiation process. For example, many First Nations have serious concerns about the rate of resource extraction from their traditional territories, and fear that by the end of the lengthy treaty process, there may be little unlogged, unmined, undeveloped land left. Thus interim measures are of critical importance to First Nations. The B.C. Task Force said "Interim measures are an important early indicator of the sincerity and commitment of the parties to the negotiation of treaties."

The basic rules for the negotiation of interim measures agreements were accepted by the provincial and federal governments as well as First Nations. These rules were confirmed in a Protocol signed by the Province and the First Nations Summit in August 1993.

### B. THE BETRAYAL

In May 1995, the Province unilaterally declared that it would not enter into interim measures negotiations until individual First Nations reached the end of Stage 4 of the six stage treaty negotiation process.

The B.C. government's move was prompted by resource industry opposition to interim measures agreements, which generally have the effect of slowing down unsustainable resource extraction activities. The Council Of Forest Industries (COFI) was very pleased with the province's policy reversal (which they had lobbied for). COFI stated, in a letter to the B.C. Treaty Commission dated July 23, 1996, that "the province's interim measures policy has evolved and improved in the past 24 months."



GAVIN EDWARDS PHOTO

*Culturally modified tree*

The role of the B.C. Treaty Commission is to be an independent 'keeper of the process', ensuring that treaty negotiations are carried out in a manner that is fair and impartial. Alec C. Robertson, Chief Commissioner of the B.C. Treaty Commission, had this to say regarding the provincial government's about-face:

*"It has been the unanimous view of the Commissioners that the Province is failing to comply with the interim measures process agreed to as part of the B.C. treaty negotiations. . . . We have been unable to reconcile [the provincial government's] change of policy with the commitments they undertook to the process. . . . [Treaty negotiations are] in danger of being undermined by the unilateral action of one party."*

Letter from B.C. Treaty Commission to the Business Council of British Columbia, August 6, 1996

"It has been the unanimous view of the Commissioners that the Province is failing to comply with the interim measures process agreed to as part of the B.C. treaty negotiations."

B.C. Treaty Commission  
August 6, 1996

### C. NO OPPOSITION

The Liberals have been vocal critics of the negotiation of interim measures agreements, arguing that it is inappropriate to cede any resources or power to First Nations until final treaties have been negotiated. The Liberals also supported COFI's position on IMAs.

## D. THE SOLUTION

The B.C. government should publicly renounce its policy of not negotiating interim measures agreements, and return to the negotiating table with a renewed commitment to the process. The B.C. government must also recognize and accept the implications of the recent Supreme Court of Canada decision in *Delgamuukw*.

## 23. ELIMINATING AN ENVIRONMENTAL WATCHDOG: THE DEMISE OF THE COMMISSION ON RESOURCES AND THE ENVIRONMENT

One of the first actions taken on an environmental issue by Glen Clark after becoming Premier was to disband the Commission on Resources and the Environment.

### A. THE COMMITMENT

*The Commission on Resources and the Environment (CORE) was intended to “provide independent oversight and ongoing public reporting on the progress towards sustainability.”*

A Sustainability Act for B.C.—Volume I, Highlights, February 1995

*CORE was created in 1992 to “develop a Provincial Land Use Strategy with an emphasis on economic, environmental and social sustainability, public participation and respect for aboriginal rights.” Throughout Canada and indeed the world, CORE was applauded as a ground-breaking innovation in democratic land-use planning.*

“On the Road to Sustainability”, February 1996

### B. THE BETRAYAL

In 1996, the Commission on Resources and the Environment was disbanded. This was one of the first actions taken by Premier Glen Clark on an environmental issue, and with the advantage of hindsight, was a sign of things to come.

### C. NO OPPOSITION

The Liberals were always opposed to CORE.

### D. THE SOLUTION

A new watchdog needs to be created to assess, guide and monitor B.C.’s transition to a sustainable society. The watchdog would play a similar role to that of the Auditor-General, but would focus on environmental issues.

## 24. BROKEN PROMISE TO INTRODUCE A SUSTAINABILITY ACT

### A. THE COMMITMENT

*“In 1992 the Commission on Resources and the Environment was given the legal responsibility to develop for public and government consideration a British Columbia-wide strategy for land use and related resource and environmental management. . . . The cornerstone of the [provincial land-use strategy] is a proposed Sustainability Act for British Columbia.”*

The Provincial Land Use Strategy, Volume 1: A Sustainability Act for British Columbia”, CORE, 1994, 76pp.

In February 1995, a government press release stated that “The adoption of a *Sustainability Act* is urgently required to provide a permanent commitment to social, environmental and economic sustainability.” The Act was intended to guarantee fair, open and participatory decision-making, establish community resource boards, coordinate government action and ensure the transition to a sustainable future.

### B. THE BETRAYAL

Although “urgently required”, the *Sustainability Act* has never been enacted.

Late in 1994, the IWA wrote to then Minister of Forests Andrew Petter claiming that the proposed *Sustainability Act* “would be a definite step backwards, . . . killing thousands of jobs and dozens of resource-based communities”. It appears that the IWA’s lobbying efforts eventually paid off, as the “urgently required” *Sustainability Act* was never introduced in the provincial legislature.

In December 1997, Environment Minister Cathy McGregor admitted that the *Sustainability Act* is no longer a part of the government’s plans, claiming it was unnecessary.

### C. NO OPPOSITION

The Liberals opposed the introduction of the *Sustainability Act*.

### D. THE SOLUTION

The *Sustainability Act* should be passed.

# 25. BROKEN PROMISE ON RIGHT TO A CLEAN ENVIRONMENT

## A. THE COMMITMENT

*“Every resident of British Columbia has a right to a healthy environment”*

Draft of the *Environmental Bill of Rights*, June 30, 1994

Ontario, the Yukon and the Northwest Territories enshrined similar laws earlier in the 1990s. The *B.C. Environmental Bill of Rights* had two main features. First, it imposed a trust-like duty on the provincial government to conserve and protect the environment of B.C. for present and future generations. Second, it guaranteed all British Columbians the right to a healthy environment and gave residents legal rights to request investigations or go to court to protect the environment and the public trust.

## B. THE BETRAYAL

The *Environmental Bill of Rights* was never enacted. Environment Minister Cathy McGregor has said she rejects the need to introduce an *Environmental Bill of Rights*.

The *Environmental Bill of Rights* disappeared

along with the *B.C. Environmental Protection Act* despite widespread public consultation and strong public support. These initiatives were defeated by lobbying from the IWA (the logger’s union) and big business. The IWA opposition was based on the claim that environmental rights would be of “no value to most citizens” but “would be a huge benefit to overzealous green groups who would undoubtedly use it to tie up all kinds of economic activity on the basis of vague and woolly accusations” (IWA letter to Forests Minister Andrew Petter, October 12, 1994) The ignorance of the IWA opposition is forcefully illustrated by the fact that economic activity appears to be continuing in Ontario, the Yukon and the Northwest Territories, despite the existence of *Environmental Bills of Rights* in those jurisdictions.

“Every British Columbian has the right to clean air, clean water and a safe, healthy environment”

## C. NO OPPOSITION

The Liberals opposed the *Environmental Bill of Rights*.

## D. THE SOLUTION

The *Environmental Bill of Rights* should be passed. Every British Columbian has the right to clean air, clean water and a safe, healthy environment.



JOHN CLARKE PHOTO

**S***ustainability is no longer a government priority. Environmental laws have been rolled back, important decisions have been reversed, critical promises have been broken, national and international commitments violated and enforcement has dropped off. In short, our progress towards achieving a more sustainable British Columbia, towards protecting our health, our environment, our communities and the interests of future generations, has been derailed and in some cases, even reversed.*

A report by

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ORIGINAL REPORT PRINTED ON TREE-FREE PAPER & ARBOKEM

Special thanks to David Boyd, Will Horter, Mike Magee, Karen Mahon, Merran Smith, Kate Smallwood and Deryk Wenaus for their efforts in producing this report.