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February 18, 2014

Valhalla Wilderness Society Submission to the BC Government On the *Park Amendment Act 2014*

If the proposed Park Amendment Act 2014 (Bill 4) is passed by the legislature, it will be a day of infamy exceeding, in its destructiveness, all other betrayals of parks by previous governments. This is because Bill 4 strikes at the very core of the legal provisions that give the *BC Park Act* its protective force. The *Park Act* has been violated by government administrations numerous times before; but over the last 49 years that our *Park Act* has existed, no government was so ruthless, so heedless of the high esteem in which British Columbians hold their parks, as to drive bulldozers through its core protective provisions for the sake of Canadian and foreign-controlled corporations.

It is a great shock to recognize that the BC government has tabled a bill, in ambush fashion, that would nullify most of the legal protection of the *Park Act* for anything that can be packaged as "research". This would include feasibility studies for industrial development. The initial list of developments that could have feasibility studies in parks includes roads, highways, pipelines, transmission corridors, and tele-communications projects. However, the list is open-ended. Section 29(3) of the *Park Act* would be amended to allow the government to add specific projects and kinds of projects to the list as time goes along. Proposed additions 9.3(1)(e) and (f) also allow additional kinds of projects to be added. The list could easily be expanded to include mines, IPPs and many other kinds of projects.

Bill 4 mentions no limits to the kind or amount of damage that may be done by these activities. The damage of the currently listed feasibility studies alone could include logging and road building for access to test sites, drilling, pit digging, and the intrusion of helicopters and heavy equipment. And it is obvious that, after the feasibility studies, the development proposals will come. No government invites corporations to spend tens of thousands of dollars on feasibility studies for developments it does not intend to permit. So, in short, approval of Bill 4 would augur still further raids on the park system and the *Park Act*.

These activities and their purposes are currently illegal in parks. To allow them requires sweeping amendments that would gravely weaken protection for every park in the province. For instance, "re-search" and film-making would be exempted from Sections 8 (2) and (4), which place restrictions on the sale or leasing of park land. This, apparently, is in preparation for selling or leasing parts of our parks for industrial and/or commercial uses.

Section 9 places restrictions on any activities that would damage, remove, disturb or exploit resources in various kinds of BC parks. Bill 4 would grant "research" an exemption from clauses 9(2), 9(4), 9(7), 9(9) and 9(10d). It is important to note that Class A, B and C parks and conservancies have a bit different language in their protection clauses. In each case, the protection is split between two clauses: the first prohibits damage to the park except with a park use permit; the second clause specifies the conditions under which the government may issue a permit, and this is where the protection lies. These clauses legally prohibit the government from issuing permits that would damage, disturb, destroy or exploit the parks except under specified conditions; and these are the clauses that Bill 4 targets.

The amended *Park Act* would read: "Nothing in section 8(2) or (4) or 9(2), (4), (7)(9) or (10d) prevents the issuance of a park use permit for an activity related to research in a protected area ...." That would nullify all the restrictions placed on the issuance of park permits to protect the environment, the wildlife, the recreational values, and the park experience of visitors. Bill 4 would add a list of new criteria for the issuance of permits; they include feasibility studies for industrial development. But nowhere does Bill 4 mention any limits to the damage these activities may do.

The only protection from these activities that would be left would be ministerial discretion. If Bill 4 is passed, it would totally reverse the meaning of Section 9 as it relates to "research": for when the permitting clauses are overridden, what's left is clauses that make clear that valid park use permits can be issued for activities that would damage, destroy, disturb or exploit the park. The nullified clauses include:

Section 9(2) — prohibits the issuance of park use permits for activities that would damage, destroy, disturb or exploit Class A and C parks, unless, in the Minister's opinion, they are necessary for the preservation or maintenance of the recreational values of the park.

Section 9(7) — applies to any kind of park, and requires that a park use permit must not, in the Minister's opinion, hinder the development, improvement and use of the park according to its designated purpose. The designated purposes are defined in section 12(3), so this, too, would be overridden for "research", and this is where parks are designated specifically for preservation, public enjoyment, environmental protection, etc.

Section 9(4) — prohibits park use permits that would be detrimental to the recreational values of Class B parks;

Sections 9(9) and 9(10d) — prohibit park use permits that would hinder the management of conservancies according to section 5(3.1). Section 5(3.1) describes the purposes of conservancies to be the protection and maintenance of biodiversity, the natural environment, and First Nations culture. That, too, would be completely nullified for the purposes of industrial "feasibility studies";

Lastly, section 9(5) of the *Park Act* forbids absolutely the sale, removal, damage, disturbance or destruction of any park less that 2,023 hectares in size or any designated wildland area. Bill 4 would simply remove small parks from this clause. Such small parks are often small because they are already in a very fragmented landscape, or because they harbour species at risk, or have high recreational values. The activities that would be enabled under the proposed Bill 4 could simply destroy these parks.

In addition, Bill 4 would add a new provision exempting permits for film-making from Sections 8(2) and 9(2) and (7) as long as the activity is not detrimental to the recreational values of the park involved.

These proposed amendments clearly represent a massive assault on the *Park Act* and on the entire park system. This gross sellout is being approached step-at-a-time, so that only the feasibility studies receive attention at this time. But the link between feasibility studies and eventual development must be understood: once companies have invested in studies, their investments become leverage for approval of their project. Once a mining company finds an ore body, that becomes leverage to get projects approved.

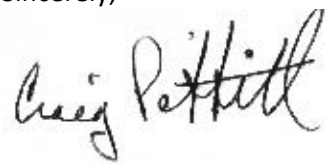
In the event that projects are found to be "feasible", government has already prepared a guideline document inviting companies to apply for a "boundary adjustment". This means wiping parts of our parks out of the park system. But the impacts of the developments will not be confined to the parts of the park that the government decides to remove in its "boundary adjustment". They will spread over a large area. One pipeline or road could result in the deaths of grizzly bears for miles around, or could result in a spill that would spread through water and do irreparable and devastating damage.

Bill 4 does not specify that "research" will be allowed solely in the boundary areas of parks. What might we imagine will happen when industries such as a pipeline company or a mining company find a project is "feasible" in the core of the park? This is why we believe that Bill 4 will lead to further blows struck to the *Park Act,* to totally disable the protection of parks and conservancies from industrial activities.

ENVIRONMENTAL IMPACT ASSESSMENTS OR PUBLIC REVIEWS ON THE PROJECTS WOULD NOT MAKE BILL 4 BETTER, BUT FURTHER MAKE A MOCKERY OF CURRENT PROTECTED STATUS AND PUBLIC OPINION. Many decades of review processes paid for by the taxpayers have ALREADY weighed the merits of industrial use versus preservation on every BC park, and governments have judged that preservation was the best use of these areas. What hope would there be in future environmental reviews if the government managing them cannot honour the strongest environmental protection law in the province?

What's more, several government administrations have, in the past, have subjected the *Park Act* to elaborate public review processes. The BC public overwhelmingly insisted it wanted no industrial or high-impact commercial development of parks. We believe the proposed amendments in Bill 4 would grossly violate the public trust, robbing the electorate of protections it has fought hard and long to establish. That the changes the government is proposing are potentially destructive of the already fragmented areas set aside to maintain ecological integrity for species at risk (of which BC has over 1,500) is also being ignored. We urge you to immediately abandon all these proposed amendments in recognition of the essential fact that the parks now endangered were specifically set aside to protect these areas from the very uses which you now, stealthily prepare to invade, injure and destroy. This will eventuate in an earthquake fracture between the BC government and those governed, and will have international repercussions when the true nature of your intent and proposed conduct becomes widely known.

Sincerely,



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