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Sierra Report

ONE EARTH. ONE CHANCE.

MARCH 2014 | VOLUME 31, NO. 1

CELEBRATING SUCCESS IN SPECIES AT RISK CASE



VALERIE SHORE, EAGLE WING TOURS

Winning One for the Whales

In February we won a groundbreaking court case against the federal government over its failure to protect four endangered species along the proposed Enbridge tankers route.

Unfortunately, when it comes to species at risk, the federal government has been breaking the law. Sierra Club BC and four other organizations, represented by Ecojustice, took the government to court for failing to protect Pacific Humpbacks, Marbled Murrelets, Nechako White Sturgeon and Southern Mountain Caribou. On February 14, the court ruled against the feds for delaying recovery strategies for these four species.

The judge described the case as “just the tip of the iceberg” of an “enormous systemic problem” within the federal government, citing the fact that more than 160 species at risk across Canada still await overdue recovery strategies. In the case of the Pacific Humpback, the final recovery strategy was only released last October, more than four-and-a-half years past

its due date, and was not considered by the Enbridge Northern Gateway Joint Review Panel.

The proposed Enbridge pipeline would bring over 225 tankers a year

“The delay encountered in these four cases are just the tip of the iceberg. This is clearly an enormous systemic problem within the relevant ministries.” Justice Anne L. Mactavish

to B.C.’s waterways, cutting directly through critical Humpback habitat, as the belated recovery strategy clearly shows. The strategy also outlines the threats posed to this critical habitat by increased vessel traffic, including shipping noise and threat of toxic spills.

It seems an inconvenient truth that oil tankers and humpback whales cannot co-exist. However, because the federal government delayed the release of the humpback recovery strategy, the Northern Gateway pipeline proposal slid through regulatory review without all available scientific data being considered.

It’s time the federal government started following their own laws as we make decisions that will affect our environment, at-risk species and human health long into the future.

Once common in B.C.’s coastal waterways, humpback whales disappeared almost completely from these waters in the mid-1900s after extensive hunting, rarely seen again in B.C. until 1980. Though making a slow yet remarkable comeback, Pacific humpback whales are still a threatened species, legally protected by the Species at Risk Act (SARA).

MESSAGE

From the Executive Director



From the fracking wells of Fort St. John to tankers carrying oil sands crude through the heart of Vancouver, powerful interests are pushing an aggressive oil and gas agenda here in British Columbia. The B.C. government is giving the Oil and Gas Commission authority to remove protection from farmland, amending park legislation to facilitate pipelines through B.C. parks and protected areas, and pushing the reckless expansion of fracking to fuel the Liquefied Natural Gas pipe dream. This agenda, amounting to a takeover of British Columbia by oil and gas interests, is not good for the long-term economic health of the province, and goes hand in hand with the federal government's deliberate assault on democracy and First Nations rights.

As Sierra Club members and supporters, you are an integral part of the urgent work to protect all that the majority of British Columbians value and hold dear – salmon rivers, clean water, wildlife, local cultures and economies that depend on healthy ecosystems. Thanks to your generous support, we took the federal government to court over its failure to protect four endangered species along Enbridge's proposed route, *and won*. This spring, we are in court again with a case against the B.C. Oil and Gas Commission for allowing oil and gas companies such as Encana to withdraw vast quantities of fresh water for fracking and drilling.

As we hold the line on Enbridge and Kinder Morgan, we are also working to build a low-carbon future that British Columbians can look forward to. We are implementing innovative forestry solutions in the Great Bear Rainforest, and joining forces with other groups to promote a bold green jobs agenda for B.C. Building on the recent success in protecting Fish Lake, where we played a supportive role with the Tsilhqot'in Nation and many other groups, we are working to preserve connectivity for wildlife across the landscape, from the globally-significant Flathead River Valley to the lush and fertile Peace River Valley, threatened by the Site C dam.

Your actions in your community, your messages of encouragement and your financial support give us the power to keep doing what we are doing, with heart, energy and passion. However dark the moment, we will find a way forward. Together, we will create a healthy future for our children; a future that we can all say "yes" to.



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Sierra Club of BC Foundation is a registered charity (charitable number 11914 9797 RR0001) and your donation is eligible for a tax receipt.

Don't Frack with B.C.'s Water

Did you know that 90 per cent of B.C.'s new drilling operations will be fracked? There is nothing clean about B.C.'s natural gas industry.

The concerns are even more abundant than the proposals: natural gas pipelines threaten B.C. parks, LNG tankers and terminals threaten the integrity of the Great Bear Rainforest, and the process of fracking uses vast amounts of fresh water, potentially contaminating groundwater. And, it releases harmful greenhouse gas emissions into our atmosphere.

We are in court this spring with Ecojustice lawyers to argue our case against the B.C. Oil and Gas Commission for

allowing oil and gas companies such as Encana to withdraw massive quantities of fresh water for fracking operations without proper approval.

Fresh water is ever more precious in a climate-changing world. Communities in B.C.'s Northeast are already seeing their water depleted and contaminated by fracking and drilling operations. It is unfortunate that we have to take the B.C. government to court to remind them to manage B.C.'s precious fresh water for the benefit of communities, farmland, and ecosystems, instead of offering it up to oil and gas companies.



No Pipelines, No Tankers, No Problem

Enbridge, Kinder Morgan, the prospect of multiple pipelines criss-crossing our parks ... B.C. communities and ecosystems are facing massive energy infrastructure development on a number of fronts. To respond effectively, we are mobilizing people to speak out on the specific issues and places they feel most passionate about, while connecting the dots of what this energy rush means in terms of cumulative and climate impacts.

Enbridge is far from a done deal. First Nations in the Great Bear Rainforest have launched legal challenges of the Joint Review Panel process, calling for the recommendation to be rejected, and have requested fundraising support to assist with their legal costs. This spring we are organizing online and community fundraising

efforts to support these First Nation legal challenges.

The National Energy Board review process for Kinder Morgan's Trans Mountain proposal is already seriously flawed, limiting public participation and not considering climate impacts.

We organized workshops and webinars to assist people to sign up. In a strong show of opposition, over 2,000 people managed to jump through the hoops of the absurdly restrictive application process. We will continue to support those who have applied to participate, critique the narrow scope of the process, and hold rallies and town halls to raise awareness of all that is at stake for communities, jobs, salmon and the coast.

Sierra Malaspina: Good News for Powell River Parks

"Parks are not banks", is how the Sierra Malaspina local group responded to the City of Powell River's attempt to rezone a large part of the city's Willingdon Beach-Millennium Park for a housing development. Sierra Malaspina members wrote letters and presented to the City Council, which voted to keep the land as park and included it in the Official Community Plan.



One of the nature trails that runs through Willingdon Beach-Millennium Park in Powell River.



GREAT BEAR RAINFOREST BREAKTHROUGH

After years of protest, negotiations and planning, a group of B.C. forest companies and environmental organizations, including Sierra Club BC, has delivered joint recommendations for increased conservation and future logging rates to the Province and First Nations. The proposal is the result of several years of intensive collaborative work and represents a major milestone towards final implementation of the Great Bear Rainforest Agreements. The recommendations would

result in approximately 500,000 hectares of additional rainforest off-limits to logging, from 50 to 70 percent of the natural level of old-growth. Visit www.takeittaller.ca to show your support and stay tuned.

PEACE VALLEY: HOLDING THE LINE ON SITE C DAM

Agricultural experts say the Peace Valley could produce fruit and vegetables for a million British Columbians, yet the B.C. government is about to sacrifice the only prime farmland north of Quesnel for an \$8 billion dam whose power is not needed for domestic consumption. Many farmers,



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First Nations and scientists spoke out at the Site C Joint Review Panel (JRP) hearings, which ended February 3. A big thank-you to thousands of Sierrans and others who sent letters voicing opposition to this destructive project. Stay tuned at **StopSiteC.org** for news, updates and more Site C actions this spring.

FISH LAKE SAVED

We were delighted to see the federal government reject Taseko Mines Ltd.'s proposal for a gold/copper mine at pristine Fish Lake, sacred to the Tsilhqot'in people. Congratulations are in order to the Tsilhqot'in First Nation which has been opposing the project for nearly a decade and went to court twice to defend their aboriginal rights and title. Sierra Club BC members and supporters sent over 7,000 action letters through our website since 2010, just one of the many efforts put forth by the First Nations and environmental groups to stop this destructive project.



LARRY PETERSON

