



Burke Mountain Naturalists

PO Box 52540, RPO Coquitlam Centre, Coquitlam BC V3B 7J4
“To Know Nature and To Keep It Worth Knowing”

March 14, 2007

The Honourable Barry Penner, Minister of the Environment
PO Box 9047, Station Provincial Government
Victoria, BC V8W 9E2
Transmitted by fax (4 pages): 250-387-1356

Dear Minister Penner:

Re: Industrial Development in Protected Areas Proposed Power Project for Upper Pitt River and Pinecone Burke Provincial Park

We are writing you as the minister responsible for provincial parks and protected areas to ask that you uphold the Park Act. Our specific concern that gives rise to this letter is a proposal by an independent power producer to construct seven power generation stations (eight weirs and penstocks) in the Upper Pitt River Valley (some of which are on the border of Pinecone Burke Provincial Park) plus a 4.3 kilometre transmission line that would run through the northern wilderness portion of this Class A provincial park. While we are concerned about the environmental and land use impacts of the project as a whole, we focus here on the provincial park portion of the project because we understand that you are considering in the near term how to respond to this particular aspect of the proposal.

We have spoken with officials in your ministry and the Environment assessment Office who acknowledge that a hydroelectric transmission line through a Class A provincial park is illegal. Members of our organization, along with many others in the community, participated in a very lengthy planning and public consultation process lasting several years to get this area protected. While we find it somewhat remarkable that anyone can apparently propose a completely inconsistent use for an area that underwent such careful and deliberate decision making, the more important issue is how you, as minister responsible for protected areas, respond to the proposal.

After the extensive land use decision-making process this park has already undergone, we would be very concerned if you were to consider revisiting this land-use decision of the Legislature by opening up the park to this type of development. We were surprised to learn, for the first time, from the proponent that a relatively new “Park Boundary Adjustment Policy” has been adopted since you have been Minister which seemingly invites applications for changes to park boundaries. Did you carry out any public process in developing and adopting this policy? We are not aware of any. We asked other provincial organization concerned about the integrity of provincial parks and learned that they too were surprised to learn of the existence of this policy.

Page 6 of the Guide to the British Columbia Environmental Assessment Process states:

Provincial land use plans provide the framework and context for setting environment, land use and resource management goals over provincial Crown land. Environmental assessment is conducted within the context of existing land use plans. While environmental assessment examines the effects of a project on adjacent land uses, it is a project-specific review mechanism and has no authority to act as a land use planning mechanism or to re-open previously approved land use plans.

We would consider it highly inappropriate for the Environmental Assessment Office to undertake assessment of a project that is contrary to the *Park Act*. Likewise, we would consider it inappropriate for you to entertain an application to open up the park boundaries for this purpose. Provincial parks are off-limits to logging, mining and other industrial uses. We fail to see how several kilometres of a new hydroelectric transmission line through a wilderness portion of this protected area could be seen or treated differently. This is not a matter of “adjusting” a hastily drawn park boundary that inadvertently included an area for which the consequences of protection were not considered. There was significant public consultation on the wilderness values of the northern portion of this park and the government’s own poster promoting its protected area decision highlighted the Pinecone Lake area.

When in opposition, your party also supported protecting Pinecone Burke Park, and Liberal MLAs spoke in favour of park creation in the Legislature and media. For example, speaking of the Park Amendment Act, 1995 that established Pinecone Burke Park, Minister de Jong stated:

M. de Jong: I think this is good-news legislation. In a session where there has been woefully little for the government to cheer about, it can quite properly stand up, take a bow and applaud itself for the creation of a whole host of parks. Although not all 106 are entirely new areas, many of them are, and certainly they are reconstituted and reorganized.

As the minister and the previous minister pointed out, parks do represent a legacy. They represent a legacy to future generations, but one that we can enjoy immediately as well. I think all sides of the House have been the beneficiaries of what has gone before us insofar as the dedication of lands for parks and wilderness areas is concerned. All of us, I think, have that very special part of the province in our minds when we think about a bill like this – a place where we have gone to seek tranquillity, to meditate and to consider the beauty that is the province of British Columbia. The minister can be

justifiably proud when she suggests that she takes action which will add to that legacy now and in the future.

...I want to end on a positive note and confirm to the minister that in principle and in second reading, the official opposition is supportive of the directions being set out in Bill 53.

Another MLA stated:

D. Mitchell: We've seen a number of announcements, and I can tell you I support announcements in and adjacent to my constituency, such as Pinecone Burke Park and Indian Arm Park, which were recently announced by the government. Those are tremendous achievements. The question we have to ask, which will be asked time and again is: is the government devoting enough of the resources of the Ministry of Parks to ensure that all of these increased parklands are going to be properly administered and that the stewardship is going to be there? That's one question that has to be asked.

In fact, all of the Liberal opposition MLAs voted in favour of Pinecone Burke Park being established.

We know that the BC public has expressed strong concerns about tourist lodges being built in provincial parks and protected areas. Transmission lines are even more inappropriate. We ask you therefore to respond to this proposal for a transmission line through Pinecone Burke Park by notifying the proponent that, as minister responsible for parks, you are not willing to recommend to the Legislature that the boundaries of Pinecone Burke Park be revisited. There is little merit in putting the proponent to the cost and trouble of an environmental assessment for the park portion of the proposal.

The powerhouses and an alternative transmission line route are outside the park and we understand that they are about to undergo environmental assessment. We remain concerned about these issues as well because of the high fisheries and recreational values of the Upper Pitt River Valley. For example, the Pinecone Burke protected area study process identified a rare population of hybrid dolly varden/bull trout in Boise Creek, near to where one of the powerhouses appears to be proposed.

Despite considerable efforts to resolve land use issues throughout much of BC, the provincial government has never conducted a land use planning process for the Lower Mainland, as the former processes focused exclusively on protected areas. If the environmental assessment process is not the proper place to address land use issues, as stated in the guide quoted above, where is? We have gone to considerable effort in the past to consider land use in the upper Pitt River watershed and were involved in volunteer efforts that brought many parties together to discuss its future. Unfortunately, lack of interest by provincial agencies has left some outstanding issues unresolved. We would like this question of land use to be addressed prior to the commencement of any environmental assessment process for this project.

We very much appreciated the effort you made to clean up the landfill dump site in the Upper Pitt River Valley last year as well as Premier Campbell's opposition to a proposed gravel mine that threatened the very high fisheries values in this watershed a few years earlier. While we recognize that there can be important public benefits to be gained from run-of-the-river type hydro projects, we hope that you will recognize that there are some locations for that are inappropriate as the province attempts to move towards clean energy goals.

We look forward to your response.

Yours truly,

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cc:

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