

# Friends of Strathcona Park

## Newsletter - Fall 2014

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[www.friendsofstrathcona.org](http://www.friendsofstrathcona.org)

### Bill 4 Update

by Marlene Smith-Schalkwijk with thanks to Gwen Barlee for additional information.

As reported in our newsletter, published in the spring of 2014, Bill 4, the Park Amendment Act, passed third reading and became law. Bill 4 is closely tied in with the Parks Boundary Adjustment Policy. It changes the Park Act to allow Park Use Permits (PUP) to be issued to researchers for industrial and commercial purposes. There is no clear definition of what this industrial research entails. Mining, logging roads, pipe and transmission lines are not specifically excluded. The Minister of Environment, Mary Polak, refused to add exclusions for that type of 'research' to the bill.

The Park Boundary Adjustment Policy allows the Minister of Parks to delete or exclude pieces of park land slated for development, based on the "research". Hence, industrial activities will not take place in the park, because the land will get excluded first. According to Minister Polak, Bill 4 was introduced under the pressure of many industrial applications, mostly for the purpose of pipelines.

How can a Minister of Environment make decisions to facilitate industrial development on lands protected under the Park Act? Currently, the minister says parks are still as well protected as over the last 100 years.

So what has happened since last spring?

Well over 166,000 people signed a petition objecting to Bill 4. It was presented in the Legislature in Victoria and ignored by the government. Bill 4 passed into law last spring.

Bridal Veil Falls Park near Chilliwack and three other parks are targeted for boundary changes to facilitate the proposed Kinder Morgan Pipeline project. You can read about this proposal and others here: <http://www.env.gov.bc.ca/bcparks/PBAProcess/> Kinder Morgan and the BC government just finished their "public consultation" on October 12, so expect a decision to come out in the next few weeks - likely around the Xmas holidays because governments love to dump bad news announcements during the holiday season when people aren't paying attention.

The push back around Bill 4 is project specific at this moment. Environmental groups have been working with local allies to keep a logging road out of Sasquatch Park near Agassiz and they have also been active re: push back on Kinder Morgan. Fighting this initiative park by park is not ideal, but that is what opponents have been forced to do until this Bill 4 is rescinded.

Recently the news reported that the Provincial Government is planning to remove land from the Nishga Memorial Lava Bed Park in northern B.C. to accommodate building a pipeline to Prince Rupert. Since pipelines cannot be built in class A parks, the solution is to delete land to make this possible. There is sure to be more of these situations arising as many pipelines are being planned.

To date there are no new threats to Strathcona Park, at least not yet. FOSP worries that one day there may be another attempt to connect the power plants at the mine to the B.C. Hydro grid. The last time this was tried, it was wisely turned down by government. With the government we have now and Bill 4, it is conceivable that the road along Buttle Lake could be removed from the Park to allow a power line to be constructed.

Robert Behrendt, General Manager at Nyrstar Mine, clearly stated a few years ago no at they had no

intention of doing this. However, as reported elsewhere in this newsletter, Robert has retired as well as Ivor McWilliams, Environmental Supervisor. To date their replacements have not been hired. FOSP hopes whoever is hired maintains this policy, or we could be in for a major fight once again.

As for our BC Parks system, pipeline, and fracking issues, we had better get prepared and refresh our knowledge of those before us like Ghandi, Martin Luther King and Nelson Mandala.

### **Planned New Societies Act A Cause for Concern**

by Jennifer Pass

In August 2014, the Honourable Michael de Jong, Minister of Finance, in the body of a “White Paper”, released a draft new Societies Act, for public input. This is not legislation yet, but should cause us concern and prompt us to give input.

Section 99 is of particular concern. The introductory words are “Complaints by public”, and the provision allows for a ‘person whom the court considers to be an appropriate person’, to make an application to the court. This person’s grounds for application include that the society is “carrying on activities that are detrimental to the public interest”. Should the case be made, the court can direct a number of remedies including as the most serious consequence, liquidation of the society.

Apart from the obvious concern that societies most often do not have a “litigation fund” to respond to anticipated court applications is the deeper concern that most societies form for a particular interest, in the case of FOSP, the protection of Strathcona Park. And while our members believe our particular interest is also in the public interest, those promoting logging, mining, and roads through our park would argue their interests, not ours, are in the “public interest”, and actions we might take to defend

against their intrusions could be considered as being against the “public interest”. The scope of SLAPP suits would increase.

In a free society, we have (under the Charter of Rights and Freedoms) the right to assembly, to meet with others for lawful purposes. Differing viewpoints and the right to express those views are essential for democracy to have any validity. Our rights of assembly would be seriously undermined by the legislative provision that we must be acting in the “public interest”.

In the planning of this legislation, one must always ask, ‘what is the evil that the provision is attempting to address’, and for section 99 the concern seems to be that a society is receiving public funds and therefore must act in the public interest. It would be more appropriate to say that a society has a mandate or mission statement and because it solicits funding from the public, the public has a right to have the society act within its mandate. The public gives money to societies because they agree with its objectives, not because it acts in someone’s (or a court’s) view of what the “public interest” is.

The new draft “Societies Act” has been several years in process and Minister de Jong indicates in his introductory White Paper that, earlier consultation “indicated stakeholders repeatedly requested to keep the new Act simple and straightforward, so it could be used effectively by all participants in non-profit sector, including those without legal counsel.” Clearly the proposed section 99 seems to have been drafted in complete disregard to these repeated stakeholder requests.

### **Last Summer's Bedwell Hike Cancelled.**

FOSP planned another Bedwell Valley traverse for last August. Over the last several years FOSP directors have led groups from the alpine to the ocean with another group going from ocean to alpine. The route taken included the alternate

route constructed by the Friends with Parks' permission. This alternative avoided difficult creek crossings, was more scenic and proved that a private operator was not needed to keep the valley open for hikers. This negated one of the main arguments for giving Clayoquot Wilderness Lodge a permit to construct a horse trail in this valley. The trip had become a popular hike and all who took part were very positive about the experience.

The alternate trail had been flagged by the Friends, then the flagging was taken down at Parks' request. Flagging a route is a safety measure to avoid hikers getting lost and getting into trouble. Removing the flagging tape in this remote area increases the risk of hikers getting into serious trouble. Later that season another hiker reflagged the route.

Before leading another trip, two members of FOSP hiked the route to make sure everything was safe and in good shape. It was discovered B.C. Parks staff had removed this new flagging tape, making this route unsafe for the general public yet again. Because this years leaders had not been part of finding the original route and because in some sections the bush had grown up, making the route more difficult to follow, it was reluctantly decided to cancel the trip for safety reasons. FOSP holds public safety a high priority and did not want to be responsible for any problems arising from parks' actions.

The FOSP apologizes for those who were inconvenienced by this and who had to make alternate arrangements for time they had set aside for the trip. We felt it was the only choice we had. At this time there are no plans for next summer. Your suggestions and possibly offer of leadership would be much appreciated.

### **Park Update**

"No Fire" Signs - FOSP received \$2500 in funding from BC Parks to design and manufacture signs to educate the public about why they should not light fires in the alpine. Five signs were made and installed at trailheads at Bedwell Lake, Paradise Meadows, Della Falls, Elk River, Arnica Lake and

Comox Glacier. Some money is left over and is available to do some more next year. Reaction from the public and others has been very positive.

The FOSP committee that worked on this project were Bob St. John, Kel Kelly, Carole Hunter and Karl Stevenson.

Nyrstar Mine - This is the name of the mine operating in Strathcona Westmin Provincial Park which is right in the heart of Strathcona Park. It is one of only two class B parks in the Province created to allow mining within what used to be a class A park.

There are several pieces of news of note concerning this mine. First of all, Robert Berhend, General Manager, and Ivor McWilliams, long time Environmental Superintendent, have both retired. There is no word yet who their replacements will be.

Modifications to the Jim Mitchell Lake dam should be completed in 2015. The dam will be raised and a boat launch constructed at the lake.

It was the driest summer on record at the mine which caused some power production problems, one of which was a break in the penstock from Tennant Lake.

Work continues on the mine's reclamation plan. This involves possibly creating a wetland over the tailings upon closure. There should be some public process before the plan is adopted.

A pump failure caused a spill of about 16,000L of highly acidic waste water to enter Myra Creek. Work is being done to prevent a similar future occurrence. Dilution was considered enough to mitigate the damage.

Another ore body has been located which will extend the life of the mine to between 15 and 20 years.

Clayoquot Wilderness Resort - CWR's workplan is to be submitted this fall. To date it has not been. Once Parks has received it they will have to "groundtruth" it which means walking the Bedwell route. Because of winter weather and high water this can't be done until next year. FOSP hopes this plan will be available to the public because of the need for transparency and the amount of public interest in this issue.

Croteau Lake - Plans are afoot to build a group campsite at Croteau Lake to take the pressure off other campsites in the area. It's ironic that our dear Ruth Masters used to work at Eugene Croteau's camp when she was young. Ruth has lots of entertaining stories to tell about this which can be found in her biography written by Hazel Lennox.

Trail Work - The trail between Battleship Lake and Kwai Lake saw some more work this summer. More boardwalks were put in to help with muddy areas. Future plans are to possibly work on the worst sections between Lake Helen McKenzie and the old Ranger's cabin.

Strathcona Park Public Advisory Committee - SPPAC will change significantly very shortly. Five members are retiring after serving for 7 years. They are Peggy Carswell, David Campbell, Tawney Lem, Nick Page now and Philip Stone after a stint as chairperson for the sake of continuity. These members were very supportive of the FOSP position in opposing the CWR project a few years ago. New members are being considered and depending on who they are, the flavour of SPPAC may or may not change as well.

FOSP would like to thank these members for their hard work and wise thinking over their tenure. It's good to know there are many good people willing to stand up and push for park values. Best of luck and we hope to see you in the Park in the future.

SPPAC's Terms of Reference are being updated by the committee. Some of the old terms are out of date due to changes in communications technology and the maximum term for serving on the committee is being reduced from 7 to 5 years. There needs to be a more orderly turnover of membership to provide more continuity.

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<b>FOSP Membership Form</b> <b>Thank you for renewing.</b>	
<b>Name</b>	_____
<b>Address</b>	_____
<b>City</b>	<b>Postal Code</b> _____
<b>Phone</b>	<b>alternate phone (cell)</b> _____
<b>e-mail</b>	_____
<b>Membership (suggested \$10 per year)</b>	_____
<b>Donation (tax receipts for anything \$25 or more.</b>	_____
<b>Comments</b>	_____
<b>send to: Friends of Strathcona Park, P.O. Box 3404, Courtenay, B.C. V9N 5N5</b>	