

The Fixed Game

Canada's Environmental Assessment process, weakened under Harper, is still slanted in favour of megaprojects – needed or not; financial stinkers included.

Joe Foy

January 10, 2017



Prime Minister Trudeau has certainly wasted no time in revisiting the environmental laws weakened back in 2012 under the Harper regime.

Some may say Trudeau is merely trying to calm the growing storm of opposition to his recent highly unpopular decisions to let the Site C dam project proceed and to greenlight Kinder Morgan's dirty tar sands pipeline. Both decisions are despised by many in BC where trampling on First Nations rights, flooding entire valleys for no good reason and polluting the ocean and climate are behaviours severely frowned upon.

Nevertheless, a federally appointed "Expert Panel" has been diligently travelling from town to town to hear submissions from the public regarding how to repair the torn and tattered Canadian Environmental Assessment Agency (CEAA).

However, rather than calm the storm, some of the submissions are bound to stir up even more opposition to Trudeau's terrible decisions.

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For example, Harry Swain, who headed up the Environmental Assessment Panel Review of the Site C dam project, had this to say in his submission dated December 14 2016: "Among the critical things lost in 2012 were the requirement for proponents to be up-front about the need for, and alternatives to, the project at hand. Reinstating this would properly return project economics to the centre of the debate. In the case of Site C, as well as the Lower Churchill and Conawapa projects, a good examination of costs and benefits would have obviated the need to study First Nations and environmental impacts at all, as these projects were financial stinkers from the start."

Swain's submission shines light on the dodgy financial footing of BC Premier Christy Clark's Site C dam project, which is funded by \$9 billion public dollars. The premier was never required to show a need for the project or how the people of BC would ever be paid back their \$9 billion. Financial stinker indeed!

"It was shocking to me that in two applications for judicial review of the Site C decision, counsel for governments argued, and judges agreed ... that recourse should be via civil suit – long after the transgressions happened. Gosh, Ministers are not bound to observe the Constitution!"

Gwen Johansson, who sat on the BC Hydro Board of Directors (1996-2001), wrote in her December 5, 2016 submission that: "The Agricultural Land Commission ... was prevented by the province from reviewing the impact of Site C, despite the fact that the Peace Valley contains a substantial amount of very productive agricultural land ... It produces heat-loving crops such as watermelon and cantaloupe on commercial scale, a rarity at this northern latitude."

The fix was in to push the Site C dam project through regardless of how much farmland went underwater.

In his submission, Swain says: "It has been clear for years ... that indigenous peoples have extensive land rights that cannot be ignored, and that the tests for infringing on these rights are onerous."

Swain concludes: "It was shocking to me that in two applications for judicial review of the Site C decision, counsel for governments argued, and judges agreed, that these issues could not be considered and that recourse should be via civil suit – long after the transgressions happened. Gosh, Ministers are not bound to observe the Constitution! It was equally shocking that the federal government, in publishing its decision in favour of Site C, did not give reasons for decision."

Trudeau's "Expert Panel" has certainly heard some hard truths. But until the Site C dam and Kinder Morgan's pipeline are stopped, who would believe anything his government promises again? The fix is clearly still in.

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Justin Trudeau / Kinder Morgan Pipeline / Site C

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