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Environmental lawyers say Site C decision is irresponsible; may violate First Nations rights

Vancouver. The BC government's decision to move ahead on the Site C dam is inappropriate, given the massive environmental and socioeconomic impacts of the proposed hydroelectric project. BC needs to immediately begin a process to responsibly and strategically plan the development of renewable electricity resources on a province-wide basis, to ensure public benefit while limiting the environmental and social impacts of new generation.

"The BC government should not go ahead with massive hydro and landscape-changing environmental impacts without a meaningful, inclusive process to plan for renewable electricity. Failing to do that is like making the decision with our eyes closed," said Josh Paterson, staff lawyer at West Coast Environmental Law. "The government has not made the case that BC needs this extra power, or that Site C is the most beneficial way to generate it."

The Site C proposal will now proceed to environmental assessment. However, BC's environmental assessment process approves almost every single project it considers, and has significant shortcomings that undermine public confidence. For example, provincial environmental assessments are not required to consider the cumulative, spin-off environmental effects of electricity projects. For Site C, these could include a huge expansion of the gas and mining industries made possible by the additional electricity, with all of the environmental impacts that go with them.

"The government constantly touts the spin-off economic effects of hydro projects, but these must be balanced with consideration of the potentially significant negative environmental spin-offs over the lifetime of this dam," Paterson added.

The lack of an inclusive process to plan renewable electricity will also have consequences for the province's relationship with First Nations, and could ultimately have legal repercussions. Site C will flood over 5000 hectares of Treaty 8 First Nations' traditional territories, and further disrupt the flow of the Peace River that has already been disturbed by two other dams. A project on this scale is certain to have significantly negative impacts on the ability of First Nations to exercise their constitutionally-protected Treaty rights to hunt, trap and fish.

"The decision to move ahead on the Site C dam over the objections of Treaty 8 First Nations is a step in the wrong direction for reconciliation between First Nations and the Crown. The Crown has a duty to respect the constitutionally-protected treaty rights of First Nations affected by this dam," Paterson added. "First Nations ought to be involved at the highest levels of decision-making on projects that will have such lasting impacts on their rights, and their traditional lands and waters."

The Supreme Court of Canada has stated that the government has a duty to consult with First Nations at a high level of strategic planning for the use of resources like the water required for power generation. However, in spite of these potentially serious impacts, the province has not involved any First Nations in broader consultation and strategic planning on the development of BC's renewable electricity resources. While the provincial government has stated that it will consult with First Nations as it moves ahead with the environmental and regulatory review of the project, this consultation may not be adequate to satisfy the Crown's duty to consult with First Nations.

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For more information:

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