



PEACE VALLEY

landowner association

Ss#2, Site 12, Comp. 19, Fort St. John, British Columbia, V1J 4M7

(250)262-3205 or (250) 262-9014

Ken Boon <pvla@xplornet.com>

August 28, 2015 STATEMENT OF KEN BOON, PRESIDENT OF PEACE VALLEY LANDOWNER ASSOCIATION

Based on the firm belief that British Columbians have a right to careful, deliberate and transparent environmental and economic assessment of massive projects, the Peace Valley Landowner Association sought court review of the federal Cabinet's decision to grant an Environmental Assessment Certificate for the Site C dam. The Site C dam commits our public funds to the most expensive infrastructure undertaking in our history and floods the last remaining pristine parts of the Peace River Valley.

Today the Federal Court dismissed the Peace Valley Landowner Association's application for judicial review of the federal Cabinet's decision that the significant adverse environmental effects that the Site C dam will cause are "justified in the circumstances."

The PVLA brought the application based on the only independent evidence available to the public: the federal/provincial Joint Review Panel tasked with assessment of the Site C dam found that the significant adverse effects of the dam are not justified. The Panel determined: a) justification must rest on an unambiguous need for the power, but that need had not been established, and b) justification must also rest on analysis showing the financial costs are sufficiently attractive to make tolerable the substantial environmental, social and other costs, but that the financial costs of the Project had not been sufficiently established (Fed Court Judgment para. 34).

In the reasons Cabinet ("GIC") gave for its justification decision, Cabinet addressed its consultation obligations to aboriginal peoples, but did not address the issues raised by the JRP's determinations about the need for and economics of the Site C dam. PVLA's application to Federal Court was based on the premise that Cabinet was bound by law to consider those issues in deciding whether the significant adverse environmental effects of the dam are justified, but that the only evidence available on the public record (Cabinet's articulated reasons) was that Cabinet had not done so.

The Federal Court expressed concern with what it called the "significant public interest and legitimate concerns" raised by the PVLA.

The Court said:

"the privacy and arguably lack of transparency surrounding the GIC's decision is not ideal" (para. 31).

"Cabinet has claimed privilege over the record before them in reaching their conclusion, which complicates a meaningful review of the basis for the reasons for the decision" (para. 42),

"the reasons provided by the GIC could have been better articulated and more transparent" (para. 66).

However, despite the secrecy claimed by Cabinet over its decision record, the Court held that there is a presumption that Cabinet considered all it was required by law to consider in making its decision.

PVLA is disappointed by the decision, and remains concerned that the decision makers that Canadian law tasks with the enormous decision to flood a river valley at tremendous and irreversible environmental and economic cost have ignored the fundamental findings of the only independent panel that has been allowed to review this Project: that the need for the Project has not been established and that the Project is not justified.

“Today’s Federal Court decision is not an endorsement of the Site C dam. This Federal Court decision changes nothing. British Columbian’s should be deeply concerned that if Site C is built, we will all end up paying for a costly energy dinosaur. The costs, both in terms of public funds, agriculture, and the environmental impact on the last pristine stretch of the Peace Valley, are too serious to be rubber stamped”, said PVLA President Ken Boon, “Site C is by no means a done deal. This is only the start of a 10 year project. PVLA will review it options and redouble its efforts to halt construction of Site C for 2 years. This will allow time for further open, independent and expert review of Site C and pursuit of other much less costly, much more environmentally friendly renewable energy alternatives.”

BACKGROUND

The only independent body that reviewed the proposed Site C Project, the federal/provincial Joint Review Panel, found that BC Hydro had not established the need for the Site C project on the timeline proposed, and that by the time that new power is needed, alternative energy sources may well be better options for British Columbia, both financially and environmentally. The Joint Review Panel also found that BC Hydro had not established the cost of Site C. Finally, it found that Site C would cause significant adverse environmental effects. In light of these findings, the Joint Review Panel recommended that the BC Utilities Commission—an independent body established in this province to vet energy decisions like Site C—should review the Site C dam mega project to address these critical issues.

Under normal circumstances a project like Site C would require independent oversight by not only the Joint Review Panel, but also the BC Utilities Commission and the Agricultural Land Commission. However, the BC government, the proponent of Site C, removed two of these three regulatory processes for the Site C project, and ignored the recommendations of the remaining independent body, the Joint Review Panel.

TOP 5 PVLA CONCERNS WITH SITE C

1. Site C dam will flood the last pristine stretch of the Peace Valley destroying farmland that could produce fruit and vegetables for 1 million people in a time when drought affects where much of our fruit and vegetables are produced. **Former chair of the Agricultural Land Commission, Richard Bullock described this removal of farmland as a “sin against humanity.”**
2. 100 % risk of destruction of very significant fishing, hunting and wilderness areas which are the subject of First Nations treaties.
3. Energy alternatives like wind, solar and geothermal energy were not properly examined. **Harry Swain, the Chair of the Joint Review Panel, has said that the government's failure to investigate alternatives to Site C dam amounts to "dereliction of duty".**
 - a. Respected international economist Robert McCullough has noted that the business case assumptions for Site C are 2 to 5 years out of date in an world where energy technology

like wind, solar and geothermal is rapidly coming down in price. Will other renewable options be half the cost of Site C? We don't know, because the government refuses to refer Site C to the independent, open and expert BC utilities Commission for further review with full procedural safeguards like cross examination on the evidence.

4. Site C dam also risks substantial rate hikes for electricity – already increasing by 28%. By BC Hydro's own numbers, the dam will lose \$ 200 million in its first 2 years of operation. Will the declining costs of solar panels, wind power and other new technologies lead to even greater losses?

5. Site C will add significantly to our provincial debt. The mega project is currently pegged at \$ 9 billion, but as Robert McCullough has noted, every other North American dam project has gone over budget. What will this do to our borrowing room for other much needed public infrastructure projects around the province? And will it affect the provincial credit-rating raising the cost for all our borrowing?