

Nature Wise January 2015

The environmental good & bad of 2014

I thought it might be interesting to have a brief look at a few Federal & provincial issues of this past year that will have an effect on our environment over the coming decades. As always, some of it was good and some of it was bad and a great deal had both good and bad.

At the Federal level, the government continues to make use of omnibus budget bills to enact legislation impacting the environment. An example is **Bill C-43, Economic Action Plan 2014 Act, No. 2**, supposedly a bill to implement the budget, but which includes significant changes to the Canada Marine Act. These changes give the federal Cabinet the authority to remove port lands from key requirements of the *Canadian Environmental Assessment Act 2012* and the *Species at Risk Act* by turning Federal Port lands over to port authorities. Since those two acts mentioned apply only to Federal Lands, Cabinet can easily avoid any public oversight of what goes on environmentally on port lands by the simple expedient of making the lands non-federal. Other changes to the Act in this omnibus bill allow Cabinet to “hand over regulatory, administrative or **even judicial (court)** control of industrial activities in ports to any person, including a province, port authority or even industry itself” Interestingly, just a few days after C-43 received royal assent, the Federal Court of Canada issued a ruling that “Canada failed to uphold its constitutional duties to the Mikisew Cree First Nation when it rushed through sweeping changes to federal environmental laws in 2012” in that year’s omnibus budget bill (see WestCoast Environmental Law for more details: wcel.org).

Parks Canada got itself taken to court over a decision it made with respect to allowing overnight lodging at Maligne Lake in Jasper National Park. The Jasper NP Management plan specifically prohibits new overnight accommodation outside of Jasper town site and yet in July of last year, Parks Canada approved a plan to build overnight accommodation along the shores of Maligne Lake, one of the absolute jewels of Jasper Park. Several groups devoted to preserving the integrity of Canada’s National Parks have filed a lawsuit in Federal Court to prevent this development. The case has not yet been decided.

The BC Provincial Government finally brought in a much needed up-dated law to help protect our water with the ***Water Sustainability Act*** receiving royal assent on May 29. While this law has some really good points, it falls short in several areas. For instance, the Act allows oil and gas companies to continue to use multiple short-term permits to use large amounts of water for fracking and drilling rather than obtaining a water licence which would require a more rigorous application and review of the impacts. It has numerous other deficiencies but is certainly an overall improvement on the outdated pre-existing law. Once again go to wcel.org for a full analysis of this Act.

Another BC law enacted last year seems to have no redeeming qualities that I can find. I refer to ***Bill 4 - The Park Amendment Act***. This Act changes the law governing the use of BC Parks so that the Minister of Environment can now allow “research” for any type of “feasibility study” for any kind of activity whatsoever without any public consultation. Want to build a pipeline through a BC Park or drill some exploration holes – the Minister can now allow the research necessary to make that happen. The one thing the Act did not change is that the Park boundaries would have to be adjusted for these projects and Park boundary changes have to come through the Legislature. The proposed expansion of the Kinder Morgan pipeline to Burnaby would require boundary adjustments for at least 3 BC parks.

This is only a very small sample of what went on in BC and across Canada last year. For more details on these and other environmental issues that involve the law I recommend the ecojustice.ca and wcel.org websites.

The next meeting of the South Okanagan Naturalists' Club will be January 22. Check out our website (southokanagannature.com) for details.

Bob Handfield is past-president of the South Okanagan Naturalists' Club but the views expressed here are his own and not necessarily those of the Club.