

# Green Scene: Recipes for Environmental Protection

by Elaine Golds

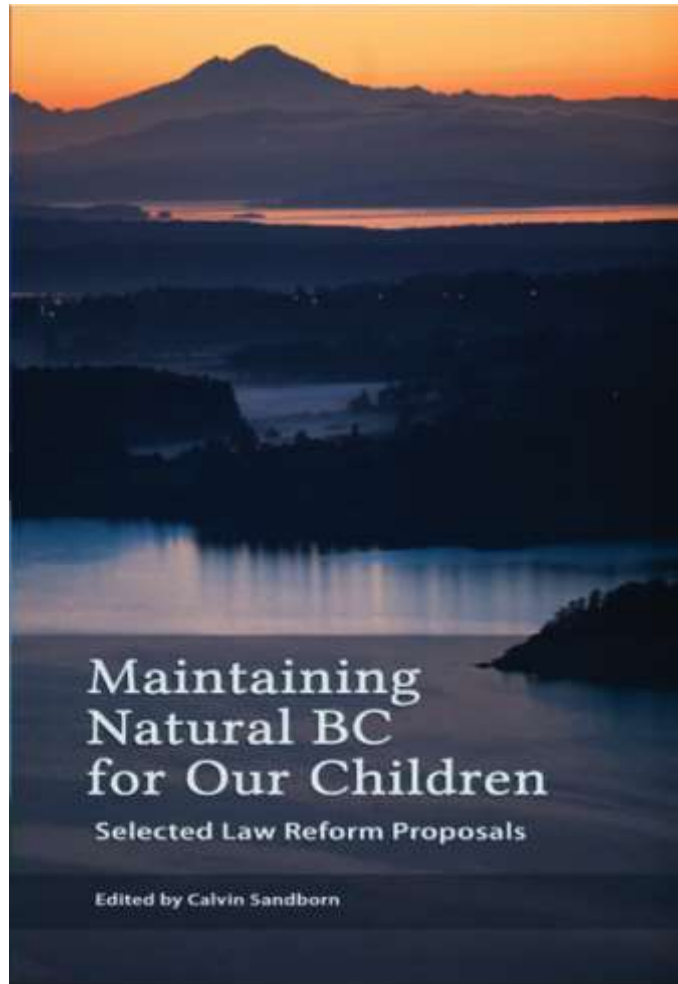
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With an upcoming provincial election and most of the polls suggesting we are facing a change of government, there is a potential opportunity to put a fresh face on some provincial environmental policies. When the Campbell government came to power over a decade ago, winds of change blew through the Legislature. As time has proven, some of these changes were not for the better - especially as regards environmental protection. To help people understand the impacts of existing policies, the Environmental Law Centre at the University of Victoria recently released a book, “*Maintaining Natural BC for our Children*” which succinctly outlines the policies that are not working well and suggests some changes to enable improved environmental protection in BC (see <http://www.elc.uvic.ca/press/2013-MaintainNaturalBC.html>).

Cover of 160-page book from  
the Environmental Law Centre.

Some environmental policies are failing simply because they are decades old and long-outdated. For example, the *Water Act* is a century old and was written long before people understood that water flows should be allocated with the needs of fish in mind. Portions of the laws regulating mining are even older and were written in a time when the government wished to promote mining but understood essentially nothing about the environmental catastrophes that could unfold as a consequence. Some recent legislation has failed to take into account the interests of First Nations. While environmental policies can sometimes appear to be complex, this book makes them easy to understand. With short chapters and extensive cross-referencing, it makes for an easy and enlightening read.

Many people in this community have been actively volunteering for years to enhance salmon in our urban streams. Most of them will remember when we once had *Streamside Protection Regulations* in place to protect salmon habitat whenever local forests were converted to residential developments. This regulation was abandoned and replaced with the weaker *Riparian Area Regulation*



(RAR) in 2004. One particularly egregious policy under RAR requires stream setbacks to be defined by a Qualified Environmental Professional, (QEP). Unfortunately, the QEP is hired by the developer which meant that their reports are not readily available to the public nor is there any easy way to challenge their decisions. Mistakes have been made – sometimes to the advantage of the developer.

A review undertaken in 2009 showed that 53% of RAR assessments were done improperly. For example, in Salmon Arm, developers of a potential mall hired a QEP who reported that only a small portion of their property was fish habitat. A local conservation group was aghast and filed a freedom of information request to obtain the QEP's report. They then hired their own expert QEP who documented that over two thirds of the property was, in fact, fish habitat. Of course, most stream stewardship groups do not have the time or the financial resources to hire QEPs. Obviously, the manner in which stream setbacks are determined needs to be done in a more transparent and impartial manner.

As the number of people working in the Ministry of Environment has declined in the past decade, decisions are increasingly made by QEPs with little recourse for reconsideration. Apparently, an improper decision by a QEP on Vancouver Island to allow a septic field too close to a drinking water well on a property too small to support a septic field proved to be impossible to reverse. Obviously such important decisions need to be made by public officials who remain accountable to the public and who will act in the best interests of all BC citizens.

One thing that really grabbed my attention in this book was a proposal for restoring protection of fish habitat in BC. Even though it was the federal government that removed such protection last June under their Bill C-37, the authors are cleverly suggesting ways in which habitat protection could be added to the *BC Water Act*.

In a mere 160 pages with 35 concise chapters, this book provides an outstanding overview of some rather complex environmental policies including those dealing with environmental assessments, mining, forestry, oil and gas extraction as well as pollution, climate change, energy and environmental justice. I came away with a much better understanding of the state of environmental protection in BC, what needs to be improved and how this could be accomplished. It's a book that will certainly help me to formulate the questions I will be asking of candidates during the upcoming election campaign.