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Honourable Premier Christy Clark

FROM: Sierra Club of British Columbia Foundation ("Sierra Club BC")

We are writing to bring to your attention our urgent concerns about the Site C dam. Last week, more than 200 leading Canadian scientists and legal scholars released a statement calling on your government to pause construction of Site C and refer the project to the BC Utilities Commission ("BCUC"). The briefing notes compiled by scientists from a variety of disciplines documented grave concerns regarding First Nations rights as well as the environmental, social and financial impacts of the Site C project, which is also being investigated by the BC Auditor-General's office and is the subject of five legal challenges.

In view of these concerns, given voice in an unprecedented public call from the nation's top thinkers and researchers, we urge you to halt construction and refer the project for a full and impartial review by the BCUC.

Our concerns include a) the project impacts on aboriginal and Treaty rights, b) the unprecedented negative environmental impacts of the project, and c) the lack of rigorous scrutiny and best available level of review in the environmental assessment process.

a) Impacts of Site C on Aboriginal and Treaty Rights

First Nations represented by Treaty 8 Tribal Association have established treaty rights to use the impacted area for food, cultural and spiritual purposes according to their seasonal rounds. Twenty-one First Nations groups under this Treaty 8 have asserted that the project would directly oppose to their rights and Canada's constitutional and fiduciary duty to uphold aboriginal and treaty rights as defined by the Supreme Court of Canada *In Re R. v. Sparrow*.¹ While the onus of this duty falls primarily on the federal government, the B.C. government is also bound by the terms of the Constitution Act and the numerous court decisions that uphold Aboriginal and Treaty rights. Moreover, B.C. is currently engaging in a modern-day treaty process with a number of First Nations. Disrespect of Treaty 8 cannot but undermine efforts to build a new relationship with British Columbia's First Nations.

The Site C dam would interfere with the treaty rights to hunt, fish and pursue traditional livelihoods by contaminating the remaining fisheries in the upper Peace watershed with methylmercury², severely reducing moose populations, and preventing the maintenance of a viable popu-

¹ <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/609/index.do>.

² A study commissioned by McLeod Lake Band and West Moberly First Nations, conducted an analytical analysis of mercury in tissue samples from 57 Bull Trout that were caught by members McLeod Lake Indian Band and West

lation of Grizzly bears. As you are doubtless well aware, the Joint Review panel found that the project will likely cause significant adverse effect for the First Nations on fishing, on hunting, on traditional and current uses of the land, and on heritage resources. The Panel stated that these impacts cannot be mitigated.

b) Unprecedented negative environmental impacts of the project

Ecological impacts in the region: The Joint Review Panel has identified numerous severe environmental impacts within the defined scope of the project. These impacts include significant adverse effects and adverse cumulative effects on fish and fish habitat, on at-risk and sensitive ecological communities, on wetlands, on rare plants, on more than 30 wildlife species, and on migratory birds and their habitat³. Many of these effects cannot be mitigated.

These acknowledged massive and unprecedented ecosystem impacts and biodiversity loss are of great concern, especially in this area already suffering cumulative impacts from other present or planned resource exploitation projects.

Site C's contribution to climate change: Site C would flood over 100 kilometres of valley bottom, triggering a release of methane for many decades to come. Large dams are a globally significant source of methane emissions,⁴ a source that countries are required to acknowledge and count under IPCC guidelines.⁵ At the same time, the dam would destroy the carbon sequestration and biodiversity services and functions of what is a largely intact pristine ecosystem.

Failure to provide for food security as climate change adaptation to prevent human suffering: The Site C dam would also have an impact on food security by flooding of uniquely productive lands capable of providing fruits and vegetables to satisfy the nutritional requirements of 1 million people.⁶ Although your throne speech has identified food security as a priority for your government in 2016, you are at the same time pursuing a project that would cause the flooding of over 31,000 acres of Class 1-7 farmland. By allowing such destruction of uniquely productive farmland, your government will have failed to implement an essential climate change adaptation measure, needlessly exposing the B.C. population to extremely high risks of food insecurity and food scarcity.

Moberly First Nations in accordance with their traditional seasonal rounds from the Crooked River, which is connected to the Williston Reservoir (the W.A.C. Bennett dam upstream from the proposed Site C). Methylmercury was initially released from the flooding of 1,700 km² of land for the construction of the W.A.C. Bennett dam. The study found that 98 per cent of the Bull Trout samples had tissue mercury concentrations that exceeded the guideline of 0.1 mg/kg wet weight (ww), based on the consumption of approximately 1 kg of fish per week. This is the guideline that most closely approximates West Moberly and McLeod Lake fish consumption in accordance with cultural practices.

³ Joint Review Panel Report, sections 4-5-6

⁴ <http://pubs.acs.org/doi/pdf/10.1021/es501871g>

⁵ http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/4_Volume4/V4_p_Ap3_WetlandsCH4.pdf

⁶ "Diminished and dismissed", Expert report submitted to the Joint Review Panel by agrologist Wendy Holm, P.Ag.

c) Lack of rigorous scrutiny and best available level of review in the environmental assessment process

As mentioned in the statement of concerns about the Site C project signed leading scientists and in the letter sent to Prime Minister Trudeau from the president of the Royal Society of Canada, cc'd to your government, it is deeply concerning that the project was not referred to the BCUC, as recommended by the Joint Review Panel and called for unanimously by B.C.'s local governments in a UBCM resolution in 2015.

Dr. Swain, chair of the Joint Review Panel, has recently shared serious reservations concerning the level of review scrutiny of Site C. He told the Globe and Mail he clearly stated that the B.C. government was wrong to approve construction of the \$8.8-billion Site C dam project without an independent examination of cost and need,⁷ and qualified the clear lack of research into geothermal potential as a "dereliction of duty"⁸.

Furthermore, the scope of the environmental assessment did not include the Peace Athabasca Delta (PAD). According to hydrological experts, Site C is very likely to endanger the ecological integrity of the PAD by interfering with the hydrological recharge (the spring freshet). This would endanger a unique World Heritage Site, Wood Buffalo National Park. UNESCO is taking these concerns very seriously and a Reactive Mission will be visiting the PAD in September this year to assess the threats posed by Site C.

Once again, we urge your government to halt construction and refer Site C to BCUC for a thorough review. We urge you to explore less destructive and less costly alternative energy options to the project that would also honour Treaty and aboriginal rights and interests, and preserve prime farmland to provide food security for BC families for many generations to come.

Sincerely,



Bob Peart, Executive Director

CC: Honourable Bill Bennett, Minister of Energy and Mines
Honourable Mary Polak, Minister of Environment
Honourable Prime Minister Justin Trudeau

⁷ <http://www.theglobeandmail.com/news/british-columbia/head-of-review-panel-repeats-call-for-delay-to-bc-hydros-site-c/article23399470/>

⁸ <http://www.desmog.ca/2015/03/11/dereliction-duty-chair-site-c-panel-b-c-s-failure-investigate-alternatives-mega-dam>

Honourable Carolyn Bennett, Minister of Aboriginal Affairs
Honourable Catherine McKenna, Minister of Environment and Climate Change
Honourable Jody Wilson-Raybould, Minister of Justice
Honourable Hunter Tootoo, Ministers of Fisheries and Oceans