

# SIERRA LEGAL DEFENCE FUND

APRIL 2001

NEWSLETTER NO. 27

## Water report makes waves

SIERRA LEGAL'S FIRST PUBLISHED REPORT of the new year hit a main – and with good reason. *Waterproof: Canada's Drinking Water Report Card* found that most Canadian provinces and territories have inadequate laws to ensure the safety of drinking water.

"The response to *Waterproof* was phenomenal," says Karen Wristen, Executive Director. "What we reported obviously struck a nerve and underscored how deeply concerned the public feel about the issue of safe drinking water in their communities." *Waterproof* grades provinces and territories on how they address the most critical factors affecting drinking water: watershed and wellfield protection; the stringency of water testing practices; water treatment (e.g. filtering and disinfection methods); operator training and certification standards of personnel; and reporting requirements for utility operators and consumers.

The Sierra Legal report card assigns a D grade or worse to five jurisdictions. Joining pre-Walkerton Ontario with a D are B.C. and Newfoundland. The Yukon receives a D-, and Prince Edward Island receives a failing grade of F. If changes proposed by Ontario after Walkerton's E. coli outbreak are implemented its grade rises to B, the highest grade in the report, and the same grade assigned to Alberta and Quebec. *Waterproof* found that many dangerous substances prohibited under the U.S. Safe Drinking Water Act are not even listed in Canada's *Guidelines for Drinking Water Quality*, the latter which are not legally binding.

"To bring us up to where the U.S. is, we need a comprehensive approach to protecting drinking water from potentially lethal contaminants," says lawyer Randy



Christensen who authored the report. "That means protecting water sources, ensuring adequate water treatment, insisting on properly trained and certified water operators, strict monitoring and enforcement, and prompt publication of all water-testing results." *Waterproof* provides

a summary of the various bacteria and chemical toxins that threaten water sources, and gives an overview of the agriculture and other industrial practices that lead to pollution of groundwater.

*Waterproof* also offers recommendations that would help to bring the country's water standards up to acceptable levels. For example, thanks to a petition filed by Sierra Legal's Elaine MacDonald on behalf of residents of the rural community of Beckwith Township, about 70 additional households there will receive water filtration systems from Ontario's environment ministry. Filed last fall, the petition called for immediate action to protect households from the carcinogenic risks of the toxic chemical, Trichloroethylene (TCE), detected in water wells of over 200 households in Beckwith. MacDonald's petition also proposed that Canadian Drinking Water Guidelines for TCE be upgraded from the current level of 50 parts per billion. The local Medical Officer of Health responded by recommending all households with amounts of TCE in their water greater than five parts per billion receive complete filtration systems.

Our next water report will focus on specific water supply utilities in various locations in Canada.

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Vancouver Island Marmot: One of the world's most endangered animals.



Mary Reeves/ADBA photo

Community activists took to the streets on both sides of the border to stop Sumas II.

## Sierra Legal helps Fraser Valley citizens nix polluting plant

ON BEHALF OF B.C.'S FRASER VALLEY community, Sierra Legal's Tim Howard has helped to put a massive American natural gas power plant on the ropes. After months of stiff resistance from residents on both sides of the border, a Washington state board recently recommended the state governor not approve the Sumas Energy II power plant, due to negative impacts on air quality.

"Sumas Energy II may not be dead yet, but it definitely has one foot in the grave," says Howard.

NESCO, a U.S. based corporation, has been determined to build the 660 megawatt natural gas burning power plant just one kilometre over the border from Abbotsford, a town situated in one of the most polluted airsheds in Canada.

The company proposed to generate power for sale throughout western North America, producing hundreds of tonnes of harmful air pollutants annually, most of which would blow over the border into the Fraser Valley, while sending most of its power south to California. To sell its power, NESCO requires an international power line connecting the plant to B.C. Hydro's grid. Tim Howard represented a coalition of local governments and environmental and health organizations in petitioning the federal Minister of Environment David Anderson to oppose the project. Opponents, including local citizens, municipalities, and environmental and health organizations, fought to secure

a commitment from the minister to take diplomatic action if the U.S. regulatory approval process did not adequately address Canadian concerns.

On behalf of the David Suzuki Foundation and the Society Promoting Environmental Conservation, Howard then intervened at National Energy Board hearings regarding the project's power lines. NESCO was urging the board to ignore the significant environmental impacts of the power plant, and only consider issues about the power lines in making its decision to give Sumas II the go-ahead.

Speaking on behalf of hundreds of unrepresented intervenors in the hearing, Howard successfully argued that the board's hearing should be delayed to give the intervenors more time to prepare, and to give time for the U.S. board to release its decision. That decision, released Feb. 16, was a stunning defeat for NESCO. The U.S. board unanimously recommended that the project application be denied because of its unacceptable transboundary impacts. Facing that defeat, NESCO agreed to have the Canadian hearings on the power lines suspended indefinitely, putting the project on hold.

"This fight should be an inspiration to citizens across Canada and the U.S.," said Howard "If it wasn't for the work of hundreds of ordinary citizens and their municipal governments, this plant would be going ahead."

### SLDF REPORT

## Stumpage Sellout shakes industry

SIERRA LEGAL'S INVESTIGATION INTO logging company abuse of the stumpage fee system in B.C. quickly made front page news in January. *Stumpage Sellout: How forest company abuse of the stumpage system is costing B.C. taxpayers millions*, uncovered a major story of mishandling of a public resource that has cost millions in lost revenue.

Using Ministry of Forests data obtained through Freedom of Information and industry sources, SLDF calculated how large forest companies were using the government's own grading system to gross advantage, leaving taxpayers with a raw deal.

The stumpage fee system is the process by which MoF sets prices on timber it sells to logging companies. Due to inadequate monitoring of timber on logging sites (largely due to lack of MoF staff) the stumpage fee system has allowed high value timber to be sold at grossly undervalued prices to large logging companies.

Not only did the report's release receive widespread media coverage, but the provincial government responded almost immediately with the promise to investigate Sierra Legal's claims and report its findings to the public.

"It's clear that the forest industry has used the enormous leeway granted to them in the stumpage system to advance their own interests at the expense of the public interest," says Sierra Legal's Mitch Anderson, author of the report. Three weeks after the release of *Stumpage Sellout* on January 29, the province issued a statement that it would soon reform the stumpage fee system to reflect real market value on public timber.

"The grade setting and undervaluing was just so blatantly wrong," says co-author John Werring of Sierra Legal, "one has to ask why the government didn't recognize the magnitude of losses themselves." *Stumpage Sellout* is available at [www.sierralegal.org](http://www.sierralegal.org)



Mellon Lake Conservation Reserve, home to Ontario's only lizard, the Five Lined Skink, is one of 378 new protected areas under the province's Living Legacy program. Janet Foster/Masterfile photo

## Sierra Legal Wins Retrial Over Niagara Quarry

Five years after a private prosecution was initiated against quarry owners who operated without a permit on the Niagara Escarpment, Doug Chapman and Jerry DeMarco have won the case.

In the retrial ruling on January 8, United Aggregates Limited was found guilty of illegal quarrying in 1996. The private prosecution alleged that UAL had quarried without a permit from the Niagara Escarpment Commission, despite an earlier Court of Appeal ruling requiring it to obtain a quarry permit.

The retrial followed a 1998 ruling that found UAL not guilty on the basis of "officially induced error." The trial court heard that UAL had quarried without a permit, but did so on the basis of statements made in a closed-door meeting with then provincial Minister of Environment Brenda Elliott. In the first trial, a UAL official testified that the minister had assured him his company could continue quarrying, despite the court ruling stating that a permit was required. The trial court had prevented lead counsel Doug Chapman from questioning the minister. These rulings were overturned on appeal in 1999 and a new trial was ordered. Chapman and DeMarco prosecuted on behalf of local resident Rita Landry.

At the retrial, the former minister was forced to testify. The court found that UAL had failed to prove it had been induced to break the law, and the company was found guilty.

## Mine at Mellon Lake Refused

SIERRA LEGAL WELCOMED A DECISION BY the Ontario Minister of Natural Resources to reject an application for a mine in the Mellon Lake Conservation Reserve. The Minister's decision was viewed as an important first step to keep mines out of protected areas. The Mellon Lake reserve is one of 378 new protected areas established by the provincial government in March 1999. Over half of the new protected areas established under Ontario's Living Legacy are similarly threatened by grandparented mining claims.

"We're encouraged by this decision," says Jerry DeMarco of Sierra Legal's Ontario office. "The government can now complete the process by acting to remove the claims in 190 new protected areas threatened by mining interests."

The proposed mine at Mellon Lake has been under close scrutiny since local citizens discovered large-scale 'bulk sampling' in the conservation reserve last spring. Representing No Quarry at Mellon Lake, World Wildlife Fund, Federation of Ontario Naturalists and the Wildlands League chapter of the Canadian Parks and Wilderness Society, DeMarco urged the government to turn down the mine application. Shortly after he filed the latest complaint about the proposed mine, the Ontario government halted the project. Located in eastern Ontario, Mellon Lake has long been known for its outstanding natural features and rare species, including the Little Prickly Pear Cactus (provincially rare) and Ontario's only lizard, the Five-Lined Skink (nationally vulnerable).

## EA for Bruce Peninsula National Park Logging Road

CONSTRUCTION OF A PROPOSED LOGGING road that would have bisected Bruce Peninsula National Park has been halted indefinitely. In October, the Ontario Superior Court ruled that a proposed logging road in the park would have to undergo an environmental assessment so that alternative routes and environmental impacts, such as damage to wildlife habitat and the forest, would be considered. In

July 2000 Sierra Legal obtained a court injunction just hours before the local municipality was prepared to approve forest clearing and road construction on an old right-of-way through the park. After hearing arguments from Sierra Legal's Jerry DeMarco, the court issued the injunction against further construction until the full case could be heard. The judge stated that cutting a mature forest constitutes "irrepa-

rable harm" the recovery from which would take decades. Sierra Legal won the case on behalf of the Chippewas of Nawash and Saugeen First Nations and the Wildlands League chapter of the Canadian Parks and Wilderness Society.

"We will monitor the EA process carefully to ensure that alternative routes around the park are properly considered," said DeMarco.

# Laurel Brewsters

connection with the forests really began before she was even born. On the afternoon of the day her mother gave birth to the baby girl who would grow up to become a forestry graduate and valedictorian, Laurel's mother was camping in Cypress Provincial Park as she so often did with her family. When the labour pains started, Laurel's parents folded camp and set off in the family jeep to the hospital at New Westminster, B.C., where Brewster was born. From that day forward, says Brewster, her summers were spent in the woods, tenting, hiking and exploring the natural world



with her mom, dad and brother in places like Vancouver Island and BC's interior. At 29, Brewster continues to wander through the woods, but instead of rescuing injured caterpillars and building tree forts, she is looking at the landscape with the sharp eye of a scientist, the perspective of an ecologist and the commitment of a conservationist. A forester with Forest Watch, a project of Sierra Legal, Brewster achieved the highest marks in B.C. in the fall registration examinations held by the Association of B.C. Professional Foresters, the body that regulates the forestry profession. On February 22, Brewster stepped up to

the podium at the ABCPF annual general meeting to give her valedictory address. It was a tremendous opportunity for Brewster to make her case for conservation, directly to the heart of the profession. "It was rewarding, says Brewster. "It brought to mind all the times that environmentalists are labelled as 'misinformed', and it was a chance for me to respond and say, think again."

Brewster's success is not only a personal triumph but a sign of real change in an industry that has historically been worked and managed by men with traditional values about forestry and generally narrow

views of the environmental movement.

"I think the industry is changing," says Brewster, who notes that half of the graduate class in the forestry department at UBC is female. "There are more women coming into the profession. But there is also a growing recognition by more and more foresters of the intrinsic value of our forests and a larger perspective that recognizes the need for sustainable logging and First Nations rights."

Her years at UBC's forestry school were interesting and mostly positive. But by the time she began her third year, Brewster was already searching for a professional niche



B.C.'s newest forester sca

## Brewster takes action through Forest Watch

WITH TWO YEARS AS FORESTRY ADVISOR for Forest Watch of B.C., Laurel Brewster has found her niche and no longer feels "a sense of being all alone on an island" of her own value system. FWBC supports local involvement in forest planning and practices by providing information and training. So, last summer Brewster was off doing field investigations and training local volunteers map-reading,

orienteeing and surveying. She held a training workshop in the Elaho Valley with a group of young people from the Squamish Nation. The 'classroom' consisted of a temporary canvass shelter, a nearby clearcut and remaining old-growth forests.

In September, Brewster headed-up a five day field investigation of logging impacts in the Chilcotin region that allowed participants to further develop the

monitoring and assessment skills they need to monitor forestry development in their communities and traditional territories.

Currently, Brewster is working with volunteers such as the members of Vancouver Island Forest Watch with whom she recently completed a two-day workshop discussing shoreline habitat protection.

This summer Brewster and her FWBC colleagues will be collaborating with Global Forest Watch Canada on an exciting national forest condition-mapping project

## ‘Don’t endorse it, donate it!’

WHEN THE ‘MIKE HARRIS REBATE’ CHEQUES began pouring through the doors of Sierra Legal’s Toronto office, the staff’s initial surprise was quickly replaced by gratitude. The provincial government issued the \$200 tax rebates to Ontario taxpayers last October following a larger than expected provincial budget surplus. Citizens across the province seized this opportunity to protest their government’s spending priorities with the ‘Don’t endorse it, donate it’ campaign, encouraging citizens to apply the rebate where they felt the money is needed.

“I cannot accept this money,” wrote one donor to Sierra Legal. “I am therefore donating it to organizations which, I believe, can make appropriate use of it.”

That sentiment spread rapidly across the province, sparking a widespread demonstration of protest from Ontarians about how their tax dollars are being spent.

Another Sierra Legal donor said: “[This is] money from the citizens of Ontario – use it well. I hope other Ontario citizens are doing the same.”

Donations of those cheques by supporters of Sierra Legal have totalled thousands of dollars. This generous and moving gesture has succeeded in aiding our fight to protect the environment, and sent a powerful message to government on its own spending priorities. We would like to send a heartfelt thanks to all of you who contributed your tax dividend to SLDF. Your generosity is inspirational.

## Rachel Carson celebrated in stage play

WE DON’T OFTEN FIND THE TIME TO reflect on those who came before us – the trail blazing environmentalists whose passion and dedication helped make the movement what it is today. On January 26, 400 Sierra Legal staff, board members, and supporters filled the Arts Club Theatre in Vancouver to do just that.

Sierra Legal presented two single night performances (one in Victoria) of *A Sense of Wonder*, a moving stage tribute based on the life and works of pioneer environmentalist Rachel Carson. The play, written and performed by actress and activist Kaiulani Lee, has toured the U.S. to critical success for the past nine years.

William Roberts, Director of SLDF’s Challenge Campaign and the event’s organizer explains: “It was a first for Sierra Legal to host an event that uses the creative arts to convey our core message of fighting for the environment through legal channels, as Rachel Carson ultimately did. The response at every level was so successful, it may have set a new precedent for us.”

Lee’s tribute to Carson is a celebration of a woman whose passion and dedication has inspired generations of environmental activists. Rachel Carson, who has been described as the ‘patron saint of the environment,’ has been credited with beginning the environmental movement. A biologist, zoologist and poet, she is best known for her groundbreaking 1962 book *Silent Spring*, which details the devastating effect of pesticides on the environment.

“Carson cared passionately about how to maintain a sense of wonder, experience the sensory and emotional in nature,” wrote historian Linda Lear. “She believed that re-awakening people’s sense of wonder would lessen the appetite for those activities that threaten the natural world.” This was the essence of Kaiulani Lee’s tribute. The audience left the performance moved by Carson’s commitment.

To learn more, visit [www.rachelcarsoncouncil.com](http://www.rachelcarsoncouncil.com). Look for an SLDF sponsored return of *A Sense of Wonder* in Toronto and Halifax later this year.

## ales to the top

that would allow her to combine her forestry knowledge with a developing passion for ecological concerns. She took a temporary position with MacMillan Bloedel and found herself busing into the forest side-by-side with 152 male forestry workers (and one female forester) in remote areas of BC’s coast for four long months. It was all part of the process of earning her professional stripes.

“I am a professional forester now,” says Brewster, “but I am also an environmentalist. And I know now that those roles are not only compatible but necessary, if we want to sustain our forests for the future.”

whose goal is to expand public knowledge about the state of BC’s forests, through the use of satellite data. The project team will conduct focused investigations including; an intensive analysis of salvage logging in the central interior of British Columbia, a detailed review of steep terrain logging on the north coast, and a rigorous review of logging company applications for ‘eco-forestry’ certification.

# ON THE BOOKS

## UPDATES ON SLDF CASES

### SIERRA LEGAL LAWYERS PARTICIPATE IN WALKERTON WATER INQUIRY

Over the past several months, Sierra Legal's Elizabeth Christie and Doug Chapman have been working closely with a large coalition of non-governmental parties participating in the Walkerton drinking water inquiry. They will be involved during the final two phases of the inquiry, on behalf of the Council of Canadians, Great Lakes United, and Canadian Association of Physicians for the Environment.

Christie and Chapman's submissions will focus on the issues of enforcement and public access to information. They will be submitting papers examining drinking water standards across Canada and drawing on Sierra Legal's considerable experience pursuing wastewater polluters.

### HUNTING IN WILDERNESS PARKS SHELVED

Ontario's Lands for Life/Living Legacy program, which established over 378 new or expanded protected areas in Ontario, made a significant contribution to protecting biodiversity within the province. Unfortunately it also opened the door to potentially intrusive non-conforming uses in protected areas, including sport hunting.

On behalf of eight conservation and recreation organizations, Jerry DeMarco filed a complaint citing a behind-the-doors deal to open up Ontario's wilderness parks to sport hunting. The deal had been brokered between the Ontario government and the hunting lobby, without proper public notice and input. Following months of pressure from DeMarco and his clients, the Minister of Natural Resources recently agreed to halt the policy change until widespread public consultation can take place. Although the temporary reprieve is good news, much work is yet to be done to achieve a more long-term solution for protected areas in Ontario.

### LAKE LOUISE

Banff National Park suffered a setback in January with the release of a Federal Court of Appeal ruling in our case against the environmental assessment of the Chateau Lake Louise expansion project. The Court concluded the assessment met the bare legal requirements of the Act, despite the fact that many aspects of the expansion have yet to be assessed. Lawyers Margot Venton and Karen Wristen continue to work with our clients, The Bear Society and the Bow Valley Naturalists Society, to ensure the remaining assessments are properly performed.



Robert McCaw photo

The Prothonotary Warbler (above) and the King Rail joined Ontario's list of endangered birds.

### ONTARIO SPECIES AT RISK

Progress was made at the provincial level for species at risk in Ontario. Following a complaint filed by Sierra Legal's Jerry DeMarco on behalf of the Federation of Ontario Naturalists, the Ontario government finally resumed listing new endangered species for protection, after a five-year hiatus. The Prothonotary Warbler and the King Rail (both bird species) were added to the protected species list, giving them mandatory habitat protection under Ontario's legislation. And in response to the complaint, Ontario's Environmental Commissioner released a strongly-worded public report concluding that endangered

species protection in Ontario was "inadequate," "outdated," and "ineffective" and that the system is "in need of an overhaul." Ontario's process is a demonstration of the serious problems associated with a political, as opposed to a scientific, listing process. Over 20 endangered species and 30 threatened species remain unprotected in that province.

### DIAMOND MINE GETS ENVIRONMENTAL STUDY

A Sierra Legal lawsuit resulted in an out-of-court settlement between a diamond mine proponent and our client, the Canadian Arctic Resources Committee. Diavik Diamond Mines Inc. is developing a large mine 300 kilometres northwest of Yellowknife. This mine is part of a recent 'boom' in mining exploration activity in Canada's central Arctic, a large region that is rich in wildlife. Under the settlement, the company will provide funding for an extensive study to assess the cumulative environmental effects of mining in the area and to help establish thresholds for how much development this sensitive region could support. Special thanks to Calgary lawyer Mike Wenig, who contributed extensive work on the case.

### CHEVIOT SHELVED

Following Sierra Legal's precedent setting Federal Court victory, a new environmental assessment of the Cheviot mega-mine was ordered. Just as the federal government was ready to respond to this new assessment, mine principals Luscar and Consol announced they were indefinitely shelving the mine, citing environmental and economic factors.

"This is great news for Jasper National Park and the Cardinal Divide area," said Sierra Legal's Jerry DeMarco. "Developing a massive open-pit coal mine in a critical wildlife area would have been an ecological disaster."

Knowing that the mine proponents are hoping to secure reapproval of the mine, Sierra Legal will continue to work on this file on behalf of the Alberta Wilderness Association, Canadian Nature Federation, Canadian Parks and Wilderness Society, Jasper Environmental Association and the Pembina Institute.

FROM THE EXECUTIVE DIRECTOR

# Greening the government

I HAVE WATCHED AND WAITED, OFTEN despairing, that it would take a crisis of devastating proportions to motivate the Canadian body politic to express its environmental ethic to government. So when Randy Christensen and I set out for Ottawa in January to release his report, *Waterproof: Canada's Drinking Water Report Card*, we knew we had an important story to tell.



Karen Wristen

Over the last year Canadians who've never put pen to paper before wrote letters to newspapers and politicians, demanding action to protect drinking water supplies. The speed with which governments have reacted to concerns about drinking water is encouraging, particularly in Ontario.

But, if we can do it for water, what about doing it for our endangered wildlife? After six years of relentless campaigning by the environmental movement, we still don't have an endangered species act, though the polls say an overwhelming 94 per cent of us want one. Although we do have a proposed bill, in its current form it fails to protect endangered species, because it would not protect their habitat, which is absolutely essential to their survival.

We appreciate the great response we had to the mail-in petition about the bill included in the last newsletter. Now the opportunity to press the federal government to pass effective endangered species legislation is narrowing. We're continuing to do our part, reviewing the bill and making submissions regarding the changes that are still urgently needed. I know we've asked you for help before, but this really is our last chance to ensure our species legislation will protect Canada's wildlife.

We need to keep fighting. Please write to the Prime Minister today. Tell him that Canadian wildlife

is part of your heritage and essential to a balanced environment.

Tell him that without proper protection of wildlife habitat written into law, nothing will save our endangered species. Tell him that without habitat, we won't have any more species to protect.

Please write today.



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**Tell the Prime Minister that  
without protection of wildlife  
habitat written into law, nothing  
will save our endangered species.**

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THE SIERRA LEGAL DEFENCE FUND is a Canadian charity (BN 13474 8474 RR0001) providing free legal services to environmentalists in Canada. Our sister organization in the United States is Earthjustice Legal Defense Fund. We are completely separate from the Sierra Club.

For details, visit our website at [www.sierralegal.org](http://www.sierralegal.org)

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# Grizzly bears get three-year reprieve from hunting

ON FEBRUARY 8, THE B.C. GOVERNMENT announced a three-year moratorium on grizzly bear hunting in B.C. It came as long awaited but welcome news for grizzly advocates.

"It is a rare occasion when conservation wins out over politics," said Chris Genovali of the Raincoast Conservation Society. "This moratorium will help us preserve the future for grizzly bears."

However, as this newsletter goes to press the provincial Liberals announced that, if elected, they would scrap the moratorium.

Only last October the Raincoast Conservation Society approached Sierra Legal with a request for assistance on a Freedom of Information appeal. Raincoast, together with the U.K. based Environmental Investigation Agency, had asked B.C.'s Ministry of Environment, Lands and Parks (MELP) for access to its grizzly bear kill location data. The information requested was meant to be turned over to independent scientists who would assess the efficacy of the province's grizzly bear management program. (MELP records the time and place of every known grizzly bear death in the province for conservation and management purposes.)

However, MELP refused our request, claiming that if grizzly bear kill location information became public, illegal poachers would use it to find the best locations to kill grizzlies, and that conservation groups would use the information to harass hunters. Lawyer Randy Christensen countered with an affidavit from a bear biologist and former big game hunter who testified that the type of information Christensen requested would be of no use to bear hunters. He also provided evidence

that Alberta and state governments in the U.S. routinely provide bear data to the public.

Christensen also cited several scientific sources, both internal to the government and external, that cast doubt on the accuracy of the province's grizzly bear popula-



Grizzly Bears face a grim future due to sport and trophy hunting, poaching, and habitat loss.

tion estimates, and the effectiveness of its conservation program. He raised concerns about the scientific objectivity of population data used by MELP's Wildlife Branch, given the B.C. government's history of disciplining and silencing scientists in their employ who contradict the government's official position that grizzly bear populations are healthy.

The request for grizzly data is currently before the Freedom of Information Commissioner and a decision is anticipated within the next two to five months.

IN JANUARY, SIERRA LEGAL'S MARGOT Venton represented a coalition of 10 conservation groups, to formally request the American government to enforce a U.S. federal statute to pressure Canada to stop a controversial mining project on B.C.'s Taku River.

The 1971 'Pelly' amendment to the U.S. Fishermen's Protective Act allows the U.S. to take measures against a foreign national whose actions undermine a U.S. protection initiative. Certification under the Pelly amendment could result in trade sanctions against Canada.

SLDF chose to take this action due to concerns over the impact of the proposed project, including a 160 km access road,

## National Parks Act passed

In a race against the clock, the Senate and the Governor General passed the new Canada National Parks Act into law just before the fall federal election was called. The new legislation incorporates several changes that were suggested by the Panel on the Ecological Integrity of Canada's National Parks. Jerry DeMarco was retained to draft the Panel's special report on proposed legislative changes to the Act. Many of the proposed changes, including key improvements to the Act's provisions respecting ecological integrity and wilderness areas, were welcomed by Heritage Minister Sheila Copps and incorporated into the bill shortly before it was passed. "These changes put ecological protection front and centre in the legislation. It was a pleasure to work with the Ecological Integrity Panel and help them transform their vision for healthy parks into meaningful legislative amendments that will guide park management into the future," said DeMarco.

## Taku mine petition filed

which have been ignored by Canadian officials reviewing the project. Sierra Legal also took this legal measure because, under B.C. law, our clients are excluded from the environmental assessment process.

Venton worked with her colleague Eric Jorgensen of Earthjustice Legal Defence Fund in Alaska to request an official investigation by the department of the interior into the proposed development of the Tulsequah Chief Mine in Northwestern British Columbia. The investigation would examine the potential impact of the mine on several transboundary and therefore internationally significant populations of wildlife, including grizzly bear and woodland caribou.