

About the Ashlu

Contributed by Administrator
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The Ashlu River joins the Squamish River beneath the Tantalus Glacier, and Tantalus Provincial Park, both visible from Highway 99, just north of Squamish.

In 2003 the Upper Squamish Valley Community was asked to attend a public hearing held by the Squamish Lillooet Regional District (SLRD) regarding a zoning application by Ledcor who were interested in changing local zoning to build a large run of river hydro project as an Independent Power Project (IPP).

In 2004 The Sea to Sky Land Resource Management Plan (LRMP) concluded with a majority of its member sectors creating a list of 11 waterways, including the Ashlu identified as having values more important to the regions economy than industrial development with values such as tourism, recreation, wildlife, and community values. These LRMP recommendations were put forward, with the consensus of all of the sectors except the energy sector, which desired no restrictions on its activities in the area.

January 11th, 2005

The Squamish Lillooet Regional District Board (SLRD) recommended against the Ledcor application in an 8-1 vote denying the request for re-zoning, after a two year process which saw the controversial proposal go through 3 public hearings, and 4 open houses. Minister Neufeld of The Ministry of Energy Mines and Resources (EMR) was subsequently quoted in the press as saying we need to make these things happen .

Prior to the public hearing process the SLRD had developed an IPP Policy, which is available on their website. The SLRD upon concluding the vote on the re-zoning application asked the Provincial Government for a moratorium on water licenses (power) until a comprehensive plan was established as the number of applications in the area is significant (57 projects with applications in place as of November of 2005). During the same month a coalition of stakeholder groups and organizations in the region also called for a moratorium on water licenses for power generation.

November 28th 2005

At the regularly scheduled SLRD Board meeting a report was tabled from the Manager of Planning and Development (see attached) containing information regarding the possibility of an incoming letter from the Ministry of Energy Mines and Resources (EMR). The Report said that SLRD Board Chairman and the Manager of Planning and Development had attended meetings in November and December in Victoria with executives of EMR. A letter from EMR arrived by fax late in the meeting. In it EMR proposed a deal: that approval of Ledcor s re-zoning be exchanged for a reserve to be placed on ten creeks referenced in the Sea to Sky LRMP. The Directors discussed the letter from the Ministry of EMR, seeing it as undue pressure, one referring to it as buying

zoning . As widely reported in local papers, the faxed letter from the Ministry said: "It is my understanding that Ledcor will be submitting a rezoning application in the near future. Should the rezoning not be approved, our recommendation regarding the water reserves will not proceed."

December 20, 2005

SLRD received a second letter, EMR s Neil Banera, Director of IPP Policy and Operations, EMR clarifying the first letter. (Attached)

December 22, 2005

The SLRD received the Ledcor zoning application on the Ashlu, which will go before the Board at its next meeting on January 30, 2006 at 1350 Aster Street in Pemberton, B.C.

January 30,
2006

The SLRD has a statutory obligation to consider the application and thus will receive and debate the action to be taken on the Ledcor application. They will also receive another report from the Manager of Planning and Development in the context of the two letters from EMR.

The SLRD Board consists of 9 Directors from 4 member municipalities and 4 outlying electoral districts. The municipalities are usually represented by the mayors of Lillooet, Pemberton, Whistler and Squamish, with one extra Director for Squamish. The electoral districts A, B, C & D cover Gold Bridge, Bralorne, Pavilion, Texas Creek, Yalakom, Seton Portage D'Arcy, Birken, Pinecrest/Black Tusk Village, Upper Squamish, Ring Creek, Furry Creek, Britannia, Porteau Cove. The nine directors choose their chair from amongst themselves.

Power Generation in the SLRD

As of November 2005, the latest information available from the former Land and Water BC, documents 26 current water licenses in place for power production within the SLRD. It is also worthy of note that 7 of those are major run-of-river projects; Rutherford Creek, Furry Creek, Soo River, Upper Mamquam, Lower Mamquam, Brandywine Creek, and Miller Creek. One is BC Hydro s own large-scale storage impoundment and generation facility on the Cheakamus River at Daisy Lake Dam.

In total there are 15 individual waterways in the SLRD with current water power approvals in place for water power production.

In addition to the 26 current applications now in place, there are also 57 additional water license applications for power projects now actively being pursued in the SLRD (November 2005 Land and Water BC data) and a further 11 applications being pursued in the Sea to Sky LRMP Plan Area, which is largely composed of the SLRD. There are approximately another 25 applications on waterways adjacent to the SLRD.

With nearly 100 of the now 565 total water power license applications on the books for British Columbia, within a 75-kilometre radius of Whistler, there can be little doubt that this region is under heavy pressure, both now and into the future, for its water resources. A

planned approach is a requirement, particularly given the other high-value resources the area depends upon (wildlife, tourism, recreation) as its future economic base.

All of the power project applications mentioned previously are current after the ongoing efforts of LWBC to remove inactive and non-viable project applications.

Project Approvals in the SLRD

Everything except the local zoning was done through a closed-door referral process. The government claims they are transparent when they are invisible.

None of the previous waterpower applications

has created the controversy, which surrounded the proposed Ashlu power project, nor met with the same concerns from the residents, various stakeholders, nor from the local government.

The Ashlu project situation, with a long, drawn-out approval process that taxed the local government unduly, the citizens of the area and stakeholders immensely. The concept of proceeding with a non-planned approach does not make sense for any of the many stakeholders involved. There are some projects, which impact other resource values in the area more than other projects, and choosing the most appropriate for the area can hardly be unreasonable.

That any project underwent the arduous public process (3 public hearings versus the usual one) and the large number of open houses (4 versus the normal one or two) should be clear indications of the deep interest regarding a proposal. It would be incorrect to portray the denial of the Ashlu project as anything other than effective representation of issues and concerns by local government, responding to the input of its constituents.

While there has been insinuations that the SLRD is not amiable to power projects, nor cooperative with their approvals, this is not borne out by either the documented record of project approvals (all of the previous run of river projects in the SLRD which have come forward with rezoning applications have been given support of the SLRD), nor by the SLRD's own IPP policy which indicates the support of the SLRD for green energy projects.

Licensing

of Run of River Power Projects

Small run of river IPP licenses of less than 50 megawatts, have or had three components: federal agency approvals, provincial agency approvals both water license and land tenure, and local government re-zoning approval. Under The BC Land Act an individual may appeal issuance of a water license before it is issued and the citizens of the Upper Squamish Valley did just that and were rejected without even an audience. The provincial government, in December 2005 issued the water and land tenure licenses to Ledcor leaving only the local zoning to be decided.

Everything except the local zoning was done through a closed-door referral process. The government claims they are transparent when they are invisible. One of the unique characteristics of the licensing process for small projects was that after an approval was granted the developer could double the output size of the project by simple application to the licensor.

The regulatory process for projects larger than 50MW is much more public and rigorous. Many community members believe that Ledcor deliberately understated the size of the project, in order to take advantage of the more lax rules for smaller projects, but intended to immediately apply to double the capacity after approval.

The lack of information on the projects for the area, the lack of public input other than through the local re-zoning, and the lack of any plan for the development of projects, which fit with other values in the area, all contribute to a process, which serves as a checklist for development, rather than an evaluation process. In essence the only portion of the process, which is not, a checklist is the local re-zoning, which by statute must weigh the input of the areas constituents as measured by input during reviews, and at public hearings. As was clear in the case of the proposed Ashlu project, there was a significantly different response from the area regarding this project.

The lack of planning for energy project development has placed the burden of evaluation upon the local government, as a result of the unwillingness of the provincial government to undertake planning for these projects, both in planning processes which were intended to do that as a pre-named priority (LRMP), or as a separate process such as recommended by the Fraser Basin Council report. That the province now wishes to undermine and challenge the process which the local government undertook, is only indicative of the behind the scenes lobbying of a section of the IPP industry which seeks to incite confrontation and bullying of planning processes, at the expense of a rational approach to a complex situation. The bargaining of one particular project for a possible planning process, at the expense of the results of a 2-year review of the proposed Ashlu power project, which found the project lacking, is not only irrational, but places the local government in a very awkward position, simply for having followed its mandate to consider and evaluate the proponents application.

This confrontation places a heavy financial, process-intensive, and moral obligation upon the local government, unduly subjects the residents to onerously time intensive and unnecessary process, and severely disadvantages anyone with concerns regarding any aspect of specific projects. There are proposals projects, with more community support, fewer impacts to other values (recreation, tourism, or local communities) in areas already developed, which are delayed as the SLRD continues to spend time on this issue. This can only occur in the vacuum of information and planning which has been encouraged by certain facets of industry and by lack of planning by government.

Background

Documents

- " Planning Department Report January 7, 2005 recommending no re-zoning of Ashlu.
- " Sea to Sky LRMP Energy Section Recommendations
- " Letter EMR /Riemer November 28, 2005 and Letter EMR / Neil Banera December 20, 2005
- " SLRD Planning Dept Report Nov 28, 2005
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- " A review of the waterways in the EMR offer to the SLRD
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- " A review of the power projects in the Sea to Sky corridor
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A review of the waterpower applications in process

" Map

of the Ashlu area

" Cohen/ BC Energy plan

" Fraser

Basin Council Report on June 16, 2003, IPP Workshop