

August 20, 2008

Metro Vancouver Chair, Council Members & Committee Members  
4330 Kingsway  
Burnaby, BC V5H 4G8

Madam Chair:

Disagreement arising from the EA Approval of the South Fraser Perimeter Road Project

I am writing with an urgent request to Metro Vancouver to initiate the dispute process under Section 5 of the **Conservation Covenant** on Burns Bog.

**5.0 Dispute Resolution**

5.1 If there is a disagreement regarding a contravention of this Agreement the Province, Delta the GVRD (Metro Vancouver) may give notice to the other party requiring a meeting of all parties within 10 Business Days of receipt of the notice.

5.2 The parties must attempt to resolve the disagreement, acting reasonably and in good faith, within 20 Business Days of receipt of the notice.

5.3 If the parties are not able to resolve the disagreement within that time, the parties may appoint a mutually acceptable person to mediate the matter and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 Business Days after the mediator is appointed.

In addition, I refer to:

**2.0 Statement of Intent and Covenants**

2.1 The parties agree ...:

(d) to prevent any occupation or use of the Bog that will impair or interfere with the current state of the Bog or the Amenities.

**4.0 Restrictions on Land Use**

4.1 Except as expressly permitted in Section 6 of this agreement, the Province, Delta and GRVD (Metro Vancouver) shall not do anything, or allow anything to be done, that does or could reasonably be expected to destroy, impair, diminish, negatively affect, or alter the Bog or the Amenities from the condition thereof described....

MLAs John Savage and Reni Masi tabled over 20,000 names in the Provincial legislature requesting protection of Burns Bog over the years. These people thought when four levels of government purchased half of Burns Bog their request had been partially fulfilled.

**The Conservation Covenant** signed in March of 2004 by four levels of government the GVRD (Metro Vancouver), Corporation of Delta, Canada and BC Provincial Governments states it was to protect and preserve Burns Bog.

### **Flawed EA Process and Contravention**

It is clear that the recent environmental assessment process has not adequately addressed the protection of Burns Bog and the flora and fauna that depend on the bog. There are three main areas of concern:

- 1) Bog hydrology;
  - 2) geochemistry of the Bog by drift of particulate matter and chemicals onto the Bog;
- and
- 3) risks to the wildlife associated with Burns Bog.

The evidence is that the South Fraser Perimeter Road will have adverse impacts on Burns Bog and, as such, to proceed with the South Fraser Perimeter Road as presently configured will impair, diminish, negatively affect or alter the Bog from the condition described in the Burns Bog Ecosystem Review. This amounts to a contravention of Section 6.1 of the Burns Bog Covenant.

On page 9 of 15 in the **Statement of Intent** the Covenant states:

- 2.1 (a) maintain in perpetuity a large, contiguous, undeveloped, natural areas for the purpose of protecting the flora and fauna that depend on the Bog.

Based on our limited research, the construction and development of the SFPR may also be in contravention of the **Species at Risk Act (2002, c. 29) and the Migratory Birds Convention Act, 1994 (1994, c. 22)**. Some international scientists view it as being in contravention of several international protocols that Canada has signed. These include the **Convention on Biological Diversity** and the **UN Convention on Climate Change**.

- 2.1 (b) manage the Bog as a functional raised bog ecosystem as understood by the best science of the time.

The best science of the day according to the United Nations Report, December 7, 2007, states that the most cost-effective way to reduce 10% (3 billion tonnes) of the world's greenhouse gases is to immediately stop destroying peatlands.

- 2.2 (c) maintain the extent and integrity of the water mound and the peat that encloses it, and in particular the upper porous acrotelm, upon which the persistence of the bog ecosystem depends:

The BC Government's own engineering studies admit that there will be an environmental impact. Bogs take several thousand years for Mother Nature to create. It is impossible for any damage caused by this road to be mitigated in our lifetime or several lifetimes.

Plans to build an elevated road through the Rosputo, Poland, peatland were shelved because its citizens felt that the road would have negative impacts.

## Request for Action

On behalf of the people of Delta, British Columbia and Canada, I urge you to invoke Section 5 of the Conservation Covenant. It is clear that the responsible provincial and federal authorities intend to proceed with the construction and development of the South Fraser Perimeter Road; that is fundamentally wrong. Resolution of issues raised in this letter must occur before any significant construction of the South Fraser Perimeter Road occurs in the vicinity of Burns Bog. By engaging the federal and provincial governments in the Covenant Dispute Resolution Process Metro Vancouver has a unique ability to ensure that the covenant commitments to the Burns Bog are upheld.

Failure to act to protect Burns Bog will reduce Metro Vancouver's credibility as a leader in protecting our environment. It may also jeopardise Canada's ability to meet the targets of the **UN Convention on Climate Change** and leave Canada open to prosecution and possibly, in turn, British Columbia.

Future generations will thank you.

Sincerely

Eliza Olson  
President

Cc: The Corporation of Delta  
Et al