Nanaimo Port Authority plans to privatize government dock

Early in 2012, the Nanaimo Port Authority was approached by Pacific Northwest Marina Group with a proposal to lease the downtown Nanaimo government dock to the group for 30 years, in return for spending some $9 million to upgrade the facilities.

The port authority (NPA) has since signed an Memorandum of Agreement with Pacific Northwest Marina Group (PNMG) without considering alternatives, consulting any users, discussing the idea with the City of Nanaimo (as required by a 2004 agreement), carrying out any planning or environmental assessment, or calling any tenders.

The terms of the proposed contract have not been made public. The port authority and PNMG are now attempting to finalize their agreement, and the lack of planning and environmental assessment, or calling any tenders.

The NPA a Federal Body; PNMG a US Enterprise

The NPA is one of a number of port authorities created by the federal government under the Canada Marine Act to manage federal government’s properties and water areas. Like Port Metro Vancouver (described in Island Tides’ last edition), its Board of Directors is appointed by the federal Minister of Transport, and it is not accountable to either the citizens or local government in Nanaimo.

It is required by its charter to be financially self-supporting. It manages the cruise ship facility, the Duke Point wharf, seven anchorages for deep-sea vessels, and the two berth Nanaimo Assembly Wharf Terminal in the harbour, as well as various other waterfront amenities.

PNMG, while it has an office and real estate developments in Sidney, is basically an American enterprise owned by Seattle multimillionaire Craig McCaw. It does not appear to own any other Canadian marinas. Coincidentally, it is part of a group which includes Seagate Pontoons, a manufacturer and refurbisher of boats and docks for marinas.

Government Dock For 70 Years

The government dock (known as the Boat Basin) is the only public berthing facility in downtown Nanaimo, and has been in its present location for 70 years, while the city NAANAIMO DOCK, please turn to page 6

Community Contribution Company regulations approved

On May 14, last year, Bill 23, enacting amendments to BC’s Business Corporations Act and creating a new class of corporations to be known as Community Contribution Companies (CCCs), was given royal assent.

The legislation legitimizes corporate objectives that are not necessarily profitable but benefit the community, and permits a business organization to escape the ‘profit is paramount’ straitjacket.

However, until regulations are published, it is not clear how this would work. The regulations were approved by Order-in-Council on February 27. They have still not been published, but a government press release, together with a reading of the amendments in Bill 23, gives a fairly clear indication of their structure. They will take effect on July 29 this year.

Generally, they allow the creation of a ‘hybrid’ type of corporations under BC law which can accept equity investment and pay limited returns on that investment, but are also committed to dedicate a proportion of profits to community or charitable purposes. Their dividend payout to investors will be limited to 40% of annual profits.

The CCC structure is designed to allow registered charities to set up for-profit businesses; they were previously limited to non-profit activities and could not pay any return on invested capital, which limited the capitalization of their enterprises. But it would also appear to permit the creation of enterprises designed primarily for community purposes, and to allow such organizations to sell shares and so attract investment.

In every other respect, CCCs operate as normal business corporations. They need not be non-profits, but the dividend payout and the degree to which activities and profits are dedicated to the community would be determined by the company’s Board of Directors.

CCC’s will also be required to publish an annual report providing details of their social spending, community activities and dividend payments.

The creation of this ‘hybrid’ corporate structure, the first of its kind in Canada, opens the door to the creation of a wide variety of organizations which would allow individuals to invest ‘patient capital’ to achieve ‘social purposes’.

Could this work for BC Ferries?
**ISLAND TIDES, March 14, 2013**

**FULL MOON WEDNESDAY, MARCH 27**

**ADDT ONE HOUR FOR DAYLIGHT SAVING TIME**

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**HERRING MISMANAGEMENT—CULTURAL GENOCIDE**

Briony Penn

*In late August, academics, First Nations, and media joined with several scientists from Department of Fisheries and Oceans at Simon Fraser University’s 3-day research symposium (brilliantly named The Herring School Workshop) to digest and discuss the dismal fate of herring in the Pacific Northwest.***

Michelle Washington of the Slammon First Nation set the mood for the days ahead. With tears pouring down her cheeks, she recalled the day when a way of life—one that had endured for thousands of years—ended. She was 14-years-old when the commercial fleet of herring boats arrived in front of her village of Teeshoshum (‘waters white with herring spawn’) on the Sunshine Coast. There were so many boats that they blocked our view to the island across the bay. That was 27 years ago and the herring, which provided both food and livelihoods, have never returned.**

Throughout the conference, representatives from First Nations for the entire coast stood up for the first time, one after the other, sharing their common experiences, traditional knowledge, grief, and frustration. Each pinpointed the year and cause of the loss of the distinct herring populations on which these cultures and ecosystems were built. Barb Wilson, a Haida grandmother and Parks Canada employee, was a little girl when the commercial herring fleet came to fish the spawning herring in her village bay of Skadale. She remembers the way the boat lights lit up the bay as they fished through the night. That was in the 1990s, and the herring have not returned in numbers since.

Frank Brown, Heiltsuk First Nation, spoke of the intense frustrations his people had in trying to change the herring management practices in the once-vital spawning grounds of Spillar Channel. For FNs to return to fish and scientists to meet with DFO, the conference was one of the first meetings of DFO with our own herring fishery management plan, as it is a communal aboriginal right affirmed by the Supreme Court of Canada in 1996. Then we went out to the grounds as a nation to stand and stop the fishery. In 2003, 2005, Canada sent in the RCMP and a paramilitary force, including snipers, to enforce the law. Whose law are we actually enacting out here? The highest law in the land gave us the highest priority access. At the end of the day, the fishing fleet fished through the night and got their quota in Spillar Channel.

Cliff Atleo, Nuu-chah-nulth First Nation, repeated a similar story about how herring spawning hiccups in his territory on west Vancouver Island over the last 40 years, and told of a specific example in which the sac-roe fishery was closed and cleaned them out from Barleby to Clayoquot sounds.

Arvid Charlie of the Cowichan Tribes recounts how the herring spawning grounds disappeared from Cowichan Bay, Genoa Bay and Gorge Harbour when he was a little boy in the ’40s from the reduction fisheries. They came and caught the herring by the scowfuls and the herring never came back.

Cliff Atleo argued that the mismanagement of herring is causing a cultural genocide. There are strong words but they are true, as herring are a cultural keystone species upon which all life and cultures depend.

Frank Brown said the fact that scientists from DFO had actually come to participate in The Herring School Workshop was an important step in the right direction. He also acknowledged that scientists might work under because of industry interests, and said: ‘If we agree that herring is a keystone species, then we have to come together and try to overcome the fear around issues related to people’s employment, whether it is through allocations of herring or their jobs within the fishery.’

*Coastal First Nations people believe that the management model used by DFO, which treats the herring population as a single, undifferentiated mass that can move around within five large management units, is too simplistic.*

The smoking gun of the herring declines that indigenous representatives at the Herring School pointed to was the management of the commercial fishery. First, the reduction fishery which was closed in 1967, and then the current sac-roe fishery which kills the spawning fish.

The commercial herring fishery and processing operations are now entirely owned by Jimmy Pattison (Canico), and Canico’s senior director of fishing operations, Chris Oar, sits on advisory boards for the fishery.

At the Herring School, Dennis Chalmers, a fisheries manager all his career, first for the federal government and now at the provincial level, outlined how fishery management, admitting the reduction fisheries were a disaster until their closure in 1997. But he defended current management practices for the sac-roe fishery: ‘We have had a very strong biomass and only take 20% of the total, which is low by fisheries standards. If biomass drops below a dangerous threshold in a large management section, which it has in four out of five regions, DFO doesn’t allow a fishery.

If this proves to be the case, DFO would have to accept an alternative hypothesis and embrace traditional practices—though there’s no research or catch in this section since 2000.

DFO scientists have been advocating this ‘moving herring hypothesis’ for years, with no real evidence. And now there is new, independent evidence emerging that they’re wrong.

Dr Dana Lepofsky, who heads up the Herring School of researchers at SFU, has been working on the archaeology of herring for the last five years. Through excavations of village sites like Teeshoshum and Namu on the Central Coast, they have uncovered 7,000 years of herring ecology and DNA in herring bones which could confirm what elders have been saying all along—that there is long-term site fidelity if these specific locations are not overfished. Abundance at these sites corresponds well to oral traditions that identify places of high concentrations of herring spawning.

Lorenz Hauser of University of Washington, Donga Yang at SFU, and Camilla Speller at University of Calgary have now figured out how to get nuclear DNA from the ancient bones and believe that this research direction might help us to better understand possible genetic differences between herring populations from place to place.

If this proves to be the case, DFO would have to accept an alternative hypothesis and embrace traditional practices—which have long been ignored but which reflects this diversity.

The first task, according to Arvid Charlie, would be to call for a moratorium on the herring fishery to give the last spawning groups a rest. For Karri Hermiston, Heiltsuk First Nation, the
Undermining the Charter – Commentary by Patrick Brown

The Federal Department of Justice, by law, is supposed to ensure that all legislation proposed by the government is constitutional, and that it would conform to the Charter of Rights. The Minister of Justice is supposed to so inform Parliament.

But a recently retired government lawyer, Edgar Schmidt, says that, over the last twenty years, the Department has set the bar so low as to provide no assurance at all to either the government or to Canadians in general that new laws in fact respect the Charter. And Parliament has not been informed.

The effect is to leave it to individual Canadians to challenge legislation in the courts. Charter challenges, of course, invariably end up at the Supreme Court of Canada. To mount such a challenge takes a very determined challenger, working with a highly competent legal team. It is expensive and takes a long time.

New laws, passed by a majority government, can be proclaimed, put into effect, and enforced for many years before a challenge can be heard and adjudicated by Canada’s Supreme Court.

Applying The Charter To Legislation

In order to carry out its legal duty to review legislation, Canadians would imagine that the Department would start from a clear understanding of the Charter itself, which was written to protect Canadians from the actions of government which might deprive them of their fundamental and inalienable rights and freedoms. These include freedoms of conscience, religion, thought, belief, or expression; freedom of the press, peaceful assembly, and association.

The Charter also guarantees democratic rights, the rights to come and go, and to live anywhere in or outside Canada; a full range of legal rights; equality rights, language rights, aboriginal rights; it also clarifies how the Charter is to be applied by governments and the courts. With these Charter provisions in mind, one might expect that the Justice Department might examine the purpose, essence, and text of each chapter and verse of proposed legislation in order to judge whether its intent was to reduce or damage any of the freedoms described in the Charter, or whether it might be used or interpreted to reduce, explicitly or implicitly, any of the rights of individual Canadians set out in the Charter.

Turned Inside Out

It can be argued that the final word on questions like these is that of the Supreme Court, and for the Justice Department to arrive at any conclusions on these questions is second-guessing the Court, and therefore exceeding its mandate. But this is a narrow interpretation, and its effect is to rationalize the Justice Department’s avoidance of its most important responsibility: the interpretation and defense of the Constitution of Canada, and particularly that part of it that consists of the Charter of Rights and freedoms.

The review of new legislation is obviously a fundamental part of this responsibility. Canadians would expect that the Justice Department would strongly advise the government if there was any chance that legislation proposed would be, in any way, inconsistent with the Charter.

Yet, according to Schmidt, this is not the procedure that has been followed by the Department over the last twenty years. Instead, the question has been turned upside down.

The government could imagine and put forward a ‘credible’ argument that the legislation was ‘not inconsistent’ with the Charter. The question has been rephrased: is there any possibility, no matter how slim, that the government could imagine and put forward a ‘credible’ argument that the legislation was ‘not inconsistent’ with the Charter?

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Citizenship in jeopardy

Bill C-45, a private member’s bill currently being fast-tracked through the House of Commons is titled ‘An Act to amend the Citizenship Act’ (honouring the Canadian Armed Forces). It has two primary objectives.

First, it expands the ways in which Canadian citizenship may be lost. A citizen of Canada who is also a citizen or resident of another country is deemed to have renounced their Canadian citizenship if they engage in an act of war against the Canadian Armed Forces.

Second, it aims to ease the process of naturalization for permanent residents who have signed a three-year contract with the Canadian Armed Forces and who have completed basic training. It does so by reducing the requirement of three years of residence in Canada to two years.

Ordinarily, private member’s bills do not merit much attention. Their success rate is usually low. In most cases, they cannot compete with Government endorsed bills for the required attention needed to survive the rigours of legislative scrutiny. However, this bill may be different. The Minister of Citizenship and Immigration, Jason Kenney, has stated his support for the bill and has indicated that he will amend it by expanding it to embrace those who commit acts of terrorism either in Canada or overseas.

The Minister has also voiced the opinion that the bill and the suggested amendments would bring Canada in line with the international legal norm. In a newspaper column he has stated that most other democratic countries—France being one—have the authority to strip citizenship for crimes of treason and terrorism. He has also suggested that the proposed law is more protective than the equivalent statutes in the UK and Australia where ‘citizenship can be revoked if it is in the public’s best-interest—a much lower and more vague standard than our proposal.’

In the face of such comments, it is important to set the record straight. Each of the bill’s objectives is deeply problematic—although that of creating a category of second class citizens whose status is more precarious than that of other citizens has more pernicious consequences.

First, the bill, as proposed, contravenes International Law. Article 8(1) of the 1961 Convention on the Reduction of Statelessness provides that a contracting state shall not deprive a person of nationality by any act of war against the state. The Convention does not allow signatories to opt out of this provision if at the time of signing they retain the right to deprive a person of nationality. It can be argued that the final word on questions like these is that of the Supreme Court, and for the Justice Department to arrive at any conclusions on these questions is second-guessing the Court, and therefore exceeding its mandate. The review of new legislation is obviously a fundamental part of this responsibility. Canadians would expect that the Justice Department would strongly advise the government if there was any chance that legislation proposed would be, in any way, inconsistent with the Charter.

Yet, according to Schmidt, this is not the procedure that has been followed by the Department over the last twenty years. Instead, the question has been turned upside down.

The government could imagine and put forward a ‘credible’ argument that the legislation was ‘not inconsistent’ with the Charter. The question has been rephrased: is there any possibility, no matter how slim, that the government could imagine and put forward a ‘credible’ argument that the legislation was ‘not inconsistent’ with the Charter?
Dear Editor:

time I turn on the TV or open a newspaper these days I'm seeing discussions of civil disobedience. The Keystone Pipeline, the Enbridge Northern Gateway Pipeline, Prime Minister Harper's omnibus bill C-38, and C-12. The No More movement, the Raven Coal Mine battle here in the Comox Valley—they all mention civil disobedience—usually as a last, but looming, recourse. Sierra Club USA stated that for the first time in its 122 year history it was going to engage in civil disobedience to oppose the Keystone Pipeline—and it did several weeks ago. Sierra Club Canada indicated it was considering the same action.

Here in the Comox Valley, Sierra Club Comox Valley, the Council of Canadians, the Friends of Strathcona, Comox Valley Water Watch and a dozen other groups that are part of the Peaceful Direct Action Coalition have sponsored two workshops on civil disobedience and will probably organize more of them. For many of us, getting our minds around the justification for civil disobedience is not easy. We need to do some serious reframing.

When I was a child my mother told us kids, “If you get lost or someone is bothering you go and find a policeman and tell him what’s wrong.” That was my first awareness of something that I eventually recognized as respect for authority and the rule of law. If we didn’t have it our society would sink into chaos and lawlessness. And that viewpoint stayed with me for most of my life, even when the people in power did not share my political views. As the man said, “These are the folks that other people call ‘lawbreakers’ so they call the shots.” So far me and others, committing acts of civil disobedience went against the grain. Respect for duly elected authority was almost part of my DNA. But, as I grew older I began to reframe—to rethink the whole nature of civil disobedience. It occurred to me that my family and I have a right to clean water, clear air, good food, a suitable home, and a safe place to live.

We didn’t get these rights from the Canadian Constitution or the Charter of Rights and Freedoms. We didn’t get them from the Prime Minister of Canada or the Premier of British Columbia. My rights, my neighbour’s rights, and the rights of all living things come from our very existence. They are gifts of nature or, as many First Nations often put it, gifts of the Creator. Columbia. My rights, my neighbour’s rights, and the rights of the ecosystems which ensure our survival, we are doomed—be to protect natural laws. If we don’t protect the laws of nature or, as many First Nations often put it, gifts of the Creator. Thus there is a rule of law based not on human laws but upon the law of nature. The prime directive of all human laws should be to protect natural laws and ecosystems which ensure our survival, we are doomed—and we have to do something about it.

When we engage in peaceful direct action as a last resort, we are not the ones breaking the law. We are trying to protect natural laws that ensure our survival as a species. It is those who have introduced laws that violate our natural rights that are breaking the law.

Reframing civil disobedience this way removes the guilt feelings and motivations it has worked for me and it might work for many of us who sense that our natural rights are being taken away from us.

Mike Bell, Comox
Passengers aboard Queen of Nanaimo were wonderfully entertained by the Langley Ukulele Ensemble rehearsing for a concert on Pender.

The Victoria Lapidary & Mineral Society announces its annual
ROCK & GEM SHOW 2013
March 15, 16 & 17
Leonardo Da Vinci Centre
195 Bay Street, Victoria, BC
Beautiful Gems from BC & the World
Show Theme: ‘Treasure From China’
- Wonderful display of stones and silver being worked
- Gold Panning • Fossil and Precious Stone Displays
- Faceted Jewels • Silent Auction • Kids’ Corner
- Free Door Prize Worth $300 • Retailers from Western Canada • Refreshments & Much More!
Fri 12:30-8:30pm - Sat 10am-6pm • Sun 10am-4pm
Adults $5, Seniors / Students $4, Family $12, Kids 6 & under free, Weekend Pass $10
Details at: www.vlms.ca

March 27,
Happy Birthday,
Patrick Brown!

Are you on the voters list?

Elections BC is conducting an enumeration and updating the voters list for the May 2013 Provincial General Election. Are you registered to vote?

It’s easy. It’s convenient. You have choices. Be ready.

Your choices to register to vote or update your voter information are:

Online
Register or update your information on Elections BC’s Online Voter Registration (OVR) system 24 hours a day, 7 days a week at elections.bc.ca/ovr. You need a B.C. Driver’s Licence or a Social Insurance Number to use the system.

By Phone
Call Elections BC toll-free at 1-800-661-8683, 8 a.m. - 8 p.m. Mon.-Fri., 9 a.m. – 4 p.m., Saturdays.

In Your Community
From March 6 – 23, temporary voter registration opportunities are at hundreds of locations throughout the province. View electoral district voter registration opportunities at: elections.bc.ca/registration-opportunities.

B.C. voters can also register or update their information when they go to vote in the May 2013 Provincial General Election.

Is there someone registered at your address who no longer lives there? Call Elections BC or go to elections.bc.ca/remove to have them removed from your address.

Who can register?
You are eligible to register to vote if you:
- are a Canadian citizen,
- are 18 or older,
- have lived in B.C. for the past six months.

Election workers required:
Over 37,000 election workers are needed to work for the May 2013 Provincial General Election. View available postings at elections.bc.ca/jobs.

Elections BC is a non-partisan Office of the Legislature responsible for administering the Election Act, the Recall and Initiative Act, and the conduct of referenda under the Referendum Act.

Find us on YouTube
elections.bc.ca / 1-800-661-8683

PROOF
Island Tides thanks you for your patronage.
For copy alterations please call: 250-629-3660 or fax: 250-629-3838, or email: islandtides@islandtides.com
Before:  noon on:   Wed, Feb 20
COMMUNITY EVENTS IN THE SALISH SEA REGION

Now thru April 2
Creative Choices Show & Sale — drawings and workshop paintings by Salt Spring Island Painters Guild members, many of whom are professional artists • ArtSpring Gallery, 100 Jackson Ave • 9am-5pm • ArtSpring Gallery exhibition, including Appetite to Apples installation opens March 15 9am-1pm • Info: www.sispaintersguild.com • SPRING DANCE

Daily, March 14 to 24
Spring Fair on Pender Island — enjoy the new Wibit floating obstacle course inflatable, wavepool, waveboarding, diving boards, pirate ship, toddler pool, swimwel, family changerooms, steam, sauna, Port Theatre, Salt Spring Poverty Alliance (SPA) and the Grand Communauté Place, 4265 Elk Lake Drive (right off Pat Bay Hwy at Royal Oak Est) • Info: 24-hour Swim Info line the 250-475-7620 or www.sanich.ca • SANIICH

Friday thru Sunday, March 15 thru 17
Rock & Gem Show — beautiful gems from BC and the world, show theme: Treasures From China • Leonardo da Vina Gems, 195 Bay Street • Fri: 12:30-8:30pm, Sat: 10am-6pm, Sun: 10am-5pm • Tickets: Adults $5, Students/Seniors $4, Family $12 • Weekend Pass $10, Under 6 Free • Info: www.vlms.ca • VICTORIA

Friday & Saturdays, March 22-23
Creative Stitches & Crafting Show — over 70 educational seminars, exhibits, demos, carriage rides, artists, door prites, fashion stage, shop til you drop TradeX, 1190 Cormorant Street • March 22 & 23 9am-5pm daily • 2-day pass $10, Info: 250.723.1150 • ABBOTSFORD

March 16 thru 24
Pacific Rim Whale Festival — celebrate the return of the migrating whales with a variety of guided whale watching tours, destination, with culinary, cultural, musical and educational events • March 17-19 • Chow Down: Mar 19: Sweet Indulgence dessert affair • Mar 21: Bamadore • More event information • Info: www.pacificrimwhalefestival.com • TOFINO, UCLUELET & PACIFIC RIM

NATIONAL PARK RESEARCH

During spring break March 18-22
Body Talk Cru — daily workshops run by Crimson Coast Dance Society for young dance enthusiasts; with Professor Clay (Victoria Caporica School) & Veronica Stewart (Flamenco School) • Monday-Tuesday 1-3pm; Wednesday 2pm/3pm; Thursday-Friday 1-3pm • Admission $10, School Groups $25, Students $15, eyeGO (highschool students) $5 • Info: 250-716-5000, www.crimsoncoast.org • NANAIMO

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Spring Fair on Pender Island — enjoy the new Wibit floating obstacle course inflatable, wavepool, waveboarding, diving boards, pirate ship, toddler pool, swimwel, family changerooms, steam, sauna, Port Theatre, Salt Spring Poverty Alliance (SPA) and the Grand Communauté Place, 4265 Elk Lake Drive (right off Pat Bay Hwy at Royal Oak Est) • Info: 24-hour Swim Info line the 250-475-7620 or www.sanich.ca • SANIICH

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Saturday, March 23
Resilience Fair: Exploring Resilience and Climate Action — celebrating Salt Spring Island’s resilience in the face of climate change. A day of community engagement, resilience, education, and climate change with guest speakers: Transition Movement founder Rob Hopkins (video) and “Resilience Initiative” author Michael Lewis (live); sponsored by Transition Salt Spring • Time: 1-4pm • Mahlon Hall • Info & RSVP: 250.567.4859 • SPRING DANCE

Saturday, March 30
1st Market Easter Weekend, next market May 4—fresh, local produce, baked goods, local art, artisan works & demonstrations, culinary delights, guest speakers on current topics, books, musicians; bring your friends and family, enjoy lunch or a snack, you never know who you’ll meet at Community Hall • 9:30am-1pm • Info: www.pil.ca • PENDER ISLAND

Island Tides is in every mailbox on: Cortes • Denman • Gabriola • Galiano • Hornby • Lasqueti Mayne • Pender • Quadra • Saltspring • Cortes • Galiano • Gabriola • Hornby • Lasqueti islandtides@islandtides.com • 250.829.3690

What’s On?

March 16 thru 24
Pacific Rim Whale Festival — celebrate the return of the migrating whales with a variety of guided whale watching tours, destination, with culinary, cultural, musical and educational events • March 17-19 • Chow Down: Mar 19: Sweet Indulgence dessert affair • Mar 21: Bamadore • More event information • Info: www.pacificrimwhalefestival.com • TOFINO, UCLUELET & PACIFIC RIM

NANAIMO DOCK from page 1

The Dock grew up around it. It is home to many commercial boats, small boats used by residents of Protection Island to commute between their homes and downtown Nanaimo, private-boat commuters from Gabriola, and a sizeable fishing fleet. Some of these vessels belong to members of the nearby Suxwunxwun First Nation, who claim a right to fish from the harbour under their Douglas Treaty. There are also facilities (including a crane) used by fishermen to unload their catch. In fact, the Boat Basin still carries out the functions traditionally associated with the main government dock in any harbour like Nanaimo (“The Harbour City”).

Current Users Would Pay More, Or Move

Current users of the government dock facility are concerned about the continuation of the present facilities under the new contract, expected substantial increases in moorage fees (especially for commercial and fishing vessels), and limits to public access, including loading and unloading. It appears that the existing crane (provided by the fishing fleet?) will be removed and fishing vessel landing will be discouraged, as well as the mooring of visiting commercial fishing boats. A review of the proposed revised layout of the marina shows almost complete replacement of the docks, with an increase in the number of fingers to serve vessels up to 80ft. Sketches show large motor cruisers, but no fishing boats.

Nanaimo Port Authority claims it is arranging with tugboat owners to find alternate mooring space within the harbour, and is also arranging for fishing vessel loading and unloading facilities at the Assembly Wharf Terminal (usually used for deep vessel tie-up and loading); although the fishing fleet will have to book access times and provide its own crane. The Protection Island Ferry landing will remain, and moorage for small boats (20ft and under) will be available; it has been proposed (by NPA and PNMG) that this moorage will have to be paid for in years five in advance.

Evaluating The Project

Users might have expected that any long-range plans for the harbour would incorporate a needs analysis, considerable consultation with stakeholders and the City of Nanaimo (after all, city limits include 359 lots on Protection Island), and a longterm financial plan.

Charles Frank Harry Baines 1931—2013

Born in Ladysmith, Harry passed away with grace on February 7 in Nanaimo. Harry was a commercial fisherman who grew up around it. He had deep faith in God, and was a Curistiana in the Anglican Church.

A Service was held on Thursday, February 14 at St John’s Anglican Church, 150th anniversary, with Rev Dan Fournier officiating. A reception followed at the Eagles Hall. Harry’s ashes are interred at Ladysmith Cemetery. The family would like to thank everyone for their flowers and cards and for the many friends and relatives who travelled great distances to be at Harry’s service. He would have liked to be there for that celebration to see you all. Thanks also to Dr J Laskins for his care over the years and to Nanaimo Hospice for their compassionate hospitality on his last day.

Harry was predeceased by his sister Joy McCleod (2006) and brother Lawrence (Bud) Baines (2008). He is survived by his wife, Lillian; daughters, Beverly and Patricia; sisters Jeanne Silvey (Jack), Thelma (Bobby), Ursula & Betty; grandchildren, Joseph & Trish, Denis (Tom), Dorraine Baines-Turberfield (Blair) and Donna Jeanne Baines-Kearns (Gerry); grandchildren and great-grandchildren; nieces Michelle, Gary, and brother Lawrence (Bud) Baines (2008). He is survived by his last day.

Harry’s gentleness, compassion, and modesty were recognized and appreciated by everyone. Harry and Lillian have liked to be there for that celebration to see you all. Thanks also to Dr J Laskins for his care over the years and to Nanaimo Hospice for their compassionate hospitality on his last day.

Memorial gifts in Harry’s name to the Heart & Stroke Foundation would be greatly appreciated.

None of these, it would appear, was done, although a number of ‘open houses’ have been held during the past few months. Public ‘town hall’ meetings, sponsored by user groups, are now being well attended.

The NPA has indicated that the existing facility has deteriorated to a considerable extent under its federal stewardship (since 1961) and that the proposal from PNMG will ensure that some $5 million worth of necessary reconstruction will not require any public money.

Proposed moorage rates have not been made public, but local analysts have suggested that it would yield annual gross revenue of $1 million or more to PNMG over the 30-year contract.

In the absence of any original planning or feasibility study, review of alternatives, or competing tenders, it is difficult to determine whether the PNMG proposal is a financially sound one. The fact remains that the NPA, an independent federally created body, not locally accountable, is contemplating a contract that would privatize the only public wharf, a vital public facility, central to the traditional functions of Nanaimo’s working harbour, and that would remove any other options for the next 30 years. Sound politically familiar?

© 2013 Island Tides
Barry Avis – Parksville-Qualicum (BC NDP)

Affordability is a grave concern. Much of British Columbia is becoming more and more difficult. Growing costs of goods, services and food are leaving too many families struggling. Why should large corporations and banks making billions of dollars of profit get huge tax reductions while seniors struggle to find home support and young people face a mountain of debt for post-secondary education?

I support practical steps to bring fairness to our tax system. I support the Adrian Dix plan to modestly increase taxes on large corporations. I also support restoring a minimum tax on bank fees.

We also need to think about the way we use tax dollars. I think revenues from carbon tax should be used to improve transit services and put in place initiatives that will protect our environment.

It’s unfortunate that BC today has the worst child poverty rate and the biggest income gap between the rich and poor. It’s time to change our approach, and it starts with fairness in our tax system.

Bob Bray—North Island (BC Conservatives)

Yes, British Columbians are paying enough taxes. Some of our tax rates are too high. One of the first places to start reducing taxes is by changing the way we设定 the price of gasoline by $0.46 a litre across the whole province. The Carbon Tax gives the provincial government $1.2 billion each year and I think we should eliminate this tax while balancing the budget every year, even if it takes several years to get responsibility rid of the Carbon Tax.

David Coupland—(BC Conservatives)

British Colombians pay enough tax. In fact when you include direct taxes (income and business) and indirect taxes (fees, licenses, insurance, MSP premiums, the carbon tax, etc.) we pay more than any province west of Quebec.

Indirect taxes have increased significantly under the current government but are hard to recognize. Some can be written off by business, but they tend to penalize individuals, especially low income earners and the poor. Indirect taxes are supposed to be discretionary, but many, such as drivers licenses are not.

We pay a lot of tax, but the current government does not want us to know this and conceals its real problem, spending. They have added more debt than any government in our history. People will accept taxes if they are transparent and for a good reason. B.C. needs to return to a system of honesty, fairness and just taxation.

Kassandra Dyck—Comox Valley (BC NDP)

The current government’s unfair tax policies have contributed to an estimated $8 billion given up in British Columbia. Banks and corporations have received multi-billion dollar tax breaks, while average British Colombians are paying more for health care insurance premiums.

The worst example of unfair tax policy was the HST, and I’m proud of people in the Comox Valley and around BC for forcing the government to repeal it.

The good news in our province is one of the most important reasons why we need a change in direction.

I believe we build a healthier society and a stronger economy when we have a fairer tax system. That’s why I support measures like reinstating a capital tax on banks and reversing the tax breaks to large corporations to 2008 levels. Both of these modest tax breaks to banks and corporations can be used for the services and programs people need – like homecare for our seniors and skills training for our youth.

Nick Facey–North Island (BC Liberal)

Yes, government needs to respect citizens right to live their own lives, including spending their income in a manner they determine. Government needs to minimize itself and its spending, and maximize the monies that stay in the hands of the community. I believe growing our private sector economy, faster than the public sector, we can keep income earners and the poor out of poverty.

I support practical steps to bring fairness to our tax system. We need to improve transit services and put in place initiatives that will protect our environment.

Next Edition’s Question To All Candidates: How does BC Ferries fit in with the future of coastal and island communities?
Missing the Copenhagen target - Elizabeth May

On February 15 with the Conservatives' typical, quiet Friday afternoon, splashless launch, the 2012 Progress Report to the Federal Sustainable Development Strategy was tabled in the House of Commons. The following week was a break in the Parliamentary schedule, and, so far, the report has been ignored in the national media.

If you have had any exposure to the talking points repeated, ad nauseam, by Prime Minister Stephen Harper, Environment Minister Peter Kent, and Michelle Rempel (Kent's Parliamentary secretary) on Canada's actions in reducing Greenhouse gas emissions (GHG), you will have heard that 'Canada is half way to our Copenhagen target.' This is the target adopted by Stephen Harper when he attended the climate talks, COP15, in 2009.

It represented the second time Harper weakened Canada’s target. The first, rejecting the Kyoto Accord signatories and concluded that the pledges fell far short of avoiding the 2ºC average temperatures to increase by 2ºC above what they were before the Industrial Revolution. The Intergovernmental Panel on Climate Change assessed the collectivity of pledges by the commitment from signing nations that their collective resolve must avoid allowing the global threshold. No matter how you slice it, Copenhagen targets were too little, weak and inadequate.

So, it may be that we are inured to the idea that the target matters. Or it may be that our cognitive processes automatically reject the possibility that the whole government, including departmental reports, can be lying to us.

The February 15 update states: that 'Canada's 2020 emissions are projected to be about one-half of the way to the target.' Before examining the actual claim that we are halfway to the target, let's underscore the blazingly obvious point that the self-congratulatory sentence confirms—by half of the way to the target. Before examining the actual claim that we are halfway to the target, let's underscore the blazingly obvious point that the self-congratulatory sentence confirms—by weakening our pledge.

He cancelled the previous government’s climate plan, which actually would have gotten us quite close to the Kyoto target. Instead, he promised to reduce 2006 levels by 20% by 2020. The United Nations gathering in Copenhagen was tragically hijacked by a backroom deal, orchestrated by the US, called the 'Copenhagen Accord.' Unlike the legally binding Kyoto protocol, The Copenhagen Accord was described as politically binding. It also gave Stephen Harper a chance to weaken our target further by adopting the same one announced by Barack Obama – 17% below 2005 levels by 2020. As it happened, Canada’s emissions were higher in 2005 than in 2006—a convenient anomaly that further weakened our pledge.

As well, the Copenhagen Accord included a commitment from signing nations that their collective resolve must avoid allowing the global average temperatures to increase by 2ºC above what they were before the Industrial Revolution.

Environment

Emmissions
Projections

The new BC Services Card is part of government’s plan to modernize BC's health care system. It replaces your CareCard, can be combined with your driver’s licence, and also acts as your photo ID. It's more convenient and more secure, with enhanced features to protect your personal information. And getting yours is easy: Starting February 15, 2013, and for the next five years, you can simply enrol when renewing your driver’s licence. And even if you don’t drive, you can enrol at the nearest location where driver’s licences are issued. To learn more visit BCServicesCard.ca.

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Contact your local dealer to find out how you can get Xplornet today.
T he common stinging nettle has long been used as a protective herb. A vase of freshly cut nettles under a sickbed is supposed to help the patient recover from whatever illness the person has. Nettles sprouted around the house will ward off evil. Nettles tossed onto a fire will avert danger and carried by hand will fend off ghosts. When carried with yarrow, nettles will bestow courage. In ancient Ireland, nettles were known as ‘The Devil’s Apron’.

Legends maintain that Roman soldiers, who used nettles for ‘fortification’, brought the plant to Britain. That is, they beat themselves with the slender, cut, dried and soaked in water. The fibres were then separated and spun into yarn. Eventually, flax superseded nettles. But they were still believeable, by the 19th century, half of the households cloth known as ‘scotchclodh’.

In the Hans Christian Anderson fairy tale, The Princess and the Eleven Swans, the coats the princess made for her brothers were woven from nettles. It is to be hoped in this enlightened age that gardeners will invite this wonderful herb into their garden and not regard it as a weed. Recent tests in organic gardening have confirmed that nettles are a potent companion plant, helping to produce healthy vegetables such as broccoli and improving keeping-quality on tomatoes by impeding the fermentation process in the plant. Nettles will increase the production of essential oil in peppermint and boost the potency of all nearby herbs. Nettles in your compost heap will not only add nutrients, but also accelerate the breakdown of matter into robust humus.

Investing in children

On February 13, MLA Claire Trevena made a statement on the 20th anniversary of the youth advocacy coalition First Call. She said:

‘For 20 years BC has been lucky to have an immensely active advocacy coalition, First Call, fighting for BC’s children and youth. And the need has never been greater.’

‘It is First Call that every year publishes the child poverty report card—showing the dismal state of childhood in our province. Every year it highlights how poorly we serve our children by letting them grow up in poverty.

‘It is First Call that brings together organisations from around the province to help advocate for high quality, low cost, public child care for our youngsters—they and their families can get on with a life fulfilled.’

‘It is First Call that is leading the campaign to end child labour in BC—the laws there are preventive. The Copenhagen target makes a business-as-usual figure relevant. The imaginary whopping big 850Mt that won’t happen is only useful in confusing the picture.

‘The Conservatives’ talking points only claim that they have reduced GHG emissions. And it is true that in 2010 emissions were down to 692Mt. This is explained by some provincial actions, but primarily was due to the worldwide recession.

‘I think it is unlikely that the Prime Minister would claim credit for the recession as a deliberate climate policy.

‘It is galling to hear the lie repeatedly over and over that the Conservative government is responsible for reducing emissions. Especially as emissions are rising rapidly, slated to go from 862Mt in 2010 to 720Mt by 2020.

‘The government’s ‘enlightened’ action—admittedly, as I write this, I worry there are too many numbers. Environment Canada further complicates the picture by adjusting 2005 levels to 753Mt, making the 2020 reduction only 12Mt.

‘But the millions of tons of GHG Canada dumps into the global atmosphere really matter. Our trail of broken promises will be noticed, if not in Canada, around the world.’
CRD combines parks and environmental departments

At the end of February, the Capital Regional District (CRD) combined Parks and Community Services and Environmental Sustainability departments’ services under a newly aligned Parks and Environmental Services Department.

‘Given the many synergies between the two operations, combining these two departments makes good operational and financial sense,’ said Robert Lapham, CRD Chief Administrative Officer. ‘In the longterm this will ensure the continuous effectiveness and efficiency of the services we provide.’

Leading this department will be Larisa Hutcheson, who has been assigned the role of General Manager, Parks and Environmental Services. Larisa was the former General Manager, Environmental Sustainability and has been acting in the role of General Manager, Parks and Community Services since October following the retirement of previous General Manager Lloyd Rushton.

As a result of this realignment, recruitment efforts will be refocused from hiring a General Manager, Parks and Community Services towards hiring a Senior Manager, Regional Parks who will oversee regional parks operations.

CITIZENSHIP from page 3

It should be noted that France and Brazil and the UK took the needed steps by making reservations based on the vital interests of the state. Canada, which acceded to the Convention in July 1978, did not.

Mr Kenney also indicates that he considers it to be the norm for democracies to revoke citizenship on grounds similar to those proposed. But this is incorrect. A recent study of the citizenship laws of 33 European countries reveals that such grounds appear only in around one third of the countries.

Three other problematic aspects of the loss of citizenship provisions need to be highlighted. First, the bill does not establish a process for revoking citizenship where the citizen in question has engaged in the proscribed conduct. Instead, it deems citizenship to be renounced. Why is this alternative selected? Why pretend that we are dealing with renunciation when citizenship is actually being revoked? The most likely explanation is that our current processes for revocation involve a judicial process to determine whether there is adequate reason for it. No legal protection exists for those who renounce citizenship.

Second, it is unclear who is subject to the bill’s provisions. It is aimed at dual nationals but also at those with single nationality if they are legally resident in another country. As members of our Senate have discovered, the term ‘residency’ is open to many interpretations. Without greater clarity, it is uncertain whether the bill applies to those who are only temporarily living in another country.

Similarly, the bill is aimed at citizens who ‘engage in an act of war.’ The phrase ‘act of war’ has no established legal meaning. By adopting this ground for loss of citizenship, we would be granting unknown powers to the executive. Without clearer guidelines we have no sense of where the government intends these provisions to apply.

Lastly, and most significantly, using citizenship law to achieve aims adequately addressed by criminal law buttresses an odious and unsupported opinion: that dual nationals and Canadians who reside outside Canada are less loyal than others. Immigrants who retain their original nationality so that they may retain their entitlement to visit family and those who work overseas because of their inability to find work in Canada are no less loyal. It can be argued persuasively that the term ‘citizen’ that is found in the Charter of Rights and Freedoms connotes a uniform status that cannot be subject to divisions with differing privileges and entitlements.

The second objective of Bill C-445 is to give preference to permanent residents who become members of the armed forces. This aim also raises serious questions. Our immigration programs are designed to bring to Canada individuals with needed skills. We select immigrants on the basis that there are gaps in the labour market that need to be filled. It is odd and counterintuitive to create an incentive to individuals to abandon their line of work to join the armed forces. By doing so, we ensure that the original gap in the labour market will remain unfilled. Should the government wish to attract military personnel to Canada it should identify a special immigration program to meet the perceived need. It should not provide preferential treatment within our legal processes as a reward to those who have been selected to come to Canada to fill other roles.

We should keep our eyes on this bill’s progress.
L ast fall, for weeks, arborists were all over Saturna’s roads trimming and extending the forest-free air power and telephone lines corridors. Nevertheless, after a bouncy, noisy, blowy Wednesday, Thursday, Friday, and a Baking Day at Haggis Farm—the power went out—kaput! Being already up and ready to fly at it, I immediately called BC Hydro to inform them. A lady asked, ‘Are you sure the power is out?’ You are the first person to call reporting an outage in this area—look outside your window and see if your neighbor’s lights are on.’ After that, I turned on the generator, emulating a home breaker switch and that I walk around my neighborhood to see if any trees were down on lines.

I asked her where she was situated—picture her sitting at her desk with a headset on and lights blinking in front of her in Mumbai. She was just across the water in Burnaby, and promised cheerily, since it did seem indeed that my power was non-existent; even if there were no close neighbors to consult and no trees immediately down to substantiate my claim, to ‘send someone out immediately.’ Ms Burnaby, who answered my call, wouldn’t know what was entailed in ‘sending someone out immediately’ to our little hard-to-access vicinity! So, gathering up the hounds, I jumped into the car to just see what was just what to decide and if it was worth firing up the generator for baking.

There it was, a leafless, red alder all catkined-out for spring. From about 20 feet into the forest it had just taken a notion to drop-across the road and land limbs and all—wham—on the lines. Right next to the pole, was a neatly limbed-out cedar! Well, you just never know.

Pat, our ever-alert roads foreman was already there assessing the situation. Back home, I called the dispatcher and tell her the news—three kilometers from the dock, just after the Park’s boundary, one tree, lines broken and down, breaker up at the junction. ‘Thanks,’ she said, seeming to know just where this was geographically, ‘this will help us.’

When we get on Saturna’s roads to be plain and said the power would be on at 10:30 am which seemed dubious, however I’ve had that come about without advisement. ‘Yes, it sure could and it did but by 12:30, 1 turned off the generator, glad for the silence and with lots of fresh bakery may never know the actual procedure for restoring power, in the interim or more permanently.

We get to know the BC Hydro crew that come hobbling across the water from Ganges on Salt Spring Island, pick up their trucks and equipment in the pub parking lot and do the work to get my neighborhood or island back on grid. They do a good job serving the Gulf Islands—just like the ferry crews. In on the ground floor, they get what is happening and use their skills to make systems work under a variety of circumstances.

The lady at the office and offer general advice but you don’t get to be part of the action and see how the story plays out or see those smiling faces—as the boat docks at home or when the lights come back on!

Notes from Saturna by Priscilla Ewbank

Part of The Action

L ast fall, for weeks, arborists were all over Saturna’s roads trimming and extending the forest-free air power and telephone lines corridors. Nevertheless, after a bouncy, noisy, blowy Wednesday, Thursday, Friday, and a Baking Day at Haggis Farm—the power went out—kaput! Being already up and ready to fly at it, I immediately called BC Hydro to inform them. A lady asked, ‘Are you sure the power is out?’ You are the first person to call reporting an outage in this area—look outside your window and see if your neighbor’s lights are on.’ After that, I turned on the generator, emulating a home breaker switch and that I walk around my neighborhood to see if any trees were down on lines.

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...
Western judges `all change' - Patrick Brown

A ppointments to provincial appeal courts are made by the federal Minister of Justice. It is unusual to replace a judge in the middle of a trial, for the very sensible reason that justice is best served by a judge who knows all the details of a case, many of which surface in pre-trial hearings.

Madame Justice Elizabeth Bennett was appointed to the BC Supreme Court in 1997. On August 29, 2002, she acquitted former BC Premier Glen Clark of all criminal charges relating to home renovations he had paid for from a constituent who was also applying for a casino license.

In 2007, she started to preside over the trial of Basl, Visk, and Basi, charged with breach of trust in connection with the sale of BC Rail by the BC government.

On May 15, 2009, while hearing pretrial motions for disclosure, and awaiting a Supreme Court of Canada ruling on the admissibility of `secret witness' testimony, she was promoted by the federal Justice Minister to the BC Court of Appeal. She continued to hear pretrial motions and allowed the admission of further evidence for the defence.

On June 4, 2009, Associate Chief Justice, Patrick Dolom took Madame Justice Bennett's seat in court to hear prosecution motions asking that she should be immediately replaced.

However, the case's defence counsel argued for the continuation of Madame Justice Bennett. But she was replaced, on the trial's resumption in August, 2009, by Madame Justice Anne MacKenzie.


Madame Justice Anne MacKenzie was herself elevated to Associate Chief Justice on April 26, 2010, on the retirement of Associate Chief Justice Dolom. The trial properly commenced in May, 2010; it was suddenly terminated with the plea bargains of Basl, Visk, and Basi in October, 2010. On January 1, 2012, soon after the end of the Basl, Visk, Basl trial, Justice MacKenzie was elevated to the Court of Appeal.

And in Alberta ... Jessica Ernst, an oil patch consultant and scientist who lives near Rosebud, Alberta, started her court action against Encana, who were drilling and fracturing wells near her land, and two regulatory bodies, the Alberta Energy Resources Conservation Board and the Alberta Ministry of the Environment, who, she said, owed a `duty of care' to groundwater and landowners in the area. The case famously involved her well water, which contained flammable gases that would burn when lit.

Ernst's full 73 page Statement of Claim was filed in Drumheller Court on April 21, 2011. The lawsuit, which claims damages of $33 million, pits fracturing on trial.

In the coming months, Encana suggested that the case be moved to Calgary. On April 26, 2012, at the first hearing in Drumheller, Justice Veldhuis would not hear defendants' arguments to strike out the case, but requested a shortened Statement of Claim. This was provided.

Encana, the ERCB, and HM the Queen in the person of Alberta Environment requested the case be moved to Calgary. This request was granted by Justice Veldhuis and Alberta's Chief Justice. The defendants moved to strike the case, and briefs were exchanged, house, land and tractor—it brought his declared family wealth to $215,000.

When bright young idealists share their environmental concerns with me, I encourage them to get involved in politics. That's where decisions have to be made about the use of the Mongolian protesters on farms.

Have you noticed, though, how often idealism gives way to a sense of entitlement to all the perks that come with political office? It's amazing how being elected to serve the people is often turned on its head: we're expected to support elected leaders without protest or question. And what happens to many who leave government? Lucrative board memberships and business deals.

Some politicians take a different road, though. Former US President Jimmy Carter stepped down after one term, was roundly ridiculed by popular media, yet continued to dedicate his life to promoting justice and eliminating poverty around the world. Nelson Mandela is another incredible role model who sets a high bar.

But something particularly unique is happening in South America. I only recently learned of Jose Mujica, a remarkable man who became president of Uruguay in 2009.

He's a radical activist who, in the 1960s, joined the left-wing guerrilla group known as Tupamaros, formed by sugar-cane workers and students. The organization was crushed after a military coup in 1973. Mujica was shot six times and imprisoned for 14 years, he claims, from which he solidified his thinking. In 1985, constitutional democracy was restored to Uruguay and Mujica was released. He ran for office and was elected president in 2009.

Uruguay's president a poor politician

What and a politician! He's a vegetarian who lives in his wife’s ramshackle farmhouse where they work together in the fields growing flowers. He turned down the opportunity to move into the presidential palace in Montevideo, preferring to stay on the farm, which is linked to the capital city by a dirt road. Under Uruguay's law, elected officials must declare their personal wealth. In 2010, Mujica was $1,800, the value of the 1987 Volkswagen beetle he drives. When he added a share of his wife's house, land and tractor—it brought his declared family wealth to $215,000.

Mujica receives $12,000 a month as president but donates 90% of it to the poor and small businesses. I can live well with what I have, he says. I'm called 'the poorest president', but I don't feel poor. Poor people are those who only work to try to keep an expensive lifestyle, and always want more and more.'

He added, 'This is a matter of freedom. If you don't have many possessions then you don't need to work all your life like a slave to sustain them, and therefore you have more time for yourself. I may appear to be an eccentric old man... But this is a free choice.'

Mujica attended Rio+20, the United Nations Conference on Sustainable Development, in June 2012, where he stated: 'We've been talking all afternoon about sustainable development—to get the masses out of poverty. But what are we thinking? Do we want the model of development and consumption of the rich countries?'

I ask you now: What would happen to this planet if Indians would have the same proportion of cars per household as Canadians? How much oxygen would we have left? Does this planet have enough resources so seven or eight billion can have the same level of consumption and waste that today is seen in rich societies? It is this level of hyper-consumption that is harming our planet.'

Mujica says most world leaders have a `blind obsession to achieve growth with consumption, as if the contrary would mean the end of the world.' He's hit a bit of a bump in popularity, dropping below 50 per cent for refusing to veto a bill legalizing abortion before 12 weeks (as all his predecessors did) and supporting a debate on legalization of marijuana use that would give the state a monopoly over its trade. Mujica points out: 'Consumption of cannabis is not the most worrying thing; drug-dealing is the real problem.'

Mujica isn't worried about the drop in popularity. It's part of politics, and besides, he's 77 and can't run again in 2014. He's a good role model with, enduring values, and an inspiration for people around the world.