

Open Public Meeting of the Livingstone Landowners' Group (LLG) With Evan Berger MLA
Saturday January 8th 2011
At Lundbreck Community Hall
2.00 pm

Present

80+ people, LLG members and others

Meeting Opens

Meeting opened with a showing of the *Life Along The Livingstone* movie, which was well received by all present.

Welcome and Opening Statement

Bruce Mowat, Chairman of the Altalink Project Committee welcomed everyone to the meeting, and thanked everyone who had come forward to help with the project. Many new members have joined LLG. Many families have spent many years looking after this country and have been recognised by the Government of Alberta (GoA) for it. Local people feel there are sufficient "industrial" corridors in the area, and that the new proposed lines should utilise these, and not make yet another corridor over agricultural and pristine landscape. Preferably the lines should run underground. More and more people Province-wide are coming out in defence of the landscape: LLG are not the only group opposing more widespread industrialisation of the landscape, and there are increasing numbers of articles in newspapers large and small against it. Landowners should be the premium decision-makers on their land – not the GoA Cabinet.

John Lawson was introduced as the Moderator for the meeting, and Neil Kathol as LLG's President.

Micrex

Dan McKim gave a short statement about Micrex:

1. The decision is imminent and may come down before the end of the month.
2. We have one more chance to make our feelings known: please email Minister Mel Knight this weekend.

Evan Berger (EB)

EB praised the *Livingstone* movie saying that it demonstrates exactly what the GoA are striving to keep intact. He gave a short history of the three Bills (now Acts of Parliament) that are particularly causing concern to landowners throughout the Province (Bills 19, 36 and 50)

Bill 19 is now the *Land Assembly Act*.

Bill 36 (now the *Land Stewardship Act*) trumps everything except the Mines Act (*and one other that I regret to say I missed - JB*) The GoA has no interest in landownership.

EB had brought to the meeting a shortened, simplified version of Bill 36 from which he read to demonstrate that it was not as bad as it was feared: he said he would not "go into the legalities of it". He said there were many "myths" being perpetrated by some people about the Act.

The Land Stewardship Act provisions will keep returning to the public for consultation, and will be reviewed in 5 and 10 years time, when it may be amended – or not.

It is designed to speed up the process whereby major infrastructure projects begin/continue. Constant reviews take too long and hold back the projects.

EB assured the meeting that as our representative in GoA he puts all our concerns to GoA. Development cannot be turned back.

There are 4 different Instruments that compensate landowners: one for GoA actions and 3 for actions by Industry.

All Acts of Parliament should be read by beginning with the Definitions at the front – vital for the understanding of the Acts.

Neil Kathol (NK)

For many years, LLG and others have been asking for proper land definitions e.g. definite definition of land use. Thus preventing situations such as AESO swooping down with apparent unlimited power and saying they are putting a power line here or there simply because they choose to do so.

NK & EB had debated the issue and had agreed to differ on many points. For example: lawyer NK is of the opinion that the GoA can now define what landowners can do on their own land, and GoA can impose a designation on any land, thus lowering its value, and GoA are then able to buy the land at the consequent lower value, as “compensation” to the landowner.

EB: “That’s not how it works” (laughter from the audience)

EB said that GoA would/could not try to tell landowners what to do on their land without a legal hearing and judgement: NK would like to see that in writing.

NK: there is some good in the Land Use Framework (LUF) but there are important flaws also.

Moderator

The presence of a uniformed police officer caused some disquiet among many individuals in the audience. His presence was explained to the meeting to allay any concerns. The constable had told the moderator he was there in his private capacity as an interested local resident, and had not had time to change from his uniform.

Questions from the floor and Answers by EB

Throughout the Q&A session, EB’s remarks were occasionally punctuated by somewhat cynical laughter from the audience.

Q. Bill 19, the Land Assembly Act – how sweeping are its powers.

A. It is not true that land can be expropriated without compensation. There must sometimes be a major corridor – e.g. the Stoney Trail in Calgary, and major land sequestration for dam projects is also covered under the Act. Regarding the Stoney Trail land: land along the Trail was designated by GoA as a major corridor and had therefore become somewhat derelict. Someone (the owner?) was fined \$100,000.00 for dumping on the land.

In the past, GoA could give realtors the power to purchase land from people without consulting with the public, nor revealing what the land was going to be used for. Now the public must be consulted.

The current local Altalink project is not an assembly of land by GoA and is not covered by the Land Assembly Act.

If a landowner was found to be doing – or planning to be doing – something on land designated by GoA that was deemed by GoA not to be permitted, he was to stop, and to restore the land to what it had been before he began doing what he was doing. If restoration was not completed within a time limit set by GoA, then GoA could complete the restoration and recover the cost from the landowner.

If there is no agreement on the value of the land, a landowner has the right to a third party valuation. The land could then be expropriated by GoA at the third party valuation.

Between designation and expropriation, normal agricultural activities could continue. Development on the land during that time will be controlled: e.g. a small shed or outbuilding may be permitted, but probably not a major building project.

Advance notice must be given to landowners if their land is being considered for expropriation.

Expropriation (purchase by GoA at a negotiated price) must take place within two years of designation.

Q. Micrex: what consideration has been given to their strip mine proposal, and how will LUF affect the proposal. If the mine is approved, and if the terms of LUF later say that mining may not occur in the area, what will happen to the mine.

A. NRCB must act within the Regional Plan, therefore the consent for the mine must be amended.

Q. Is Mel Knight delaying his decision on Micrex until LUF comes down.

A. EB has repeatedly urged Mel Knight “not to circumvent the Regional Plan”

The comment was made from the floor that it is in Industry’s interest to “beat the Regional Plan” i.e to get their approvals from GoA before the Regional Plan comes into effect.

Q. As we speak there is a meeting of the Willow Valley Trophy Club, with the keynote speaker talking about the importance of conserving the integrity of the Eastern Slopes. Government’s best scientists have said there should not be a mine there, so why is there no decision yet? It must be in GOA’s interest to show they are doing what the people want.

- A.** It is not possible to have a moratorium on applications pending the completion of LUF. There are legalities to consider. There are pre-existing rights to take into account. Etc.
- Q.** We are told that landowners must be given advance notice that their land is being considered for development, yet nobody here received any such notice about the Altalink proposals. No reply has been received from Altalink when asked about this. AESO strongly urged Altalink to plan their lines within the swath lines, but none of Altalink's proposed lines are within those areas. Some people have still not been contacted by Altalink. What legislative oversight is there that can stop this line.
- A.** The Land Assembly Act is not relevant to the Altalink case.
- Q.** From the blatant disregard by Altalink of AESO's guidelines it seems "... you guys can't decide where you want it" (applause from the floor) We here are of the opinion that this line is not needed (applause) GoA money for wind generation is apparently to stop in March 2011. It appears there may be a rush to obtain permission for a lot more wind farms before that deadline.
- A.** AUC has not ruled yet. EB has a package to show how to get involved. There has been no decision yet on routing.

Comment from the floor: The lines currently proposed by Altalink are not in the needs document put before the needs hearing, so they therefore cannot be covered within the needs approval. Affected landowners have no direct input to a needs hearing.

- Q.** Is there anything in the Land Assembly Act to give MDs input in the decision making process.
- A.** Yes.
- Q.** We doubt the power line is needed in this area. Enmax has said it is far more economic to have generation where the power is required, and that it is cheaper to burn coal or natural gas for generation close to the demand. We do not need any more power in this area, so there should be no need for the proposed lines, or more wind generation. Mel Knight has been quoted as saying early on that he thought windmills were wasted as there was no transmission available.
- A.** Bill 50 does not deal with this line.
EB will look into the matter of Altalink's proposals being outside the AESO-recommended swath lines. Enmax has a captive market. 48% of power bills are for power, the rest for transmission.
- Q.** Wind power is not involved in the Goose Lake project. I know from my own experience that MLAs are often given things to say, and what you said very quickly about the "myths" being disseminated about Bill 36 is simply not borne out by the facts as written in the Act. The value of land will be forced down by the threat of expropriation. It is made absolutely clear that there will be no appeal, even to the Supreme Court of Canada. GoA has taken away due process, and the public's voice, and has made it even easier for industry to do whatever they want. (Applause) I urge everyone to read carefully the Acts, as they are very worrisome.
GoA can make the plan with no consultation. Please, EB, read the Acts carefully, and do not simply take the GoA's line on this.
- A.** Section 15 binds the Crown. The Crown cannot subvert the Regional Plan. Compensation is limited except as provided by two other Acts that allow for compensation. GoA must compensate everyone who is injuriously affected by LUF. There will be a review in 5 and 10 years to reflect society's desires. Not taking the Government line. Look at the Federal Species at Risk Act: there is no compensation for landowners in the provisions of the Act. This is the first time in Canada that compensation has been laid down by govt.
- Q.** I ask for a show of hands: who in the room is in favour of the Altalink lines, and who is opposed. (Unanimous show of hands opposed) I do not want Altalink's \$10,000.00. (Applause) I suggest the lines go along the existing corridor of Hwy3 and south of the reservoir, where there is already a power line. ("Hear, hear" and applause)
- A.** No comment

The floor demanded a comment.

- EB:** That's what corridors are for.
- Q.** What can you, EB, do about it with Altalink.
- A.** I can take it to both parties and ask if they are looking at this. I will take it forward for you.
- Q.** Is the plan to flood this area with windmills.
- A.** I don't know about windmills. In the Regional Plan this could be a no-go area for windmills.
- Q.** But we don't have a Regional Plan at the moment. Nobody in the room trusts GoA. We do not know what GoA's intentions are. What can you, EB, do to stop the Altalink plan.
- A.** I cannot do anything about it. AUC still hasn't ruled so there is still a way to intervene. But GoA wants to have an unbroken electricity network. We are all using more power.
- Q.** These people put you where you are and it is your obligation to come and listen to us: it is your job. What compensation can you give when a mountain is gone, or when there are no more grizzlies. It is not possible to compensate for that kind of loss. This is a very special area, where Micrex and Spray Lakes industrialisation makes no sense economically or environmentally. Please take back to Mr Knight that allowing these things to happen before LUF takes effect is irresponsible. (Applause)
- A.** There has to be some compensation for those injuriously affected.
- Q.** But by not allowing these applications, no one would be injuriously affected except Micrex and Spray Lakes. (Applause)
- A.** There are rights that existed before this government.
- Q.** Then compensate Micrex and Spray Lakes.
- A.** But some landowners could be affected by something that was granted by something before Alberta was a Province. It's difficult but we're trying.
- Q.** The Natives had rights that go back way before Alberta was a Province: how far back are we going to go. We all here are striving to protect the landscape. Who do you represent - us or Industry.
- A.** GoA is trying to protect the landscape.
- Q.** It would be nice to know exactly how you are representing us, the people. We are not convinced there is a need for all this industrialisation (Applause)

Here, after a comment by EB about the rate of growth in Alberta as a whole, there was angry muttering from the audience, to the effect that he was badly misinformed etc..

- Q.** I don't see that the growth in Calgary justifies the lines in this area. If the lines are to feed electricity to USA, why is this not a Federal issue.
- A.** Alberta has been a net importer of electricity for 5 years.

Comment from the floor: that is because electricity is bought and sold by the distribution companies just like any other commodity. Therefore Alberta has been buying lots of energy cheaply, and selling some expensively. On being asked how much electricity was imported, EB said he had a chart he could show. He said if we have two power plants down at once, we are running close to the generation limit.

Comment from the floor: The rest of the world is making use of modern technology to actually reduce their use of electricity. In USA there is a trend towards better management and therefore the reduction of the demand for energy. Instead, Canada is on the verge of bankrupting the future of Alberta and building an infrastructure we don't need. This is bad strategy, and unsustainable.

- Q.** We have 53% more generating capability than we need. These new Acts are tailor-made for Industry. What plans are there for making extra infrastructure for carbon sequestration, thus taking more landscape out of circulation.
- A.** We have no plans to do this. Carbon sequestration is currently carried out using existing old pipelines and holes, and not taking any more than there is already.
- Q.** So why is GoA spending \$4 billion on research.
- A.** It's only \$400 million.

- Q.** In Montana a Federal judge recently ruled that a private company cannot expropriate land for profit. Is there a potential for our electricity to go to USA. Is GoA helping Industry to do this. If there's a possibility that Industry might benefit from expropriating our land, should we be considering taking action as suggested by the US Federal court decision.
- A.** Can't say there won't be excess electricity to be exported – power goes back and forth. I can't say it will never happen. The network extends East, West, over all Canada and down to USA. (Here EB referred the questioner to a retired power engineer in the audience, who said that the linkages to BC and elsewhere are all no more than a market for the energy distributors to buy and sell electricity, and none of it contributes to system stability at all)
- Q.** The reason for our resistance to the Altalink project partly stems from a report by the Industrial Power Consumers Association (IPCA) which challenges AESO's statements and forecasts of energy consumption growth. AESO intentionally ignores substantial loss of industry customers. IPCA also proves that energy costs to the consumer are doubling every 12 months. So it should not be what Industry in the form of AESO and Altalink say. The needs hearing was in Lethbridge: we do not live in Lethbridge. Why does Industry get a needs hearing. Why do we as landowners and consumers not get a needs hearing. Why should the needs of a corporation have more importance attached to them than the needs of a community.
- A.** I agree that rural Alberta bears the brunt of town and industrial growth.
- Q.** Are you, EB, running for re-election.
- A.** Yes.
- A.** Well, good luck! (Sardonic laughter and applause)
- Q.** Are you going to revisit the question of need for us.
- A.** I can go and ask questions, and I have. I am still waiting for conclusive answers.
- Q.** C5 and Spray Lakes logging west of Beaver Mines will also impact land in the Porcupine Hills. There has been a total lack of public consultation on this. Are you, EB, prepared to stand behind the Spray Lakes project without having resort to comments about fire and pine beetle. We don't need the income from logging here: we have a large income from tourism etc. Spray Lakes hold quota rights, which are flexible: these are not land rights. Fish & Wildlife have designated that land as critical to wildlife. Why does Spray Lakes get to do whatever it wants, against F&W's (the Government's own body) advice.
- A.** The rights go back a long way. Some old photos show that in the past there were fewer trees. There was a lot of consultation, but the rights go back a long way and I can't stop it.

Comment from the floor: When LLG first began to contest Compton, they, Compton, had been granted the right for 880 wells on 110 sections of land. This sort of lease is granted by GoA to Industry before any landowner knows or is consulted about it. Of course, this way, if there are difficulties for Industry, they can claim compensation from GoA, ultimately paid by the taxpayer. The issue of mineral rights should be discussed with landowners before the rights are issued to Industry.

- Q.** Why did we, as landowners directly affected by the Altalink project, receive no advance warning in the planning stage that this was being planned. Why have Altalink designed their line routes way off the routes in the swath lines strongly urges by AESO. Who is in control of Alberta: is it GoA or Industry. I will put these questions in writing to you, EB, but I would like a verbal answer now.
- A.** I will go back and ask these questions for you. Please will everyone put his or her concerns in writing to me and I'll get back to you as soon as possible.

Comment from the floor: LLG sent you, EB, a very detailed letter on this subject, and we have yet to receive a reply. Will you please follow up on this.

- Q.** The status quo we have in Alberta for economic development is out of step with the world. In the early 21st Century, our model is of the early 20th Century. GoA is not creating the right environment

for investment. I am losing faith in GoA's ability to create an environment for good investment. Our energy policies are making us the pariah of the world. Telecommunications can provide great growth. GoA's strategy for wealth creation is outdated. Will you take that back to your colleagues (applause)

- A.** The Fraser Institute says Alberta leads Canada as a place for investment. Alberta leads in nano technology. We have the ability to lead in this. (laughter from the audience)

Comment from the floor: A recommendation from the Fraser Institute may not be the best recommendation for GoA to listen to.

Q. None of the people affected by the Altalink proposals were consulted at all. This is very arrogant on the part of Industry and GoA. We pay for these lines in our electricity bills, so that Industry can profit. It's like a rancher putting up a big new barn and then billing their customers for it. (applause)

- A.** That's a very good point. If there is later export of power, the exporter will pay a fee to offset the consumers' cost. Electricity sales are very complicated.

Comment from the floor: We are and will be paying for it. We will get no money back: we will pay through our electricity bills.

- Q.** There's been a lot of talk about compensation today. This assumes we're all here to make as much money as we possibly can. We're not here in this area doing what we do for that: we should not concentrate on compensation. LUF is one way of dealing with it, but it appears to us to heavily favour Industry. We want to protect the ecology of this place. GoA needs a paradigm shift, so as not to continue their industrialisation of fragile and precious landscape.

(Here there was a suggestion that govt MLAs are afraid to speak out against GoA for fear they will lose their place in caucus, and have their reputations smeared by rumour, citing the recent case of the Doctor MLA who was expelled for speaking against the GoA's health policies)

GoA appears to be more concerned with bowing to Industry's demands: we here love our land and we're prepared to fight for it.

- A.** The plan would compensate someone who may not be able to use his land as he wants to.

- Q.** Nobody here has seen a single industrial project that has been disallowed by GoA. People in this area have a right to plan for this area. "The Public Good" is always cited as a reason for continued industrialisation of our landscape, but "the Public Good" never seems to extend to the local area. Local people have many times been officially told they have no standing in matters that strongly and adversely affect them, but that are highly profitable for industry. It seems that people in corporate boardrooms have more right to determine what goes on in this area than the people who live and work here.

Previously, the local people paid for a study (the Brad Stelfox study) on how best to move forward in SW Alberta. This was presented to GoA but it has been completely subsumed in LUF. People who choose to make their lives here should have more rights than those who come here simply to make a lot of money and then go away, leaving the local people to deal with the consequences.

- A.** There are always legalities to deal with. In the Regional Plan there may be a clause saying it isn't possible to further industrialise here.

- Q.** Do we as citizens have rights going back for many, many years. Because these three Acts appear to take away all our rights. Why should Spray Lake and other Industry have all their so-called Ancient Rights respected, when ours apparently are not.

- A.** Please the Acts in their entirety, beginning with the definitions at the front.

Meeting Closes

The meeting closed at 5pm, with EB saying it is an honour to serve us, his constituents. He said he couldn't change everything, but he asked that people write to him, and he would get back as quickly as possible, bearing in mind he has other issues to deal with as well.