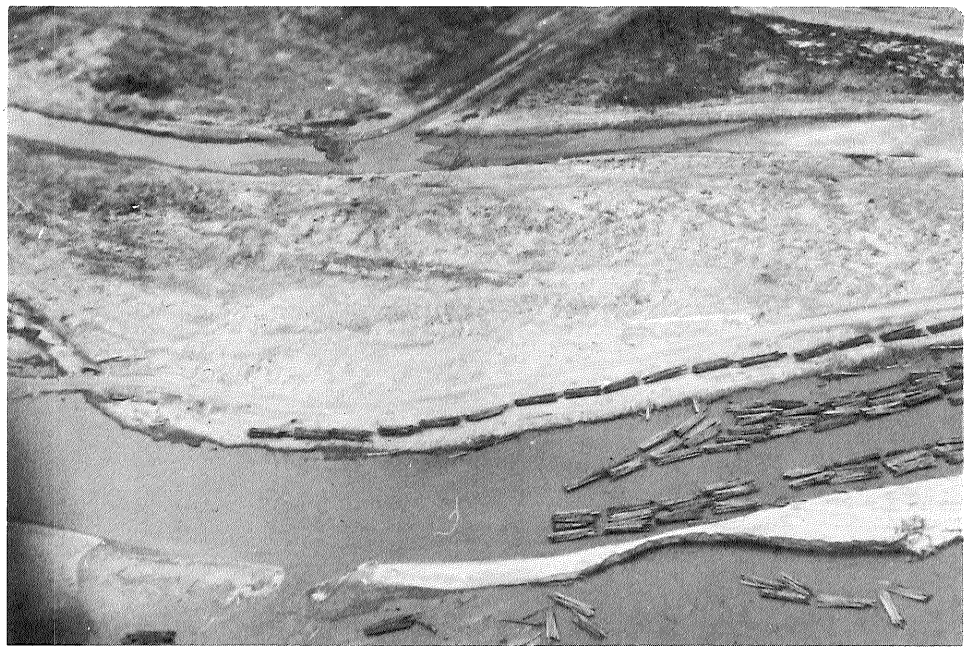
1. Fluctuating water levels on the Arrow Lakes have resulted in persistent complaints from local residents.

2. Gusting winds from the North and South suck up loose sand from exposed areas during reservoir drawdown.

3. Weather conditions can cause sand clouds up to 300 feet in height to envelope the city of Revelstoke in May and June.

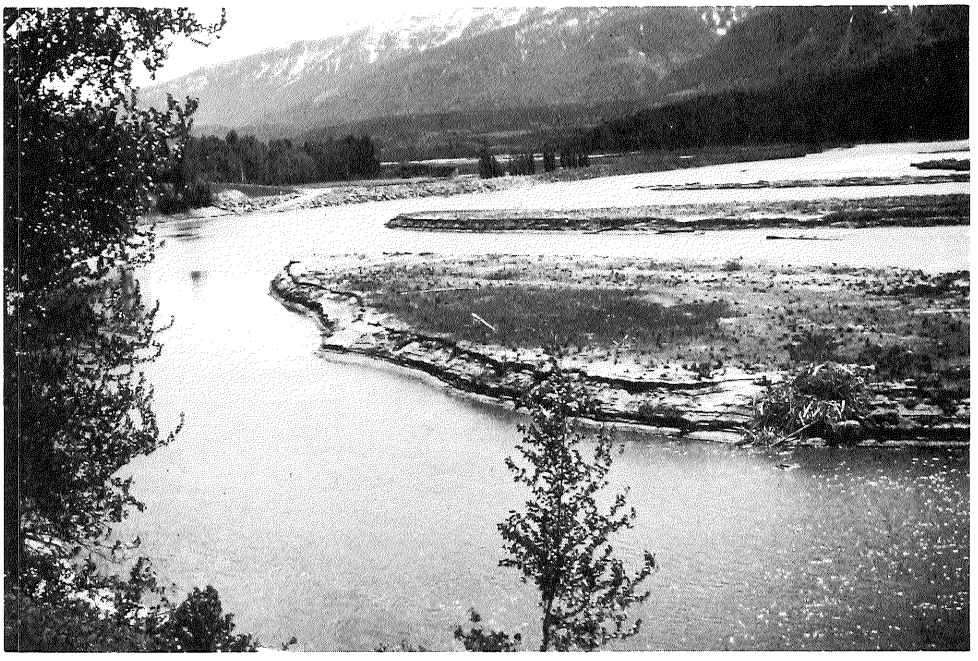
4. Aerial shot of the reservoir south of Revelstoke showing sandbanks exposed during draw-down.

5. Open sandbars in the vicinity of the city were once vegetated. Clearing, and deoposition of silt now provide a source of loose particles.



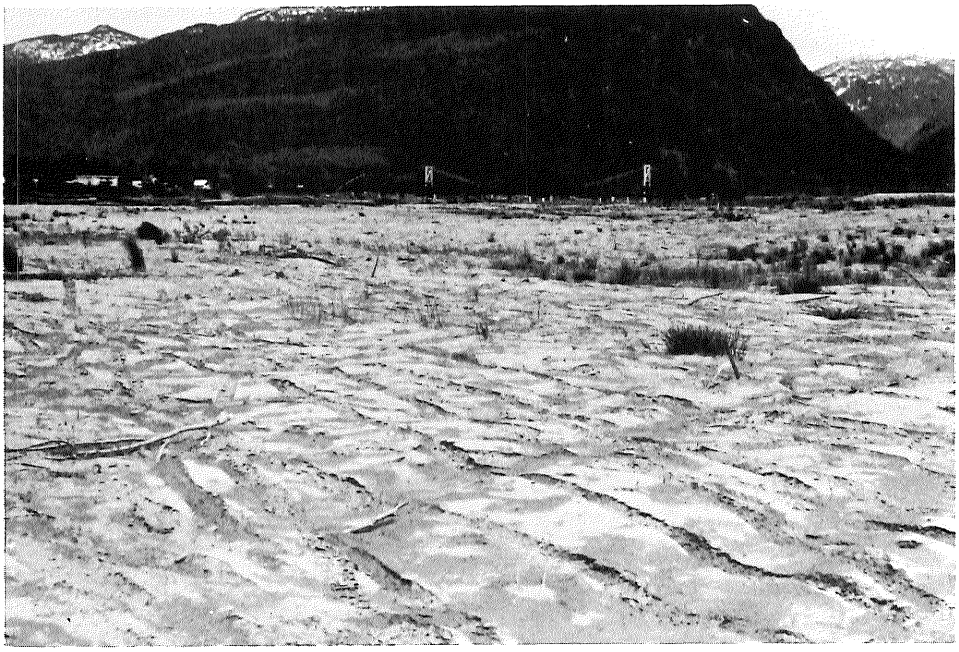
6. Constant erosion by water, wind and vehicles has precluded re-colonization of natural vegetation.

7. Soft, unstable sand, moved by wind erosion, quickly exposes arenaceous plant roots, complicating efforts to establish a cohesive ground cover.

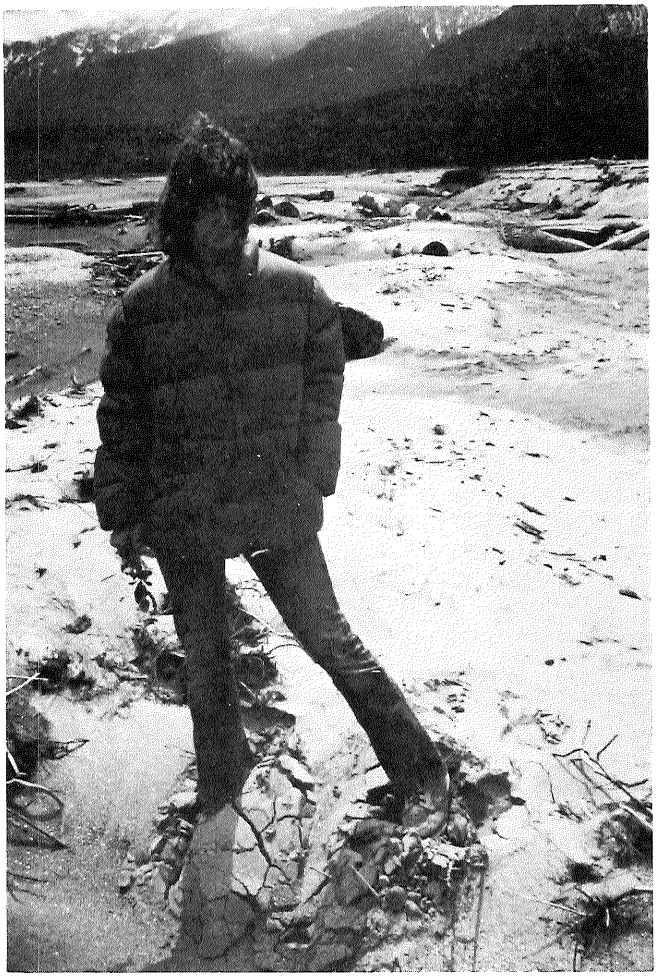


8. At full drawdown, a number of areas are exposed, including this island opposite the city. Poplar and Birch at one time provided cover for this island. The fluctuating water table caused considerable die-back, and the island has now been cleared.

9. Choice of plant species able to adapt to late fall and spring exposure, and summer or early fall inundation is extremely limited.



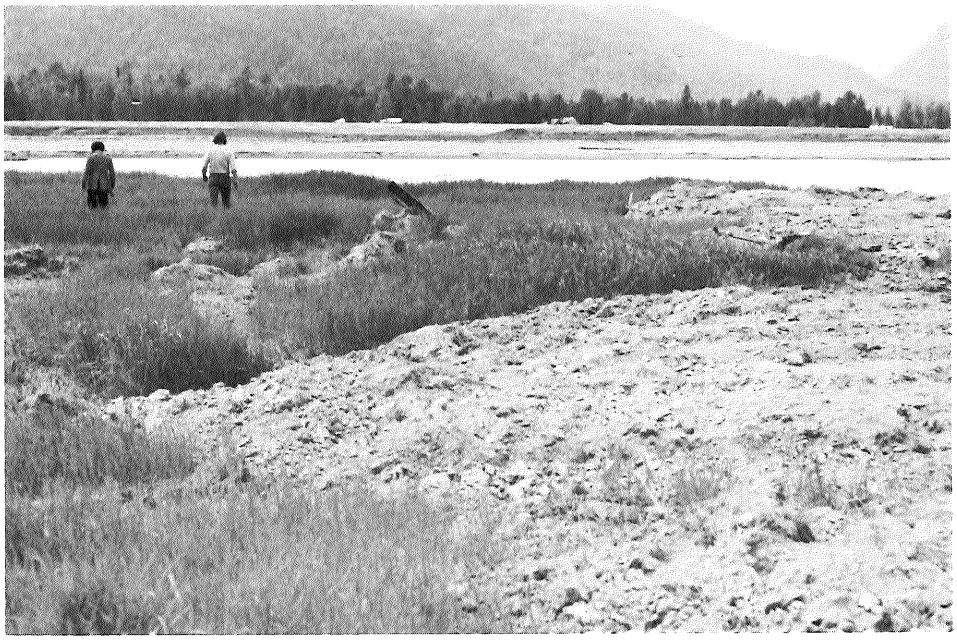
10. The deposited silt exposed during drawdown is characterized by a thin surface crust and an underlying soft, powdery, potassium deficient sand.



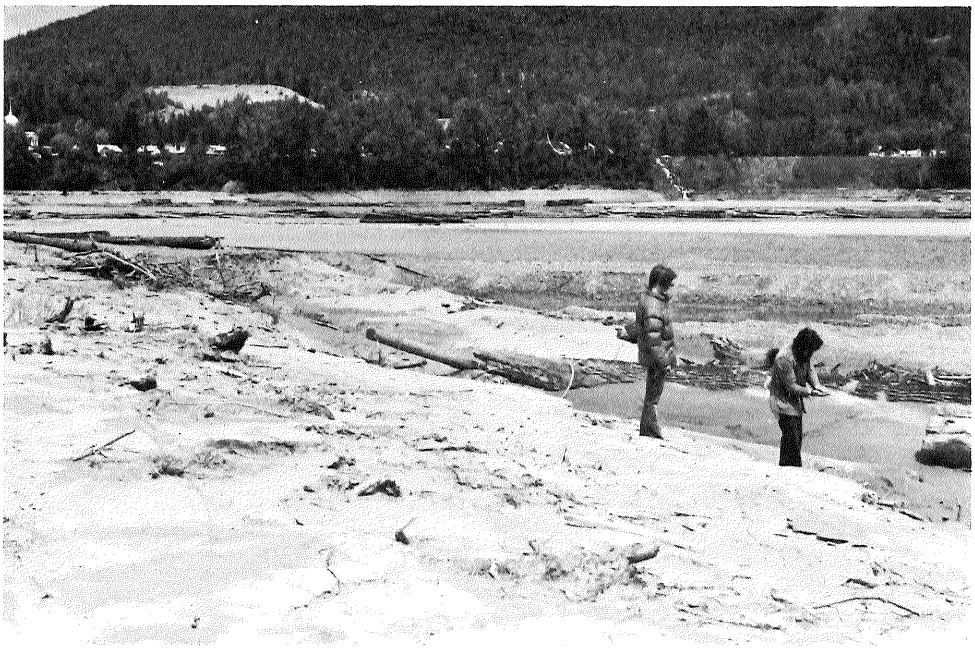
11. As the head pond water level recedes, heavier particles of mica and sand brought down by the Columbia River fall from suspension as the velocity decreases.

12. Field surveys were made of vegetation types established on the few stable areas within the reservoir boundary.

13. Undulating ground above the high water level of 1440' opposite the Downie Street Sawmill were bulldozed flat in the spring.



14. Naturally seeded areas covered by spoil were re-seeded by the air. Most of the grassy area shown here is not normally inundated.



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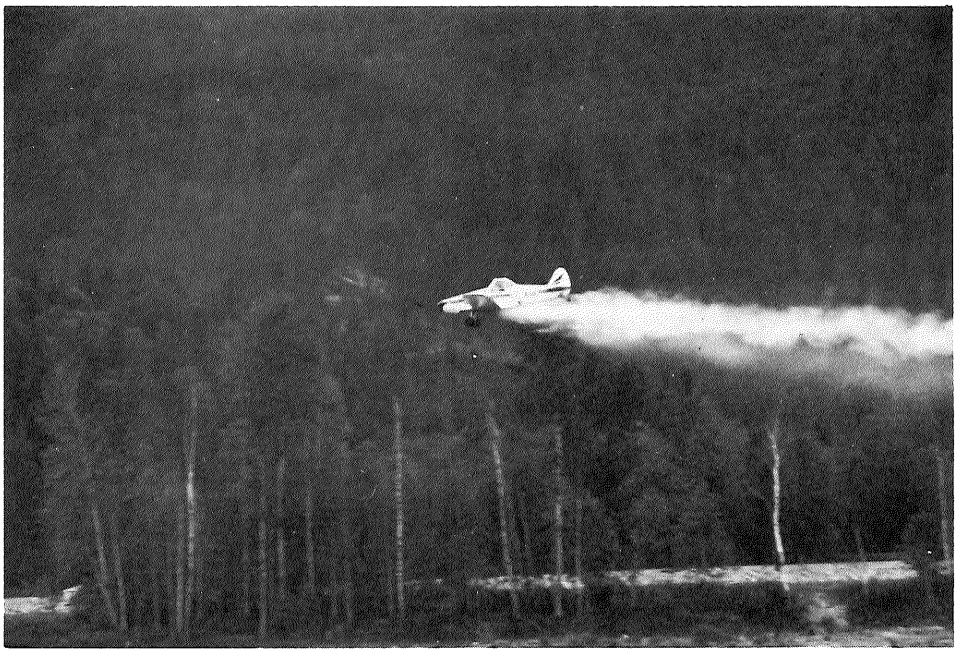
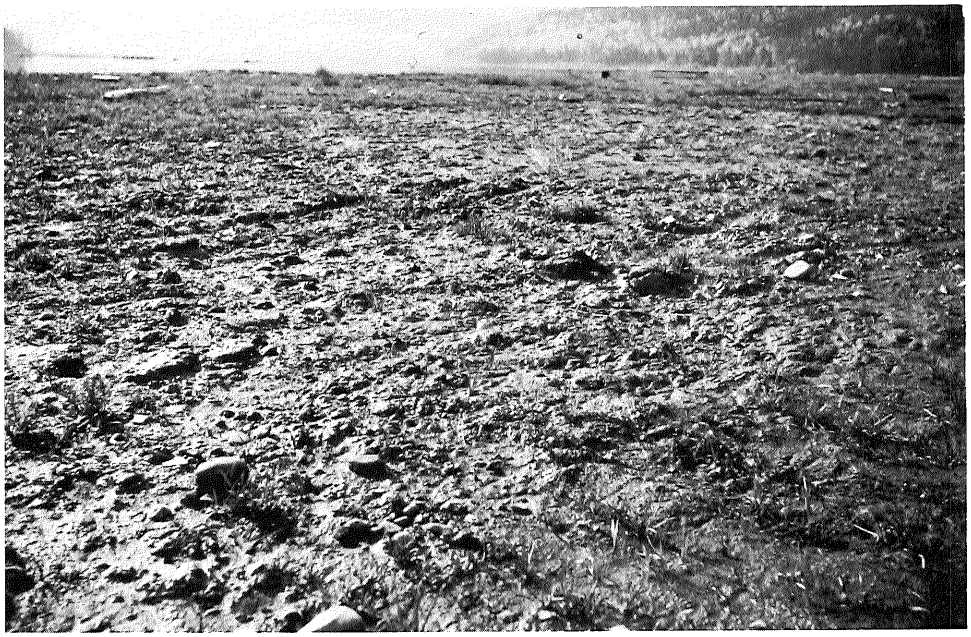


18. Slightly more than 50 acres were treated with 28,500 pounds of fertilizer, and 3,000 pounds of grass seed.

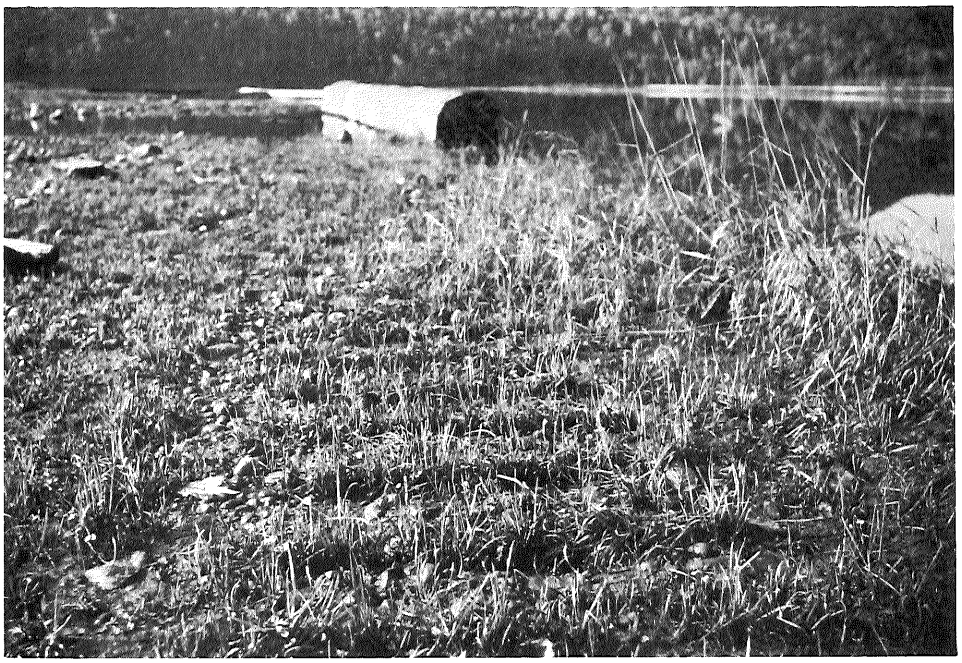
19. As a result of the soil analysis, a 20-86-200 fertilizer was applied at a rate of 570 pounds to the acre. In addition, a 22 P-T Magnesium supplement was added to the mix.

20. Even distribution of the fertilizer can be seen after two half-rate right-angle passes have been made by the aircraft.

21. A mixture of legumenous and arenaceous grasses were chosen, and applied at a rate of 60 pounds per acre in June.

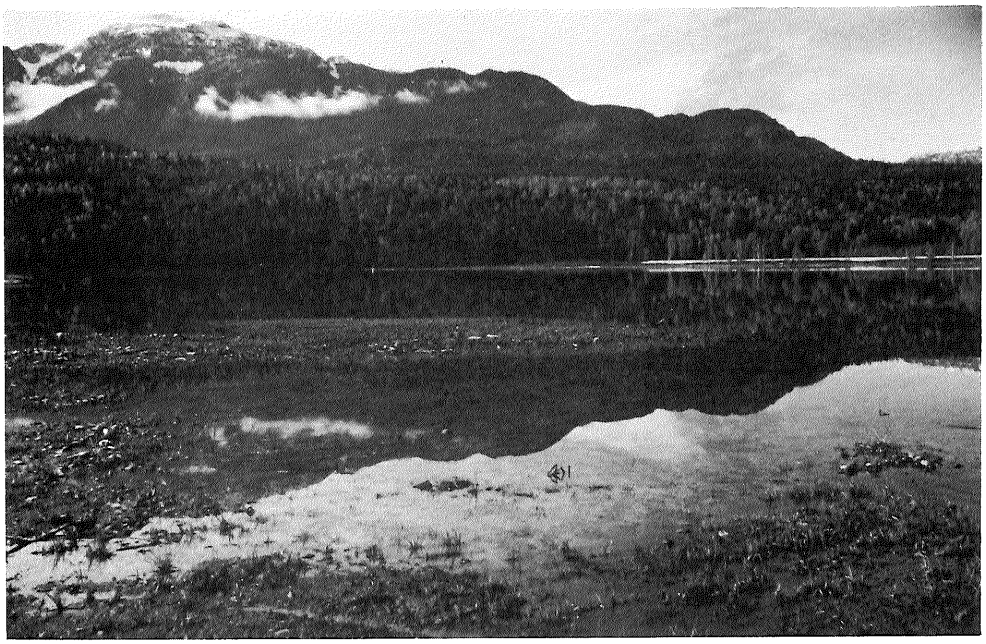


22. Successful germination was evident by July. It appeared that moisture availability had played an important part in survival, as had disturbance of the surface crust.

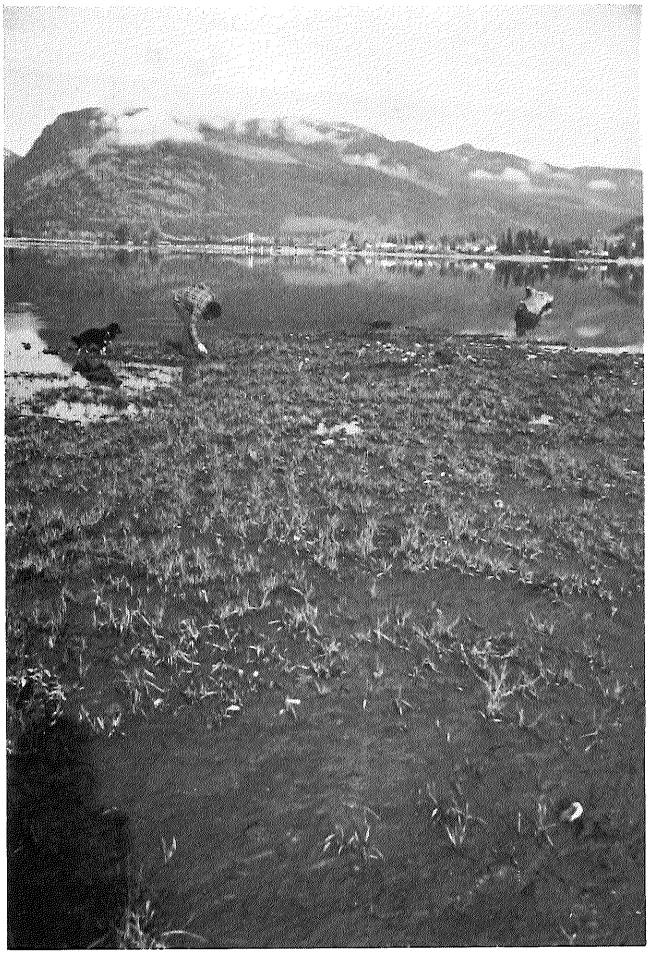


23. Despite inundation, survival would appear to be up to 70%.

24. Moisture retention and surface disturbance from tracked vehicles has affected plant distribution. However, complete colonization may result from stolon and seed propogation.



25. Even recently exposed areas, flooded from July to October show recovery. Sufficient growth and storage of foods is necessary to ensure survival until the following spring.



26. Areas previously bare were showing very successful establishment by October and good chances for continued health and vigor.

27. Wave action does not appear to have substantially affected root growth.

28. Individual plants should provide the nucleus of plant material for propogation of a complete cover.

29. Few legumenous plants have survived the effects of inundation. A few clover can be seen amongst the more established grass.

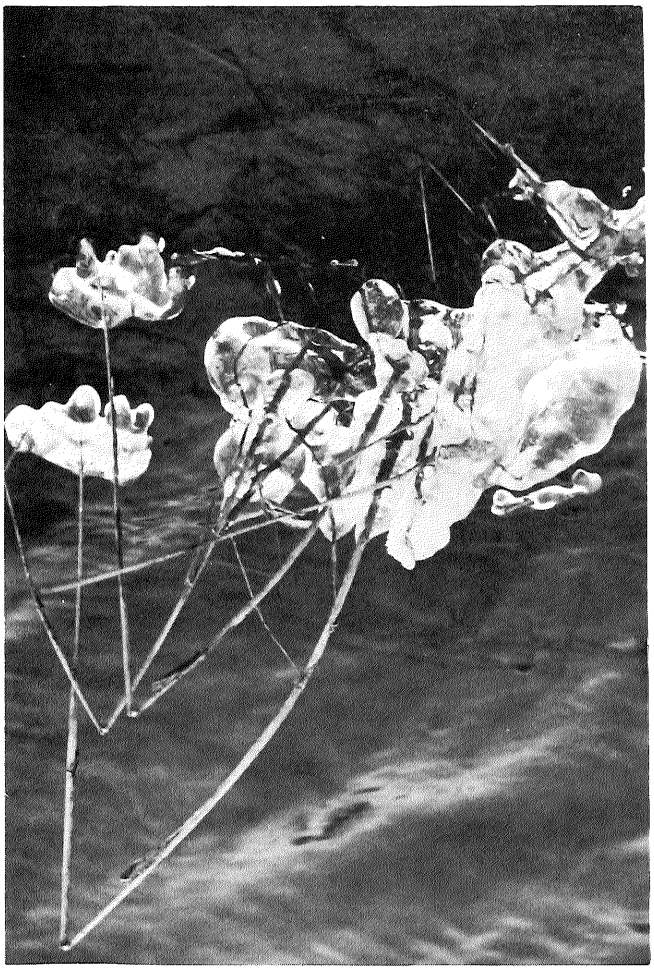
30. Deposition of new silt on seeded areas has initially inhibited rapid growth. If root systems have survived immersion, re-growth should be evident in the Spring of 1976.

31. Level of inundation during November can be seen from the very limited exposure of the small island opposite the city.

32. This seeded area shows more exposure than the photos on Page Twelve. Surface protection during the winter is afforded by snow, however wave and ice action readily erode the sandy silt.

33. A difficulty encountered in the drawdown area can be seen from this photograph. As the water level recedes, wave action causes a sucking effect undermining plant roots at the waters edge.

34. Reed Canary Grass, with a fairly tenacious root system has withstood the suctioning effect. Other seeded species have been swept away.



35. A second problem illustrated in these photographs is that of mechanical breakage of plant stems and pressure freezing of the plant tissue.

36. If icing occurs extensively it is unlikely that the plants affected will survive. Protracted reduction in water level will increase the possibility of plant damage.

37. Until mid-day surface water is generally calm, the receding water level progressively exposing unfrozen silt.

38. In mid-afternoon winds increase, wave action increases, and the exposed soft silt is rapidly eroded, leaving grass roots exposed. Reed Canary Grass in particular appears able to withstand this treatment.

39. As the head pond recedes from the flat plain opposite the city, the Columbia River Channel gradually sinks to its center course. Transitory tributaries erode the shallow silt indiscriminately.

40. Horsetail (Equisetum) is the only plant widely dispersed in the alluvial plain.

41. Recreational vehicle use on the sand after seeding has in some places substantially reduced plant survival. The tearing action of motor-bike tires during dry spells chewed up the soft sand, exposing the new plant roots to desecation.

42. This seeded area, previously bulldozed and slightly above the water level, had a thick cover of grass and legumenous plants on inspection in July. By October the area was found to have been used for tipping garbage. The plant cover in the immediate vicinity had consequently been destroyed.

43. The wind will continue to blow areas of open sand until a suitable plant cover can be permanently established.

44. As more ground became exposed during drawdown in the Fall, areas appeared to recolonize with the more moisture tolerant grass species. Without the passage of two or three growing seasons it will not be possible to determine whether this cycle can be maintained.

45. The most promising commercially available species for reclamation of the area appears at present to be Reed Canary Grass.

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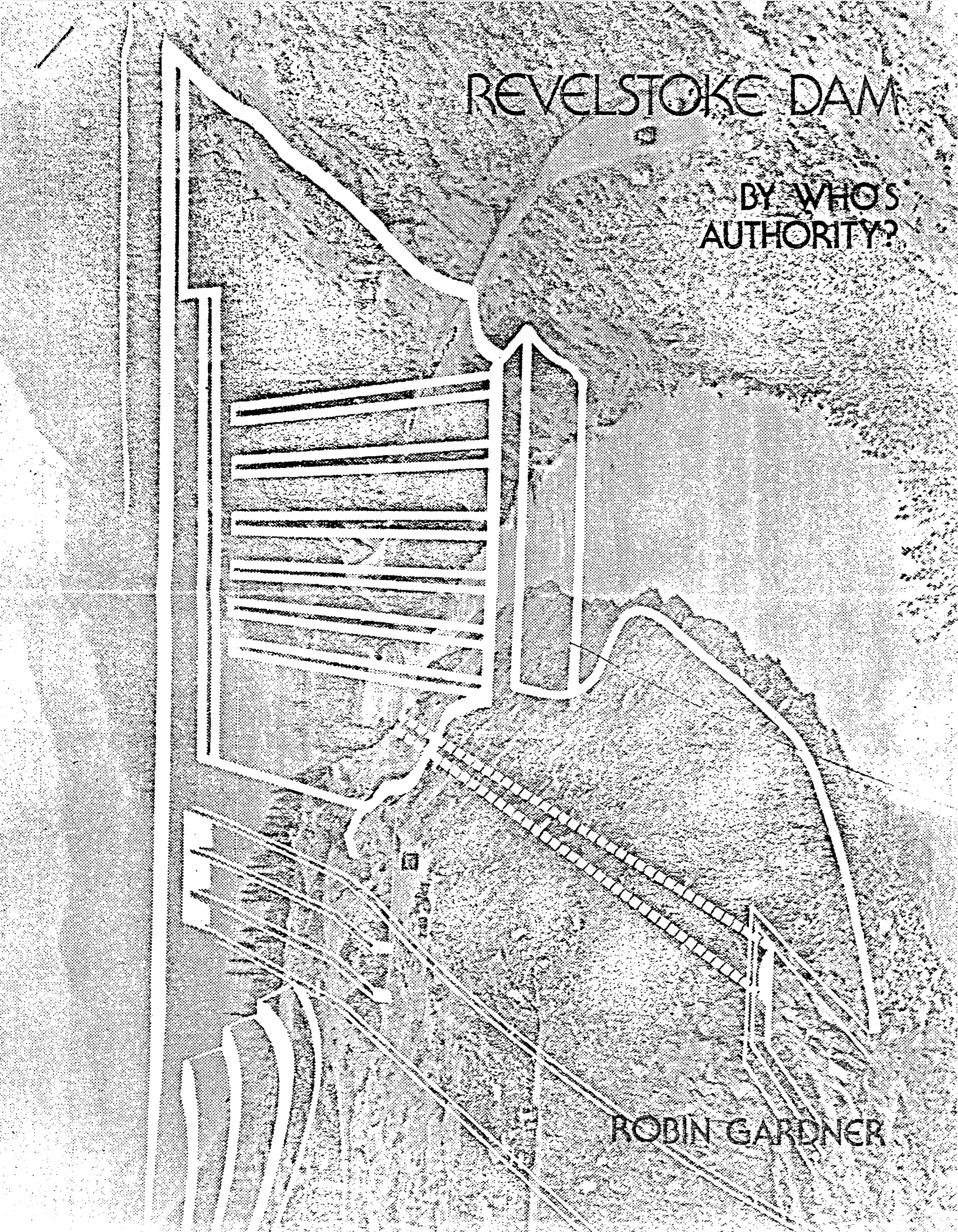
REVELSTOKE DAM

BY WHO'S AUTHORITY?



ROBIN GARDNER

Revelstoke: By who's authority? L. Gardner. #38944.

Introduction.

At a Cabinet meeting on Thursday September 8th 1977 the Government of British Columbia ratified the construction of a $1.2 billion hydro-electric project near Revelstoke, B.C. Skeptics would say that the decision was a foregone conclusion with little other than the appearance of legitimacy,- indeed British Columbia Hydro and Power Authority, the proponent for the project, did little to inspire confidence in the impartiality of the decision making process, as, almost a year prior to the Cabinet meeting, it was reported to be bidding for leases for clearing and construction at the site, (See Appendix A)

Bill Wilson, counsel for the city of Revelstoke, in pleading for a postponement in the process so the city might collect further facts to support its case for a fuller investigation into the ramifications of such a project on the well being of the city, drew from the old maxim of law to suggest "... and it is most important that all aspects (of the dam proposal) not only be above suspicion and free to be above suspicion but that it is obvious the rights and safety of all citizens be protected."

It is the purpose of this paper to briefly examine the issues at question concerning this one specific hydro-electric project and the legislative, judicial and administrative processes which have evolved in order to protect the rights of local citizens prior to any

final decision, or affected by the scheme, as it now proceeds.
In the space allowed it cannot be a purpose of this paper to address the broader question of the protection of rights of all citizens and their interest in an adequate supply of electrical energy. These are moral questions with no simple answers that rise Phoenix like from the mass of paperwork which approves the visitation of any large government backed scheme "for the general good" on a small segment of the population!

Techniques of benefit/risk and benefit/cost and social impact assessment have attempted to grapple with the broader provincial and regional issues embodied in the "trade-offs" of one set of energy options versus another. These, at best, are evolving tools only with no key answers to a more fundamental question: growth, for who's benefit and to who's detriment?

If an underlying tenet of our democracy is that of fairness and equality for all; perhaps that concept runs counter to the workings of a capitalistic society where the cornerstone has been continual growth and the life blood — readily available electrical energy. So it must seem to the older, present-day residents of Revelstoke where duststorms from the headpond of the Arrow Lake dam beat upon the city from the south, Figures 1+2, and drug pushers, prostitution and gambling invade it from the Mica dam construction to the North. (British Columbia Hydro 1976.)
Revelstoke is however, no newcomer to growth, development and the slow erosion of its picturesque and once tranquille surroundings.
It perhaps serves in some small way to look

back in time, first to set the scene for this most recent intrusion, so we may realize that history may have dealt Kaulukeka a fair hand and can examine the latest decision, not only in today's context, but can countenance the safeguards proposed "to protect the rights and safety of the citizens in the spirit of the retiring stay of Kaulukeka and the developments which drew people to that place." If it is possible to do this and to examine the stepping stones which led to the approval of the project then await the outcome to see if the final decision has been just and sound this paper will have served its writer, and perhaps its readers purpose.

Historical Perspective and Growth of a City.

The city of Revelstoke has grown up upon the site of a Native Indian stopping place known as Sk Exi-R Exter to the native people of the Arrow Lakes, Columbia River and the Okanagan. (Lacon 1962.)
It was a place known to the explorer David Thomson who had been mapping in the Columbia River watershed as early as 1810. The early fur traders and surveyors used the river as one of their main routes during these years of exploration. In 1865-1866 news came of placer gold fields in the Big Bend country north of Revelstoke centering on the Downie Creek and Goldstream River. Thousands of men rushed to the area. Claims were staked, cabins built and the instant town of La Porte near Downie Creek came into being, only to disappear very soon after. (Canadian Resource-con. 1976.)
It seems that it was the coming of the Canadian Pacific Railway that ensured the establishment of a viable community at Revelstoke. After Walter Moberly had discovered Eagle Pass in the late 1870s a surveyor by the name of Farwell was sent by the railway to service

the land needed for the transcontinental route.
The enterprising Farwell subsequently applied for and was granted a Crown grant of 1175 acres on which he layed out a town site called, not surprisingly Farwell. When he was later notified, in 1885, that the land grant was possibly invalid because it was not provincial but federal property and part of the Railway Belt he, Farwell, contested the case and, on appeal to the Supreme Court of Canada in 1887 had the satisfaction of having his appeal allowed with costs, the justices finding that British Columbia did in fact have an interest in the land covered by the grant and the title was not in the Crown for use and benefit of Canada. (Appendix B)
The C.P.R. had decided meanwhile to establish its station on the upper river bench away from Farwell's property, effectively creating an Upper Town organized by the Railway and a Lower town, Farwell.
In 1888 the town site of Donald, about 20 miles north of Golden, was abandoned and the C.P.R. divisional headquarters moved to Revelstoke.
During the construction of the headquarters the area expanded rapidly as workers poured in. Eagle City was created as a workers camp with separate stores for the construction workers. A daily boat service

operated to the South, a North West Mounted Police detachment was established as was a post office. A newspaper, the Fredericks Herald was first issued in 1897, and is still published today. The area could certainly boast of 100 British males over the age of 21, (the requirement for incorporation under the Municipal Incorporation Act 1896 c 39 s 14 as amended c 43.) and duly applied for letters patent, being granted incorporation on March 8th 1899. (British Columbia Municipal Yearbook 1911) not, it appears, in 1889 as suggested by the B.C. Hydro Impact Report (1976) or the textbook '1001 Placenames of B.C.' (Akrigg 1976.)

The place name Fredericks was adopted in honour of the 1st Lord Fredericks the then head of the British Banking House of Baring Brothers. His firm had bought $15 million of a C.P.R. bond issue thus averting the last financial crisis before the completion of the transcontinental line. From 1900 to 1960 Fredericks's population largely stabilized as the community became established as the centre for C.P.R. activities in the region, in addition there has been a thriving lumber industry since the establishment of a mill operation in 1905. (Rogers 1970.)

There remains one incident in the mid 1930's

worthy of comment:- it was an Oriental community was founded from decendants of those who had worked on the C.P. main line. This community in Revelstoke had grown and prospered, many finding employment as gangmen and engine shed workers. However the railway made a conscious change in policy sometime during that decade and endeavoured to reduce the number of Orientals employed, leaving less than a third of an original 100 strong community by early 1920. (Rogers 1976)

Since 1960 two major construction projects have served to increase the population of Revelstoke, strengthen the economic base, and possibly enrich the fabric of social circumstance. The building of the Trans-Canada highway route over the Rogers Pass, completed in 1962 (Smith et al 1974) had brought an influx of tourists, but this has also brought the blight of gas stations and junk food outlets. The second project, the harnessing of the great Columbia River has yielded a heritage undreamt of by the early settlers. It has provided the site, for not one, but many hydro electric projects. The most ambitious of these has been Mica Creek, a huge project and a child of dreams born as early as 1944. The Revelstoke project of our concern is a direct sibling of this, the largest

Hydro project on the Columbia, the direct result of negotiations over many years between the Federal Governments of Canada and the United States of America (albeit with continuous and often belligerent intervention by British Columbia). The provincial concern was two fold; it felt that the Government of Canada could not negotiate in British Columbia's best interests, particularly with regard to the choice and sequencing of the various Hydro projects. (Rentella 1967.) Moreover, it took strong exception to the Federal Government developing a position of negotiation regarding a natural water resource which was, quite clearly, the prerogative of the province under the terms of the British North America Act 1867.*

The full term of negotiations and signing of an international agreement, (the Columbia River Treaty and Protocol 1964.) covering power developments on this

continued page 9.

* Footnote: Sections 117 and 109. See also Federal Provincial Agreements 1929 and 1930. However, since the negotiations dealt with regulation of flows on the border and in light of a more recent decision of the Supreme Court of Canada (Interprovincial Cooperatives Ltd v The Queen, in Right of Manitoba (1975) 53 DLR (3d) 321) it would seem the provinces do not have a very strong position, except in being able to negotiate a political solution to differences of opinion concerning rivers which flow into, or from the United States.

the fourth largest river system in North America, (Krutilla 1967) are not peripheral to our concern for the present rights of the people of Revelstoke and area.

The High Revelstoke (High Arrow) dam, an approved project from the treaty had created the huge Arrow Lake head-pond displacing many hundreds of people and raising a cynicism in the Columbia valley that time has done little to discount. In large part that cynicism centred around the same persona designata whose role is still crucial to the appearance of a fair process which has evolved to examine, judge and constrain any request to use natural waters in British Columbia. (The same process now unfolding to review the proposal to build a dam in the Little Dalles Canyon, 3 miles north of Revelstoke.)

The Dam, the Actors and their Concerns.

British Columbia Hydro and Power Authority, the provincial utility and proponent for the scheme is empowered through its enabling legislation, (British Columbia Hydro Power Authority Act 1964, Chapter 7, see also footnote) in Section 12(1) b) "to develop power sites, power projects and power plants". The utility also sees its principal responsibility to be "to supply the demands of its customers for energy at the lowest cost consistent with the

safety of its employees and the public, and subject to the social, economic and environmental policies of the Government" (BC Hydro 1975.) It has not always been expressed thus. In fact it is noteworthy that the statement is careful to say "the policies," for the Authority has long been notorious for Section 53(1) of its Act which holds "notwithstanding any specific provision in any Act to the contrary, except as otherwise provided by, or under this Act, the Authority is not bound by any statute or statutory provision of the Province." The Water Act, under Lord's auspices the Water Controller, (comptroller designate,) is empowered to hold hearings for use, or storage of water in the Province, is not an Act "provided for" in the BC Hydro Act. It seems, therefore, that it can only be said to be bound by the Water Act since the Authority has, in the past, (presumably as a matter of policy,) seen fit to apply for water licences under the provision of the Water Act. continued page 11

Footnote: Formed after an earlier 1962 Act had been declared ultra vires of the provincial legislature, (BC Power Corporation Ltd V British Columbia 1963. 41 DLR (2d) 663 44 W.W.R. 65 (SC)

The Authority is, of course, bound by Federal Statute. There are two of consequence in this case, (the Navigable Waters Protection Act RSC 1970 c N-19 and the International River Improvement Act 1955 as amended) though their importance is strictly limited to procedural security, for both Acts allow for exemptions and BC Hydro has been granted this relief in both cases. (See footnote.) Although Kinbasket was the subject of discussion by the International Joint Commission, (established by the International Boundary Waters Treaty Act 1909.) and was expressly included in calculating the Libby Dam diversion Entitlement in the Treaty of the Columbia River Treaty and Protocol 1964, (Kinbasket) it was left entirely up to British Columbia to determine the construction for this "one of the river" plant as provincial power demand and government policy dictated.

It is relevant to look briefly now at the project proposal. As a result of the Columbia River Treaty, Canadian dams had been constructed on the river at the two sites previously mentioned, Mica Creek and the south end of the Arrow Lakes. This left an undeveloped stretch of the river

continued page 12.

Footnote: Navigable Waters Act, Section 22 and Regulation SOR/61-23 Columbia River and International River Improvements Act Section 4 and Regulation SOR/56-9 as amended.

between the Mica project and the Arrow head pond where the Columbia falls 420 ft over a distance of 85 miles, (B.C. Hydro 1976.) Engineering studies undertaken by BC Hydro in 1971 and 1972 indicated it would be practicable to develop most of the head within this reach of the Columbia River by either a single dam at Revelstoke, (reservoir elevation 1880 ft.) or by two dams, one at Revelstoke, (reservoir elevation 1685 ft.) and the other located 7 miles upstream from the mouth of Downie Creek, (reservoir elevation 1880 ft.) In either case the dams would rely on the storage capacity of the Mica dam (McNaughton Lake) and would generate power in direct relationship to the releases from that reservoir as they flowed down the Columbia to the Arrow Lakes.

Results from these studies were further assessed and by early 1973 BC Hydro had determined the single dam development to be the more economic alternative. It would have a lower capital cost, a higher installed capacity and produce more energy. Accordingly the utility started to formulate specific details of design and set the stage for eventual construction. (see appendix C)

Meanwhile the population at large had been slowly building, building a new ethic. Disenchanted by urban blight, and concerned over "the quality of

life" and saving the last few strongholds of native threatened by encroachment, concerned citizens joined conservation societies, questioned long held assumptions, picketed polluting industries and flexed political muscle. Legislators were propelled forward by the groundswell of concern and cast around for an adequate response. As British Columbia an all encompassing Act had been passed in 1971, (Environment and Land Use Act SBC 1971 c17) which established a Committee of Cabinet with powers to foster public concern and awareness of the environment, to minimize and prevent the despoliation of the environment occasioned by land use development and to report to the Cabinet on matters pertaining to the environment or land use. Further it provided for the committee to acquire a staff to fulfil its duties. Enter the Environment and Land Use Secretariat, an administrative body charged on the one hand with co-ordinating the concerns of all Government Departments with an interest in any particular project with environmental consequences, and, on the other, with providing a ~~prudent~~ procedural and public process for assessment of such projects. As due course the Guidelines for Environmental Impact Assessment of Power

Projects (Appendix D) were published. The Secretariat as a new and important agency of Government, was, of course keen to fulfill its role and to encourage compliance with its guide lines. These appeared just at the time when BC Hydro had started to respond to the new trends in society and had, of its own volition, commenced a preliminary environmental study. (Paish 1974) The guide lines for an impact study and the Paish report bore little resemblance and thus, to stem the rising tide of Government Department and public criticism, Hydro decided to embark on a full environmental impact study. It was not however to be a study of alternatives nor an exhaustive examination of need for the project. Later this was to become a principle point of contention. Public criticism was clearly divided into two parts. The "environmentalists", concerned with the broader issues of need, options and general environmental impact on fauna and flora, were an organized and vocal group, but the other was, of course, the local residents, at first slow to rally but soon militant with memories of the Arrow Lakes in the minds of many. Perhaps it is now an apt juncture to examine the part of the Water Comptroller. It was BC Hydro's full intention to apply for a water licence which would require the normal review

is outlined in Appendix E. However many remembered the situation which had occurred before and ably noted by Wilson (1973) "the hearings could result in conditions being attached to the granting of the water license, as indeed was the case. But this was not what concerned the residents of the Lakes. They opposed the High Arrow proposals as such, and they entertained no hope that the Water Comptroller, a provincial civil servant could override a project approved by his political masters. The hearings which were held in the Arrow Lakes region in September and October 1961 were conducted in an atmosphere of some cynicism..... the general impression left by the hearing was not a favourable one to Hydro. The Comptroller made it clear the subject the audience most wanted to talk about and had spent much time preparing to argue - the Arrow project and its justification - was not admissible."

The futility of fighting Hydro might have been readily understood as a conditioned response from the local population. However a survey published in the Revelstoke Review, (Appendix F.) indicated 79% of those polled still felt that the people of the district should have the power of veto over the Authority and its hydro dam proposals.

the actors gathered and the final act was presented.

The Days of Reckoning

On all the documents concerning the viability of the project there remained one nagging doubt, the Downie rock slide. This massive feature, one billion cubic yards of shattered rock is almost 40 miles North of Revelstoke. It is about 2 miles wide and 1000 ft high, lying on a slope of between 18 and 20 degrees. The toe of the slide presently reaches down into the Columbia River and would be completely inundated after construction of the High Revelstoke dam. The fear is that a repeat of the Vaiont dam disaster in Italy, (where a slide plummeted into the head pond causing the dam to overtop,) could cause widespread death and destruction if the Downie slide should release into the Revelstoke head pond. BC Hydro went to great pains to gather technical evidence from international experts in order to allay these fears. This evidence was later to be given in testimony before the Water Comptroller but not before a barrage of accusations that Hydro had kept this expert evidence from public scrutiny (as

Appendix G) This, in turn, gave rise to a call for an indefinite postponement of the hearings to enable the people of Kwadacha to assess the voluminous reports prepared by Hydro and only made available just before the hearings. (a request, also later denied by the Water Comptroller after the chief counsel for BC Hydro argued that a delay would result in extra costs.) A request for funds for the local concerned citizens to finance their own studies or for the Water Comptroller to retain an independant group to investigate all safety aspects of the project was also denied on the grounds that the Water Comptroller had access to the staff of other Government Departments with relevant expertise (Appendix H) Thus far the cause of safety and the rights of citizens had not advanced. The question of redress for those likely to incur a loss as a result of the project had fared little better during the license hearings. The most substantial claim was that of the Provincial Fish and Wildlife branch which entered a claim of $6.4 million as mitigation and compensation for the destruction of big game populations and local sports fishing. BC Hydro had however already informed the Water Comptroller that the maximum compensation it would pay to the branch was $2.3 million. The

British Columbia Forest Service also attempted to obtain compensation for loss of timber in the proposed flooding of the valley bottom but the Hydro consultant refused to testify on any such topics on the grounds that these subjects had expressly omitted from his terms of reference. The local forestry companies fared little better. (See appendix I.) Parks appeared to be the only satisfied government resource department, accepting Hydro's offer of $1 million, (giving rise to speculation that Hydro had over-estimated its own approval of the recreational compensation required.)

Though other groups came forward to support arguments for compensation, it was left for the city of Revelstoke to argue, (but was assigned to the fact the Comptroller was not entertaining arguments as to the approval, or otherwise, of the project but rather as to the conditions which would support the licence) in support of its social service system. Compensation was due in order to expand recreational, sewage and water facilities to meet the needs of the influx of construction workers, and for an enlarged base to finance long term maintenance and improvement of new and existing amenities (Appendix J.) BC Hydro responded (in an open letter to the city by BC's General Manager,

effectively pre empting part of the Wats Comptroller's hearing,) with a detailed summary of its commitments (appendix K) after 21 days of testimony, 4000 pages of reports and 200 exhibits, predictably the Wats Comptroller approved the project on Wednesday December 1st 1976.. "I find the project justified economically and is needed in the public interest" (see appendix L.)

Despite a number of provisions in the licence, giving the Comptroller further jurisdiction in matters at that time unresolved, the project was in essence approved as BC Hydro had conceded in 1973. (It is interesting to note that the findings of the Wats Comptroller are not gazetted, and apparently if one has not been a party to a Wats licence hearing the only other recourse to information is to any official press release, if such becomes available.) There appears, however, to be three key flaws in the Comptroller's decision each sufficient to warrant reconsideration... The Comptroller found - that "it was very clear from the evidence the remedial measures proposed to ensure the safety of the Downie Slide were still in the conceptual stages.... in the field of community impacts a number of matters were raised which are outside my jurisdiction

since they involve the funds and services of other Ministries of the Provincial Government.... I believe the evidence is convincing that the Revelstoke project is ~~convincing~~ required and is economically attractive for B.C. Hydro (?) and the Province with the proposed in service date. My decision however does not require acceptance of the forecast of BC Hydro because I believe that, ideally, authorization by water should be sought and obtained well in advance of the commencement of construction." The last point falls on the argument that this can only be true if load growth is continuing upward; projects are assessed one at a time, rather than evaluating a number of alternatives. (Since supported by a substantial drop in load growth, from 9.6% to about 3.8% per annum, completely changing the picture of "next best option."

Prologue.

It would seem reasonable to expect that all those dissatisfied would seek reasonable remedies by right of appeal. Despite the city of Revelstoke requesting a clarification of the Water Comptroller's

decision, (appendix M,) it chose not to appeal but rather to accept BC Hydro's offer of compensation. The Fish and Wildlife Branch, (under a Minister who is a member of the Environmental Land Use Committee designated to hear appeals, (under section 38 of the Water Act.)) chose not to appeal despite a discrepancy of $4.1 million between compensation offered and compensation requested. Another Crown Department prominent at the hearings was absent from the appeal; the Forest Service, rightly concerned about the loss of timber land, still did not appear and as far as can be determined did not receive any assurance of compensation (Appendix N.)

Who then did appeal and what of the outcome? Two "environmentalist" organizations, the BC Wildlife Federation and S.P.E.C. filed appeals and Cariboo Provincial Crown corporation set up in 1933 (the British Columbia Cellulose Company Act 1973 C.), fearing its logging operation would be severely affected, also appealed these appeals were heard by the Environmental and Land Use Committee and its recommendation passed to Cabinet for approval. We now have come full circle. And what of the final announcement on September 8th 1977? The concerns of the two

private organisations would be met by the formation of two committees composed entirely of government employees reporting to, (and presumably limited by the powers of,) the Water Controller. Oh? yes; and the issues raised by Bortel? they would be tabled for later consideration. (Appendix O.)

A tidy ending? A fair and equitable preservation of the safety and rights of citizens? I think not. It would seem that justice was neither done nor seen to be done. Perhaps some would rather it that way. Others will fight again for another chance to change a future which will recognise fully, as a principle of law, the preservation of rights in the matter of all government undertakings in any democratic society.

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