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BC Creek Protection Society
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September 24, 2009

Assemblyman Paul Krekorian
State Capitol, Room 5135
Sacramento, CA 94249-0043 USA

Dear Mr. Krekorian:

Re: Renewable Portfolio Standards legislation

Regarding Renewable Portfolio Standards (RPS) legislation, the signing British Columbia (Canada) non-governmental organizations support the current RPS definition. We are concerned that increasing the RPS requirement to 33% will result in a weakening of the RPS and risk the health of rivers and species at risk. We strongly oppose weakening the RPS hydro-power definition. Run-of-river projects are being proposed and built throughout British Columbia. They allow for the diversion of rivers, often of considerable length, which will have profound harmful ecosystem impacts. In some cases, the flows required to remain instream are as little as 5% of mean annual discharge for much of the year. The dams (often referred to as weirs) can impound large amounts of water behind them. Listed species at risk negatively impacted by these changes to free flowing rivers include wild salmon, bull trout, grizzly bears, and others. In addition, deforestation and extensive transmission line construction will negatively impact listed species such as spotted owls, marbled murrelets and other migratory birds as well as large predators such as grizzly bears and wolves.

The signing organizations are concerned about the sustainability of run-of-river projects since the scale of the province wide development (5000 GWh/yr in 2008 alone) is significant and will have detrimental ecological and societal impacts.

We strongly oppose weakening the definition of small hydro in California because it will result in significant adverse environmental impacts in BC. BC is currently experiencing development of "renewable" resources at an alarming rate, particularly RoR hydroelectric. Hydroelectric developments are being promoted as "renewable" and "green" solutions to an energy crisis manufactured by the BC government to increase power export to California. We criticize this development because BC's need for

new sources of electricity has been grossly exaggerated and RoR projects do not address climate change while negatively impacting the environment. Contrary to what the power industry suggests, RoR power production may actually reduce our ability to address climate change by increasing our ecological footprint and decreasing ecosystems adaptability.

Further, though the full range of potential environmental impacts are largely unknown due to the low number of projects up and running, we are very concerned by the number of proposed projects, speed of development of new projects, size of some of the larger projects, lack of planning with regard to cumulative impacts, and lack of enforcement when impacts do occur. BC has no endangered species legislation and laws protecting fish and wildlife from habitat destruction are extremely weak. For example, it has been documented that spotted owl (Canada's most endangered bird species) habitat has been negatively impacted by deforestation due to RoR development. In other instances, malfunction at a private power operation resulted in abrupt flow changes, impacting important populations of bull trout, whitefish, and salmon. To our knowledge, no penalties have been imposed on the company.

Weakening the RPS standard in California will result in strong incentives to develop environmentally detrimental energy sources in BC for export purposes. Run of river projects in BC produce power mainly during the summer months when BC has the lowest demand, so it is clear the demand for these projects is being driven primarily by the potential for profits from export.

Free flowing rivers and their healthy ecosystems are a limited public resource, are critical in mitigating the effects of climate change, and to protect species at risk. We urge you to maintain the language in the RPS legislation that a facility that is 30 MW or less **“is not an eligible renewable energy resource if it will cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow”**.

Please consider this letter a partial account of our concerns as we attempt to meet the tight timeline for these comments; we anticipate subsequent communication will more fully describe our concerns.

Yours Sincerely,

Dr. Jan Dettmer, Director BC Creek Protection Society

Signing organizations in support of this letter:

Alpine Club of Canada, Vancouver Island Section	Cedric Zala
BC Creek Protection Society	Jan Dettmer
Canoe Kayak BC - Whitewater	Andrew Mylly
Cariboo Chilcotin Conservation Society	Marg Evans
Burke Mountain Naturalists	Elaine Golds
Purcell Alliance for Wilderness	Gary Diers
Raincoast Conservation Society	Misty MacDuffee
Vancouver Island White-water Paddling Society	Shayne Vollmers
Western Canada Wilderness Committee	Gwen Barlee

Cc: Chairman Lloyd Levine, Assembly Utilities and Commerce Committee
Assemblyman Sam Blakeslee
Ed Randolph, Chief Consultant, Assembly Utilities and Commerce Committee
Senator Don Perada