

REFLECTION

Finding My Inner Tank Girl: Water as a Channel to Political Action

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“I have two words for you. Brush your teeth!”

THIS ICONIC LINE, delivered by the title character Tank Girl in the 1995 film, captures her sassy, rebellious, fearless, and funny charm. Watching the film in my mid-twenties, I was smitten by her ferocity in the pitched battle between her relentless underdog character and the evil corporate head of the aptly named “Water and Power.”

What I could have never imagined was that, twenty years later, I would be standing in front of large audiences talking about my own battle to try to protect our community’s water from the threat posed to it by those with power.

In 2013, I was teaching at a school in Shawnigan Lake when the provincial government issued a permit to South Island Aggregates that allowed it to fill the giant hole it’d made in its quarry pit with 5 million tonnes of contaminated soil. The quarry is located on Stebbings Road, partway up a mountain at the south end of Shawnigan Lake. Shawnigan Creek, a salmon-bearing waterway, wraps around the quarry site on its way to the lake, which is a source of drinking water for approximately twelve thousand people. Many on the lake have drawn their water directly from it for decades, and the Shawnigan Lake region had long been a gathering and trading place for South Island First Nations, including the Malahat, T’Sou-ke, and Cowichan Tribes.¹

It was the Thursday afternoon before Easter weekend that the government released the draft permit. Our family had planned to go to Tofino that weekend, and I have two vivid memories. One, walking on the beach while a kind of ice rain that was falling horizontally pelted

¹ Jared Qwustenuxun Williams, “What’s the First Nations History of Shawnigan Lake?” *Discourse*, 6 October 2020, <https://thediscourse.ca/cowichan-valley/first-nations-history-shawnigan-lake>.

our faces, and two, reading the permit and its conditions over and over again. Section 1.2.3 listed the contaminants that would be allowed at this site: metals, dioxins, furans, benzene, toluene, ethylbenzene, xylene, styrene, methyl tertiary butyl ether, volatile petroleum hydrocarbons, polycyclic aromatic hydrocarbons, chlorinated hydrocarbons, phenolic substances, chloride, sodium, and glycols.²

I spent my weekend staring at this list of all the things we would want to keep out of our drinking water, asking my husband, “What kind of government puts a community’s drinking water at risk?”

That weekend, eleven years ago, was the beginning of my journey into the world of politics and governance on a mission to try to restore my own trust in how decisions are made. I was elected as the Shawnigan electoral area director for the Cowichan Valley Regional District a year and a half later, in November 2014, and then as MLA for Cowichan Valley in May 2017. I was focused on the mission to get Permit 105809 revoked, but I also focused on the mission to make sure this did not happen to any other community in British Columbia.

Just over a year later, in August 2014, the tailings dam collapsed at Mount Polley, contaminating Hazeltine Creek, Polley Lake, and Quesnel Lake with 24 million cubic metres of tailings and wastewater. We could not ignore the parallels with Shawnigan Lake. Quesnel Lake is a drinking water source for the people of Likely and an important habitat and migration route for salmon. What had been one of the most pristine lakes in British Columbia, and a critical habitat for sockeye salmon, now has a lake bottom contaminated with mercury, selenium, copper, arsenic, and other heavy metals. In a letter to the *Victoria Time-Colonist* that I wrote the day after the disaster, I highlighted this connection between our two communities:

The catastrophe unfolding in Likely is heartbreaking. The breach of the Mount Polley tailings pond might affect this area for generations. For the residents of Shawnigan Lake, who have been fighting a proposed contaminated soil site in their watershed, this disaster is a terrifying reminder of the dangers of mixing industrial activity with drinking water.³

² “Permit 105809 August 2013,” BC Government Assets, last modified 21 August 2013, https://www2.gov.bc.ca/assets/gov/environment/air-land-water/site-permitting-and-compliance/sia/permit_105809_aug2013.pdf.

³ Sonia Furstenau, “Mount Polley Spill a Lesson for Shawnigan,” *Victoria Times-Colonist*, 7 August 2014, <https://www.timescolonist.com/opinion/letters/mount-polley-spill-a-lesson-for-shawnigan-4612277>.

It was, however, not only the threat to drinking water that connected Quesnel Lake and Shawnigan Lake. In both cases, the communities were failed by British Columbia's system of professional reliance.

What we learned in our efforts to have the permit revoked was that British Columbia had adopted professional reliance in the early 2000s – a form of deregulation that puts industry in charge of hiring experts, who, in turn, inform government, rather than having those experts in government. As explained by Mark Haddock in his 2018 Professional Reliance Review:

Professional reliance takes different forms across the natural resource sector, but in general terms it is a regulatory model in which government sets the natural resource management objectives or results to be achieved, professionals hired by proponents decide how those objectives or results will be met, and government checks to ensure objectives have been achieved through compliance and enforcement.⁴

In the evaluation of what happened at Mount Polley, it is clear that professional reliance failed to ensure that the “natural resource management objectives” were met. The 2016 Auditor General's Audit of Compliance and Enforcement of the Mining Sector highlighted what we feared most in Shawnigan Lake: the disaster at Mount Polley was a stark example of the provincial government's failure to uphold its responsibilities to protect the environment and the public. “We found that the [Ministry of Mines] did not ensure that the tailings dam was being built or operated according to the approved design, nor did it ensure that the mining company rectified design and operational deficiencies.”⁵

The conclusion of the auditor general was that the cause of this was “over-reliance on qualified professionals.” The government of British Columbia had become a passive actor in regulation, compliance, and oversight. The report went so far as to say that the Ministry of Energy and Mines was at risk of regulatory capture – that the regulatory body tasked with oversight of industry had itself become dominated by that very industry.

In Shawnigan Lake, professional reliance was a part of the permitting process for the contaminated landfill. The provincial government had

⁴ Mark Haddock, “Professional Reliance Review: The Final Report of the Professional Reliance in Natural Resource Decision-Making,” BC Government Content, last modified 18 May 2018, https://professionalgovernancebc.ca/app/uploads/sites/498/2019/05/Professional_Reliance_Review_Final_Report.pdf.

⁵ Carol Bellringer, “An Audit of Compliance and Enforcement of the Mining Sector,” BC Auditor General, 3 May 2016, 8, <https://www.bcauditor.com/sites/default/files/publications/reports/OAGBC%20Mining%20Report%20FINAL.pdf>.

relied on the engineering reports from Active Earth, the company that had been hired by South Island Aggregates (later renamed as Cobble Hill Holdings). A few years into the battle, which involved two court cases – one by the Cowichan Valley Regional District and one by the Shawnigan Residents Association – a document was delivered by a whistleblower to the Shawnigan Basin Watershed office. The document was a fourteen-page agreement between the owners of Cobble Hill Holdings and engineers at Active Earth, agreeing to a fifty-fifty split of the profits from the contaminated landfill.

The lawyer for the Shawnigan Residents Association introduced this secret profit-sharing agreement as evidence in the judicial review case being heard by a British Columbia Supreme Court judge. In his ruling, Justice Sewell indicated that what had happened “goes to the heart of the integrity of the approvals process under the [*Environmental Management Act*].”⁶ He ordered the permit be sent back to the Environmental Review Board; but within a month of his ruling, the permit was revoked by the Ministry of Environment.

For Shawnigan residents, the relief was immense. We had spent four years standing up for the future of our watershed and for the protection of our drinking water, and we had exhausted ourselves and every avenue available to us, but we had succeeded in ensuring that the trucks filled with contaminated soil stopped rolling into our watershed.⁷

The Mount Polley disaster and the threat posed to Shawnigan Lake made it clear that I had another mission – reform of professional reliance. Three months after the permit was revoked in Shawnigan, I was elected as MLA for Cowichan Valley. While professional reliance was on no other party’s political priority list in the election campaign, I found myself in the rarest of circumstances as part of the balance of power of a minority government. I was able to ensure that section 2 of the Confidence and Supply Agreement between the BC Greens and the BC NDP included: “Revitalize the Environmental Assessment process in BC and review and address failures in the professional reliance model in BC so that British Columbians’ faith in resource development can be restored.”⁸

⁶ The Honourable Mr. Justice Sewell, *Shawnigan Residents Association v. British Columbia (Director, Environmental Management Act)*, 2017 BCSC 107, <https://www.bccourts.ca/jdb-txt/sc/17/01/2017BCSC0107.htm>.

⁷ Sonia Furstenuau, “We Stayed Strong, Shawnigan,” Sonia Furstenuau WordPress, 1 February 2017, <https://soniafurstenuau.wordpress.com/2017/02/>.

⁸ “2017 Confidence and Supply Agreement between the BC Green Caucus and the BC New Democrat Caucus,” BC NDP Caucus, 30 May 2017, https://bcndpcaucus.ca/wp-content/uploads/sites/5/2017/05/BC-Green-BC-NDP-Agreement_vf-May-29th-2017.pdf.

The first step was the Professional Reliance Review by Mark Haddock, followed by the introduction in 2018 of the *Professional Governance Act* and the establishment of the Office of the Superintendent of Professional Governance, which oversees governance of non-health-related professional bodies in British Columbia, including engineers, foresters, biologists, and contaminated sites approved professionals.

As with many things related to government, the work is far from over. The Professional Reliance Review had 121 recommendations, many of which have yet to be fulfilled.

For the residents of Likely, and for Quesnel Lake, the failures have unfortunately compounded. The Mount Polley Mine resumed operations in 2016, despite the concerns of the local community. In 2017, the newly elected NDP government had an opportunity to bring in a reset and demonstrate that it was not going to accept the same failures that the BC Liberal government had allowed. But the NDP government chose not to lay any provincial charges against Imperial Metals for the tailings pond collapse and the damages caused by the release of the wastewater, thus abandoning the opportunity to hold the company accountable for the environmental harms it had caused.

Then, in 2022, the provincial government extended a permit that had been in place since 2017 that allows the Mount Polley Mine to continue to discharge tailings waste into Quesnel Lake until 2025. Much like the frustration we felt in Shawnigan with murky decision-making processes that seemed to defy logic and science, the Concerned Citizens of Quesnel Lake, an advocacy group pushing for stricter oversight of the mine and more treatment of the effluent, continues to raise concerns about the ongoing pollution of the lake and its cumulative impacts.⁹

In Shawnigan Lake, despite the efforts of the community to present a realistic plan for the removal of the 100,000 tonnes of contaminated soil that had been deposited, the Ministry of Environment approved the company's plan to cap the soil, with a requirement for monitoring impacts to surface and groundwater. The company failed to meet those requirements, and it was again the citizens of Shawnigan Lake who had to pressure the Ministry to act.

As a result of professional reliance, it's become more common to see community members doing the work of monitoring, conducting oversight, and trying to hold companies accountable for environmental damage – work that should rightly be done by the provincial government. One measure that I think deserves greater consideration is

⁹ "Act Now for Quesnel Lake," Concerned Citizens of Quesnel Lake, <https://www.ccql.ca/>.

an independent science panel that reviews and provides feedback on government decision-making processes. This would help to ensure that politics and vested interests are counter-balanced by scientific evaluations – evaluations that communities could look to for unbiased information and analysis. We saw the work of the independent Technical Advisory Panel provide analysis and mapping of British Columbia's remaining old-growth forests, which made it possible for the provincial government to root in science its policies and decisions on old-growth protection. A more permanent science advisory panel may help to restore some public trust in government land use policy-making and decision-making.

After seven years as an MLA, I am still looking at and trying to understand the underlying systems that are producing the outcomes we are getting in the province, particularly when it comes to our failure to protect water and watersheds. Looking to the earliest days of the governance of this province provides some possible insights.

In *The Curious Passage of Richard Blanshard*, historian Barry Gough recounts the arrival in 1850 of the first governor of Vancouver Island.¹⁰ Blanshard very soon came to realize that, as a representative of the British Crown, he was in a secondary role to the man, James Douglas, who was already on Vancouver Island on behalf of another entity, the Hudson's Bay Company (HBC), or, as it was called, the Company. In 1850, Fort Victoria on Vancouver Island was a Company town through and through; the first governor had significantly less power than did the Company man; and the Company was the all-controlling power in the lands that would eventually become British Columbia.

The Company did business according to its own methods; it guarded its files and ledgers with utmost secrecy. To gain intelligence of the Company's proceedings and expectations, Blanshard would have to gather his own data and form his own conclusions. In short, an administrative wall stood between him and Douglas and all the other officers of the Company. This was the first reality. The Company was lord and master throughout its vast realms. Now there was an intruder. The Company management was unaccustomed to having a governor being the Queen's commission anywhere in its territories.¹¹

In the 174 years that have passed since Blanshard arrived at Fort Victoria, companies and corporations have played an enormous role in determining land-use policies and outcomes in British Columbia,

¹⁰ Barry Gough, *The Curious Passage of Richard Blanshard: First Governor of Vancouver Island* (Pender Harbour, BC: Harbour Publishing, 2023), 2–25.

¹¹ Gough, 48–9.

and governments have played the role of protecting the interests of those companies. The E&N land grant of 1871 was a transfer by the federal government of a huge tract of land to another company man, coal baron Robert Dunsmuir, who, in turn, sold tracts of the land to forestry companies.¹² Today, only 10 percent of the ancient forests that once covered Vancouver Island are still standing, and timber companies are still logging the giant trees that are left.¹³ And when we consider the harms to both Shawnigan Lake and Quesnel Lake, we can see the protections offered by government not to the ecosystems and the residents of these regions but, rather, to the companies responsible for the pollution. In 2013, I could not believe that a government would put a community's drinking water at risk. In 2024, in my roles as a locally elected and provincially elected representative, I've seen a relentless continuation of policies and legislation that reinforce the interpretation that we are still very much a company town. Professional reliance is another example of government abandoning its oversight role to companies, which are often still operating behind the same cloak of secrecy that Blanshard encountered in 1850.

In the post-apocalyptic world that is the setting for *Tank Girl*, the corrupt authority over the drought-stricken lands is a militarized corporate entity called Water and Power. Tank Girl fights on behalf of the people who are unprotected from the rapacious greed of the company, standing up for her small outpost community that is trying to eke out an existence in harsh conditions. While the film tackles this in a mostly comedic manner, the seriousness of the issue of corporate control of water penetrates through the humour.

We have a long way to go to achieve true water security in British Columbia, and the stakes get higher every year. Climate change is contributing to longer and more severe droughts, and to storm and rain events that damage the land and waterways. We need the promised paradigm shift that puts ecosystem health at the centre of our decision-making, but, to achieve that, we also need a paradigm shift in the relationship between governments, the corporate world, and the public.

Tank Girl stays with me, reminding me to stay strong in the face of injustice, and to continue to battle for the things that matter the most to me: family, friends, community, and, of course, water.

¹² Will Horter, "Vancouver Island's Great E&N Railway Land Grab," *Watershed Sentinel*, 16 December 2008, <https://watershedsentinel.ca/articles/vancouver-island-land-grab/>.

¹³ Stephen Hume, "The Vanishing Ancient Forests of Vancouver Island," *Focus on Victoria*, 7 May 2020, <https://www.focusonvictoria.ca/investigations/the-vanishing-ancient-forests-of-vancouver-island-r135/>.