

THE ARROW CREEK COMMUNITY WATERSHED RESERVE

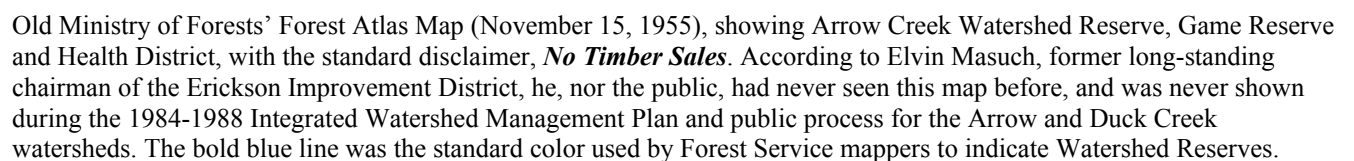
COMMUNITY RESISTANCE TO LOGGING AND MINING IN A DOMESTIC WATERSHED

A CASE HISTORY

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1. OVERVIEW

The following is a chronological case history, an investigative story of the Arrow Creek community watershed debate from 1940-2002. As such, this case study offers the concerned and interested public with key information over a period of many decades, an invaluable historical perspective and summary of many instances and examples of how the community citizens of greater Creston fought with provincial government agencies to protect their source of drinking water from logging and mineral development, and how the community, in the late 1990s, fought against government orders to chlorinate their drinking water in support of an alternative form of treatment. This case study also provides a glimpse of other domestic water supply watersheds in the Greater Creston area, such as the Duck, Sullivan, and Camp Run Creek watersheds, which are all in some ways connected to the Arrow Creek story.

There are many reasons why the Arrow Creek watershed, which supplies the town of Creston and Erickson with drinking and irrigation water, has remained in a relatively undisturbed and protected state to this day, surviving the fate of the majority of domestic watersheds in B.C. from logging, cattle grazing, and mining. However, despite the many measures implemented by area residents over 60 years to protect their source of drinking and irrigation water, provincial government administrators, through internal and controversial amendments to forest management legislation and policies established in the 1960s and onwards, are determined to lift the protection in favor of logging, mining, and recreational activities. Administrators within the Ministry of Forests argued, on behalf of British Columbians, that the forest industry was more important to the economy than the legislative protection of drinking water.

The Arrow Creek Watershed Reserve case history demonstrates how the internal decision by the provincial government in 1960, to amend and revise protective legislation and policies for domestic or community water supply watersheds, caused enormous social disruptions within B.C. communities and within government agencies in the following decades, to the long term degradation of surface drinking water source watersheds.

In the late Spring of this year, 2002, after a lengthy 32 year moratorium on logging through the remarkable and enduring efforts of local residents and elected administrators, is when road access and logging in the drinking supply of Arrow Creek may officially begin to take place.

The following two quotations summarize, in many ways, the plight and spirit of the greater Creston communities in their contest to protect their sources of water supply, and how they valued and depended upon untreated drinking water from water sources protected from human entry and resource developments:

It is agreed that chlorination is required when contamination from human activity requires it, but it must be stated that for sixty years Arrow Creek has not been contaminated simply because the area has been protected from human activity.... Arrow Creek water is invaluable to the Town of Creston in that it has a water supply that does not require chlorination and which cannot be duplicated elsewhere in the Kootenays. Tourists especially remark on the quality of the drinking water, and the residents themselves would contest any treatment that would alter the present high quality water to which they are accustomed. (December 29, 1988, Town of Creston submission to the provincial government's Technical Planning Team Task Force report of the Duck-Arrow Creek Watersheds, April 1989.)

I have received a letter from the Chairman and Trustees of the Wynndel Irrigation District expressing their concern over possible contamination of their water supply due to a proposed logging access road I am writing to support their plea to preserve the quality of the Duck Creek watershed Preservation of water quality is not only an important component of the Public Health programme,



the loss of pure water supply can also cause considerable financial hardship to a small community in the form of costs for treatment or provision of an alternate source. (Memo from Dennis Cocke, Minister of Health, July 7, 1975)

2. BACKGROUND

(a) Location

In the south-most region of the Purcell Mountains, and along the western flank of the Moyie Range, is the 7,900 hectare Arrow Creek watershed. The Arrow, which flows from north to south, is wedged between the Duck Creek watershed to the west, another source of domestic water supply, and the Goat River watershed tributary complex to the east and north.

Arrow Creek flows into the Goat River, the confluence of which is located beside highway 3 and the Canadian Pacific Railway track on the northeastern edge of Erickson, an agricultural and fruit-growing community of about 2,000 people. From here, the Goat River flows westward and below the town of Creston, population of about 5,000, to join the Kootenay River, 10 kilometers north of the United States border.

(b) Water license and incorporation history

After applications from local residents and incorporations, the Minister of Lands, T.D. Pattullo, reserved the water rights of Arrow Creek for domestic use of the Creston area on February 16, 1923, a reserve which was formally approved on February 19th through Order-In-Council #199:

Notice is hereby given that His Honour the Lieutenant-Governor of British Columbia, by and with the advice of his Executive Council, has been pleased to order:

1. That, pursuant to the provisions of section 59 of the "Water Act, 1914," as amended, the unrecorded water of Arrow Creek and its tributaries, flowing into Goat River in the Nelson Water District, be reserved to the use of the Crown and be reserved from being taken or used or acquired under the "Water Act, 1914, " save as hereinafter provided:
2. That, the said unrecorded water so reserved may, upon leave being first obtained from the Minister of Lands, be acquired pursuant to the provisions of Part V. of the said Act:
3. That the Comptroller of Water Rights be directed to register in his office and in the office of the Water Recorder of the Nelson Water District at Nelson, B.C., the amount of water so reserved with all necessary particulars.

Incorporation of the village of Creston took place the following year in 1924. In 1929, the East Creston Irrigation District was formed, and a final water license given to draw water from the Arrow on July 4, 1929. The East Creston Irrigation District supplied water to Creston through their distribution system, and continues to do so. The Erickson Mutual Water-Users Community was incorporated, under the Water Act, on May 27, 1920, which later became the Erickson Irrigation District, incorporated on May 26, 1953. The Erickson Irrigation District received its water from Sullivan Creek until 1981, when it amalgamated with the East Creston Irrigation District to form the Erickson Improvement District. Sullivan Creek water is now only used for 5 or 6 months of the year, from mid-Spring to the end of summer, in addition to water from Arrow Creek.

Nearby, the community of Canyon received its water license for the Camp Run (Association) Creek on November 1, 1908, and formed the Canyon Mutual Water-Users' Community, incorporated on February 28, 1922. This later became the North Canyon Improvement District, with water licenses on Thompson and Camp Run Creek.

The Wynndel Irrigation District (WID), just to the northwest of Creston, began in 1932 and received its domestic and irrigation water from Duck Creek. Concerned about logging in Duck Creek, the WID obtained a Watershed Reserve designation from the provincial government in 1947.

In early 2000, the provincial government forced the Erickson Improvement District (EID) into receivership, and placed a government-appointed receiver to conduct the affairs of the EID. The reason for the legislated takeover, was apparently because the EID, along with the majority of Erickson residents, were opposed to the chlorination of their water supply, residents who have traditionally insisted on, and who continue to insist upon, an alternative treatment process to chlorine. The government considered their position intolerable, and forced their closure (see chapter 17).

Title to the Arrow Creek watershed is vested in the Provincial Crown, except for 86 hectares at the intake, Sublot 19, which is owned by the EID. The Arrow Creek watershed is a designated Category 2 Watershed Reserve.



(c) Biogeoclimatic description

The Arrow Creek watershed is within the Moist Interior Biogeoclimatic Region. Elevation levels of the Arrow watershed rise from 760 meters (2500 feet) at the intake, to 1950 meters at its northern-most pass. The two mountain peaks along the northwestern perimeter of the Arrow headwaters rise to a maximum elevation of about 2200 meters. The water intake, located some 4 kilometers north of its confluence with the Goat River, is situated in the beginning of the biogeoclimatic sub-zone for Western Red Cedar and Western Hemlock (600-1500 meters).

Intermingled with these cedar and hemlock stands are mostly immature stands of Douglas Fir, Western Larch, and Lodgepole Pine. Between the elevations of 1500 meters to 2000 meters (*shown at left*) is the sub-zone for Moist Engelmann Spruce Subalpine Fir, where old growth stands of spruce, subalpine fir, and lodgepole pine are found. And finally, between elevations 2000 and 2400 meters is the Moist Engelmann Spruce-Subalpine Fir Parkland sub-zone. A large fire in 1940 (which most documents incorrectly state as 1942) burned the mid section of the Arrow watershed, a few kilometers above the water intake, and in about 1925, another fire burned an area just above the intake, along the eastern slope.

3. 1940 - THE COMMUNITIES REQUEST PROTECTION OF THE ARROW

On October 10, 1940, under letterhead by the Creston Board of Trade, with its motto "If It Will Help the Valley the Board Is For It", correspondence was forwarded to the provincial Minister of Lands, Honourable Wells Gray, with the Board's resolution to "declare the upper waters of Arrow Creek a Water shed":

At our monthly meeting held on the 8th. October there was passed a resolution urging you to declare the upper waters of Arrow Creek a Water shed [watershed used to spelled as two words], and to re-afforest the area.

We would point out that this Creek, supplying as it does water for the town, as well as domestic supply and irrigation for the large area between Creston and Erickson, is vital to the prosperity of the entire district. During the past summer fires destroyed a large area on upper Arrow Creek, and have endangered British Columbia's investment of \$160,000 in the East Creston Irrigation District.

The Minister of Lands sent the following response to the Creston Board of Trade's request:

I have to acknowledge your letter of the 10th instant Enclosed I send you a print showing the locality in question, and shall be obliged if you will kindly mark thereon the approximate boundary of the area over which the reserve is required. (Letter from the Minister of Lands, Hon. Wells Gray, October 24, 1940)

The request for "Watershed" designation, was administratively and commonly understood at the time for formal status as a Watershed Reserve under the *Land Act*, which the Minister of Lands was familiar with. For instance, in correspondence from the secretary of the Robson Irrigation District, May 30, 1980, it states that their "watershed reserve" had been in existence since September, 1937, and that "the entire headwater area N.W. of the West Boundary of Lot 8643 K.D. is under a reserve established as a Watershed area," where "no timber should be cut except with our consent or permission."

The 1940 fire, which burned the mid-section of the Arrow watershed, triggered a series of heated discussions in the local communities concerning protection measures for their source of drinking water and irrigation. Included in these discussions, were reports from local residents concerned about the possibility of people entering the watershed for numerous reasons, including hunting in the area. Concerns were brought forward to the local political representative, M.L.A. (Member of the Legislative Assembly) Frank Putnam, who then forwarded the matters to several provincial Ministers. As a result, the communities of greater Creston requested legislative protection of the Arrow watershed, which existed at that time under the *Land* and *Health* Acts.

I am not sure that the term "Watershed" in our resolution covers all that is desired by the Creston Board of Trade. To ensure the purity of the water supply and the protection of the forest which we trust will be planted on the burned over area, we would ask you to make the Upper waters of Arrow Creek a "Health District" in which fishing, hunting or travel by the public would be strictly prohibited. (Letter from the Creston Board of Trade, to Wells Gray, Minister of Lands, November 1, 1940)

Some confusion arose at the time on the nature of which Act to be implemented for its protection, as shown in the following correspondence from Minister Wells Gray, who was ready to fully protect the Arrow watershed from alienation:

I have to acknowledge your letter of the 1st instant submitting plan and description of Arrow Creek watershed, which it is desired to place under reserve.

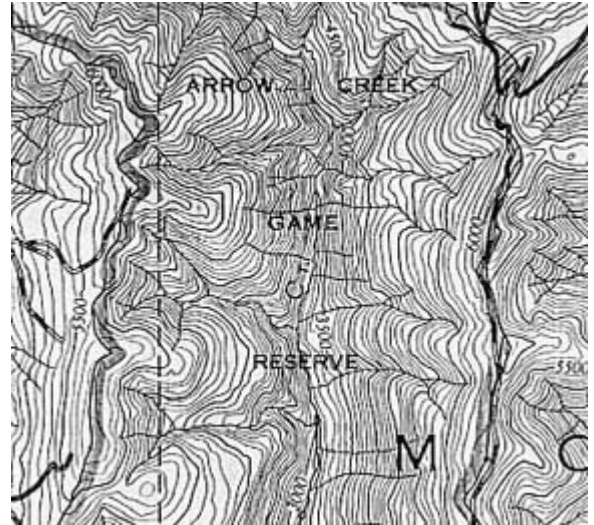
This Department is prepared to place a statutory reserve upon the lands in conformity with the provision of the *Land Act*; but such a reserve will not have the effect of constituting a Health District. Mr. Frank Putnam, M.L.A., was discussing the matter with me, and it is understood that he is taking it up with the Department of Health, where the establishment of such a district properly belongs.

I am unable to state whether the establishment of a Health District will have the effect of closing the area to hunting. If not, the question of placing it in reserve under the *Game Act* should be taken up with the Secretary of the Game Board in Vancouver. (November 20, 1940)

Regarding the establishment of a Health District on the Arrow Creek watershed, I may say that an Order-in-Council is being prepared recommending the setting aside of the property described in the memo attached to your letter as a watershed district. We will advise your department as soon as this Order has been passed by the Executive. (G.F. Amyot, Provincial Health Officer, to the Minister of Lands, November 21, 1940)

As a result, the Arrow watershed was declared a Health District, through Order-In-Council #80, January 21, 1941, as a means to protect it from human encroachment and pollution, and unfortunately was not designated a “watershed reserve” at that time, but was shortly thereafter.

Furthermore, the Attorney General’s office placed a Game Reserve over the Arrow watershed through Order-In-Council #281, on March 7, 1941, which not only protected the wildlife from hunters, but prevented hunters from entering the watershed. There were a number of other Game Reserves placed throughout the province, most notably the Reserve for two of the three Greater Vancouver watersheds, the Capilano and Seymour, two other sources of domestic water supply.



Recently a Mr. H.[should be “J.”] Murphy, Supervisor of the Arrow Creek watershed [should be “waterworks”, rather than watershed], contacted this department and brought to our attention a problem involving unauthorized persons entering this area for the purpose of hunting and fishing. This, I am sure you will agree, causes some concern in that the water from this area is not a chlorinated supply and contamination of the water shed could easily result. We would appreciate knowing whether or not this is a registered water shed and if so it is our intention to post the area against hunting, fishing, and camping. Mr. Murphy informs us the Arrow Creek water shed is listed on forestry maps as a health district and carries a registered number of 08660 #3. We are not too certain as to the nature of this registration and would appreciate your cooperation in giving us any information you may be able to locate. (Letter from J.H. Hehr, Sanitary Inspector, to Paul Riley, District Engineer, Provincial Water Rights Branch, October 12, 1961)

For reasons not presently known, and only referred to in a 1989 government report on the Arrow watershed, the Game Reserve was apparently canceled in 1964 through Order-In-Council #2251, without public consultation, during the period that logging began in the lower southeastern section of Arrow Creek. In a piece of correspondence to the government in 1992, a resident of the Creston area inquired why the Game Reserve was removed without public consultation, given the great efforts that went into its establishment by local Trustees.

In summary, the initiatives in the early 1940s by officials and residents of the communities of Greater Creston, concerned over the sanctity and protection of their water supply, laid the foundation for the engaging controversy and future struggles beginning in the late 1960s by these communities to protect the Arrow watershed.

4. MINERAL EXPLORATION AND LOGGING IN THE 1960's

There were two issues in the 1960s regarding Arrow Creek - logging and mineral exploration - which greatly aggravated the Trustees of East Creston Irrigation District concerning the source and protection of their water supply.

Beginning in 1960, Forest District offices throughout the province were suddenly given marching orders by the provincial Chief Forester to allow logging in domestic watersheds. For example, the following explanation to forest rangers and staff in the Nelson Region (the jurisdiction for Arrow Creek) who were on the front lines with the communities:

Much of the remaining mature timber in the District is in the watersheds of creeks which are the source of somebody's water supply. This can be an important source of conflicts of interest: between the interests of the industry and the water user. Two alternative solutions to the problem are possible: (1) keep operators out of watersheds altogether, or (2) permit harvesting of timber in watersheds, subject to stringent controls designed to protect the water supply. As you know, we have, within reason, settled on the second choice.

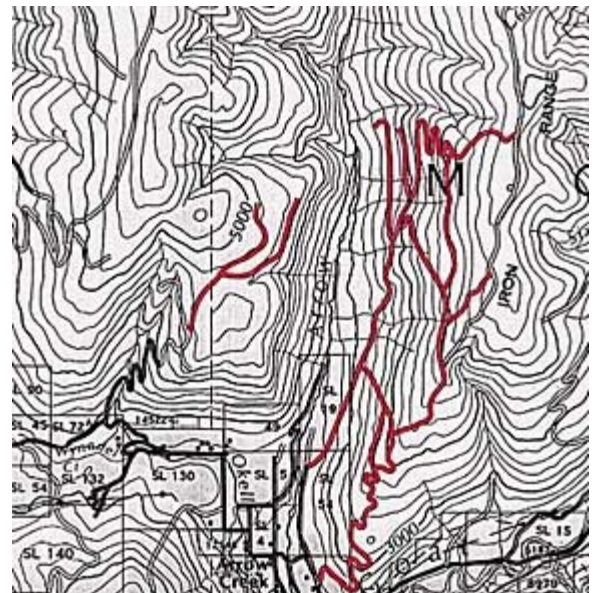
In many areas we will not be able to supply local industry's needs unless we can invade the watersheds. If, in doing this, we fail to protect the [water] users' interests, this timber reserve will not be available to us much longer." (Memorandum by District forester, J.R. Johnston, Nelson Forest Region, July 17, 1964)

The B.C. Forest Service Nelson office gave J.H. Huscroft, a local logging company, a permit to log the lower eastern Arrow Creek watershed above the water supply intake, timber sale No. X93134. This was apparently done without the knowledge of and permission from the East Creston Irrigation District. Nor apparently were health certificates issued to the loggers in lieu of the Arrow watershed being a Health District, even though the Ministry of Forests were cognisant of the area being a Health District, and the policies related to it: "Arrow Creek. [Timber Sales] X93134, X87229, X95669. This drainage is a Health District. Stool tests required by all workmen in area." (Forest Service memo, from R.A. Waldie, Forester, to H.G. Bancroft, regarding "[domestic] Watersheds with Current and Potential Problems", July 7, 1966)

Huscroft constructed a network of logging roads and skid trails below the Iron Range Mountain. The curious thing was that, despite the many kilometers of roads and skid trails built, Huscroft only logged four small cutblocks, where the company highgraded timber vats, left over from the fire of 1925, for railway ties.

The East Creston Irrigation District Trustees were becoming concerned about the increases in siltation or muddying of their water. It was in 1969, that Elvin Masuch, one of the Trustees, investigated "the ungodly mess", as he put it, where much silt had been transported down Arrow Creek from the logging.

The logging company did not in fact carry out some of the conditions of the contract relative to health and erosion control protection of the watershed.... it was noted at the time, that it was virtually impossible to see that the conditions of the contract were carried out or enforced. (East Creston Irrigation District Submission to the Pearse Forest Commission, September 3, 1975)

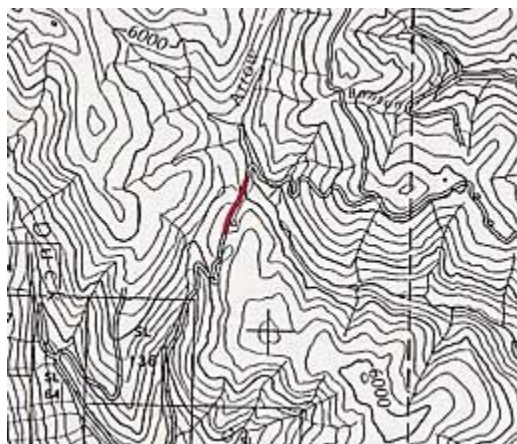


The Trustees complained directly to Forest Service Ranger, Buster Ross, who immediately put a stop to the logging. According to Masuch, many logging companies in "those days" routinely went "hog wild", where

logging practices were done with no regard to soil disturbance and the erosion of soils into local streams. According to a government Task Force Report in 1989, “past logging”, below Iron Range Mountain, “may have induced mass wasting on terrain which appears complex and wet”.

Huscroft also “selection” logged, or highgraded, as more accurately termed, a section of old growth timber on the lower western portion of the Arrow watershed. Speculation is that this timber may have been removed without a permit from the Forest Service. This happens to be one of the areas where the Creston Valley Forest Corporation is intending to log in the Spring of 2002.

Coincidental to the logging in the lower Arrow watershed in the 1960s, a number of mineral claims were staked along the lower eastern watershed ridge, called the Iron Range Mountain, and along the upper headwaters. A “fire road” was constructed along the entire eastern ridge above the Arrow watershed at the time, and then down steeply westward across and into the upper watershed area. The fire road was built from a new steep road from the east which travelled up a ridge above the confluence of Hall Creek with the Goat River. In those days, in the early 1960s, most of the drainages to the north of Highway 3A were still unroaded, undeveloped, including the Goat River. The mineral company used this “fire road” as an access to explore for mineralization along the Iron Range Mountain. When Huscroft began roadbuilding in the area, the fire road came down from the top of Iron Range Mountain to connect to the road near the Arrow intake. According to a government Task Force report of 1989, the mineral exploration was conducted by three companies since 1968: Aspen Grove Mines, Cominco and Mr. H. Tysseland, where “geochemical analyses of samples from these areas show the presence of silver, lead, copper, zinc, iron, nickel, molybdenun, mercury, uranium and tungsten.” Other more recent claims have been staked by Eagle Plains Resources.



Furthermore, with the newly constructed “fire road” access into the upper Arrow watershed, Wynndel Box and Lumber, another local logging company, went across the height of land from their logging activities in the upper northeastern Duck watershed, making a complete road circuit to the upper Arrow watershed, and trespassed into the upper Arrow watershed headwaters, clearcutting about 40 acres of old growth spruce and balsam in the late 1960s, without a permit from the Forest Service. The contour map to the left, shows the trespass road in red, at the pass between the Duck and Arrow watersheds.

The East Creston Irrigation Trustees were becoming deeply troubled and quite curious about the sudden eruption of commercial activities in their watershed.

5. 1970 - REQUEST FOR THE FULL PROTECTION OF ARROW CREEK THROUGH PURCHASE OR GOVERNMENT LEASE BY THE EAST CRESTON IRRIGATION DISTRICT

Due to the concerns about logging and mineral exploration in the Arrow Creek watershed, the East Creston Irrigation District Trustees sent a letter to the Deputy Minister of Lands on January 23, 1970.

The Trustees of the East Creston Irrigation District are concerned with the possibility that the watershed of Arrow Creek could become polluted by uncontrolled use.

Arrow Creek is the only unpolluted source of water in the immediate area and it is absolutely necessary that this condition be maintained. The District obtains its water, and supplies the Town of Creston with all its water from this creek. In the summer almost the whole flow is utilized.

The watershed is not large, but its value as a water source to the Creston area is inestimable. The Trustees respectfully request your favourable consideration in having this watershed of Arrow Creek either granted or sold to the East Creston Irrigation District under section 56 of the Land Act [see #55 below, which became #56 mentioned in the letter].

Please consider this letter as a formal application to purchase the Arrow Creek watershed.

By way of background, in 1908 the provincial government included a legislative provision in the *Land Act* for communities to apply for a 1000 year lease of Crown lands for the protection of drinking water source watersheds. The reason the government included this provision arose from great public concerns to do so at the time:

The Lieutenant-Governor in Council may grant to any incorporated city, owning and operating its own system of water-works, a lease of the vacant Crown lands which form the whole or any portion of the natural watershed from which such city derives its water supply, for such term, not exceeding nine hundred and ninety-nine years, and upon such conditions as may be deemed advisable, and may in such lease define the limits of such natural watershed. (Provincial Statutes, 1908, *Land Act*, Chapter 30, section 47, Leases, subsection 8. Note: the exact wording of this Act remained in effect until 1970.)

This legislation was further enhanced by a provision in the *Forest Act* of 1912, to ensure the full protection of the forest cover for the creation of Watershed Reserves.

Section 12, Forest Reserves. (1.) The Minister [of Lands] shall cause an examination of Crown lands to be made by the Department for the purpose of delimitating areas of such lands that it is desirable to reserve for the perpetual growing of timber, and as a result of such examination the Lieutenant-Governor in Council may, by Proclamation, constitute any such area a permanent forest reserve; and upon such proclamation all land included within the boundaries of any such area shall be withdrawn from sale, settlement, and occupancy under the provisions of the "*Land Act*", and in respect of the "*Mineral Act*" and "*Placer-mining Act*" and "*Coal-mines Act*" shall be subject to such conditions as the Lieutenant-Governor in Council may impose. After such proclamation no Crown land within the boundaries of such forest reserve so constituted shall be sold, leased, or otherwise disposed of or be located or settled upon, and no person shall use or occupy any part of the land included in said reserve except under provisions of this Act or of regulations made thereunder. (2.) Forest reserves constituted in the manner provided in this section shall be under the control and management of the Minister for the maintenance of the timber growing or which may hereafter grow thereon, **for the protection of the water-supply, and for the prevention of trespass thereon** [emphasis]. (Provincial Statutes, 1912, *Forests Act*, Chapter 17, Section 12. Note: the exact wording of subsection 2 remained in effect until 1960.)

However, these critical legislations for provincial communities were altered by senior government administrators beginning in 1960, to accommodate the forest industry to log in these sensitive areas, and to prevent communities from continuing to protect their water supply watersheds:

33. (4.) Forest reserves **except lands included in a tree-farm licence** [emphasis] shall be under the control and management of the Minister [of Lands and Forests] for the maintenance of the timber growing thereon, for the protection of the water-supply, and for the prevention of trespass thereon. (Provincial Statutes, 1960, *Forest Act*, Chapter 153, Section 33.)

One month later, the East Creston Irrigation District forwarded another letter to the Deputy Minister of Lands:

On January 23rd, East Creston Irrigation District made application to obtain, in the name of the District, the land in the area of the Arrow Creek Water shed.

Since then, it has come to the attention of the Board of Trustees that there has been a Timber Sale that extends into this area. The Board Members are very concerned with the possibility that Arrow Creek could become polluted.

The matter is of urgent concern to the District, could you let us know what action has been taken on this application as soon as possible? (February 20, 1970)

On February 27, 1970, the Director of Lands, W.R. Redel, sent the following reply to the East Creston Irrigation District, regarding Timber Sale No. A.01235:

The Department is prepared to place a map reserve over the Arrow Creek Watershed for your District, and it is noted that as per attached copy of Order-in-Council No. 80 approved January 21, 1941, the area is a Health District.

A map reserve for this purpose would contain the following proviso:

It is pointed out that this Department, through the Forest Service, will retain the right to issue Timber Sales and grant rights-of-way within this reserve area. However, your interests will be protected in that any Timber Sale contracts issued will contain appropriate restrictive clauses. Planned logging will be practiced within the reserve area to ensure that the whole area will not be logged at one time, but rather only small patches of timber will be allowed to be removed. This should minimize erosion and pollution problems. In addition, the local District Forester will refer all applications for Timber Sales to you for your comments before such sales are issued.

It has been determined over the years that a water shed is improved by selective logging, and the B. C. Forest Service is most careful where such reserves exist.

In 1968, through orders of the provincial Chief Forester, the official Lands Department policy regarding domestic watersheds was changed throughout BC to incorporate provisions that called for logging, as stated in the letter of February 27th above, and that these provisions were to be forwarded to water supply organizations and water users. However, these new conditions failed to deter the East Creston Irrigation District:

The Board of Trustees of this District respectfully request that a map reserve be placed over the area of the Arrow Creek Watershed and that your Department arrange to have any sales in this area withheld until a complete study is made by District Consultants. (April 4, 1970)

The Department of Lands then formally placed a Map Reserve, for “watershed purposes” and against “alienation”, for the Arrow Creek watershed on April 9, 1970. On April 21, 1970, the Arrow watershed was assigned a reserve number, number 08660-5. On April 23rd, the Director of Lands, W.R. Redel, advised the East Creston Irrigation District that a map reserve had been placed “over all those unencumbered and unalienated lands” of Arrow Creek “for watershed purposes”, and despite the objections of the Irrigation District against logging, Director Redel robotically repeated the timber sale proviso mentioned in his previous letter of February 27th. A “map reserve” began to have a new meaning in the new scheme of government business.

According to the minutes of the East Creston Irrigation District annual general meeting of June 15, 1970, due to the concerns about people entering and working in the Arrow watershed, “this year, Health Certificates will be demanded from anyone entering the area.”

6. PUBLIC OPPOSITION AGAINST LOGGING OF THE ARROW CREEK WATERSHED AND THE CREATION OF A PROVINCIAL TASK FORCE ON COMMUNITY WATER SUPPLIES

By 1970, the Water District Trustees perceived that the cumulative impacts of the fire, logging, road construction, and mineral exploration were causing degradation of water supplies in both drainages. Due to concerns expressed, harvesting has been held in abeyance to this date. (1989 Task Force Report, p.6)

As the Forest District offices throughout BC began to regularly implement logging and cattle grazing permits in domestic watersheds in the 1960s and early 1970s, public complaints began to skyrocket, and many letters of concern were forwarded to politicians and government administrators, particularly about the logging. A number of water users were beginning to inquire on how they could prevent their water supply watersheds from being logged, and made requests to the provincial government for legislative protection, which existed at the time through the *Land Act*. Of course, one of these requests came for the Arrow Creek watershed. The East Creston Irrigation District had already asked for a Crown lease, or grant, of the Arrow watershed in 1970, and formally did so again on April 5, 1971. The East Creston Irrigation District's requests apparently created quite a stir within some government offices, particularly because of other water users requesting the same legislation, as demonstrated by the following internal government memo:

This application, together with other recent correspondence relating to Blueberry Creek Irrigation District and Charlie Lake, which supplies Fort St. John, appears to raise the whole question of the protection of watersheds throughout the Province, as with increased public awareness of pollution problems further applications to protect watersheds may be expected.

In the past watersheds have been protected by a number of measures. In the case of the Greater Victoria Water District the watershed is owned by the District, whereas the Greater Vancouver Water District and the District of North Vancouver have leased their watersheds from the Crown for 999 years with the timber vested in the Lessee, but the net proceeds of the sale of timber payable to the Lessor. The Cities of Fernie and Enderby have 99 year leases for watershed protection only, and the City of Vernon has a 21 year lease for watershed purposes. Other centres have their watersheds protected from alienation, some by Order-in-Council reserves and others by map reserves. These measures give a varying range of protection, but only outright ownership or a lease give substantially complete control to the water authority, except in regard to mineral exploration activity. The degree of protection in regard to pollution could be improved by a ban on mineral exploration and in the case of the land reserves, by an order under the *Lands Act* forbidding public access to the watershed. Another protective measure, which has been applied recently to the City of Prince Rupert watershed, and which has been mentioned earlier in respect to the subject watershed, is that of making it a "Health District". While this theoretically prevents disease carriers from entering the watershed it is, of course, only as good as enforcement makes it, and in this case enforcement does not appear to be in the hands of the water authority." (Water Investigations Branch memo, July 14, 1971)

Due to the widespread public complaints and criticism which began in the 1960s, the provincial government legislated a formal review process. As a result, the Environment and Land Use Technical Committee, comprised of Deputy Ministers, advised the formation of the provincial *Task Force on the Multiple Use of Watersheds of Community Water Supplies* in February, 1972. The Terms of Reference of the Task Force were:

1. To investigate the practicability of obtaining wholesome water supply from streams the watershed of which are subject to multiple use, giving first consideration to water supply for Creston area from Arrow Creek.
2. To recommend policy and procedures for consideration of such land use conflicts.

Most interestingly, the repeated request and determination by the East Creston Irrigation District to protect the Arrow Creek watershed stimulated a high priority with the new government in its formal review, considering the

fact that there were hundreds of domestic watersheds in the province. Things took a turn in 1974 for Creston area residents when Celcrest Timber Ltd. presented an application to log in the Arrow Creek headwaters. The application ““increased public apprehension” and “resulted in demands for a permanent moratorium on logging and road construction in both Duck and Arrow Creek drainages” (1989 Task Force Report, p.6). Administrators and residents of greater Creston organized fierce resistance to the Forest Service and the local forest industry due to applications to log not only in the Arrow domestic watershed, but also in other local domestic watersheds, such as the Duck, Sullivan, Russell, and Camp Run Creeks.

7. 1975 - COMMUNITY RESISTANCE MOUNTS

In the Spring of 1974, something happened which dramatically changed the life and spirit of a local resident and Trustee of the East Creston Irrigation District, an incident which became a catalyst to stir up the community to bring about a moratorium of logging in a number of local domestic watersheds. Elvin Masuch, a resident and fruit farmer of Erickson, built roads at the time for Crestbrook Forest Industries. He helped build the logging road into Sullivan Creek, Erickson's water supply watershed, the logging of which began in 1969. After a heavy rainstorm, water runoff redirected below a logging road, triggered a large slope failure, or landslide, the silt and mud of which put the public's water supply out of commission for three weeks (an event which has continued to be tabled in the local newspaper ever since, to the chagrin of government and local industry). Elvin felt so awful that he quit his job with Crestbrook Forest Industries and became a community-inspired advocate against logging in the area's domestic watersheds.

By way of background information, B.C. Tel (now Telus) were permitted to build a long steep road up the northern ridge of Sullivan Creek in the mid-1960s, to access and construct a micro wave radio communications tower on Mt. Thompson. This is when the problems began. In the late 1960s, Crestbrook Forest Industries began its logging operations from this new road location, and built spur roads to access the timber on the south-facing slopes. Another road, along with numerous spur roads, was then built up the opposite or south side of the watershed, to access timber on the north-facing slopes of Sullivan Creek. As a result of the roads and logging, the quality and quantity of water, which the community of Erickson had relied on since 1920, was degraded and diminished. The Forest Service had recognized the importance of Sullivan Creek to community residents as early as 1966:



Sullivan Creek. [Timber Sale] X90290. Any silting of stream menaces water supply of Erickson, B.C. (Forest Service memo, from R.A. Waldie, Forester, to H.G. Bancroft, regarding "[domestic] Watersheds with Current and Potential Problems", July 7, 1966)

On May 2, 1967, a government survey engineer sent a letter to Walter Jeffrey, the University of British Columbia's first professor of forest hydrology. In it, the engineer provided information about roadbuilding and logging practices in 14 different watersheds in the Nelson and Kamloops Forest Service regions, where "troubles either have arisen or may arise from erosion problems or runoff problems due to logging roads or logging operations." Among the drainages listed (Giveout, Sitkum, Redfish, Pedro, Blazed, LaPointe, Crazy, Lee, Harper, and Yard Creeks, Akolkolex F.D.R., White River F.D.R.) was summary of conditions at Sullivan Creek:

This drainage lies about 5 miles east of Creston, and can be identified by contacting the Ranger who is very aware of the problem connected with the proposed logging of this watershed. Several years ago a small slide occurred, I believe, as a direct result of a road being built along the north ridge by B.C. Tel. This appeared to concentrate the runoff and water and by disposing of it through widely separated lateral culverts caused an unstable soil condition on one particular point on the north sidehill. This caused stream pollution for several years for the approximately 150 water users. At present a timber sale has been approved over the drainage; however the operation is proceeding slowly because of the uncertainty of building road on steep sidehills in a critical area. The operator has indicated that the north side of the drainage will require further study before they submit a logging plan because of the unstable soil conditions. (R.F. Bryant, Engineering Services Division)

According to Jack Hall, the former 50-year Trustee of the Erickson Irrigation District, Sullivan Creek used to be "an absolute perfect creek year round - it's never been the same", since logging began. In the 1970s "our Creek dried up," on one occasion in late summer. "We got no water, the first time since 1920". The Creek dried up once again in January. Back in the late 1960s, Farstead, Crestbrook Forest Industries supervisor, made a verbal

promise to Hall (Farstead and Hall were both members of the local “Shriners”) that if there were any problems in Sullivan Creek, that Crestbrook “would be good for it”.

Frustrated and disturbed by the turbid conditions and water shortages of their water supply, the Erickson Irrigation District was forced to get water from two alternate sources. The East Creston Irrigation District came to their rescue and supplied them with water on separate occasions, and a water pump was purchased and installed in the Goat River which provided 300 gallons of backup water per minute. The Goat River water was an uncontrolled source, and its water had to be treated. Erickson residents were opposed to chlorinating their drinking and irrigation water at that time, and the water was treated through an Ultra-Violet (UV) system. Because of the ongoing problems with turbidity and unreliable water levels, the Erickson Irrigation District finally amalgamated with the East Creston Irrigation District in 1981, changing letters of patent, to form the Erickson Improvement District (EID). The EID then spent about \$120,000 upgrading the Sullivan intake, dam, and screening works because of all the logging. As a result of the attention placed on Sullivan Creek, Crestbrook Forest Industries produced a report, the *History of Logging Operations in the Sullivan Creek Watershed* in 1981, with its self-gratuitous slant to the problems resulting from logging within the drainage.

In 1975, the provincial government requested public submissions in a formal review process of the forest industry through a Commission, called the (Peter) Pearse Commission. Elvin Masuch felt inspired enough to present the Commission with a 6 page brief on September 3, 1975, from the East Creston Irrigation District Trustees against logging in the Arrow Creek watershed. He summarized the following in his submission:

1. The importance of the Arrow Creek water shed that supplies water to Irrigation and domestic water users within the boundaries of the E.C.I.D. and domestic and industrial water to the Town of Creston.
2. Objections to the proposed timber sale and proposed logging of the head waters of the Arrow Creek watershed.

The trustees of the E.C.I.D. have always taken a keen interest in the protection and preservation of the Arrow Creek watershed as a valuable and irreplaceable resource for irrigation and domestic water for Creston Valley.

It is impossible to put a dollar value on the domestic water supplied. Up to the present time the Arrow Creek watershed has provided its water users with a continuous supply of clean unpolluted water that requires no chlorination or filtration. During periods of peak demand, the E.C.I.D. system is capable of delivering approximately 6,000,000 gallons of water daily to the water users.

As custodians of the E.C.I.D. system and Arrow Creek watershed, the trustees are prepared to take a strong and adamant position to ensure the Arrow Creek watershed is protected and preserved for our use and for the use of future generations. The trustees of E.C.I.D. strongly urge this commission Co recommend to the B.C. Forest Service and the Government of British Columbia, that full assistance and cooperation be given the E.C.I.D. to ensure that the priceless resource of the Arrow Creek watershed is not defiled or lost.

There was apparently no response to the East Creston Irrigation District’s submission from the government. Nevertheless, the submission created great public awareness about Arrow Creek and provided foundational grist for local residents to protect the Arrow watershed over the following 20 years.

On May 26, 1975, Tom Oxland, Regional Engineer with the Nelson Water Rights Branch, wrote the following to Vince Hernandez, Creston District Forest Ranger:

Re: T.S.H.L. A04415 - Arrow Creek. The watersheds of Arrow Creek and Duck Creek supply irrigation and domestic water for the Town of Creston, the East Creston Irrigation District and the Wynndel Irrigation District and, therefore, the prime recommendation from this office would be against the granting of any further cutting permits in these watersheds. This recommendation is based, not only on the number of people being serviced, or on the cost associated with silt removal and chlorination treatment of large volumes of water, but on the experience that this office has had with the applicant company [Wynndel Box and Lumber Company] in the Duck Creek watershed.

No recreation activity should be promoted or allowed in either the Duck Creek nor the Arrow Creek

watersheds. The heavy irrigation demand in each District makes chlorination of the water very expensive if not impractical, therefore, the general public must be prohibited from entering either watershed.

It is our understanding, from the meeting held in Creston on May 1, 1975, that all of the agencies attending the meeting will be given the opportunity to comment on the final plans proposed by Wynndel Box and Lumber Company and the Forest Service before the cutting permit or sale is granted. Will you please confirm that there will be this second referral.

The Chairman of the Wynndel Irrigation District, J.W. Abbott wrote to the Minister of Lands, Forests and Water Resources, Robert Williams, on June 18, 1975, pleading that he prevent a proposed inter-watershed road access and logging in the Duck and Arrow Creek watersheds:

In the past, logging operations have gone on in the Duck Creek watershed but this has now been completed. ... During the period of time that logging was going on, the Irrigation District encountered a great number of problems because of the fact that the road had the effect of opening up the watershed to the public. As a consequence, many campers went into the area and it was virtually impossible to prevent this happening. It is not feasible for the District to patrol this area on a permanent basis. Attempts were made to place gates to prevent access, but these did not work. Keys were lost and locks broken resulting in the gates being open most of the time. During this time campers would not only swim in the Duck Creek but also deposit their garbage in the Creek.

The Board of Trustees are very much opposed to opening up the watershed in this way because it is going to result in certain pollution of the waters of the Irrigation District. This District has drawn unpolluted waters from this watershed for a period of forty years. There are presently two hundred fifty users in this District and the number of users is increasing steadily.

I should also point out to you that much of the area of the existing road is subject to sloughing which ends up in the creek. The nature of the soil in that area is such that the roads require a good deal of constant attention which means there is almost continual debris being fed into Duck Creek.

It is the desire of the Irrigation District to keep this water supply in its present pure state. To that end, we seek to have a complete closure of this area to prevent the pollution of our water supply. The purpose of this letter is to seek your assistance in achieving our goal.

Finally, on July 7, 1975, the Minister of Lands, Forests and Water Resources received a short but sternly worded memo from the Minister of Health, Dennis Cocke, who advocated that he support the Wynndel Irrigation District Trustees for the preservation of the Duck Creek watershed, to coincide with concerns to prevent the initiation of costly water treatment to the community:

I have received a letter from the Chairman and Trustees of the Wynndel Irrigation District expressing their concern over possible contamination of their watershed supply due to a proposed logging access road following Duck Creek, and understand that a similar letter was received by yourself. I am writing to support their plea to preserve the quality of the Duck Creek watershed by requiring that logging access be through the Goat Creek [River] area. Preservation of water quality is not only an important component of the Public Health programme, the loss of a pure water supply can also cause considerable financial hardship to a small community in the form of costs for treatment or provision of an alternate source.

This statement, as a public admission, is “key” to the implications of resource activities to communities regarding the introduction and application of water treatment and related financial costs. And, as we shall see later in this report, in the Arrow Creek debate of the late 1990s, medical health officials were no longer making public statements about these relationships. In fact, the topic and application of liabilities associated with impacts to community water users by the government providing permits to resource users were thrown in the closet. In the scheme of history, this was perhaps one of the last such letters of advocacy for the protection of a drinking water source from a Minister of Health, as reflected in the findings of a May 2002 report by the B.C. Tap Water Alliance, *Doctoring Our Water*, on the history of the Ministry of Health (available on our website). In the following years, starting in 1976, with the re-elected Social Credit administration, such concerns were not tolerated by the top brass, evidenced in the inter-ministerial roadblocks against the Ministry of Health, and

medical health officials, from their concerns to have a prominent role on the protection of drinking water source watersheds.

8. 1976 - PHASE ONE - THE CREATION OF THE CRESTON PSYU PUBLIC ADVISORY COMMITTEE

Due to the public controversy and profile of the local Irrigation District Trustees, the Town of Creston, and residents regarding Arrow Creek, Duck Creek, Sullivan Creek, Camp Run, and Thompson Creek watersheds, the B.C. Ministry of Forests reluctantly initiated a public process called the Creston PSYU (Public Sustained Yield Unit) Advisory Committee, to accommodate and formally address their concerns. The Social Credit government initiated PSYU units throughout British Columbia in the 1960s to develop “public” consultation processes and mechanisms to develop a framework for lands that should be logged, part of a new scheme that would determine the allowable annual cut for provincial forest regions. Elvin Masuch, along with four other community representatives, including Jim Smith, Ralph Moore, John Shegan, and Lothar Schumann sat on the Advisory Committee. The 5 locals demanded a moratorium on logging in five domestic watersheds, which the Ministry of Forests agreed to. The moratorium on the Arrow watershed was eventually lifted in 1995, almost twenty years later.

The Board of Trustees of this District is deeply concerned about the renewed interest of the local logging companies to log the Arrow Creek Watershed.... The Board of Trustees of the District respectfully request your favourable consideration to have the Arrow Creek Watershed removed from the “Total Annual Allowable Cut” for the Creston area. (East Creston Irrigation District letter to the Minister of Forests, Tom Waterland, September 22, 1976)

With the support of the B.C. Ministry of Forests (MOF), a Creston PSYU Public Advisory Committee consisting of representatives from Irrigation Districts, recreation, industry and concerned citizens was organized in 1976 to provide public input for resolving the apparent conflict between the users of two major resources - water and forests. The Creston PSYU Public Advisory Committee has been successful in having a moratorium placed on logging in the five Creston area community watersheds to allow time for a proper assessment of the potential hydrologic impacts of logging activities. (Cheng, 1981, Introduction)

Though it may have seemed like a legitimate public process, where the views of the community were apparently going to be tabled and honoured, the Creston Public Advisory Committee was, along with other similar government processes, internally driven toward logging in domestic watersheds. Nevertheless, the process was invaluable for two important reasons: it established a formal moratorium on logging, and it invoked a series of government-funded reports. The Committee actively reviewed the reporting process over the years, and provided critiques and insights for the Committee’s considerations. The Creston Public Advisory Committee remains in effect to this present day. Alongside the Public Advisory Committee, was the creation of the Task Force in 1984 for the Duck and Arrow Creek watersheds, who, in turn, provided a final report in April, 1989 (see below).

With the initiation of the local Creston Advisory Committee, the Creston Forestry Association published a report on July 28, 1976, the *Duck Creek - Arrow Creek Integrated Resource Use Management Proposal*, prepared by A.D. Chambers, which detailed proposed harvesting plans for the two watersheds.

The combined drainages of Arrow and Duck Creek are a valuable part of the Annual Allowable cut of the Creston Public Sustained Yield Unit. To remove these areas from the inventory will create a mature timber shortage in this unit.

The Creston Forestry Association believes that an integrated resource use plan can be formulated for Duck and Arrow Creek that will protect and improve the watershed values of those drainages.

The primary concern will be to maintain the flow regime as well as maintain or improve the present water quality and quantity.

Members of the Association were: Crestbrook Forest Industries Ltd., Wynndel Box and Lumber Co. Ltd., J.H. Huscroft Ltd., Kootenay Forest Products Ltd., Celcrest Timber Ltd., and the Creston Ministry of Forests Ranger V. Hernandez. Members of the community on the Creston Public Advisory Committee were asking themselves questions about why a civil servant was a member of the local forest industry Association.



Upper, or headwaters of, Arrow Creek

9. 1978 - THE LAST REQUEST FOR LEASE OF LANDS FOR THE HEADWATERS OF ARROW CREEK?

In August, 1978, the East Creston Irrigation District sent another application to the Ministry of Lands requesting a lease of 1610 hectares (3,978 acres) to protect the Arrow Creek headwaters from logging and possible mineral development. A Regional Lands office memo of September 12, 1978, pointed out that for such a lease the District would have to pay for a legal survey of the area. The memo also advised that “the costs of issuance of a lease would be enormous to the point that the Irrigation District probably could not cope”. By way of contrast, the lease agreement contract for Crown Lands of the three Greater Vancouver watersheds was for one dollar, per watershed, for each year. According to Elvin Masuch, the East Creston Irrigation District conducted and paid for its own survey of the Arrow watershed height of land. However, once again the provincial government refused to grant a lease of Crown lands to the East Creston Irrigation District in 1979.

10. GOVERNMENT REPORTS FOR THE ARROW AND DUCK CREEK WATERSHEDS

As a result of the public attention placed on the Arrow and Duck watersheds, the high profile given to the Arrow from the get go with the provincial Task Force on domestic watersheds in 1972, and concerns by public representatives on the Creston Public Advisory Committee, there were six government study reports conducted on the Arrow and Duck Creek watersheds over a ten year period, from 1975 to 1984.

10(a) The Anderson report

The first report on the local domestic watersheds completed in August 1975, was conducted by R.G. Anderson, a registered professional forester, for the Forest Service Regional office in Nelson, *The Hydrologic Effects of Harvesting on the Duck Creek and Arrow Creek Watersheds*. In the report's preface, it states the purpose and *Terms of Reference* for the study:

To provide further input to enable the Forest Service to make an integrated resource use decision;
To inquire into and report upon the possible effects of harvesting on the quantity, quality and regime of the Arrow watershed and the possible effects of hauling through the Duck Creek watershed.

The term "integrated resource management" was coming into vogue by foresters at the time, to replace the term "multiple use", another term with a long sinister history emanating from the United States forest industry, which had undergone great public criticism in its use by the forest industry and government foresters, particularly in its association with domestic watersheds. In Anderson's introduction, he questions the philosophy of "single resource specialization" and invites the reader to the "development of a composite technology that optimizes joint production of all resources." The policy of "single use" by the B.C. provincial government, that is for the complete protection from logging in domestic watersheds, is a policy that was constantly being challenged and undermined by foresters at that time:

Mr. Apsey [Deputy Minister of Forests] noted that his ministry was becoming aware of growing public concern over other use of lands around watersheds. He noted that there was the danger of losing flexibility and returning to a single use concept of land. He suggested that Forests be the lead ministry in developing a project to look at planning and public involvement for watershed plans. (Environment and Land Use Technical Committee, Minutes, March 9, 1981)

Anderson's study provided an overview of the local history, geology, hydrology, soils, soil erodibility, forest cover, discussion of different scenarios for road locations, streamflow data, along with tables presenting the area's annual precipitation and temperatures. He presented theoretical scenarios and discussion about the effects that road construction and logging might have on water quality and water timing flows, putting into question how much logging could commence in the Arrow Creek headwaters, which is where the valuable old growth timber was, as the lower part of the Arrow was burned in 1940 and 1925.

In his conclusion, Anderson questioned how much logging could actually take place in the upper Arrow Creek without causing damage to water quality, given the steep slopes in the area:

If logging in the Arrow was considered to be economical enough to pay the high cost of protecting the water quality in both drainages, then Duck Creek would see little change in water quality. However, it is obvious that for the small amount of timber to be harvested annually in the Arrow headwaters that these costs are not justified. (page 54)

Anderson finally recommended that "logging not proceed in the Arrow Creek Watershed at this time", that the "Arrow Creek watershed be thoroughly examined", and that "action be taken to restrict public access to the watershed, in order that water quality remain protected and suitable for domestic consumption."

10(b) The Hetherington report

E.D. Hetherington, with the Canadian Forestry Service Research Centre in Victoria, presented a 22 page report for the Nelson Forest Service office in March, 1977, *Assessment of the Possible Hydrologic Effects of Harvesting in Arrow and Duck Creek Watersheds*. In 1976, the Creston Forestry Association provided logging proposals for the Duck and upper Arrow Creeks, *Duck Creek - Arrow Creek Integrated Resource Use Management Proposal*. These logging proposals, and the concerns against logging from Creston area residents on the Public Advisory Committee, were responsible for initiating Hetherington's study. In it, concerns about the effects of logging on the melting of snow, evapotranspiration (water evaporation rates from trees and ground surfaces), late summer water flows, hydrologic recovery rates of areas burned by fires, water balance (effects of clearcutting on water quantity), were examined and discussed.

The "science" of forest hydrology was still in its infancy in the 1970s in British Columbia, and according to a government memo, there was only one forest hydrologist under the Social Credit government's pay in 1979. The study of forest hydrology, which emanated out of the University of British Columbia's Forestry Department's graduates, was much constrained by the politics of logging, with government administrative pressure on contracts with researchers to stick to the policy guidelines, the emphasis for recommendations in domestic watersheds to provide for taking "minimum risks".

Hetherington recommended more studies to be conducted in the Arrow headwaters area with regard to summer water flow measurements, sediment sampling (especially during rainstorms) in the summer, ground water movement and recharge, and soil surveys. This led to more government studies on Arrow Creek. Logging, according to Hetherington, should be conducted slowly over a 20 year period, where road building and skidding be done slowly and carefully, and selection logging in some areas, with clearcuts up to 40 acres in area.

In the introduction, Hetherington points out:

The answers to all of these questions are not as clear as one might wish because of a lack of detailed information on soil physical and hydrological characteristics within the watersheds, a lack of local research into logging effects on streamflows, and a lack of knowledge by hydrologists of the specific influence of harvesting on late summer flows in snow fed streams. The emphasis has been placed more on water quantity and timing than on water quality as insufficient data were available to adequately judge the potential extent of erosion and stream sedimentation.

10(c) The Watson and Nicholson report

In early 1981, the Nelson Forest Regional office received a draft report by Kent Watson, soils consultant, and Alison Nicholson, with the Ministry of Forests Research Branch, *Vegetation, Terrain, and Soils of the Duck and Arrow Watersheds, Creston, British Columbia*. The report was based on detailed soils and terrain stability field studies conducted over five months in the summer and autumn of 1979, the data from which were provided on large maps for both watersheds:

136 sample plots were subjectively located within homogeneous stands of vegetation and soil such that they provided a broad range of elevation, slope, exposure, and moisture regime.

Quantitative and qualitative ecological data pertaining to terrain, soils, vegetation, and mensuration were collected for each 400 square meter plot.... At each plot a soil profile was described and samples of each horizon were collected for analyses.

Landform reconnaissance was also conducted along road cuts and other easy access routes.

The landform units and their corresponding soils were delineated on mylar overlays of the color aerial photographs. Finalized type lines were then transferred to black and white with a color photograph.

The final transfer from the black and white photographs to British Columbia Ministry of Forests planimetric base maps was done using a Kael Plotter. A second map of the vegetation types was prepared in the same manner and at the same scale.

Based on the detailed findings of the researchers, the Watson Report (as it was later called) recommended against clearcut logging in the upper watershed area, or headwaters, and that road locations be kept to the ridges:

Road construction across glacio-fluvial scarps generally creates even greater instability. This is evident along the Duck Creek road which leads into the pass between Duck and Arrow Creeks.... Natural failures occur just upstream from the existing Arrow Creek road crossing.

These unstable units create a dual hazard. First, road failures along the scarp faces are undesirable from a management and economic perspective. Secondly, failures invariably create siltation due to glacio-fluvial terrace location.

General field observation indicates that a substantial proportion of the water is derived from the headwater regions. Removal of forest cover in upper Arrow and Duck Creeks could result in summer droughts in the Creston-Wyndel communities.

Clearcuts should be avoided to preserve water volumes. In addition road construction should be minimal and confined to the colluvial units found primarily on ridge crests and upper slopes. Roads should not be built along creeks, on steep slopes or any units which are deemed to fail. If such concerns are not met soil disturbance will result in erosion causing habitat degradation and possible loss, serious stream siltation problems, and road failures.

According to an interview with Kent Watson (September 7, 2000), he was instructed by a Forest Service employee, the person that recommended him for the contract, not to provide any recommendations in the co-authored draft report. After spending the summer and early autumn in the Arrow watershed digging numerous soil pits and becoming familiar with the terrain, Watson felt strongly inclined that he should go against the advice of the Forest Service not to provide final recommendations. Apparently, some staff at the Forest Service were troubled by Watson's recommendations, especially in possible impartation of his report comments to the local residents of Creston and Erickson, and the staff insisted that he remove his comments in the final report. Watson responded that if they wanted his recommendations removed, they should also remove his name from the report. That's apparently what in fact happened two years later in the 1983 report authored by Still and Utzig, which was a Ministry of Forests re-edit of the Watson report (see next chapter on the public meeting in Creston with Watson and Forest Service staff). Though Watson's field work was very detailed, which provided critical information about the watersheds at the time, he never received another contract with the Ministry of Forests.

10(d) The Still and Utzig (re-edit) report

It took two years for the Ministry of Forest staff, Greg Still and Greg Utzig, to re-edit the Watson report, completed in April, 1983, *Vegetation, Terrain and Soils of the Duck and Arrow watersheds, Creston British Columbia*. Kent Watson and Alison Nicholson's names were excluded as authors on the title page of the final report, though mentioned in the opening section on *Acknowledgements*. The re-edit provided for the 'watering down' of Watson's recommendations, to allow for road building and logging in the sensitive regions of the Arrow watershed.

Generally, construction and harvesting activity should be approached cautiously on wet sites or at wet times of the year. ... Also, all soil materials in close proximity to active stream channels should be dealt with cautiously and at the driest times of the year in order to minimize the risk of sedimentation.

Depending on other factors, such measures as shovel construction, full benching, end hauling, hydroseeding, retaining walls or outsloping of roadbeds may be required to maintain site integrity.

Road construction should be confined as much as possible to inactive colluvial units found primarily on ridge crests and upper slopes because these are generally the most stable units in the study area. This should not preclude road construction through other types of stable units, however. Where slopes exceed 50% special engineering measures may be required (e.g., full benching and end hauling). Also, on slopes exceeding 50% grounding skidding is not recommended, and should be very cautiously executed on slopes exceeding 30%, especially where such sites abut stream channels.

The value of the re-edit to the Ministry of Forests and the local forest industry was in providing “cautionary prescriptions” to road developments, logging, and silviculture, and avoided “restrictive” language. In other words, in the language that was promoted by the Ministry of Forests and the industry at the time for sensitive public issues, logging proposals were “necessary risks”, described as “acceptable” and developments to be conducted in a “minimal” manner.

10(e) The Cheng report

In May, 1981, J.D. Cheng, a forest hydrologist with the Ministry of Environment, Water Management Branch, submitted his report, *A Study on the Hydrologic Effects of Logging in the Creston Area Community Watersheds*. Cheng’s report was based on “hydrological characteristics” of six domestic watersheds in the greater Creston area: Arrow, Duck, Russell, Camp Run, Sullivan, and Thompson Creeks (see map). More detailed assessments were provided for Arrow and Duck Creeks “where the need for resolving conflicts was most urgent.”

The study program was designed to obtain additional information on streamflow, suspended sediment, channel stability, and ecological land classes to allow use of the U.S. Forest Service Model; and to analyse existing data relevant to an impact assessment (e.g. streamflow data, climate data, soils and landform maps, forest cover maps and air photography). (page 5)

Cheng provided a summary of some assessment studies in the Nelson Forest Region at the time on the effects of logging on erosion to soils, landforms, and stream channels:

Most results of field studies and observations, including those recently completed in Nelson Forest Region, report that increased stream sediments often originate from soil erosion and landslides associated with logging roads, skid trails, and root deterioration, as well as from increased streambank erosion due to higher flows after logging. These studies also indicate that sediment-related water quality problems could be avoided or greatly reduced to an acceptable level if the knowledge and techniques of forest hydrology and erosion control are properly applied to the logging operations. (page 42)

Because of the impacts of “conventional logging” had already developed widespread degradation to stream environments in the Nelson Region, and after assessing the characteristics of the local watersheds, Cheng advised a lesser degree of logging than otherwise practiced for the local domestic watersheds of greater Creston.

This report describes the hydrologic characteristics of five Creston area community water supply watersheds, with emphasis on Arrow and Duck Creek drainages, by analysing both historic data and those from a special study program. Discussion of potential hydrologic impacts of logging is based on pertinent research results with consideration given to the local hydrologic environment. The expected changes in water yield and flow regime in each of the five watersheds would be relatively small if future logging is limited to a scale similar to or less than that proposed for the upper Arrow Creek by the Creston Forestry Association. Logging-related water quality problems should also be minimal if a road and yarding system is built and maintained with the application of appropriate erosion control principles and techniques to fit the specific hydrologic and stability characteristics of the sites and watersheds involved.

10(f) The Karanka report

In July, 1982, E.J. Karanka, with the Ministry of Environment Aquatic Studies Branch, provided a report, *Arrow and Duck Creeks: Channel Stability Evaluations*, for the Water Management Branch’s Surface Water Section. The report, which updated data collected in 1978 by Hetherington, provided field work and helicopter reconnaissance and interpretive photo analysis to devise a rating or classification of channel stability in Arrow and Duck Creeks. Methods to rate and evaluate channel stability were largely borrowed from the United States, where research hydrologists had begun to classify and interpret streams, especially since logging was having significant and destructive repercussions to stream environments there. These ratings then provide a theoretical management interpretation on where and how much logging may take place, in order to theoretically lessen the

long term impacts that degrade a stream channel through increases in water flow. Karanka had recently studied stream channel characteristics for two watersheds in the Okanagan, for Coldstream (a domestic watershed just southeast of Vernon) and Vaseux (northeast of Oliver) Creeks.

Channel stability” is the product of water flows, or water energy, on the things, like boulders, rocks, sediments, and the streambanks that make up a stream system, all of which can be altered from the amount of rainfall and force of water entering the stream from the slopes that make up a watershed. An “intact” watershed, one that has not been logged, or roaded, provides a level of stability which it has accomplished over a certain period of time. Logging and road building greatly influences or degrades “channel stability”.

Karanka concluded for Arrow Creek, that “increases in peakflow”, that is the advent of logging and roadbuilding which provide those increases, will provide increases “in suspended sediment concentrations”:

The accumulation of this material [coarse bedload, or boulders in the stream channel], combined with higher velocities attendant on higher discharges would affect the lateral stability of reaches 2, 4 and 6.... The avoidance and control of such sources [“upslope point sources of sediment”] during road building and harvesting operations is the most important water quality management recommendation available to Arrow and Duck Creeks.



11. THE PUBLIC MEETING IN CRESTON AND THE WATSON REPORT

One of the more important public meetings, or highlights, that transpired in the public debate over logging in the Arrow Creek watershed took place at a special meeting of the Public Advisory Committee on a Tuesday evening in Creston, January 10, 1984. A reporter from the Creston Advance was also there. She had been tipped off by some members of the Committee to attend, members who made special arrangements for Kent Watson to appear there. Watson, the soils specialist who conducted detailed studies on the Duck and Arrow Creeks in 1979, drove all the way from Kamloops to present his findings on the Duck and Arrow watersheds that evening.

What particularly irked the public members on the Creston PSYU Public Advisory Committee was that the Ministry of Forests never released a copy of Watson's draft report of 1981 to them, and they were extremely curious about why they weren't provided one. They got nowhere with the Ministry of Forests, so they located and contacted Watson in late 1983, two and half years after Watson submitted the joint report to the Ministry of Forests. That's when they learned of the story, or conflict, between the Forests Ministry and Watson on how his recommendations were re-edited, and on why his name had been removed from the April 1983 report from Still and Utzig. As a result, they got a copy of Watson's draft report. After reading the report, and piecing the story together, the public members offered to pay Watson's expenses for his trip to Creston to hear from him directly, but after the Ministry of Forests learned of the embarrassing matter, the government ended up paying the tab.

The headlines on Thursday's edition of the Creston Valley Advance, for January 12, 1984, declared "*Duck, Arrow headwaters too fragile to log*". The title of the article was in response to comments from Watson, and in response to a question put to him by Elvin Masuch, a Trustee of the Erickson Improvement District: "If you were a Trustee of the Erickson Improvement District, and knowing the things that you have learned, what would be your position about logging in Arrow Creek?" There was a long drawn out silence, as Watson was pondering the question. A heckler shouted out some remarks about the hold out, and Watson told him to pipe down, as he was thinking. Watson then replied, "I wouldn't let them log in it". The statement was utterly profound for the local residents and Trustees, as it justified the concerns they had accumulated and defended for 15 years. The public statement sent the Ministry of Forests and the local timber industry reeling.

As a result, some areas of the Arrow Creek drainage were "reassessed" in 1985 by Ministry of Forests' research staff. The Still and Toews' *Field Assessment Report* checked over some of Watson's ground work in the Arrow watershed, especially in places where a logging road could be located, "providing the possibility for a very stable roadbed The majority of the area we viewed appeared well suited for forest management."

12. THE CREATION OF INTEGRATED WATERSHED MANAGEMENT PLANS (IWMPs)

As a result of the widespread public complaints and concerns, especially about logging in domestic water sources, and recommendations emanating from the 1972 Task Force on Community Watersheds, the Ministries of Forests and Environment jointly developed a protocol agreement in late 1984 to engage in public planning for developments in only the designated Watershed Reserves created by the provincial Task Force in the 1970s. This initiative overlooked many similar planning procedures for the hundreds of other domestic watersheds that never made the list as Watershed Reserves, or in those domestic watersheds where local District Offices felt there was less public resistance. The list and categories of these Watershed Reserves were tabled in an appendix of the 1980 *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*. The strategy for the Watershed Reserve public planning processes began in 1981, through a memo from a Ministry of Forests' consultant on public involvement:

Recent events in the Kootenays, where public watershed groups are threatening to withdraw from cooperative public involvement approaches with the Forest Service, emphasize the need for a policy in our Ministry for "Planning, Public Involvement and Operations in Community Watersheds". At the present time most communities that draw water from wild streams do not own the watershed land or have management jurisdiction over the use of resources within the watersheds. While they have water under licence and have some protections under the Water Act, Pollution Control Act and possibly others, the operations of our Ministry can proceed without reference to water users. In practice, of course, operations in watersheds are controversial and we are increasingly finding it essential to consult either local governments or otherwise organized water user groups. Unless we wish to see a whole range of constraints arise from other Ministries filling a perceived vacuum - even within gazetted Provincial Forests - we should probably move soon to create both Policy and Guidelines for practice. (Memo from Bruce Fraser, Consultant on Public Involvement, Ministry of Forests Planning Branch, to T.M. Apsey, Deputy Minister of Forests, March 2, 1981)

The Ministry of Forests called the new planning process the Integrated Resource Management Plan (IWMP) - sophisticated jargon for the government's and the forest industry's controversial position for logging, cattle grazing, and mining activities in domestic watersheds. The jargon superseded the previous jargon of "multiple use", developed initially through the forest industry in the United States in the 1920s, which came into standardized use by provincial government agencies from the 1940s to the 1960s. A draft report for the provincial policy planning process was tabled for internal consideration in 1982, and then reviewed and revised by various government agencies over the following two years. In 1983, a committee of Deputy Ministers provided the following comments:

If this Policy Proposal [for an IWMP] is not implemented, there will be continued pressure from organized water user groups to prohibit timber harvesting in Community Watersheds. If these groups were to be successful in their endeavors, the annual allowable cut for various TSAs [Timber Supply Areas] would have to be reduced, resulting in a loss of forest revenues and, in due course, forest-related jobs. (Environment and Land Use Technical Committee submission regarding the IWMP draft policy paper, November 15, 1983)

From the outset, Ministry of Forests senior administrators desired its agency to be the lead agency in developing the planning rationale for public involvement on the IWMPs, a matter which was criticized at time by other government agencies: "The general perception was that Ministry of Forests lacks sufficient public credibility to be a lead agency for watershed planning" (Bruce Heayn, Municipal Affairs Planning Coordinator memo, February 15, 1982).

The Ministry of Forests and the forest industry understood the dangers inherent in public involvement on such planning processes, and provided key internal instructions to regional office managers to prevent public processes from redirecting government policies for logging in domestic watersheds:

It is never the intention that a community watershed issue is brought to the fore by a public advisory or environmental group. In no cases will they be the lead agency. They are given only opportunity for review and input but not to bring the issue to the fore, to spearhead it or to chair and lead any public advisory group task force work assignment. (Ministry of Forests memo, J.A. Biickert, January 17, 1985, regarding resource planning in community watersheds)

Other government memos also characterized public involvement on the issue of domestic watersheds:

There are at a local level elected and appointed officials of municipal government and improvement districts, possibly including irrigation districts, who have statutory responsibility for water management and distribution. The [draft IWMP] paper does not include how these officials will be dealt with. I raise this point as these public officials are often distinct from the individual licensees and/or public interest group spokesmen whose opposition has necessitated the need for a planning process. If these latter groups are a problem, then the policy paper must be clear in stating what role they play in the process. Otherwise, the proposed policy may not necessarily be a solution to the problem. In many cases, these officials are more representative of general community interests than particular protesters. (Ministry of Agriculture and Food memo, G.A. MacEachern, Deputy Minister, to Bill Young, Chief Forester, May 10, 1984)

In February, 1985, the Environment and Land Use Technical Committee formally endorsed the new government policy, entitled, *Policy and Procedures for Community Watershed Planning*. The new policy for IWMPs was then attached as “*Appendix H*” of the 1980 *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*. As of March 31, 1985, Ministry of Forests and Environment staff “were required to prepare lists for Community Watershed planning” for the following five years. However, a year before the government formally accepted the IWMP policy, the IWMP planning processes began to be implemented in the Nelson Region:

Our Nelson Region, we understand, is now following the intent of the proposed policy insofar as they are able, and with some success. As you know, they cannot do otherwise in face of government policy that watersheds are subject to harvesting, thus contributing to the AAC, and in face of the water users’ demands for participation in the action. (Ministry of Forests memo, C.J. Highstead, Director of Planning Branch, to Chief Forester Bill Young, January 18, 1984).



13. PHASE 2 - THE ARROW-DUCK IWMP, THE TASK FORCE, AND THE TECHNICAL PLANNING TEAM

13(a). The design and terms of the Task Force

Since 1976, the citizens and their representatives of greater Creston sitting on the Creston Public Advisory Committee had been making the point to the government, over and over again, that they were opposed to logging and mining plans in their community watersheds. And if that didn't beat all, they were suddenly confronted with another committee process, the introduction of a detailed process for the Integrated Watershed Management Plan (IWMP), the policy of which necessitated logging in domestic watersheds. Nothing seemed to be going their way. Not only did they have to continue to participate on the Advisory Committee, they now had to send representatives to sit on the new Task Force which convened over the next five years.

The Arrow and Duck Creeks were both established as Watershed Reserves in 1973 by the provincial Task Force on Community Water Supplies, later shown on the maps in Appendix F and on the list of Watershed Reserves in Appendix G of the 1980 guidelines document produced by the Ministry of Environment, *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*. When the 1980 Guidelines document (nicknamed the "blue book") was distributed to the more than 300 water user groups throughout British Columbia, they discovered that their watersheds were each provided with a category, in terms of both size and management philosophy. The 175 Category 1 Watershed Reserves, those under 5 square miles in area, were to be given "maximum protective measures". The 79 Category 2 Watershed Reserves, between 5 and 35 square miles in area, were to allow some forms of "management", but the concerns "are prescribed to give maximum protections to the raw water". The Duck and Arrow were listed as Category 2 Watershed Reserves. As such, these two watersheds qualified for the IWMP process. However, the government's classification for Arrow Creek didn't satisfy the Town of Creston's scrutiny, as shown in the following quotation:

Category I Watersheds, numbering 175, cover an area of 320 square miles, only 0.09% of the area of the Province, yet serve, at this time, a population of 205,000 which is an equivalent to 655 persons per square mile. Category II Watersheds, numbering 79, cover an area of 1,250 square miles, serve a population of 178,400 which is 143 persons per square mile. Category III Watersheds, numbering 31, cover an area of 2,789 square miles, serve a population of 123,500 which is 44 persons per square mile.

For the purpose of compiling this report, community watersheds were tentatively classified according to size only. However, because of obvious conflicts within the proposed Guidelines some watersheds will have to be reclassified in accordance with present activities within the watershed, rather than by size only. "

Certain small watersheds (under 6 square miles) currently cannot comply with the Guidelines, as presently proposed, because of present activities and/or ownership status, they will have to be put in Category II. On the other hand, because of isolation and lack of complicating existing activities certain watersheds which are over the 6 square mile limit can readily be administered within the Category I requirements and should, therefore, be nominated as Category I Watersheds.

From the above excerpts from the Guidelines For Watershed Management, the Town of Creston suggests that Arrow Creek which serves the Town of Creston and the Erickson Improvement District should be reclassified to a Category I Watershed, for the following reasons:

1. The tentative classification of watersheds by area only is not the method which should have been used to determine the several categories. Since watersheds primarily produce water the determining factor to categorize them should have been the ability of the watershed to produce water. That is, the yield per square mile each watershed produces should govern the category. For example. Arrow Creek produces 48,800 acre feet per annum from an area of 30.4 square miles which is 1,605 acre feet per square mile while Capilano River produces 517,000 acre feet from a watershed area of 76 square miles which is 6,803 acre feet per square mile, 4.25 times the yield of Arrow Creek. Similarly, Norrish Creek, near Mission, B.C., has a watershed area of 45.2 square miles with a mean annual total discharge of 329,000

acre feet or 7,279 acre feet per square mile, 4.54 times that of Arrow Creek.

Coastal watersheds, therefore, cannot be compared to interior watersheds by area alone, both in water yield and forest yield mean annual increment which is some three times greater per square mile at the coast than in the interior (5.03 cubic meters per hectare, 1.75 cubic meters per hectare).

2. The Town of Creston questions the accuracy of some of the statistics in Appendix G of the Guidelines Task Force Report. For example, the Nelson Water District, in Category I, reports that a total population of 31,264 are served from watersheds totaling 72.0 square miles which averages 434 persons per square mile. However, included in that population are 3,204 persons being serviced from Glaser Creek, in Creston, with an area of 0.6 square miles, but actually, no one is served from Glaser Creek. Also, Kinnaird serves 2,846 from the 2.1 square miles of Merry Creek, this also is incorrect since at the time of the report Kinnaird was served from wells.

Trail also appears to be incorrect, since it is shown as serving 11,200 population from 11.1 square mile watersheds.

Correcting the population served in the Nelson Water District by deleting only Creston and Kinnaird would, therefore, show 25,214 served from 69.3 square miles, an average of 364 persons per square mile.

Rosslund and Nelson both obtain water only from streams, and the report shows Rosslund serving a population of 3,896 from 12.1 square miles and Nelson, 9,380 from 32.7 square miles, averaging 322 persons per square miles and 287 persons per square mile respectively. Neither city have industries which require heavy water use.

Creston and Erickson, with irrigation and high water use industry included, averages 207 persons served per square mile, which is comparable to the Category I Watersheds of Rosslund and Nelson.

3. It is noted that the Greater Vancouver and Victoria Water Districts have been omitted from the Report because of long term leases or ownership of their watersheds. It is suggested that, in both cases, the lands were obtained from the Crown at very reasonable rates. Erickson Irrigation District has made several applications to the Crown to lease or purchase the Arrow Watershed in order to protect the water supply, but these applications have been refused. (Town of Creston critique of the 1988 draft Task Force Report, December 29, 1988)

On May 29, 1984, a Terms of Reference was developed by the Ministries of Forests and Environment for the Duck-Arrow IWMP. Its general purpose, outlined in sensitive language, is as follows:

To Investigate an Integrated Watershed Management Plan (IWMP) for Duck Creek and Arrow Creek watersheds, with the primary consideration being the preservation/enhancement of water quality and quantity, by determining whether it is feasible to proceed with development and implementation of an operational plan.

Seven objectives were identified:

(a) ensure that resource use or development will not pose any risks to acceptable water supplies in the short or long term; (b) consider views of all resource users, concerned agencies, and the public in investigating a plan and keep all parties informed; (c) determine whether acceptable levels of development and use for all resources in the study area are feasible; (d) every resource development/use should be assessed at time of proposal; (e) the Forest Service to prove necessity of any harvesting of wood supply in Duck-Arrow Watershed; (f) if feasible, develop guidelines and constraints that will assist development of an operational plan; (g) if feasible, establish a mechanism for implementation of the operational plan which provides for review and monitoring of field operations to ensure that guidelines and constraints are properly implemented.

Most importantly, the Task Force was bound by "consensus":

The task force will work towards consensus on all decisions. If there is consensus, task force member organizations will become signatory to an Integrated Watershed Management Plan and by doing so groups will honor the plan unless the task force is reconvened to consider new circumstances.

Representatives from the Ministries of Environment and Forests co-chaired the Task Force. Members of the Task Force were as follows: Ministry of Forests - Jim Annunziello, Stephen Flett; Ministry of Environment - Ken Gorsline; Town of Creston - Vaughn Mosher, Margaret Zsoltaros; Wynndel Irrigation District - Gordon Rodney, Norm Simmons; Erickson Improvement District - Jack Woodall, Lothar Schumann; Creston Valley Districts Association - Elvin Masuch; Celcrest Timber Ltd. and Wynndel Box and Lumber Company Ltd. - Gary Boyden; Creston Chamber of Commerce - Wayne Littlejohn; Creston Public Advisory Committee - Albert Brunham; Creston Rod and Gun Club - David Gray; Creston Fruit Growers Assoc. - John Shukin.

13(b). The Technical Planning Team

The more critical planning component of the Task Force was the additional membership of the Technical Planning Team, all of whom were appointed by the Ministry of Forests: Jim Annunziello, Timber Resource Officer, Ministry of Forests; Gary Boyden, Woodlands Manager, Wynndel Box and Lumber; Stephen Flett, Public Involvement Coordinator, Ministry of Forests; Ken Gorsline, Regional Hydrologist, Ministry of Environment; Dave Toews, Regional Hydrologist, Ministry of Forests. The Planning Team assessed and devised the technical information and elements to be examined for the two watersheds, the details of which were then passed over for the Task Force's consideration. On the Planning Team, however, was a representative from the timber licensee, Wynndel Box and Timber.

A technical planning committee was formed with members from the Ministry of Forests and Lands and the Ministry of Environment and Parks and Wynndel Box & Lumber Co. Ltd. to review the various technical studies, to consider the public discussions, and to evaluate alternate harvesting options. The technical committee identified the following eight key issues as being the crux of the watershed management debate. These are: the headwaters' areas contributions in generating water flows year round; headwaters' area contributions to water flow during low flow periods; potential effects of forest cover removal on peak flows; impacts of resource development on water sediment levels; the potential for biological contamination to water supplies due to increased human activity in watersheds; whether timber and water resource use is mutually exclusive or can be integrated successfully; liability for impacts to water supply and delivery systems if problems occur and who and how will alternate water supplies be provided if required; and timber volume contribution requirements of these watersheds to maintain the existing annual allowable cut and Creston/Wynndel employment levels. (1989 Task Force Report, pages i-ii)

Elvin Masuch's opening criticism to the Ministry of Forests in his December 10, 1988 critique of the final 1989 Task Force Report, was "why was the Erickson Improvement District, the major water licensee in Arrow Creek (since 1929), refused appointment to the Technical Planning Team even after repeated requests to do so?" Masuch didn't mention that the Wynndel Irrigation District Trustees also requested to be on the Planning Team, who were also refused by the Ministry of Forests. Masuch's intuition and concern was bang on regarding the inner machinations behind the technical workings of the Task Force, on who should participate on the Planning Team, and how information processes are key to the execution and direction of a planning process. As the old saying goes, the devil is in the details.

13(c). Clean water and community economics

One of the key considerations of the planning process for the Arrow watershed was an economic evaluation, or summary benefit cost analysis, of the quality and quantity of fresh untreated water delivered to the public and businesses of greater Creston by the Erickson Improvement District. The information was gathered by the public representatives and presented at the Task Force meetings. These details were then incorporated in the final Task Force Report.

Water from Arrow Creek is extremely important for domestic, commercial and irrigation purposes. Arrow Creek provides water to about 6,300 people through 2,800 connections, 443 hectares of agricultural land, and 205 commercial users, the most significant being the Columbia Brewing Company. Approximately 445 hectares of agricultural lands are irrigated utilizing standard, trickle, and overhead sprinklers. Older trickle irrigation systems can be susceptible to plugging by sediments. However, newer systems utilize sand filters and backwashing to prevent clogging. Irrigated lands generate approximately 2.9 million dollars at the farm gate, while packing house operations add approximately 1.0 million dollars, for a total farm revenue of 5.9 million dollars (1987 figures).

Columbia Brewing Company is the major commercial water user. Estimated annual water consumption is 104 million gallons (1987 figure). Diatomaceous earth filters are installed to remove silt, although constant flows containing high degrees of silt would tax this system. Table 7 indicates the economic impacts associated with the brewery. Information supplied by Columbia Brewing Company.

TABLE 7: Annual Economic Factors of the Columbia Brewing Company (1987)

Total plant payroll:	\$ 5.0 million
Spending generated in the local economy:	\$14.0 million (1984)
Plant capital expansion (over 10 years):	\$ 4.0 million
Minor capital construction:	\$ 8.0 million
Trucking and distribution:	\$ 1.5 million
Direct and indirect tax revenues:	\$40.0 million
Total:	\$72.5 million

(Source: Columbia Brewing Co., Oct. 1988)

The Provincial Government collects \$2,689.00 annually in water licence fees on Arrow Creek. The Erickson Improvement District collects approximately \$96,440.00, (\$72,000 - residential, \$24,000 - irrigation) in fees for supplying water. The Town of Creston collects through frontage fees or taxes approximately \$309,000. The value of Arrow Creek water in fees or "taxes" is approximately \$400,000.

The use of this water generates approximately 110 million dollars annually through waterworks, agriculture products and the operation of the brewery." (Task Force Report, pages 20-22)

The economic arguments by the community for the quantity and high quality clean water were apparent and overwhelming. However, Elvin Masuch presented more economic information in his response submission to the Task Force Report:

ECONOMIC VALUE OF ARROW CREEK WATER SUPPLY BASED ON ANNUAL RETAIL VALUES

12,000,000 cases of beer produced in 1987. Approximate retail value is \$10.00 per case (information from Columbia Brewing Co.)	\$120,000,000
11,070,000 pounds of fruit produced in 1987. Average retail price - 49 cents per pound (information from B.C. Fruit Packers)	\$5,424,300
Farm gate retail fruit and vegetable sales	\$2,900,000
Provincial water licence fees	\$2,689
Erickson Improvement District collects for maintenance of water system	\$96,440
Creston collects for maintenance of water system	\$309,000

Approximate annual cost to develop and operate alternate water source, based on estimated capital cost of \$5,000,000 amortized over a 20 year term and current interest rates	\$769,394
APPROXIMATE TOTAL ANNUAL VALUE OF ARROW CREEK WATER SUPPLY	\$129,501,823

(Note: The above figures reflect the annual retail value of the Arrow Creek water supply and therefore differ with the values calculated in the technical report. The technical report fails to calculate any value for an alternate water supply.)

13(d). The threat of chlorine treatment from logging and human access

Since 1929, when domestic water was used for human consumption from the intake at Arrow Creek, the Erickson Improvement District has never chlorinated their drinking and irrigation water. The former East Creston Irrigation District Trustees, and the Erickson Improvement District Trustees, which superseded the Irrigation District in 1981, were very proud of that fact. So was the entire community. They really cared about the Arrow Creek, and took great pains to ensure that it would continue to be reliable.

From 1929 to 1948, water was directly siphoned off Arrow Creek at a small dam constructed in 1930, with horizontal screens at the intake. At times, the horizontal screens were plugged with leaves, and they had to be removed to return the proper flow. In 1948, eight years after the “big burn” of Arrow Creek watershed, during the big rains and floods in British Columbia, the intake was washed out (in comparison, the Sullivan Creek intake withstood the storm event). Elvin Masuch helped construct the new diversion channel (he got paid 50 cents/hour) which was designed by a local “engineer”, Andy Lodeck, who graduated with grade one education. Together, they built the diversion and flume with a wheelbarrow and logs. This time they installed three vertical screens, which proved to be much better. That system is still functioning perfectly to this day. In the late 1980s, the Erickson Improvement District built two settling chambers, or pools, for the water supply, with primary and secondary screening facilities, which removed the odd instance of silt from the diversion pipe at Arrow Creek. It has proved to be an inexpensive, simple, and reliable system.

In 1986, a beaver entered the watershed a few miles above the intake, and the tests showed positive for giardiasis, beaver fever. The beaver was immediately removed, and the water quality problems immediately ended. The same thing happened four years later in 1990 and 1991. Ministry of Health officials didn’t believe Elvin Masuch, when he told them that it was due to beavers. He went up to where the beavers were, took samples below and above them, and proved that the water was tainted below, but not above. After the beavers were finally removed, there were no more problems with the water, especially since they had hired someone to check up for beavers on an annual basis.

Discussion about the possibility of future chlorination for the Arrow Creek distribution system was raised during the Task Force meetings, in the context of proposed logging and human entry. The draft Task Force Report of 1988 related the beaver incident of 1986, stressing the point that the Arrow water supply should become treated with chlorination. As a result, the Town of Creston submitted an impassioned response to the information in the draft Task Force Report, in support of a natural water system, without chlorination:

The Technical Report notes the “Ministry of Health policy states that all water from surface sources used for community supplies should be treated by chlorination or comparable means” and stresses that the Arrow Creek system does not meet this policy standard. The Report also notes that an outbreak of Giardia (Beaver Fever) occurred on Arrow Creek requiring that water be boiled before human consumption. It must be stated that chlorination does not control Giardia, and that through the diligence of the Erickson Irrigation District and the Department of Health, the source of the contamination was removed in very short order.

It is agreed that chlorination is required when contamination from human activity requires it, but it must be stated that for sixty years Arrow Creek has not been contaminated simply because the area has been protected from human activity. The statement in the Technical Report that “the chance of polluting water sources through logging in a watershed such as this seems remote” cannot be accepted.

Arrow Creek water is invaluable to the Town of Creston in that it has a water supply that does not require chlorination and which cannot be duplicated elsewhere in the Kootenays. Tourists especially remark on the quality of the drinking water, and the residents themselves would contest any treatment that would alter the present high quality water to which they are accustomed. (December 29, 1988)

Though some have recently contested comments from some members of the public on the relationship between logging proposals in the Arrow watershed and the government's recent insistence for chlorination treatment (*Smith disputes licence linked to water quality, Creston Valley Advance*, January 15, 2001), discussions and information from a number of reports on the Arrow watershed, and from government correspondence files, all point to the opposite:

The watersheds of Arrow Creek and Duck Creek supply irrigation and domestic water for the Town of Creston, the East Creston Irrigation District and the Wynndel Irrigation District and, therefore, the prime recommendation from this office would be against the granting of any further cutting permits in these watersheds. This recommendation is based, not only on the number of people being serviced, or on the cost associated with silt removal and chlorination treatment of large volumes of water, but on the experience that this office has had with the applicant company in the Duck Creek watershed. (T.H. Oxland, Regional Engineer, Nelson Water Rights Branch, to Vince Hernandez, Creston Forest District Ranger, May 26, 1975)

There are many instances from other communities in British Columbia, and in the northwestern United States, which show how chlorination has either been introduced after the introduction of logging and cattle grazing, or how existing chlorination treatment levels were dramatically increased after the introduction of those activities. In a memo from Dennis Cocke, the Minister of Health Services and Hospital Insurance, he states the unnecessary financial burden a community would have to face for chlorination treatment regarding logging in the Duck Creek watershed:

I have received a letter from the Chairman and Trustees of the Wynndel Irrigation District expressing their concern over possible contamination of their water supply due to a proposed logging access road I am writing to support their plea to preserve the quality of the Duck Creek watershed Preservation of water quality is not only an important component of the Public Health programme, the loss of pure water supply can also cause considerable financial hardship to a small community in the form of costs for treatment or provision of an alternate source. (July 7, 1975)

13(e). Wildlife habitat

The first study to acknowledge wildlife in the Arrow and Duck watersheds was the Creston Forestry Association's paper of 1976, where vague general reference to caribou habitat of the upper Arrow and Duck Creeks was mentioned. Under section C, "Capability for Ungulates", the report stated that "intermediate ungulate ranges would be improved by this harvesting proposal."

The Task Force report, however, mentioned the full range of species, some of which are on the endangered or threatened species list: caribou, grizzly bear, black bear, elk, moose, mule deer, white-tail deer, and mountain goat. More recently, the Creston Valley Forest Corporation has conducted preliminary studies on caribou in the Arrow and Duck Creek headwaters. Given the fact that most of the Arrow watershed is still unroaded, with very little human entry, it is particularly important for wildlife habitat, given the extremely fragmented conditions of watersheds which surround the Arrow watershed. In this respect, protection of the Arrow drainage may become very significant for the future.



In particular, the Arrow “island” is an important link to an “island” park created just to the north of it in the 1990s, the Kianoko Provincial Park. The translation of the Indian word “Kianoko”, means clear water.

14. 1989 - THE PUBLIC MEETING OF MAY 31 AND THE DECEMBER MORATORIUM

Corky Evans, a logger from Winlaw who is seeking the local New Democratic Party constituency nomination, said ownership of critical watersheds should be transferred to the municipalities that use their water. This would ensure there would be no damage to water supplies, he maintained. (Creston Valley Advance, June 5, 1989)

14(a). The Community meeting of May 31

A month after the release of the April, 1989 Task Force final report, written by the Technical Planning Team, there was an advertisement in the Creston Valley Advance, paid for by the Erickson Improvement District, for a public meeting on May 31st at 7pm, Wednesday night, at the Creston Recreational Centre:

This meeting is critical as the public will have the opportunity to voice their opinions and concerns regarding the proposal to log the Arrow Creek watershed. Those persons residing in the Town of Creston and Erickson area are dependent on the water supply from Arrow Creek. Plan to attend and voice your concern.

The headlines in the June 5, 1989 front page of the Creston Valley Advance, which featured the meeting, read: *Public criticizes officials on watersheds*. Over 300 people poured into the meeting room that evening. The Ministry of Forests’ representative, and co-chair of the Task Force, Steve Flett, was overwhelmed with the public’s opposition to the logging proposals in the government’s Task Force Report. When Terje Munkerud:

“a Creston area resident queried the technical planning committee for omitting the recommendation by a forests ministry pedologist that no logging take place in the watersheds’ headwaters because of water conditions, Steve Flett, of the Ministry of Forests, who chaired the meeting, said Watson’s comments were casual and addressed water and were outside Watson’s area of knowledge, he being a soil specialist.”

The draft 1981 Watson report, and the efforts the Ministry extended at that time to withhold his comments, was rearing its ugly head again. Speaking to the issue later on in a letter of response to the editor, January 15, 1990, Steve Flett said:

“No one ever tried to conceal the report of Mr. K. Watson. In fact, all Task Force members have copies of the original document and copies were freely available as handouts at the public meeting held in May.”

The real issue, however, was about how the report was kept from public viewing between 1981 and late 1983.

There were two other noteworthy comments mentioned in the June 5, 1989 newspaper article, which featured Elvin Masuch and Corky Evans:

Alderman Vaughan Mosher was applauded for relating the Town of Creston’s opposition to conventional logging in the Arrow Creek watershed, as did Area B director Elvin Masuch for his remarks on the Erickson Improvement District’s opposition as well. He received added applause when he said the improvement district would use every means possible - including going to court - to prevent logging by conventional methods.

Corky Evans, a logger from Winlaw who is seeking the local New Democratic Party constituency

nomination, said ownership of critical watersheds should be transferred to the municipalities that use their water. This would ensure there would be no damage to water supplies, he maintained.

Corky Evans' statement aroused great political sympathy with the communities of greater Creston. In fact, an article in the *Advance* four days previous, on June 1, *Evans declares opposition to logging*, Evans openly declared his opposition to the logging plans in the Arrow and Duck watersheds. He was interviewed during a 3 day NDP conference in Creston. As part of the front page coverage of June 1st, the *Advance* featured comments from Mike Harcourt, the NDP opposition leader, who promised his party would advocate an initiative to "stop logging on lands, especially in watersheds, used by communities." **Unfortunately, as time has told, Harcourt and Evans never lived up to their promises to the community, but rather, capitalized on the public's emotions. As a result, logging and opposition to logging by communities throughout British Columbia continued throughout the 1990s during the NDP government's stay in government, and government policies concerning resource use activities and the access for community control over their watersheds were further weakened and defied by government agencies.**

The Creston Valley *Advance* ran a special feature on June 15, on the history of logging in Sullivan Creek, *Ghost of Sullivan Creek haunts watershed logging*. Sullivan Creek is one of the sources of water supply for the Erickson Improvement District, and the former water supply of the Erickson Irrigation District:

In the spring of 1974 a massive land slide above Sullivan Creek sent mud, rocks, trees and other debris hurtling over the banks and into the creek, causing not only a crisis for Erickson water consumers, but an uproar in the Creston Valley about the potential affects of logging in watersheds.

Fifteen years later, as area residents heatedly debate the merits of allowing logging near two other major suppliers of water in the Creston Valley, the Sullivan Creek episode has once again come to the forefront of attention. Should local logging companies be allowed to operate in the Duck Creek watershed, which supplies Wynndel residents their water, or the Arrow Creek watershed, the source for Creston and Erickson water consumers?

Elvin Masuch answers with a definitive 'no'. Masuch, chairman of the Erickson Improvement District, the body responsible for maintenance of the Sullivan and Arrow Creek watersheds, says it is imperative the Sullivan Creek experience isn't repeated. The 1974 slide, which took place just below a logged clearcut undertaken by Crestbrook Forest Industries during spring melt-off, sent so much debris into the creek that water couldn't be drawn from it for a period of three weeks. Emergency water had to be provided to the Erickson Irrigation District (which merged with the East Creston Irrigation District in 1981 to become the Erickson Improvement District) via an interconnection with the East Creston Irrigation District water supply.

The slide not only caused a shortage of water for three weeks, says Masuch, but was also responsible, for long-term damage to the water supply. Masuch has a signed document from Jack Hall, the former caretaker of the watershed, stating that prior to logging and road construction in the watershed, Sullivan Creek provided "clean, clear water year-round." After the slide, though, water-users experienced shortages on a number of occasions or were forced to divert water from the East Creston water line because of poor water quality, Masuch maintains. Problems reached their height in the summer of 1978 and winter of 1979 when the creek dried up completely, he added.

Can the problems be attributed to logging in the area? Masuch has little doubt. Sullivan Creek first began supplying water to Erickson residents in 1922 and, prior to logging in the area, water-users had never before experienced shortages or poor quality, he said. The evidence is pretty heavy that logging had something to do with it.

Following the community meeting of May 31, and lively discussions in the communities of greater Creston, a petition was signed by 1,500 people over the summer months opposing logging in the Arrow and Duck watersheds.

14(b). The moratorium

In early December, 1989, the Minister of Forests, Claude Richmond, made a public announcement to officially kick start the Arrow-Duck Integrated Watershed Management Plan to begin in 1991. The Ministry of Forests made the decision despite the fact that the Task Force had not reached consensus, as stated in the Task Force's Terms of Reference, and despite the fact that most of the community, including the Wynndel Irrigation District, the Erickson Improvement District, and the Town of Creston were opposed to the logging plans. Richmond's announcement was met with swift judgment by the communities.

Area B Director and Erickson Improvement District chairman Elvin Masuch told the Advance that, while the announcement confirms logging of Arrow Creek will be delayed, "it's certainly not reason for celebration." He said the improvement district "will stand strongly opposed to road construction and logging in Arrow Creek." He added that the trustees will have to discuss the announcement shortly, and that they are going to consult their lawyers. (Creston Valley Advance, December 11, 1989)

In front of the local Super Value and Overwaitea shopping centers, residents were asked by the Erickson Improvement District trustees to write letters to the Minister of Forests. Claude Richmond soon received 1,200 letters of concern from residents of greater Creston. In the late Fall of 1989, Howard Dirks, the local MLA, had arranged for Elvin Masuch and the lawyer for the Erickson Improvement District to come to Victoria where they sought audience with the Minister of Forests, Claude Richmond, along with Tozer from the Nelson Regional Ministry of Forests office. Elvin made a formal presentation to the Minister to protect the Arrow watershed from logging. As a result of Elvin's visit, and the strong position of the communities of greater Creston opposed to the logging plans, on January 4, 1990, Claude Richmond announced a five year moratorium on logging in the Arrow Creek watershed. And, as some would later correctly comment, how strange, or weird, that a Minister should pronounce a moratorium in a Watershed Reserve, for an area that was legislatively defined as off-limits to logging.

15. OCTOBER 1994 - THE KOOTENAY CORE PROCESS, THE LIFTING OF THE MORATORIUM, AND THE SECRET ROAD PERMIT

15(a). The Kootenay CORE process

In 1992, during the moratorium on the Arrow watershed, the NDP government legislated provincial regional planning processes for sustainable land use initiatives, including the creation of provincial parks and reserve areas. CORE, the Commission on the Resources and the Environment, through Commissioner Stephen Owen, set up a table process for the Kootenay Regional area, which was broken up into two separate processes in 1993: the East and West Kootenay tables. The Erickson Improvement District sent a total of five letters to the East Kootenay CORE process to protect Arrow Creek, and to remove Arrow Creek from the Ministry of Forests' Allowable Annual Cut (August 1994 - March 1995). According to Elvin Masuch, the Commission's administrative representatives completely ignored their requests, without even sending replies to their letters. In contrast, the City of Nelson had their water supply watershed, formerly designated as a Watershed Reserve, protected through the CORE process in 1994.

On July 15, 1994, at the C.O.R.E. public meeting in Creston, we were informed that the trustees of Erickson Improvement District could submit a recommendation to C.O.R.E. with respect to the Arrow Creek watershed.

The Erickson Improvement District Trustees have strongly and effectively opposed road construction and logging in the watershed for the past 22 years, and because of the opposition and high value of the water, in 1989, the Minister of Forests, C. Richmond imposed a 5 year road construction and logging moratorium on the watershed.

The road construction and logging moratorium on the Arrow Creek watershed will expire in November, 1994 and the trustees are extremely anxious and concerned for the future protection of the Arrow Creek. (Letter to C.O.R.E., August 3, 1994)

The trustees wish to add the following reason in support of our previous proposal that the Arrow Creek watershed be taken out of the Kootenay Lake Timber Supply Area Annual Allowable Cut.

The Arrow Creek watershed proposed A.A.C. of 10,000 cubic meters represents approximately 1% of the Kootenay Lake Timber Supply Area A.A.C. The Kootenay Lake Timber Supply Area A.A.C. has actually been under-harvested by 32.8% during the past 5 years. Therefore in the trustees opinion the elimination of the Arrow Creek watershed from the Kootenay Lake Timber Supply Area A.A.C. would have no impact on the timber harvest in the Kootenay Lake Timber Supply Area. (Letter to C.O.R.E., August 11, 1994)

15(b). The lifting of the Arrow Creek watershed moratorium

In October, 1994, just before the final CORE announcement for the East Kootenays, the Ministry of Forests Nelson office contacted greater Creston community representatives on the Task Force and announced that the Arrow Creek logging moratorium was going to be lifted, and that planning for logging was going to begin in November. Three Erickson Improvement District (EID) Trustees, Elvin Masuch, J. Woodall and M. Clement, met with the Ministry of Forests District Manager, Al Bradley, and the Ministry of Environment representative Ken Gorsline, on October 18, 1994. There, they requested that the Ministry of Forests continue to uphold the moratorium, to stay out of the Arrow Creek watershed, but were sternly refused:

Mr. Bradley informed the meeting that the CORE report for the Kootenay area will be submitted October 31, 1994. Mr. Bradley was given copies of the District letters sent to CORE dated August 3 and August 11, 1994.

The purpose of the meeting was to discuss with Mr. Bradley the November 1994 expiry of the 5 year moratorium on road construction and logging in the Arrow Creek watershed and ask Mr. Bradley what the plans were for the Arrow Creek watershed when the moratorium expires.

He estimated planning should begin somewhere in 1995 with possible road construction in 1996.

Ken [Gorsline] stated that previously the B.C. Forest Service made the final decision on a logging plan however he said that new legislation now requires the Ministry of Environment to also sign the proposed logging plans. He felt this would provide more security for the water users.

Mr. Bradley stated that he was in favour of that planning, road construction and logging should proceed in the Arrow Creek watershed. He acknowledged the high value of the water resource in the Arrow Creek but felt if extreme caution was used, the watershed could be logged with minimal impact. Ken Gorsline agreed with Mr. Bradley.

The trustees asked if Mr. Bradley would support the District's request to take Arrow Creek out of the A.A.C (Allowable Annual Cut). The answer was NO. He said the watershed should be logged. The trustees asked if Mr. Bradley would support the District's request to extend the moratorium, the answer was again NO. He stated he didn't like moratoriums. (Minutes of the October 18, 1994 meeting, recorded by the EID)

A month later, on November 21, 1994, the Erickson Improvement District Trustees met with the Creston Town Council in their board room, which included Mayor L. Irvine and the chief administrator. The Trustees brought up the news from the October *CORE Summary Report*, wherein the Arrow Creek watershed was designated as "a special management area". The Trustees asked for the support of the Town Council:

that the watershed and water supply may not be given adequate protection under special management and felt the watershed would be given better protection if designated as a protected area. The Trustees informed the meeting that a recommendation will be forwarded to S. Owen that the Arrow Creek watershed be designated as a protected area in the final CORE report. (Erickson Improvement District Minutes of November 21, 1994)

After the news about the C.O.R.E. Summary Report, the Erickson Improvement District sent another letter to C.O.R.E.:

In the C.O.R.E. Summary Report the Arrow Creek watershed has been designated as a special management area, which allows for resource extraction. There is no clear definition of the protection the water resource would be given under special management and the trustees of the District are concerned that the resource extraction may have a negative impact on the Arrow Creek water supply.

In view of the extremely high value of the Arrow Creek water resource, and to give that water resource maximum protection, the trustees request that the Arrow Creek watershed be designated a protected area in the final C.O.R.E. report. We trust that you will give full consideration to the District trustees request and await your reply. (Letter to C.O.R.E., December 15, 1994)

There was no reply from the Erickson Improvement District's letter of December 15, 1994, and almost an identical was sent again on February 16, 1995 to the Land Use Coordination Office (LUCO). Once again, the trustees waited in vain for a reply. A final letter was sent to LUCO on March 23, 1995, marked "Attention: Murray Rankin, Grant Scott" - they were in charge of C.O.R.E.

On January 10, 1995 we phoned your office and followed with a faxed letter to you regarding the designated status of Arrow Creek watershed in the C.O.R.E. report. To date we have no reply. We still wish to meet with you to discuss the Arrow Creek watershed. We are enclosing a copy of the previous correspondence sent to your office and we look forward to meeting with you to discuss the Arrow Creek watershed.

There was never a response to the Erickson Improvement District's letter. So much for the promises by the NDP candidates in June 1989 for the protection of the Arrow Creek watershed.

15(c). The secret 1995 agreement for road construction into the Arrow watershed

While the Ministries of Environment and Forests met to design roadbuilding and logging plans for the Arrow Creek watershed in 1995 under its new “special management zone” designation, a town of Creston employee told Elvin Masuch in late August or early September, 1995, that “they” were building road up in Arrow Creek. Elvin couldn’t believe his ears.

Neither the Ministries of Forests nor Environment had bothered to contact the Erickson Improvement District. Elvin rang up Ken Gorsline and asked him about it. “This is a pretty serious thing to do behind our backs”, he said. Gorsline pleaded ignorance. Elvin then contacted Al Bradley, who also pleaded ignorance, and Elvin demanded that they come out for a field trip. Elvin then discovered that Martin Clement, one of the Erickson Improvement District Trustees, had quietly agreed with the Ministry of Forests to build the road with his heavy equipment (Masuch interview, January 8, 2002). On the field trip, Elvin demanded some answers from the Ministry of Forests and from Clement about the 4 kilometers of the twin road system that was secretly constructed, beyond the southwestern ridge top.

Following that embarrassing field trip, the right-of-way wood, all piled neatly on the side of the road, was left standing, and rotted over the years, as the Ministry of Forests immediately halted the road building and hoped that legal action would not be forthcoming from the Erickson Improvement District. It is not known if the Ministry of Forests provided a formal permit for the road construction into the Arrow watershed.

However, it is within the area surrounding this twin-forked road where the Creston Valley Forest Corporation intends to log in one of its proposed cutblocks for 2002.

16. PHASE THREE - THE GOVERNMENT PRESSURE TO LOG AND THE CREATION OF THE CRESTON VALLEY FOREST CORPORATION

16.(a) Protect Our Watersheds (POW)

Despite the shenanigans by the Ministry of Forests about the clandestine road building in Arrow Creek, and the communities' consistent resistance to logging in Arrow Creek since 1970, the government was quite determined to implement roadbuilding and logging in 1996.

Just prior to the municipal election, a front page article featured the public concerns about logging in Arrow Creek. *Water Source Said at Risk*, ran the title, with a photograph of three women, with arms raised, making a toast with three glasses of water, like three musketeers with their sword-cups. The women were members of a newly formed local action group, Protect Our Watersheds, or POW.

Only the community uniting to take immediate, adamant action will stop logging at the source of Creston's and Erickson's drinking water, members of Protect Our Watersheds say.

The Arrow Creek watershed will be logged, said Tanna Patterson. She, along with other members of the group set up to protect Arrow Creek's watershed, wants to change that.

The Ministry of Forests and government officials say it's in the annual allowable cut and there's nothing anybody can do about it," Sue Low, an Erickson orchardist and member of POW, said of plans to log the watershed.

"But we can change that. It can always be changed," said another orchardist, Marcie Plotnikoff.

Sitting on Patterson's sundeck overlooking the Erickson orchards, the three women talked about what the community will have to do to protect the Arrow Creek watershed.

Low and Patterson have taken hikes through the watershed with the approval of the Erickson Improvement District which manages the water, and say the area should be protected and remain untouched.

"When we started exploring the watershed, it was my idea of a pristine area," said Low. "We don't have many pristine areas left anymore, so why should we screw up another one?"

"Certain areas should be left untouched."

Low explained that pro-logging advocates and the government might reply that there are areas which are already protected.

She said she would reply: "What a better area to protect than Arrow Creek?"

The Arrow Creek watershed houses an ecological diverse wilderness, including old-growth forest at the headwaters of the creek, a caribou herd and other untouched plants and animals, the POW members said.

Wynndel Box and Lumber was slated to start building roads into the watershed in accordance with a forest development plan, Patterson said. But the company delayed doing so while awaiting results of ecological studies being done in Arrow Creek as part of the Forest Practices Code. [Note: inaccurate. It was part of the Integrated Watershed Management Plans, associated with policy and legislation regarding Watershed Reserves, and Arrow is designated a Category 2 Watershed Reserve].

Road building and logging is what concerns Protect Our Watershed. At an East Kootenay Environmental Society meeting Oct. 8, Erickson Improvement District trustee and Regional District of Central Kootenay director Elvin Masuch said that logging and watersheds don't go together.

Masuch pointed out, what happened in the Sullivan Creek watershed in 1974 after Crestbrook Forest Industries logged that area. He said the creek has gone dry twice, plus the water quality has declined.

Patterson said it would be of great concern if Arrow Creek, which supplies drinking water to Creston and Erickson, as well as the water supply to Columbia Brewing Company and valley orchards, went dry because of the snowpack running off of logged areas.

She said that old-growth timber at the headwaters holds back the snowpack and naturally filters the meltwater into Arrow Creek throughout the year, which means water users have no shortage of water.

(October 17, 1996)

Concurrent with the article on October 17th, there was another article, *Orchardists go organic without chlorination*. Fears from the community arose from the real possibility of chlorine being added to the Arrow Creek source as a result of the proposed road developments and logging.

"I know an organic farmer who told me it would be the end of his business if they put chlorine in the water," Patterson said. The three women, along with other concerned valley residents, have formed Protect Our Watersheds (POW), a group designed to raise awareness of Creston's and Erickson's water source and to stop logging from taking place there. The water would be chlorinated if problems, such as silt and mud polluting Arrow Creek due to mudslides from road building, arose.

A mudslide occurred in West Creston's Corn Creek watershed shortly after J.H. Huscroft built a logging road there, water protection advocate Al Ryan said at an East Kootenay Environment Society meeting Oct. 8. "I don't want chlorine in the water," Plotnikoff said. "I want my children to grow up without drinking chlorinated water."

Drinking water, the three women say, is their number one concern. "We have to get everyone on side," Patterson said. "People say it won't happen, that it won't affect them," said Plotnikoff. "Some of them don't even know where their water comes from." That's why POW formed, said Low, to educate people about the watershed.

Plotnikoff suggested that a public meeting like the one held in 1989, which succeeded in putting a five-year moratorium on Arrow Creek, could be held. At last week's EKES [East Kootenay Environmental Society] meeting, Erickson Improvement District trustee Elvin Masuch said that was the largest turnout he'd ever seen at a public meeting. POW urged the organization of a similar meeting soon. (October 17, 1996)

16.(b) Government pressure and the beginning of the compromise

As a result of escalating community tensions over the logging of Arrow Creek, Ralph Moore, a local logger, and vice-president of the East Kootenay Environmental Society, apparently got a deal going with Corky Evans, the local MLA, also a former logger from the Slocan Valley. Rather than fight against the "conventional" logging of Arrow Creek, he, on behalf of a few others, began to negotiate for a "community forest licence", motivated by the desire for "milder" forms of logging, through alternative-type logging methods, could be done for Arrow Creek. And, according to Ralph Moore, it would have the support of the East Kootenay Environmental Society. In turn, Corky Evans got the support for the project from the Minister of Forests, David Zirnelt, who, given the history of the local opposition, was undoubtedly glad to do so. On February 1, 1998, Corky Evans presented the area-based, 15-year tenure forest licence to the new president, Bob Griffith. The new "community-based" company, incorporated on June 12, 1997, was named the Creston Valley Forest Corporation (CVFC). And Ralph Moore was going to become one of the Directors of the Corporation.

This is a grand experiment that people here have accomplished" [said Corky Evans]. The licence's operating area, determined in May, included the community watersheds of Arrow, Sullivan, and Camp Run creeks. The corporation will receive annual contracts of up to 15,000 cubic meters for at least the next 15 years. Logging is expected to begin in 1999. "The intent for the wood is to be used locally, including J.H. Huscroft, Wynndel Box and Lumber, other small mills and value-added operators," said Gary Boyden, a forest economic development officer with Forest Renewal B.C. and a community representative of the CVFC board.

Creston and Kaslo are the only communities with forest licences in Evan's constituency. "It has to work here because other people are watching and would like to do the same thing," Evans said. "If it works, it will make governing in the next century a whole lot easier. As it turns out, being a politician in the latter part of the century means being part of a community deeply divided by environmental and industrial (concerns). This split between preservation and industrial use will be moderated and Creston is leading the way." (Creston Valley Advance, February 5, 1998)

Politically, this not only seemed to be a gem of an idea with the NDP government, but, to some extent, with the forest industry as well. The battles the government was waging at that particular moment with communities in Victoria, the Sunshine Coast, Greater Vancouver, and especially in the Slocan Valley, over logging in domestic

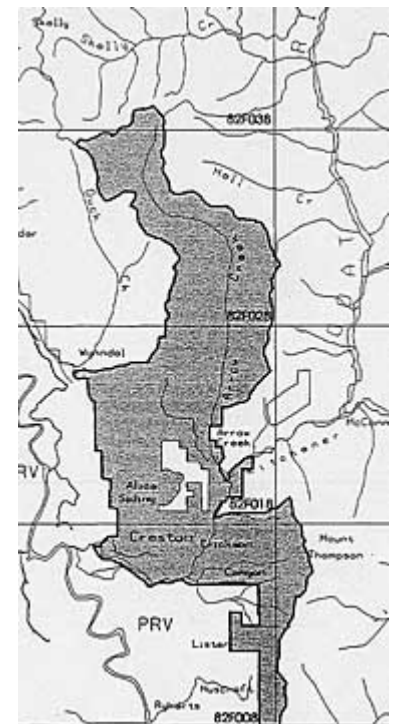
watersheds, was a living nightmare. The compromise could have important applications as a general solution. If communities would log their own domestic water supply watersheds, then the provincial government could begin to wash its forty-year long bloodied hands – it would not have to take the rap for related liabilities (buried and never implemented), bad public relations, and blamed costs for water treatment application and facilities, and watershed rehabilitation. The battles would then be confined to the local communities themselves. What Corky Evans didn't relate to the public was the reason for the "split" – the provincial government was responsible for removing policies and legislated remedies for the protection of the public's drinking water which created the "split". On a local level, the creation of the CVFC accomplished two things: it created a division in the community, and it led to the Regional Ministry of Health medical health officer to order the chlorination of the Arrow Creek water supply in February 1998, which in turn led to large-scale community opposition to chlorine which reached national attention in January 2001.

The public blockade and arrests near Silverton, B.C., against roadbuilding and logging in Bartlett Creek watershed, a Category 1 Watershed Reserve.



16.(c) The Creston Valley Forest Corporation (CVFC)

On May 22, 1996, an application was submitted to the Ministry of Forests for a "fifteen year non-replaceable forest licence in the Kootenay Lake Timber Supply Area", and "for an allowable annual cut of 15,000" cubic meters (the proposed rate of cut, just for the Arrow watershed from the 1989 Task Force Report, was for about 10,000 cubic meters. The Arrow makes up about 75% of the CVFC's licenced area). The agreement between the Creston Valley Forest Corporation and the Ministry of Forests' Regional Manager for Forest Licence # A54214 was signed on October 1, 1997. Condition #1.03 of the agreement states that "no extensions will [be] granted to the term of this licence." Under section 5 of the agreement: the licensee may cut as little as 50% of, and as much as 150% of the allowable annual cut; and under the cut control 5 year period, the licensee may cut as much as 45,000 cubic meters per calendar year. If the licensee wishes to cut more than the amount of a 5 year cut control period in a calendar year, it is permitted, but the Regional Manager will then make a determination of how much more can be logged subsequently, and according to the agreement. According to section 8 of the agreement, the licensee must submit a development plan, compile cruise and appraisal data, consult with "aboriginal people, trappers, guide outfitters, range tenure holders and other licenced resource users." The licence is subject to the *Forest Act* and the *Forest Practices Code Act*. (Map, taken from the CVFC plans, shows the CVFC's forest licence area)



On the CVFC Board of shareholders were: the Town of Creston; the East Kootenay Environmental Society; the Regional District of Central Kootenay; the Creston Area Economic Development Society; and the Lower Kootenay Band. The Directors in 1998 were: John Kettle, Gary Boyden (formerly with Wynndel Box and Timber), Jack Gwartney, Ralph Moore, and Elvin Masuch. Though a Director, Elvin still made some strong statements against logging in the Arrow over the next couple of years. Around the time that Gary Boyden invested in some land to the east of Erickson to run the CVFC's log sort, he resigned as a director of the CVFC.

The members of the CVFC acquired Jim Smith, a registered professional forester, to become the new manager of operations. Smith, who had worked with the Ministry of Forests out the Vernon District office, was in charge of a progressive and alternative forest harvesting and log sort program which earned him a good reputation, even with the Greenpeace organization, which was looking for on the ground applications to combat the conventional clearcutting in British Columbia. And Jim Smith was a former resident of the Creston area, who participated on the Creston PSYU Public Advisory Committee, alongside Elvin Masuch, against logging in the Arrow Creek watershed. Now, on his return, he was going to plan and administer logging not only in the Arrow, but in two other drinking water sources, and also Watershed Reserves, the Sullivan and Camp Run Creeks.

In the summer of 1998, the CVFC advertised for and held an open house on July 27th to show the public the five year development plans for their licenced area. Not many people came to the open house, about 10 members of the public showed up at the meeting to the Advance, *Watershed logging opponents surface*. Those that were there had some sharp words to say, like Elvin Masuch, Audrey Vance, and Bonnie Boldt, only this time they weren't addressing the local timber company, or the Ministry of Forests, they were addressing representatives from their own community on the CVFC. Although it all had a kind of hollow ring to it, the critics were not going to be fooled by the undertaking:

"There's one thing we've got to say here and I think everybody will agree: if we go in there the watershed will be put at risk. That's why we fought the Forest Service for 24 years on this and they didn't go in there because they knew the risk was there....If you look at this thing simply in an economic manner you would say it's not even an issue whether you should put that watershed at risk," Masuch said. "What I see is greed. We want both - the water and the timber. The thing is all I can hope is we don't kill the goose."

Creston resident Audrey Vance questioned the validity of the government providing the CVFC with a community forest licence. "I think the government has given a local group this opportunity so they have a scapegoat," Vance told the audience. Vance also questioned why Nelson's watersheds were protected in the Kootenay-Boundary Land Use Plan while Creston's were not.

"Nelson was united in protecting their watershed," said Ralph Moore, vice-president of the East Kootenay Environmental Society and a CVFC director. "It's too bad Creston couldn't get their act together during the CORE process."

Andy Shadrack, provincial Green Party candidate from Kaslo, asked the board members if they were willing to put their licence where their mouth is. "If you think it's not economically feasible to continue, and it might mean lowering the cut, will you be willing to stand up to the government?" he said. Smith responded, "The cut is merely an estimate of what can come out of there. If we found we couldn't operate without putting the water at risk, ethically, we'd have to say to the Forest Service we have to reduce this cut."

Erickson resident Bonnie Boldt was another vocal advocate of protecting the watersheds. "It's true we have been (opposing) this for 25 years," she said. You've been feeding us slide shows, maps and videos for 25 years.... You call yourself a corporation. I think that says it all," she said.

"Those of us on the board get no remuneration and no director's liability," he [Tom Mann, RDCK director for Area C and a CVFC director] said. "We were prepared to put our assets on the line and it's very disconcerting to have people come up and tell us we're a bunch of profiteers."

Masuch commended Vance and Boldt for coming forward with their concerns. "The women are coming forward to fight this thing," he said. "I give them a lot of credit. Maybe the women are going to save it. I've got some very serious concerns," he said. "I've been accused of being too protective of Arrow Creek. I don't think anybody can be too protective of Arrow Creek. It is one of the most valuable watersheds in the province. That water is so vital to this valley." (Creston Valley Advance, July 30, 1998)

In the same Advance copy, ran another article, *Public blew chance, CVFC director says - Arrow Creek timber harvesting said inevitable*.

"Next year, when we get rolling, we could legally cut 45,000 cubic meters," said [Jim] Smith, explaining the annual cut is retroactive to 1997. I think the meeting - with the exception of dwelling on

whether Arrow Creek should be logged - went reasonably well,” he [Jim Smith] said. ”What I’m hoping is people who weren’t there and have a concern will drop in and see me....The issue isn’t anymore are we going to be logging Arrow Creek. That has already happened,” Smith said. ”To roll that over and over is a waste of time. The next question has been answered and that’s who is going to be logging it. Now the questions are how and when.”

On October 15, 1998, the Creston Valley Advance ran a long letter to the editor, *Accepting community forest licence is to give up best means of protecting the water supply*, by Will Koop of the B.C. Tap Water Alliance. In the letter he explained that the provincial government had denied communities their right to access legislation under the Land Act for the full protection of their domestic watersheds:

There is, and has been, an important provision under the provincial *Land Act* for communities to obtain long term leases to control resource activities on Crown Lands. From 1908-1970, the *Land Act* provided water supply organizations the right to obtain a 999 year lease of Crown lands for the purposes of water supply protection.

For example, in 1927, the Greater Vancouver Water District obtained complete control over Crown land within their watersheds through 999 year leases. In addition, the Greater Vancouver Watersheds were protected under a special provincial Act in 1930 to prevent mineral exploration, mineral development, and placer mining in the watersheds.

In 1940, the Creston Board of Trade was almost granted the same *Land Act* provision for Arrow Creek. In April 1970, the East Creston Irrigation District applied for a long term lease of the Arrow Creek Crown lands, which the government subsequently denied.

Other Districts, such as the Sunshine Coast Regional District and the City of Kimberly, once in 1974 and again in 1996, have also applied for long-term leases on their watersheds, applications which have also been denied by our provincial government.

For 27 years, through numerous public processes, constituents of the Greater Creston area have kept logging out of the Arrow watershed. In a slick turn of events, the Ministry of Forests has “awarded” a community forest tenure licence agreement to Creston, thereby precluding the option of protection under the provisions of the Land Act.

By doing so, greater Creston is now forced to provide logging plans in a contentious and highly sensitive area - their water supply - and will itself now become responsible for all liabilities that may be incurred over the long term as a result of those logging activities.

A long term lease arrangement under the Land Act is the best solution for Improvement Districts and Regional Governments to secure protective tenures over their water supply watersheds. That coupled with a “no staking” reserve under the *Land Act* or separate legislation to prohibit mining.

When it comes to community water supplies, there should be no compromises on water quality, and greater Creston should be extremely wary of accepting this new forest tenure.

One word of caution. The Greater Vancouver Water District was tricked into changing its long-term lease agreement in 1967 for a Tree Farm Licence, which in turn resulted in degraded water quality for Greater Vancouver residents. That amending indenture to the 999 year leases held by the Greater Vancouver Water District became a provincial precedent against long-term protection for community watersheds throughout the province.

By accepting the community forest tenure currently being offered by the province, Creston residents will be signing away twenty-seven years of effort and their ability to protect Arrow Creek for community water supply.

17. THE CHLORINE FIASCO AND THE GOVERNMENT TAKEOVER OF THE ERICKSON IMPROVEMENT DISTRICT

The darkest days in the 72-year history of the Erickson Improvement District came on the afternoon of January 10, 2001, ironically during the very beginning of the NDP government's public review of drinking water sources. At a press conference in Victoria, Minister of Health Corky Evans, the Creston-Nelson MLA, and the Minister of Municipal Affairs, Jim Doyle, MLA for the lower East Kootenays, announced that they were placing the Erickson Improvement District (EID) into receivership. What they said on that afternoon about did it for Elvin Masuch.

“They lied about us to the national media, to Canadians. They accused us of failing to do anything at all to provide water treatment for our community.”

The following is a short summary of this incredible story.

17.(a) Orders to chlorinate and the Erickson blockade

On February 11, 1998, a month after the government approved the forest licence for the Creston Valley Forest Corporation, the East Kootenay Community Health Services Society (EKCHSS) issued an ultimatum for the Erickson Improvement District (EID) to chlorinate their water distribution supply system from Arrow Creek. The residents of Erickson were, to say the least, not very pleased with the ultimatum, and adamantly opposed to drinking and irrigating chlorine. That opposition had been going on for decades. Rather, they preferred installing an alternative treatment system, like many others in operation throughout the world.

In 1992, the Town of Creston, which receives its water from the EID, was ordered by the Ministry of Health to apply chlorine to its end of the distribution system. A public meeting was held to discuss the implementation orders. At the meeting, the mayor said to the public attendees that the issue was not going to be debated, and by the following year chlorine was in operation as “residual” to the town's water. Apparently, some residents of Creston prefer to travel over to their friends next door in Erickson where they stock up with un-chlorinated drinking water.

Over the remainder of 1998, the EID and the affected residents began to negotiate for an alternative option, for a Point of Entry (POE) system to be installed in each home. The EID conducted an experiment for POE in two households, at a cost of \$750 per unit. According to the data collected in one of the homes, the quality of raw Arrow Creek water entering the household was consistently as high as the water treated through the ultra violet filter at the other treated end. Initially they ran into a roadblock from Dr. Larder, the Cranbrook regional medical health inspector, who turned down the EID's request to proceed with their POE proposal on August 7, 1998, stating that they “cannot make use of point-of-use treatment technology.”

Some of the members on the newly formed Water Action Group and the Erickson Water Users groups were keen on investigating all of the technical information on water treatment, and making extensive inquiries on the health effects of chlorine. Along the way, they made a Freedom of Information request, and in November 1998 they learned that POE systems had already been installed and been operating successfully in public schools in the area since 1992, with the blessings of the EKCHSS, which had imposed chlorine on them to begin with. They later learned, since the great Erickson chlorine debate, that the EKCHSS had approved POE systems for the community of Boswell, who were apparently told to keep the issue quiet. Larder, who presently sits on the Liberal government's Drinking Water Review Panel, finally retracted his statement on December 1, 1998, stating that “fair, factual review and consideration will be given to any engineering proposal for disinfection submitted by the EID”. Furthermore, the groups received information from their MLA Corky Evans, the Health Minister, in December 1998, stating that “a chlorine residual is not required under the Health Act to disinfect water, any disinfection that produces safe drinking water qualifies as disinfection,” and “the EKCHSS is willing to consider any water treatment proposal from the EID” (refer to the chronology of the issue produced by the Erickson Water Users Society, Appendix A).

Towards the end of 1998, the EKCHSS introduced guidelines which placed financial constraints for the installation of POE systems, making the feasibility of the proposed alternative systems too expensive for the community's coffers. Once again, members inquired into the seemingly ridiculous terms set forth by the EKCHSS, but consultants working for the government were unwilling to set the public record straight on those conditions. On February 25, 1999, 186 residents showed up at a ratepayers meeting where they learned that the only feasible remedy for treatment, given the outlandish costs imposed by the EKCHSS, would be for a gas chlorination plant. According to the Erickson Water Users chronology (Appendix A), there was "no general agreement on any of the options after a long and acrimonious debate from the floor."

As a result, the EID trustees were forced to comply with the orders from the Ministry of Health, and eventually went ahead and installed a chlorination facility near their intake in the early Spring of 1999. That's when the residents, under a public action banner, Water Action Group, on April 29, 1999, ran a 55 day blockade to prevent the operation of the new chlorination facility. As a result, Andrew Larder issued a \$340 per day retroactive fine to the EID for everyday the chlorination plant was not in service.

"We've exhausted our efforts to work with them voluntarily," he [Larder] said Tuesday. "The EID is in contravention of the safe drinking regulation and not it's in breach of the Health Act. I think it's terrible that we've got to this stage and I regret having to come to this, but looking back I see no way to have avoided it." Until the EID makes progress by either circumventing the blockade to disinfect the system or taking legal steps to get an injunction to remove the protesters, it's out of his hands."

EID chairman Elvin Masuch said the cancellation of the operating permit is just one more obstacle with which he doesn't know how to deal. "We don't want to get an injunction (against those on the blockade)," he said. "These people are our neighbours and we feel it's up to the Ministry of Health to carry on dealing with them. It's their jurisdiction and it's up to them to carry through with the injunction. "I'm not sure what canceling our operation permit will actually do, but we can't just stop supplying water. If we don't, who will?"

On Tuesday night, EID trustees attended a meeting of the Erickson Water Users Society, which is seeking a court injunction of its own to halt the chlorination order but is not involved in the blockade. "They came and addressed our meeting, but the consensus of the group was we would like to see the trustees stand firm and not cave in to the demands," said EWUS president Russell Lahti. "I understand they've been put into a difficult position by the medical health officer, but this is an important issue to us and we'll see it to the end. I honestly believe that this whole situation is going to backfire at Mr. Larder and it's absolutely unfortunate he's not thinking about all of the people involved." (Creston Valley Advance, *EID slapped by ministry to force hand*, May 20, 1999)

17.(b) Legal actions and Walkerton scare mongering tactics

Given the history on the chlorine issue, and the efforts extended by the community to implement an alternative treatment system, things were evidently starting to get personal between Dr. Larder and the Erickson community. The EID trustees met with Dr. Larder shortly after his imposition to fine them and his statements about the blockade. Through their intercessionary negotiations, the EID convinced Dr. Larder that, should there be a "sudden concern" about water quality, the EID would fire up the chlorination station. This seemed to work as an interim measure.

In the meantime, the Erickson Water Users Society (EWUS) were off to court, and procured the Sierra Legal Defence Fund to bring forward a case to the courts for a judicial review. In mid-April 1999, EWUS filed a motion against Dr. Andrew Larder. On April 30th, a few weeks before Larder sent his orders to fine the EID, the Supreme Court judicial review went through a preliminary hearing, where:

The MHO's [Medical Health Officer's] lawyer counters with a request to quash the judicial review. Justice Mc Ewan grants neither request and sets the date for a hearing of the judicial review for 22 June in Nelson. The roadblock continues.

June 22, 1999. The judicial review gets underway in Nelson, with Justice Melnick from the court in

Cranbrook replacing Justice McEwan. The lawyer for the MHO asks for, and is granted, an adjournment. Justice Melnick agrees to a new court date of 20 July in Cranbrook. He also agrees to allow Ralph Moore [a director of the Creston Valley Forest Corporation] to represent WAG [Water Action Group] in court as an intervenor in the judicial review. The judge agrees to put the chlorination order “on hold” until the final resolution in court, and a court date of 20 July is agreed by all parties. The blockade becomes unnecessary.

July 19, 1999. Just as he is leaving the office in Vancouver to catch a plane to Cranbrook, the lawyer for EWUS receives a 90-page addition to the material to be submitted at the judicial review the next day by the MHO.

July 20, 1999. Because of the lack of time to prepare for the additional material submitted by the MHO at the last minute, EWUS asks for an adjournment of the judicial review. Justice Melnick calls a break in the proceedings and asks the four involved parties to meet to talk about resolving the matter out of court if possible. When the four parties agree to negotiate out of court, Justice Melnick adjourns the judicial review to 9 November, with advice to the four parties that an out-of-court settlement would be much better than going back to court again. He also agrees to keep the chlorination order on hold (“status quo”) until the case is finally resolved.

September 4, 1999 - February 15, 2000. Initial refusals by the MHO to meet with all three other parties results in an agreement by teleconference among the lawyers and the judge in October for another postponement of the judicial review to 15 February 2000. Finally, the MHO agrees to an all-party meeting at the EKCHSS offices in Cranbrook to be held on 16 February. The judicial review is postponed indefinitely.

February 16, 2000. The meeting of all four parties (EID, WAG, EWUS, and the MHO) and their lawyers takes place in Cranbrook, as scheduled. There is an agreement reached to work together on both a short-term solution and a long-term solution to the issue of Erickson water treatment. There is an agreement that both the order to chlorinate and the judicial review will be “on hold” until a final agreement satisfactory to all is reached, when both will become irrelevant, or until it is clear that there is a real impasse which cannot be solved, when EWUS will re-activate the judicial review. (EWUS chronology)

While the court proceedings and out-of-court discussions were taking place, the stand taken by the Erickson community received provincial attention, through headlines in the Vancouver Sun, *Town Fights against chlorination - ‘Vast majority’ reject chlorination* (June 12, 1999). The media attention helped bring about the out-of-court settlement, as the provincial government was entering a public relations emergency.

In 2000, the Ministry of Health’s regional office, the EID, and the local action groups agreed to draw up new plans for alternative treatment of the Arrow Creek water. However, in May 2000, with the national media attention on the deaths and affected parties from the infected water from cow manure (E. coli 0157:H7) in Walkerton, Dr. Larder and other medical health officials began waging doom scenarios with the EID’s water supply, which was still unchlorinated, as it had been since 1929. *Walkerton could happen here: doctor*, ran the front page headlines in the Creston Advance on June 5, 2000:

“I sincerely hope that what has happened in Walkerton will generate some sense of urgency here,” said East Kootenay medical health officer Andrew Larder from his Cranbrook office. “There has always been the possibility that this could happen here ... which is why we took actions to the water disinfected in the first place. All along we’ve known the hazard. That’s what we’ve been trying to avoid.” Erickson Water Users Society president Russell Lahti isn’t taking the threat too seriously, however. “We have a water source that is relatively pristine,” he said. “Whether what happened in Walkerton could happen here isn’t the (question). We have to appreciate the good water we have right now and do everything we can to protect it. What we have to be alert for is that people may use this situation to further the use of chlorine in this area. They’ll be ready to use (Walkerton) as a false argument for the use of chlorine.”

Just below that headline, was a counterpart issue, *Watershed logging must end: Masuch*:

Erickson Improvement District chairman Elvin Masuch is ready to fight a battle against a “recognized threat” to the Arrow Creek water reservoir - community logging. Masuch said Friday he will do all he can to stop logging in the watershed by the Creston Valley Forest Corporation and other organizations, in hopes of preventing an outside source of possible contamination of the Erickson water supply.

People, especially those with the local action groups, were asking themselves some hard questions, which were generated by Larder’s statements regarding Walkerton. There were deeper questions here in the background, which were not being addressed. What were Larder’s views about logging in Arrow Creek, or logging in domestic watersheds in general, and why did he never say anything about it in the paper? Since cattle had infected the public’s water in Walkerton, what was Larder’s position about cattle grazing in Cranbrook’s water supply, where Larder lived and worked, and where the public had suffered from an outbreak from cryptosporidium a few years back? Was the Ministry of Health’s concerns to implement a treatment system on Arrow Creek related to the provincial politics to allow logging? All of these questions were beginning to emerge.

The recent totally unnecessary boil order for the Creston water system is a good illustration of how determined Health Ministry officials (and other government bureaucrats) are trying to create a false sense of crisis in order to try to force chlorination of all B.C. water systems. While all media that I have been aware of have been focusing on what is the real problem in Walkerton - the pollution of the source of their water - Larder is focusing on trying to frighten the good citizens of Erickson enough to allow the chlorination of our water. We, in the Erickson Water Users Society, have never opposed the treatment of our water, as insurance against the slim chance that somehow a disease-inducing pathogen might get into the water. We have merely opposed the simplistic, cheaper “solution” adding the poison chlorine, which introduces new health hazards while adversely affecting the quality of the water. Why aren’t the Health officials fighting for adequate federal and provincial infrastructure funding for a really effective, non-polluting water treatment system? And why aren’t they against the logging of our watersheds. That, of course, is what is really behind this movement to chlorinate the whole province. If Health officials are really concerned about our health I would think protection of our watersheds would be a top priority, but it obviously is not. (Letter to Editor, Creston Valley Advance, Russell Lahti, chairman, Erickson Water Users Society, June 15, 2000)

Meanwhile, in sharp contrast to the exceptionally high raw drinking water quality from Arrow Creek, the twisted associated rhetoric about Walkerton with Arrow Creek began to mount in newspapers, radio, and television from the regional Ministry of Health officials, creating the impression from “doctors” that the EID was incompetent:

“The water in the Erickson system is contaminated all the time,” [Bill] French said. “There have been (positive coliform tests) in a high percentage of the samples all the time, but especially this time of year.” (*‘Real risks’ in EID: Corrigal*, Creston Valley Advance, June 8, 2000. Bill French a public health inspector in Cranbrook)

“This is the pristine, pure water that doesn’t need to be treated,” Larder said sarcastically. “Erickson’s counts have been high since 1990 and can only get worse, and yet different players ... have spent the last two years creating the impression that there isn’t a problem. The group isn’t telling you the truth and is lying. If my chance of winning the lottery twice than finding (0157) in the water, I’d be buying lottery tickets every week,” he said, referring to a remark by WAG member Ralph Moore in a story published in the June 5 Advance. (Creston Valley Advance, *EID dodged E. coli bullet - Larder*, July 12, 2000)

Despite the fears and spins put to the public in the media about Erickson’s source of water supply by the Ministry of Health, Erickson action group members, after filing a Freedom of Information request, could get no official return correspondence from the Ministry of Health officials in Cranbrook from their monitoring files for Arrow Creek on how bad their water was since the new provincial Drinking Water Regulations were legislated in 1992.

17.(c) The blight against democracy - the political takeover of the EID

On November 3, 2000, Dr. Andrew Larder sent a letter to the Minister of Municipal Affairs, Jim Doyle, requesting him to dismiss the Erickson Improvement District trustees for not obeying provincial regulations to chlorinate their water supply, despite the agreement that he made with the EID back in 1999 about the back up chlorinator, and the interim agreement planning stage for a alternative treatment system. A copy of that letter was not sent to the EID for their information. Instead, the EID found out about it a few weeks later. They were flabbergasted, astonished at Dr. Larder's request, and immediately wrote to Minister Doyle to set up a meeting, to explain the history of the issue with the Minister. After meeting with him, Doyle asked if they would send him final plans and information for the alternative treatment facility, and gave them a deadline until the end of December to do so. On December 21, 2000, within the deadline set by the Minister, the EID sent Doyle the package he had asked for, which their engineer and lawyer had approved, and stated in the letter that if there were any other questions they should contact them as soon as possible.

On January 3, 2001, the Vancouver Sun newspaper ran a front page feature, *Province urged to take control of town's water - East Kootenay health officer calls failure to chlorinate 'shades of Walkerton'*. Somehow, Larder's letter of November 3rd reached a reporter at the Vancouver Sun. "The medical health officer for B.C.'s East Kootenay region has called on the province to take over the delivery of water in the small town of Erickson to avoid a potentially deadly Walkerton-style outbreak of water-borne disease," ran the first paragraph.

"This is shades of Walkerton," a clearly frustrated Dr. Larder warned in a phone interview today. "When I deal with the improvement district, I feel like Alice in Wonderland. I've gone through the looking glass and I'm in a world where everything is topsy-turvy." Arguing that a chlorine-treatment facility would cost \$1 million, Larder noted two-thirds of the water samples taken from the Erickson system contained coliform bacteria either from plants or the intestines of mammals, including some of the more than 20 strains of E. coli bacteria that cause diarrheal disease."

On January 4, 2001, the Vancouver Sun editorial, *Province must clear the Kootenay waters*, warned the public of cholera and typhoid, and insisted on the use of chlorine:

While we rarely support using the heavy hand of senior government to resolve local problems, we make an exception this time. We urge Victoria to step in and insist that the Erickson Improvement District treat its water with chlorine. The district stubbornly refuses to comply with provincial guidelines and orders. The natural world is not benign. It produces deadly bacteria that cause everything from cholera to typhoid. Nature's killers need to be controlled. Chlorine is a chemical that has been used successfully for several decades to get rid of these natural born killers (bacteria) in our water.

Members of the EID, and their lawyer, met with Jim Doyle and Andrew McTaggart, Doyle's administrative advisor, in Cranbrook on January 9, 2001. EID trustee Elvin Masuch was told by Doyle at the meeting that they never made the deadline. Something was obviously wrong, they said to Minister Doyle. We sent it to you on December 21st. Didn't you get it? The EID trustees then said that if he wanted another copy, they could send it to him tomorrow morning, first thing. Afterwards, while having a reflective coffee, they came to the conclusion that they were being set up. Sure enough, on January 10, at a press conference in Victoria, Corky Evans and Jim Doyle dismissed the EID trustees, and announced they were sending an appointed "Receiver" to take over the District. The affair created national attention, and with a special feature edition on CBC national television news, and inspiring a long segment in a week long CBC Radio feature on drinking water.

On the evening of Saturday, January 13, at the Creston Recreational Centre, the time-honoured meeting place, about 200 residents showed up to tell the Ministry of Municipal Affairs what they thought about the undemocratic takeover of the EID.

"Democracy is being destroyed literally in front of our faces," someone shouted out. "We want no receiver down here. We'll blockade. We'll fight. We'll do whatever we can."

But in what was called a “truly democratic” vote during Saturday’s meeting, Doyle’s rulings were dismissed and the former trustees were “re-elected” by a show of hands.

“Thank you for your support friends, neighbours. It’s overwhelming,” said Elvin Masuch. “I spent many nights sleepless and I’m sure (the other trustees) have too. We’re going to see if the people in this room, in this community, in this country, are going to accept what’s been done to us by our government. Where’s Corky Evans? Where’s our MLA?”

“He’s sitting on the fence somewhere,” someone said with a laugh. “Let’s make sure Corky Evans is unemployed at the next election.”

Even a political foe was quick to attack the MLA’s non-appearance. “I can’t believe your local member is not here listening to you,” said Blair Suffredine of Nelson, who is vying for the Nelson-Creston Liberal nomination in the provincial election which must be called by spring. “I suggest the immediate election of the new trustees. If (Doyle) discharges those trustees, you just keep doing it until they budge.” (*Hundreds vow to fight*, Creston Valley Advance, January 18, 2001)

It was a similar kind of promise, by Corky Evans, in June of 1989, where he came out against logging in Arrow Creek, that got the community’s support. Similarly, the community awaits Suffredine’s promise to them, which never arrived.

The great irony of the entire affair is that during Wilson’s term of being the EID’s receiver over the period of an entire year now, the Erickson distribution system is still not being chlorinated, where there are no more headlines from Larder. However, on the planning level, and on Wilson’s recommendations, he has brought in an international corporation, Ch2M Hill, in a bid for them to install a new \$11 million membrane filtration plant. And the ultra-violet system which the EID pursued, may be added on to the filtration plant system as a cosmetic feature, for the interest of local residents. Ch2M Hill, which was one of four companies vying for the building of the \$300 million filtration plant for the Greater Vancouver Water District, was voted out by the public in their concerns about the privatization of Greater Vancouver’s water system. Water treatment facilities, especially in areas where water is impacted by resource activities, such as logging, mining and cattle grazing, is becoming a big business in British Columbia, and throughout the world.

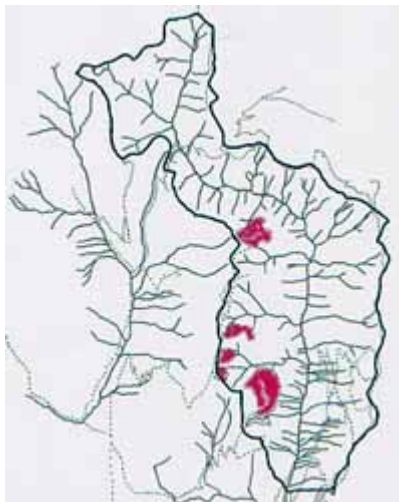


On Monday, January 15, 2001, Dave Wilson, the government’s appointed receiver for the disbanded trustees on the EID, arrived in Erickson and was confronted by a crowd of over a hundred people, many with placards filled with creative slogans, all who felt outraged and abandoned by the government’s actions.

There may obviously be some motives or important reasons as to why the government may have done what it did. Most of all, the EID has been a renegade, a hold out, to the government in its position about no logging in the Arrow watershed. Secondly, the EID defied the orders to chlorinate, in the hopes of providing an alternate treatment system, systems which may run into problems from water sources that have periods of turbidity, muddy water caused from logging practices. To disband the EID, may simply be a way of solving an obvious problem. In the end it may be swallowed up by the Town of Creston or the Regional District, and become part of the planning process where everyone marches by the same drummer.

“The provincial press has also asked me why I allowed the boil order to remain in place for so long. I could only answer that I believed, albeit mistakenly, that the local board would, given enough time and resources, come up with options for ratepayers to consider. There are good reasons to defend that belief. The people of the Creston Valley have solved water treatment problems in Wynndel and in the Town of Creston in recent years. They have successfully taken over management of the watershed itself and produce both wood and good water from the same land.” (Nelson Daily News, *Corky Evans on Erickson water*, January 23, 2001)

18. WHAT DOES THE FUTURE HOLD FOR ARROW CREEK?



When the Creston Valley Forest Corporation (CVFC) was issued its licence in January, 1998, the licence was for a limited period only, for 15 years, and non-renewable. In late 2000, the CVFC began enquiring and negotiating with the Minister of Forests to extend its operating licence from 15 to 99 years, which a number of local residents protested against. Because the majority of the CVFC's licence, about 75%, is in the Arrow Creek, and because the present allowable cut is for 15,000 cubic meters per year, this is not good news for the Arrow community Watershed Reserve.



Furthermore, the CVFC's forest licence also involves logging in two other contentious community water sources, Sullivan and Camp Run Creeks, which are designated Category 1 Watershed Reserves. There have been no Integrated Watershed Management Plans undertaken for these areas with the local communities by government ministries, areas which from the outset were to be provided "maximum protection" according to the 1980 Ministry of Environment Guidelines document, the recommendations from which went through considerable public consultation in the 1970s.

When the CVFC announced its five year plans to the communities of Creston and Erickson in the summer of 1998, the public was very critical about the "community" corporation logging in Arrow Creek, operations which have been put on hold until the year 2002. As shown in the overview of the Arrow Creek watershed, there are five cutblock proposals, along with about 6 kilometers of roadbuilding, which are scheduled to begin in 2002. The lower, large cutblock, CP6-block 20, is where Huscroft creamed, or high-graded the old growth timber in the 1960s, an area which escaped the fire of 1940. The other four blocks, CP7-blocks 7, 23, 37, 39, are all old growth blocks as well. This is merely the beginning phase of logging in Arrow Creek, where later plans are to access the headwaters and younger stands of the previous fires of 1925 and 1940.



In terms of logging in domestic, community watersheds, the battleground has shifted, where concepts of "soft logging" are being waged by advocates and those with financial interests. According to local residents, members of the CVFC have gone to great lengths to influence the local community, and in other communities where this "soft" sell is occurring, in order to get the community "green light".

Ultimately, the logging of Arrow Creek, and all of the other domestic watersheds, is a result of a scandal in the late 1950s which allowed forest companies access to places which had been set aside, and changes to legislation which communities had free and democratic access to protect their source of clean, reliable, and inexpensive water. Though logging has stopped in Victoria's watershed, in Greater Vancouver's watersheds, in the Sunshine Coast Regional District's watersheds (through referendum), and Nelson's watershed being protected by Park status, and others in the northwest United States, for reasons related to the degradation and protection of their water quality from resource activities like logging, does it not seem absurd to have the Arrow watershed subjected to the degradation which local residents and politicians will one day be protesting against for its protection?

In February, 2001, the Society Promoting Environmental Conservation (SPEC), along with the B.C. Tap Water Alliance, initiated a public campaign to reintroduce and to relegislate Watershed Reserves, for the full protection of the resources within domestic and community watersheds. Close to 60 organizations signed a petition on this issue, which was presented to the government (see website: www.alternatives.com/bctwa). Communities have a democratic and historical right to protect their water, and the provincial government has an obligation to its citizens to bring about the proper changes, and to address the historical injustices that have occurred to the public's water sources.

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APPENDIX A

ERICKSON WATER USERS SOCIETY INFORMATION SHEET

MAY 15, 2000, with notes to January 27, 2001

**Compiled by Russell Lahti, president,
Erickson Water Users Society**

The following material consists of a very concise (a lot left out) chronology of events occurring after an order was given to the Erickson Improvement District (EID) to disinfect (chlorinate) our water at source. However, the struggle can be traced back to 1992, when the government made the decision to allow logging in protected watersheds. To off-set probable concerns about the resulting diminished purity of affected drinking water, the Health Act and Water Regulations had been amended to require that all drinking water obtained from surface water sources be disinfected. That, then, led eventually to the requirement to log our watershed area and to disinfect our water!

1. 11 February 1998:

An order is issued by Dr. Arsenault of East Kootenay Community Health Services Society (EKCHSS) to disinfect the EID's water supply. The order stipulates that the EID could not make use of "point-of-use" technology (generally, about the same as "point-of-entry," with the acronym, "POE"). The EID receives the order on 24 February and files an official appeal, but it is accidentally sent to the wrong office on the last allowable day for such an appeal to be considered, and is therefore not considered. (Later, the Health authorities claim that the EID never appealed the order.)

2. 26 June 1998:

EKCHSS (Dr. Corrigan) advises EID that any plan for disinfection must include residual chlorine.

3. 4 August 1998:

EID (Mr. Masuch) requests approval from the EKCHSS to proceed with an engineered preliminary proposal (already underway) for a POE system and offers a submission deadline of 30 September 1998.

4. 7 August 1998:

EKCHSS (Dr. Larder) flatly turns down the EID request to proceed with a POE proposal and again states that the EID "cannot make use of point-of-use treatment technology."

5. 22 September 1998:

EID holds a ratepayer meeting to approve chlorination. Ratepayers overwhelmingly reject chlorine treatment while approving the installation of POE systems.

6. 22 October 1998:

475 Erickson households return surveys registering their disapproval of chlorine and approving the use of the POE system.

7. 26 October 1998:

The EID and the Erickson Water Users meet at the Health Unit with our MLA to explain the situation and solicit his help to find a solution. A crowd of over 150 demonstrators offers support.

8. 27 October 1998:

Municipal Affairs advises the EID that action against the EID will be taken if plans for chlorination are not submitted by 30 October 1998.

9. 30 October 1998:

Under duress, the EID submits plans for a chlorination (MIOX) system to the EKCHSS.

10. 27 November 1998:

A Freedom of Information request reveals that POE systems have been supplying safe drinking water to District schools since 1992 with the approval of EKCHSS officials. Water testing is infrequent and seemingly sporadic, occurring an average of less than 7 times per year, with one school tested less than once per year. (Tests were all within water standards.)

11. 1 December 1998:

In a letter to Ken Auld, a member of Erickson Water Users, EKCHSS (Dr. Larder) now indicates that “fair, factual review and consideration will be given to any engineering proposal for disinfection submitted by the EID,” and states that the proposal must be signed by an engineer and address concerns raised by the EKCHSS in a letter written the previous year (30 September 1997).

12. 3 December 1998:

A letter from our MLA, Corky Evans, states:

- a) A chlorine residual is not required under the Health Act to disinfect water.
- b) Any disinfection that produces safe drinking water qualifies as disinfection.
- c) The EKCHSS is willing to consider any water treatment proposal from the EID.
- d) Our MLA has requested a 45-to-60-day extension of the deadline.

13. 9 December 1998:

In reply to a letter from Don Low (District Agrologist), Dr. Colin McKenzie (Research Agrologist) states that in his opinion, MIOX chlorination will lead to sodium accumulations in the soil which will cause small reductions in yield of sensitive crops (cherries, plums, raspberries). (Every 1% reduction of yield of cherries is a net loss of \$80,000 of crop.)

14. 14 December 1998:

The EKCHSS (Dr. Larder) grants an extension to 15 February 1999 to allow the EID to submit an engineering proposal for a POE system.

15. 17 December 1998:

The EKCHSS (Dr. Larder) reaffirms the extension of the deadline but now requires that the EID submit construction plans and that these plans must now conform to a different set of guidelines (Ove Hals):

- a) Treatment Station buildings must be constructed.
- b) All (including irrigation) water must be treated.
- c) Water must be tested four times a month at each POE point at EID expense.

16. 11 January 1999:

The EID requests an extension of 2 weeks to allow the engineer time to complete the preliminary study for the POE system.

17. 1 February 1999:

The EKCHSS denies the 2-week extension on the grounds that they feel it is not justified, and that any extension would “prolong the health risks associated with this system.” The process that was halted on 14 December 1998 will re-start on 15 February 1999.

18. 25 February 1999:

A ratepayers meeting of the EID is held at the Creston Recreation Centre. 186 ratepayers attend to hear a report that implies that the only financially feasible allowable option for water treatment is a gas chlorination plant. Other alternatives, including the POE one which has been made financially impossible by unnecessary roadblocks set up by Health, are all given impossibly high cost estimates by Stu Mould, the engineer hired by

the EID (unfortunately, also a close associate of the Health authorities). There is no general agreement on any of the options after a long and acrimonious debate from the floor.

19. 13 April 1999:

The Medical Health Officer of EKCHSS writes to Rob Rounds of Municipal Affairs, that unless the EID begins chlorinating their water supply (using a liquid chlorine temporary system) by 1 May 1999, as scheduled, he will begin legal action against the EID.

20. 16 April 1999:

The Erickson Water Users incorporate officially as a non-profit society, and become the Erickson Water Users Society, listing their mission as the protection of the quality and quantity of the Erickson water supply. As such, with a lawyer provided by the Sierra Legal Defense Fund, they initiate a judicial review against the Medical Health Officer of EKCHSS.

21. 29 April 1999:

A roadblock of the EID water intake at Arrow Creek to prevent the arrival of chlorination supplies is initiated by members of the Water Action Group (WAG), supported by 200 local volunteers. This roadblock continues for 55 days, until the court case makes it unnecessary.

22. 30 April 1999:

The Supreme Court judicial review gets a preliminary hearing in Nelson with a request by EWUS to put the order to chlorinate on hold until the final resolution of the judicial review. The EID is also represented by a lawyer. The MHO's lawyer counters with a request to quash the judicial review. Justice Mc Ewan grants neither request and sets the date for a hearing of the judicial review for 22 June in Nelson. The roadblock continues.

23. 22 June 1999:

The judicial review gets underway in Nelson, with Justice Melnick from the court in Cranbrook replacing Justice McEwan. The lawyer for the MHO asks for, and is granted, an adjournment. Justice Melnick agrees to a new court date of 20 July in Cranbrook. He also agrees to allow Ralph Moore to represent WAG in court as an intervenor in the judicial review. The judge agrees to put the chlorination order "on hold" until the final resolution in court, and a court date of 20 July is agreed by all parties. The blockade becomes unnecessary.

24. 19 July 1999:

Just as he is leaving the office in Vancouver to catch a plane to Cranbrook, the lawyer for EWUS receives a 90-page addition to the material to be submitted at the judicial review the next day by the MHO.

25. 20 July 1999:

Because of the lack of time to prepare for the additional material submitted by the MHO at the last minute, EWUS asks for an adjournment of the judicial review. Justice Melnick calls a break in the proceedings and asks the four involved parties to meet to talk about resolving the matter out of court if possible. When the four parties agree to negotiate out of court, Justice Melnick adjourns the judicial review to 9 November, with advice to the four parties that an out-of-court settlement would be much better than going back to court again. He also agrees to keep the chlorination order on hold ("status quo") until the case is finally resolved.

26. 11 August 1999:

Corky Evans, MLA and Minister of Agriculture, arranges a meeting among representatives of EWUS, WAG, EID, himself, and officials from MOH and Municipal Affairs. Each representative is allowed two questions (no comments) only, and it seems quite evident by the end of the meeting that it has been a public relations effort, especially after an information pamphlet is later distributed, giving a highly slanted version of what happened at the meeting.

26. 4 September 1999--15 February 2000:

Initial refusals by the MHO to meet with all three other parties results in an agreement by teleconference among

the lawyers and the judge in October for another postponement of the judicial review to 15 February 2000. Finally, the MHO agrees to an all-party meeting at the EKCHSS offices in Cranbrook to be held on 16 February. The judicial review is postponed indefinitely.

27. 16 February 2000:

The meeting of all four parties (EID, WAG, EWUS, and the MHO) and their lawyers takes place in Cranbrook, as scheduled. There is an agreement reached to work together on both a short-term solution and a long-term solution to the issue of Erickson water treatment. There is an agreement that both the order to chlorinate and the judicial review will be “on hold” until a final agreement satisfactory to all is reached, when both will become irrelevant, or until it is clear that there is a real impasse which cannot be solved, when EWUS will re-activate the judicial review.

28. Situation on 15 May 2000:

It appears that an agreement to essentially improve the boil-order program and to possibly provide POE systems to commercial establishment dealing with the traveling public could soon complete the short-term negotiations, which have been conducted so far by letter. However, another 4-party meeting may be called to conclude this part of the negotiations. The longer-term situation may be on-going for some time. Federal and Provincial infrastructure funding (so far denied to the EID) may become crucial to a satisfactory long-term treatment plan. The greatest threat now may be the feeling of complacency generated by our long success in keeping chlorine out of Erickson water. We still have a long way to go before we can really afford to “let it go.” The fact that the MHO has been agreeing to negotiate with us gives some reason to believe that the will of the vast majority of Erickson water users for water which is chlorine-free is beginning to be respected. But anything could still happen, especially if it appears that our determination has diminished.

Further note, 27 January, 2001:

A few days after the above rather optimistic note, the Walkerton outbreak became public, and the EKCHSS, led by Larder, went on a media blitz, augmented by threatening phone calls and letters to the EID from Dr. Corrigan. A request to Dr. Larder for a meeting of all four parties to finalize the short-term agreements and discuss the direction of the longer-term final solution was met with a request from Bob Macquisten, Larder’s lawyer, for a meeting in September.

After much discussion as to an available date, a teleconference of all four parties was arranged in October 2000. A frank and open conference ensued, which seemed promising, but Dr. Larder soon after stated to the local press that it had accomplished nothing. A month later, after more media attacks, Dr. Larder requested that the government dissolve the EID and appoint a receiver to run the District.

The Minister of Municipal Affairs then wrote to the EID, giving them a deadline of 31 December to come up with a suitable plan for water treatment. The EID sent in a letter on 21 December, outlining their plan and asking for a meeting with the Minister. The meeting took place on 9 January 2001, and on 10 January the Minister announced that he was appointing a receiver to run the district because of lack of action by the EID. On 13 January there was a meeting of 200 concerned citizens who offered support for the trustees and affirmed their opposition to chlorination.

On 15 January the receiver, David Wilson, appeared, and was met by 100 local citizens who would not let him enter the EID office, but allowed him to speak to them outside. That evening, the receiver met with representatives of WAG and EWUS, as well as the EID trustees and Secretary/Treasurer, who gave their opinions regarding the situation.

The next move seems to be in the hands of the receiver, and in the meanwhile, a national media battle is taking place, initiated by Dr. Larder, and responded to by the folks in Erickson.