

THE BIG EDDY

Water District	Watershed Number*	Source	User	Reserve Area Requested**
Revelstoke	1a	Clachnacudainn Creek		15.3
"	1b	Greely Creek		20.3
"	1c	Hamilton Creek	City of Revelstoke	5.6
"	1d	Bridge Creek		1.7
"	1e	Napoleon Creek		1.2
"	2	Dolan Creek	Big Eddy W.W.D.***	1.7

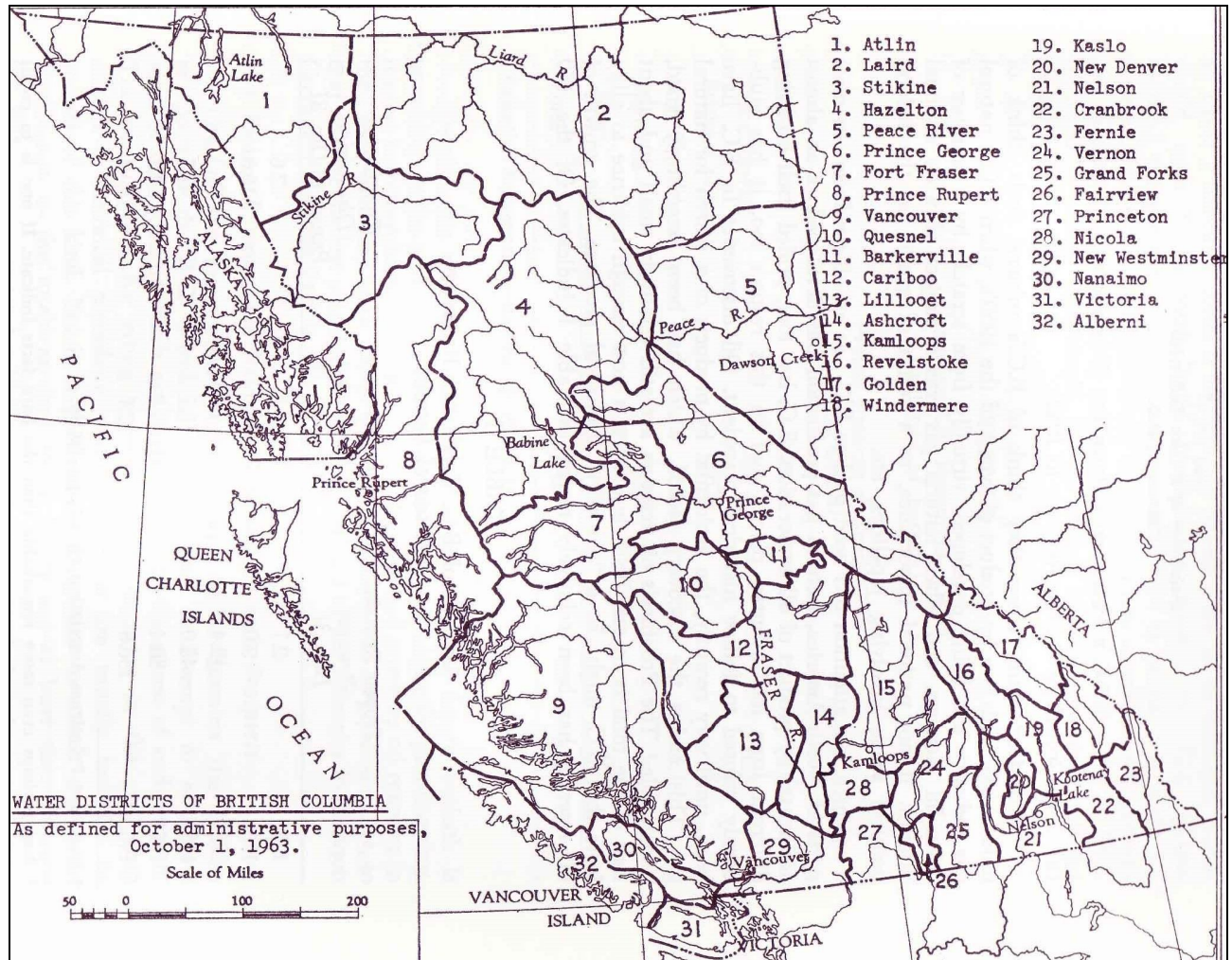


A History of the Big Eddy Waterworks District and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve



By Will Koop, September 30, 2013
 B.C. Tap Water Alliance (<http://www.bctwa.org>)

For administrative purposes, the Province is divided into thirty-two water districts, whose boundaries so far as possible follow watershed boundaries. Local administration is decentralized to four district offices, each staffed by a District Engineer, an Assistant District Engineer, and a clerk-stenographer, and each is responsible for a group of water districts. The four district offices are located at Victoria, Kelowna, Nelson and Kamloops.



The granting of every licence involves a considerable amount of work. Every government Agent in one office in each water district, amongst his other manifold duties, is a Water Recorder, and an applicant for a water licence, after posting copies on the ground, has to file an application with the Recorder of for the district, who sees that it is properly filled out and forwards a copy to headquarters of the Branch in Victoria. Here the application is checked and staturesd, which involves considerable work, including entry into registers and onto maps. The applicant is then written to, requesting the payment of fees, proof of posting of the application, service thereof on all owners of the land that will be affected physically by the proposed works, and on all licensees whose points of diversion are at or below the applicant's proposed point of diversion, also of advertising if so ordered.... A further check on the application is made by referring it to the appropriate District Engineer for his report; this may or may not involve an examination on the ground. (Source: 1946 annual Report of the Lands, Surveys, and Water Rights Branches. Note: Water Districts were incorporated in 1908 as administrative planning units, even before the issuance of Forest District boundaries as planning units.)

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DEDICATION TO COLLEEN McCrORY

We have dedicated our report on the history of the Big Eddy to the late Colleen McCrory, (1950 - 2007).

I believe the first time I met Colleen was in February 1989 at the first Tin-Wis conference held in Tofino, on the West Coast of Vancouver Island, where a large and influential gathering of First Nations representatives, environmental activists, forestry labour workers, academics, ecumenical Church representatives, and interested parties met to discuss BC's decrepit and sorry state of forestry. That famous and influential conference was held when the Social Credit Party administration was pushing a highly controversial agenda on the "Roll-Over" of Tree Farm Licenses, controversies which directly led to the establishment of a provincial Commission on Forestry.



Following that first meeting, whenever I went on one of my big annual or bi-annual holiday/working tours throughout the Province of BC, I always tried to include the Slocan Valley in my travels to visit Colleen at her home in Silverton, and to visit the busy office of the Valhalla Wilderness Society. I was always warmly welcomed in her home, where many lively debates were had and strategies made about environmental and social justice issues, and where she would impart to me many of her interesting stories and adventures. It is also where I was introduced to many community and environmental issued citizens and activists.



Among Colleen's numerous achievements, initiatives and constant struggles as a passionate activist, campaigner, and spokesperson since the 1980s, recognized and known widely across Canada, she was one of the founding directors of the B.C. Tap Water Alliance when members met at the inaugural meeting held at North Vancouver's Lynn Canyon Ecology Centre on February 22, 1997, shown here in the meeting photo. (Colleen is sitting in top left of the photo.)

One of the immediate reasons and actions for our kick-starting the Alliance was Colleen's intimate concern to protect the untouched Bartlett and Mountain Chief drinking water supply sources located at her home town of Silverton, areas newly scheduled to be clear-cut logged by Slocan Forest Products in 1997. We were intrigued by our discovery in January 1997 that though the areas were supposedly protected because of their conflicting tenure status as *Land Act* community Watershed

Map Reserves, the government of the day was nevertheless planning to log them, and had failed to inform the public about their Reserve tenure status.

Shortly after the first Alliance meeting, I left on a long road trip to Silverton where Colleen copied my early, initial records on the Watershed Reserves, the Ministry of Environment's files on the operations of the first provincial Task Force on community watersheds (1972-1980) that I reviewed in late 1996. Those records and our preliminary understanding of the Reserves were the catalyst for the Valhalla Wilderness Society's legal action in June 1997 against the Ministry of Forests and Slokan Forest Products, the first court case on B.C.'s Watershed Reserves. The Petition Hearing was held at the Nelson City Supreme Court before Justice Paris.

Due to the likely threat of initiating a significant legal precedent, and on inherent dangers of revealing a wide network of provincial scandals on the mismanagement of BC's community Watershed Reserves, the provincial government allegedly shredded valuable documents on the establishment history of the two named Reserves, and then removed any references of the Reserves from its computer registry data files, and revised its central provincial planning maps accordingly.

In its argument before the Supreme Court, the government, through the Attorney General, simply denied the existence, and/or establishment, of the two Reserves, and the government subsequently and dishonestly used the case as a legal precedent to continue to permit forest harvesting in BC's Watershed Map Reserves. Though routinely touted as a precedent by the legal community, Justice Paris was never provided with sufficient arguments and evidence on the merits of Valhalla's case, as many relevant evidentiary documents have since been retrieved by the BC Tap Water Alliance.

Alongside Colleen, hundreds of local citizens from Silverton and New Denver gathered at the road entrance below the old standing intact forests in Bartlett and Mountain Chief Creeks to block the arrival of logging equipment, with many arrested by a large team of R.C.M.P. officers, a very troubling and sad day for British Columbia. A long banner, which was hung high behind the gathered citizenry, stated ***May Be Legal: Definitely Unjust***. And shared along the upwardly-held hands of six citizens standing abreast at the front of the gathering was a second banner, ***For Love Of Water*** (FLOW), the motto coined in August 1984 by the initiation and conference of the BC Watershed Alliance.

Driven by a deep sense of concern and justice to protect BC's drinking watersheds, some four years later Colleen obtained funding to place a series of advertisements in provincial newspapers on Watershed Reserves during the NDP government's public hearings on the implementation of its controversial *Drinking Watershed Protection Act* in early 2001. Controversial, because the title of the *Act* was misleading, in that provincial community watersheds weren't going to be protected from resource uses as they once had been.

**PROTECT THE SOURCE OF
DRINKING WATER
BY LEGISLATING WATERSHED RESERVES**


Legislation for full protection of Watershed Reserves was in place for 50 years in BC, but it was extinguished to facilitate logging. Now the drinking water of numerous rural communities and municipalities is threatened by watershed logging. A new Water Act will soon be legislated, but as currently written, it will do nothing to protect watersheds. The petition below has been signed by organizations representing thousands of British Columbians from all walks of life. This may be the last opportunity to ensure protection of water sources in BC. We hope Premier Douglas and the BC government have the wisdom to protect this invaluable resource.

Forests play an important role in the protection and replenishment of water, our most precious natural resource. Many of BC's sources of drinking water have been damaged by industrial development such as logging, road-building, mining and grazing. Many watersheds throughout BC are in crisis because of these activities and under existing legislation there is no protection for the source of water.

Health must come before profit. Water needs to be preserved, not treated after it has been compromised. The citizens of this province are demanding the kind of protection offered by more effective, less harmful non-chemical water treatment solutions. These solutions cannot be utilized in the absence of the high quality source water that intact forests provide.

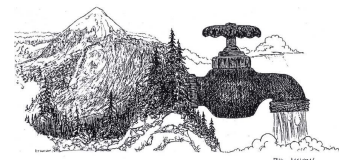
We urge the BC government to protect the source of drinking water by legislating "Watershed Reserves". Watershed Reserves would be areas that have no logging, road-building, mining or grazing by specific legislative enactment prohibiting these uses in any form. Watershed Reserves would reduce the provincial Allowable Annual Cut by approximately 2%.

Water quality is one of the most important issues facing our communities. Every citizen in this province deserves to drink clean water. The most important way to provide clean water is to protect the source. Protecting water sources by legislating Watershed Reserves will leave one of nature's richest legacies for our communities, our children and future generations: clean water.



Colleen was a wonderful and longstanding friend. She is greatly missed.

Will Koop, Coordinator.



PREFACE AND ACKNOWLEDGEMENTS

It was in February 2001, that I first met two representatives from Big Eddy, a small community located adjacent to and immediately west of the City of Revelstoke, home to about one thousand residents. Lloyd Good and Peter Oosterhoff were earnest and eager Big Eddy participants attending a jam-packed public workshop and input forum held in Kelowna City. It was one of eight lively meeting forums held throughout British Columbia from late January to end of February 2001, concerning the New Democratic Party administration's proposed and preliminary implementation of the *Drinking Water Protection Act*,¹ passed in April 2001 a month before the provincial election. For a few minutes during a break between sessions, as we conversed about numerous topics and made casual pointed jokes and innuendos about yet more broken promises by yet another provincial administration to "protect" drinking watersheds, I promised the Big Eddy representatives that I would come out to visit them, about a seven hour drive from Vancouver.

Before our meeting in Kelowna, I had a few lengthy and lively introductory discussions with Lloyd Good (Big Eddy Waterworks District Trustee chairman) on the telephone about the many sordid tribulations the Big Eddy community had encountered with provincial agencies for over twenty-five years about its drinking water source, Dolan Creek, a small watershed located on the door step and just west of the community. Prior to our telephone discussion, I recalled scant bits of information about the Dolan from central government files on community watersheds that I had collected from 1996 to 1998. I immediately took an interest, because Dolan, as many other community watersheds, was registered by the Lands Ministry in 1973 as a *Land Act* Watershed Map Reserve, later assigned in the late 1970s to the watch, delegation and administration of the former Ministry of Environment. By the early 1980s, as the Ministry of Forests brazenly attempted to overtake the role of the Environment Ministry to implement commercial logging and livestock grazing licenses in provincial community watersheds, the tiny Dolan watershed seemed to have become the focus of great internal government concern in the few records that I had of it. Intrigued by these scant references, I wanted to find out more.

I made two initial visits to Big Eddy – once in 2001, and again in the late summer of 2002 – which included tours into the Dolan watershed, an inspection of the community's small holding reservoir and pump station, and a quick tour of Revelstoke City's water supply source intake area, Greeley Creek. It was during the second visit, which also included a short introductory meeting with former Waterworks District Chairman Clay Stacey, that I asked Good, the twenty-year long Chairman of the Big Eddy Waterworks District (elected in April, 1982), if I could have a peek at his District's files.



Photo of Lloyd Good, 2002: opening the door of the Big Eddy Waterworks District office for the world to see.

¹ The public forums were held a few months before the end of the NDP's ten-year long administration, 1991-2001. The legislation was prompted by a series of reviews, stemming from the Auditor General's March 1999 report on drinking water, *Protecting Drinking Water Sources*, and a legislative review committee that followed on the heels of that report.

After carefully reviewing the records stored in the District's small wooden office head quarters, Good had his secretary promptly photocopy a thick set of documents and reports that I had flagged. The records follow accounts over about a fifty year period, from 1949 to 2002, and feature the Trustees' repeated tribulations with provincial government authorities. The bulk of information presented in *The Big Eddy* report is based on records retrieved from the Big Eddy Waterworks District in 2002.

Their contents were so fascinating and compelling that I began writing a small report in October 2002, eleven years ago, about the Water District's experiences with provincial government agencies. I decided naming the report "The Big Eddy." The title had a simple yet powerful and appropriate ring to it, conjuring up a Jungian-like archetype, a tornado-shaped-like movement and energy of water trapping everything within a fixed eternal vortex, a symbolic spiral of trappings capturing, as it were, the many vigilant struggles by the public with the provincial government on the protection of drinking watersheds.

During my early drafts from 2002 to 2005, Peter Oosterhoff offered his own reflective interpretation, having left the following words on my telephone answering machine to help describe and give added weight to the metaphor: *Human beings, from the moment their journey of awareness was interrupted, have been caught in an eddy, so to speak, and are spinning around having the impression of moving with the current, yet remaining stationary.*

As the first draft took shape, the Big Eddy report essentially became a companion document to my hastily written work of January 2002, *The Arrow Creek Community Watershed: Community Resistance to Logging and Mining in a Domestic Watershed, A Case History.*, which will be re-written sometime in the future. It is an account of the Erickson Improvement District Trustees and their struggles, since 1929, to protect the Arrow Creek Watershed Reserve which supplies drinking and irrigation water to the greater Creston area, located in southeast BC near the southern tip of Kootenay Lake. What first interested me about the Arrow Creek watershed history was the fact that in government records I reviewed in late 1996, the watershed became a subject of primary concern by the provincial government, and was specifically cited in the February 1972 Terms of Reference for BC's first and only Task Force on community watersheds which convened over an eight year period.

The Big Eddy and Erickson/Creston community water purveyors had intriguing commonalities, forming a fascinating and compelling pattern. They were both located within the same regional administrative and resource planning boundaries of the former Ministries of Environment and Forests.² They both had long established accounts of strong, successful community resistance against local forest industry companies and the Ministry of Forest's³ unyielding and dishonest intentions to log their drinking sources, despite the ironic fact that each had been provided with special legislative Crown land tenure powers as Watershed Reserves to prohibit logging.

² The regional planning boundaries were recently changed by the BC liberals. Reportedly, attempts are underfoot to create one entire provincial planning boundary, and eliminate all former regional boundaries.

³ There is a distinction between two titles given to the provincial government's administration of Public forestlands. The "Forest Service" is the name generally used or referred to from 1912-1979, after which time the Department became a separate entity called the "Ministry of Forests" under the *Ministry of Forests Act*. Though the title "Forest Service" may be, and has been, used interchangeably for both time periods, it may be more correct to refer to each for each time period.

Due to the persistent intensity of community resistance against the Forest Service's schemes to introduce commercial logging and road access, and the consequential problematic influence on public perception invoked toward the powerful Ministry of Forests by each of the two water purveyors, in the 1980s senior government bureaucrats and regional administrators within the Nelson Regional Forest and Environment Ministries considered the two cases as highly sensitive and assigned each watershed source with high priority status. Internal orders were regimented to subdue the 'agitators' in order to prevent further embarrassing precedents against the Ministry of Forests' aggressive plans that were already under considerable public criticism.

Despite great pressures under a controversial and newly implemented "multiple-use" mandate that had been replaced by and morphed into the term "integrated-use", and despite the Ministry of Forests' and Environment Ministry's Integrated Watershed Management Plans (IWMPs) for proposed logging within both the Dolan and Arrow Creek Watershed Reserves in the mid to late 1980s, persistent objections and lobbying efforts by both the Big Eddy and Erickson Improvement District communities and their Trustees prevented their water supply sources from being logged.⁴

Things however took a tragic turn for the ever-vigilant Erickson Trustees and the supportive greater Creston community in their decades-long struggles to protect Arrow Creek. The New Democratic Party administration, which had promised to legislate the protection of drinking watershed sources in pre-election campaigns prior to being elected to office in late 1991, eventually provided a probationary Community Forest tenure licence in 1997 to the Creston Valley Forest Corporation to log the Arrow Creek Watershed Reserve (including three other community watersheds and Reserves). The "community" forestry corporation originally involved the strange alliance and bizarre twisted politics of a local branch of the East Kootenay Environmental Society (EKES), the Town of Creston, and the Regional District of Central Kootenay (the Regional District had for decades fought to protect drinking watersheds – a new political element was re-writing its policy).

The political manoeuvring in this "community" forest alliance was the direct outcome of new, yet underhanded, land use planning initiatives from CORE (Commission on Resources and Environment) meetings, responsible for the informational process developments of the East and West Kootenay Boundary regional Land Use Plans underway in the early 1990s. These intertwined CORE processes relegated community watersheds into new resource management criteria under the title of "Special Management Zones",⁵ whether community watersheds were or were not legislatively protected with conflicting Crown Land tenures as Watershed Reserves. While protected with legal tenures, nothing was imparted by provincial government staff to the public during the CORE meetings, nor in the Land Use report documents about their Reserve tenure status and history. As described in my book, *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*, and in the BC Tap Water Alliance letters to the former Minister of Forests and Range, the legal tenure status of many community watersheds as Watershed Reserves had been conveniently overlooked and ignored by provincial staff participating in and chairing the public planning tables at CORE, making those component outcomes and resource recommendations of the government's Land Use planning documents illegal!

⁴ Several Erickson Improvement District Trustees travelled to Victoria in late 1989 where they met and presented Minister of Forests Claude Richmond (Kamloops area MLA) with a large petition against logging, which resulted in Richmond ironically and strangely issuing a five-year logging moratorium in Arrow Creek, over a Watershed Map Reserve that was already protected from logging.

⁵ At the CORE Table in 1994 was a "Watershed Sector" sub-group of some thirty or more regional 'public' representatives that agreed to the new management proposals for 'consumptive use' watersheds.

By December 2002, the Big Eddy report draft began to take on larger perspectives and proportion, and undertook to reveal the provincial framework and historic periods through information I had compiled since 1991. The Big Eddy records were inter-connected with numerous other accounts related to public drinking watershed issues in BC over the last century. In turn, those accounts were contextualized with similar and interrelated accounts and intrigue that had taken place in the United States. By August 2003, the seventy-page report had expanded into an unwieldy six hundred page draft document. Out of this larger draft eventually came the book published in 2006, *From Wisdom to Tyranny*. However, the Big Eddy story and history took a back seat and became a mere speck or fragment within *From Wisdom to Tyranny*, because a more important story first needed to be narrated about the history of BC's Watershed Reserves. Though serving a very important purpose as the principal catalyst for the book, unfortunately an interim report dedicated to the Big Eddy history went unpublished.

Following the release of another report in May 2008, *The Community Forest Trojan Horse*, concerning the sordid machinations of a so-called "Community Forest" license in the Sunshine Coast Regional Districts' two Watershed Map Reserves, Chapman and Gray Creeks, is when I began to revisit the Big Eddy manuscript. After spending some serious time with the old material came the realization of renewed plans for yet another journey to Big Eddy and Revelstoke City to review additional archival records.

In late June 2008, fate took me on another one of my working 'vacations' into BC's Interior. A very interesting day was spent in the high mountain back road logging country on the southeast side of Okanagan Lake documenting and inspecting, once again, the Ministry of Forests' forest hydrology experimental site at the headwaters of Penticton Creek, a Watershed Reserve,⁶ the source of drinking water for Penticton City where American-based Weyerhaeuser was logging, and where domestic livestock cattle were freely grazing and defecating through the drinking water riparian zone under permit by the Ministry of Forests. After that, almost a week was spent in Rossland City investigating the land development controversy in one of the City's drinking watersheds, the Topping Creek Watershed Reserve, reserved by the government back in 1940 from all land use permit applications. On the final leg of my journey to Big Eddy, my vehicle's transmission broke down just south of the Town of New Denver in the Slocan Valley, and my vehicle ended up being towed some 180 kilometres north to Big Eddy where I had to stay put for almost two weeks to await a used transmission shipped from the Lower Mainland.

It was in my stay in Big Eddy that turned out to be a very important layover. Two matters were accomplished: writing an initial report on Rossland City's Topping Creek Reserve, and secondly, on finding critical early documents and newspaper accounts on the City of Revelstoke's drinking watershed Greeley Creek, and on Big Eddy's Dolan Creek. It was these additional documents that not only helped solve an important puzzle on the history of the Big Eddy Water District's protection of Dolan Creek, but also provided critical evidence on the early establishment of legislative Watershed Reserves in British Columbia.

My sincerest thanks go to the late Lloyd Good (who recently passed away) for all of his early assistance and support, to Clay Stacey for his recollections and advice, and to Peter Oosterhoff for

⁶ The Penticton Creek watershed had been protected by a series of three established Reserves (1936, 1964, and 1973). According to a government list of existing or active Watershed Reserves, Penticton Creek is not on that digital data list. No information or reasons have yet been found as to when and why this Reserve was taken off the list.

his kind and charitable support and a place of refuge (lots of cycling, great food, where we watched Loreena McKennitt's music video, *Nights from the Alhambra*, outside late at night under the stars – an unforgettably enchanting and inspiring evening!). Thanks also to the City of Revelstoke for access to old files and meeting minutes, to the Revelstoke Museum for review of archival records, and for the Revelstoke Daily newspaper in reviewing its hard-copy collection. Thanks to Linda Williams for her patience in listening to endless conversations and in editing sections of the report. Other than a minor financial contribution in early 2013, all of the research and writing of the report was self-funded.

