

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>)

7. THE STRUGGLE FOR CONTROL

*Logging in your watershed is as compatible as your horse next to a glue factory.*²⁰¹

*The Big Eddy Waterworks District has better accepted harvesting in the watershed as a result of the joint letter and seem to better understand that single use may not be the best option.*²⁰²

*Some 680 watersheds covering 2% of the provincial land base are classified as community watersheds. Although not significant in a provincial context, these watersheds represent a substantial portion of water supply in the southern half of the province, especially the southern interior. For example, community watersheds cover 40% of the Penticton Forest District, and about 11% of each of the Arrow, Boundary, and Kootenay Lake Forest Districts.*²⁰³

*In general, your specific problem, namely the multiple use of the Duck Creek watershed, is only part of a much larger Provincial problem with which my Ministry is concerned. As you are no doubt aware, the forest industry is the major contributor to a healthy economy in British Columbia. Unfortunately, our valuable forest lands and our precious watersheds, in most cases, share a common land area, making it imperative that we adopt a multiple use concept with respect to our watershed lands.*²⁰⁴

The 1980s marked a particularly ugly and dark period in British Columbia's forest management political history during the Social Credit Party administration's second era reign over the Legislature (1976 - 1991). Dozens of local community-based environmental and conservation groups and organizations were formed as a result, along with the accompanying and organized rise of First Nation protests against the unbridled and unauthorized abuse of Crown land forest resources. The old timers, the more conscientious foresters and small forestry company men, saw the signs of its unfolding in the early 1970s, the strange and sudden transitions in the Forest Service's policies and administration. Forest companies, through the powerful, influential, organized and well-funded central lobby structure of the Council of Forest Industries (COFI), were manoeuvring, like some anticipated move on a complicated chess board, to take great control of BC's vast Public forestlands, and while doing so were ruthlessly cutting down those forestlands at an unprecedented, frenzied rate.

The Province's rich ecosystems – water, wildlife, fish, and forest resources – that the 1945 Sloan Forest Resources Royal Commission final report identified and had specifically recommended to be honoured and maintained under a responsible future system of sustained-yield logging, were under

²⁰¹ Quote from Big Eddy Trustee Lloyd Good made sometime in 1984 to 1985 in the Revelstoke newspaper, reprinted in a 10-year review of prominent news quotations in 1995.

²⁰² D.L. Oswald, Nelson Ministry of Forests Acting Regional Manager, to J.R. Cuthbert, Chief Forester, July 23, 1985.

²⁰³ *Forest Practices and the Quality of Our Drinking Water*, in the Fall 1994 Quarterly, Forest Research News, page 7, published by the Ministry of Forests and Forestry Canada.

²⁰⁴ James A. Nielsen, Minister of the Environment, letter of response to a Wynndel resident (near the Town of Creston), January 19, 1977.

a contrary, concentrated assault as never before. And, it was in this period that COFI, through the newly formed Ministry of Forests (1978), its eager lapdog, now seemingly and ever-more divorced from its former partner resource Departments of Lands and Water Resources (amalgamated into a new Ministry of Environment), began to downsize government watchdog agencies and herd the public's formerly protected drinking watershed sources into its operational commercial logging land base, amidst raging public protest.

7.1. Water Comptroller Brady and Environment Minister Brummet Troubled Over a Critical Precedent

In this period of political timber resource turmoil during the last four months of 1983, the Big Eddy Trustees repeatedly requested the Ministry of Environment to fulfill the Environmental Appeal Board's recommendations regarding the proper rehabilitation of areas disturbed from B.C. Hydro's transmission line clearing in the Dolan Watershed Reserve (narrated in Chapters 5 and 6). It was evident in their letter to Environment Minister Anthony Brummet that his Ministry staff had failed to properly seed the exposed soils over Hydro's right-of-way following the timber clearing operations:

It is hard to understand how anybody would believe that by sprinkling grass seed on frozen ground on October 20, 1983 would be sufficient to complete the rehabilitation of Dolan Creek. I know of no place where a successful hay crop was grown where the seed was planted after the ground was frozen. ²⁰⁵

The Trustees wanted their Watershed Reserve properly repaired, and in search of accountability they went to the top man, the Minister of Environment. Disappointingly, Brummet was not going to look into the matter. He merely inferred that the Big Eddy Trustees should stop complaining and get used to these conditions because of his government's new rationale for "integrated use" in the public's drinking watersheds, while avoiding and ignoring their legal tenure status as Watershed Reserves:

With reference to the Environmental Appeal Board, the decision of the Board has been adhered to. The recommendations of the Board are actions which are suggested for consideration. Mr. Brady [the Water Comptroller] pointed out that the recommendation "that the watershed in future be closed and secured from public access by foot, horseback, and wheeled or tracked vehicle" is not acceptable in that it is contrary to government policy on the integrated use of Crown land and water resources. I understand he did explain that as Dolan Creek is a community watershed, special recognition would be given prior to any future logging or other land use changes upstream of the District's intake.

Over the eight year period, beginning from the time the Ministry of Health sent its letter of concern to the Big Eddy Trustees in September 1975 to Brummet's letter of November 1983, the nature of government policy and its collective attitude about the issue of community watersheds changed dramatically and substantially, began to harden, became entrenched and dominated by various political interests spearheaded by the Ministry of Forests to access resources within them, attitudes and directives which spilled over and also heavily influenced the Ministry of Health. That is

²⁰⁵ Lloyd Good, Chairman Big Eddy Waterworks District, to Minister of Environment, Anthony J. Brummet, December 15, 1983.

undoubtedly why the provincial Water Comptroller, through the Minister of the Environment, wanted to silence and to ignore the ruling of the Environmental Appeal Board's recommendation to keep industry and the public out of the Dolan watershed, ironically the very function and nature of an Order-in-Council or Watershed Map Reserve over public lands.

By 1983, there were no legal or court precedents established in British Columbia to challenge the government on its growing dictatorial and controversial position over the public's drinking watersheds, and its mismanagement of Watershed Reserves, and it was apparent that senior administrators didn't want a precedent to begin to interfere with its controversial provincial-wide agenda. This is clearly substantiated by earlier correspondence from Water Comptroller P.M. Brady immediately following the decision of the Environmental Appeal Board regarding Dolan Creek. Brady not only acknowledged the gravity of the Board's ruling and the sensitivity of its nature, but also transmitted his administration's contrary and ideological bias to Ministry of Forests' staff in the Nelson Regional office:

*Please find enclosed a copy of the August 4, 1983 decision of the Environmental Appeal Board. I would appreciate comments on the Board's recommendation "that the watershed in future be closed and secured from public access by foot, horseback and wheeled or tracked vehicle". This recommendation is contrary to Government policy, and even if implemented as a special case, could set a significant precedent. The costs could be very high. Please discuss this with other resource managers and provide me with your comments.*²⁰⁶

Water Comptroller Brady's letter about the Environmental Appeal Boards' finding rang like an alarm bell in the Nelson Regional Ministry of Forest's office after it was distributed to senior management. And, as the following memo relates, John Cuthbert, the Nelson Ministry of Forests Regional Manager – about to be BC's Chief Forester – also quickly rejected the Board's ruling, particularly because his staff were making secret plans to log the Dolan Watershed Reserve:

*We were asked by your Water Management office to comment on the Environmental Appeal Board recommendation to close Dolan Creek watershed. We are not sure whether this closure is intended to apply to resource extraction or not, but if it is, we object strongly to it. The use of resources within a watershed should be determined by a careful review of all the relevant facts, and following this process presently jointly recommended by our ministries entitled "A Policy for the Integration of Forest and Water Planning on Crown Land within Community Watersheds". A unilateral recommendation to close a watershed by an Environmental Appeal Board is definitely not an acceptable substitute. We are in the process of estimating what volumes of timber are potentially harvestable within Dolan Creek watershed, and can make this information available shortly.*²⁰⁷

Cuthbert's Nelson Regional Forest headquarters was designing plans to physically damage and further alter the hydrological integrity of the Dolan Creek Category One Watershed Reserve that was not only supposed to be protected under the 1980 Guidelines document (the "Blue Book"), but more importantly, was already protected through legislation as a Section 12 *Land Act* Watershed

²⁰⁶ P.M. Brady, Director, Water Management Branch, Victoria, to Dennis McDonald, Regional Director, Ministry of Environment, Kootenay Region, and to John Dyck, August 9, 1983.

²⁰⁷ John R. Cuthbert, Regional Manager, Ministry of Forests, Nelson, to Regional Director of Environment, D. McDonald, Nelson, August 26, 1983. Copies of the letter were forwarded to the Chief Forester's office, and to the Revelstoke District office Manager.

Map Reserve. And, as Cuthbert related, the Nelson Regional office had been very busy engineering a new public planning process policy for the Province's 300 or more Watershed Reserves created and re-created by the Community Watersheds Task Force since 1973.

Cuthbert, who had served as the Prince George Regional Office Manager for two years prior to his return to the Nelson Regional office in September 1982 as its Regional Manager, moved on to become the provincial Chief Forester on April 15, 1985, a year after Chief Forester Bill Young's retirement in April 1984, and Young's one year temporary successor, Ralph Robbins. Cuthbert remained Chief Forester until August 30, 1994.

Some seven years into his posting as Chief Forester, in a December 1991 letter Cuthbert advised the Greater Vancouver Water District's new Commissioner, Ben Marr, against the Water District Administration Board's recommendations to curtail or end logging in the Region's three watersheds, as ***"this would set a precedent for other community watersheds, and restrict future development in the Vancouver watersheds.... I am confident that both forestry and community water production can co-exist even better in the Vancouver Watersheds."***²⁰⁸

A little over a year before he left BC government bureaucracy to become the new Greater Vancouver Water District Commissioner and the Greater Vancouver Regional District's top CEO bureaucrat in 1990, Ben Marr, who served as provincial Deputy Forest Minister from 1987 to 1990, had been Cuthbert's boss. Seemingly by 1990, the provincial politics related to logging in community watersheds were tighter than metal straps securing a high quality snare drum.

7.2. More Logging Proposals for Dolan Creek

No sooner than the August 1983 release of the Environmental Appeal Board's decision in favour of the Big Eddy Waterworks District, the Ministry of Forests (MoF) received two separate applications for road access and logging in the Dolan Creek Category One Watershed Reserve, applications which the MoF, the Ministry of Environment, and the Ministry of Lands failed to reject.²⁰⁹ With the seemingly never-ending tribulations associated with B.C. Hydro's transmission line controversy, the Big Eddy Trustees were unaware that they were in for another long round of skirmishes that would extend over the next thirteen years.

However, on this occasion, as there had been in September 1975 with the previous logging application from B.C. Hydro, there was no accompanying letter of support or conditional voice against logging from the Ministry of Health's Regional Vernon office. As explained in Will Koop's May 15, 2002 report, *Doctoring Our Water: From a Policy of Protection to a Policy of Submission*, the Ministry of Health's mandate as advocate protector of public drinking watersheds had been compromised into subservience by the Bill Bennett Junior Social Credit Party administration, and the Big Eddy Waterworks District was therefore left completely abandoned by government agencies, the new brutish reality that all organized water purveyors were now up against.

²⁰⁸ John Cuthbert, Chief Forester, Victoria, to Greater Vancouver Water District Commissioner Ben Marr, December 19, 1991.

²⁰⁹ Mary and Gordon Edwards' private land application was dated July 14, 1983, and Joe Kozak Sawmills Ltd. application was dated August 18, 1983.

One of the forestry applicants, the local Joe Kozek Sawmills in Revelstoke, was well known to the Big Eddy Trustees, as it had the previous contract to clear BC Hydro's transmission line right-of-way. In late 1980, under the observation of MoF staff, Kozek Sawmills failed to adhere to the Environmental Guidelines approved by the Revelstoke Community Impact Community and the provincial Water Comptroller, which led to a number of embarrassing field inspections, amendments to the Environmental Guidelines agreement document, and restoration concerns, accounts which the Big Eddy Trustees were to repeatedly and embarrassingly remind the MoF over the next few years. The MoF Revelstoke Forest District office,²¹⁰ therefore, in late August 1983 wisely postponed notifying the Big Eddy Trustees of Joe Kozek Sawmills' Timber Sale application, until it was finally forwarded to Big Eddy on January 31, 1984, five months later.

The MoF Revelstoke District office, however, decided to only forward Gordon Edwards' application to Big Eddy. Edwards was the owner of a small 10-hectare parcel of private land in the Dolan watershed who wanted Crown land right-of-way access to his private property straight across the Dolan Reserve:

*Please find attached an application from Mr. Gordon Edwards to locate a logging access road in and through your Dolan Creek Watershed. The road is proposed for timber extraction from a private lot located adjacent to and partially within the Watershed. Would you please inform us of the nature of your objections to this proposal.*²¹¹

Sure as rain, the Revelstoke District Forest Manager got an ear full from Lloyd Good, chairman of the Big Eddy Waterworks District:

*In reply to yours of August 19th, please be advised that the Big Eddy Water District strenuously objects to logging access road through Dolan Creek watershed. We are still in the process of trying to get Dolan Creek rehabilitated from the previous damages of B.C. Hydro's power lines intrusion. Allowing more of this type of intrusion would be sheer nonsense and certainly against all watershed guidelines as well. We are already looking at a 2 or 3 years delay in using Dolan Creek for our water supply due to extensive damages in watershed. The District can certainly not afford prolonged delays on usage of Dolan Creek as water supply.*²¹²

7.3. BC's Chief Forester Wrongly Includes the Dolan Reserve in the Allowable Annual Cut

Unknown to the Big Eddy Trustees, in the Spring of 1982 the MoF's Revelstoke District Office and its Regional headquarters Office in Nelson had wrongly included the boundaries of the Dolan Creek Watershed Reserve into its twenty-year Allowable Annual Cut (AAC) determination, authorized through the blessings of Bill Young, the provincial Chief Forester at Victoria headquarters. With the MoF fully cognisant of the long-held position of the Big Eddy Waterworks District against logging registered in its internal files since 1950, and the Dolan's lengthy status as a Watershed Reserve since 1950, and cognisant of Dolan Creek's more recent conflicting tenure status by the provincial Task Force on community watersheds as a *Land Act* Category One Watershed Map Reserve in

²¹⁰ In about 1998, the Revelstoke Forest District was renamed as the Columbia Forest District.

²¹¹ T. Harvie, District Manager, to Big Eddy Waterworks, August 19, 1983.

²¹² Lloyd Good letter to the District Manager, September 1, 1983.

VI TIMBER MANAGEMENT

I. Overview

A. One of the goals of the Ministry of Forests' Harvesting Program is to authorize the harvest of appropriate volumes of timber under provision of the Forest Act according to pertinent regulations, policies and procedures. In the Spring of 1982, an Annual Allowable Cut of 130,000 m³ was authorized for the Revelstoke Timber Supply Area by the Chief Forester.

B. In the fall of 1982, the authorized forest companies in Revelstoke agreed upon 20 Year Operating Areas. According to that exercise, the entire Dolan/MacPherson Management Area made up one of two operating areas for Joe Kozek Sawmills Ltd., and W. & S. Kozek. Their combined Annual Allowable Cut is 9,210 m³. While the 20 Year Operating Area exercise was not etched in stone (i.e., it will be subject to review every 5 years), it does provide a short term scenario and a basis for planning. See Appendix 1. A few Small Business Enterprise Sales (including salvage sales) have been planned for the management area. A small portion of the management area contains Timber Licence T0393 held by Downie Street Sawmills Ltd. This licence expires April 30, 1991.

C. Another goal of the Ministry of Forests Harvesting Program is to ensure that in the planning and execution of timber harvesting proposals, due recognition is given to the integration of other resource values in order that they may be maintained or enhanced. This is accomplished primarily through a referral process whereby all interested or concerned groups are identified and consulted (in person, by telephone or by mail) regarding their input towards operational plans. Field trips and/or meetings may be required and operational plans may be subject to change prior to final approval by the Ministry of Forests' District Manager.

1973, the MoF nevertheless included long-term logging proposals on 220 to 300 hectares, fifty percent and more of the 469 hectare Dolan watershed.²¹³

The Ministry of Forests was undeniably responsible for casting the recognition, function and legal tenure status of BC's Watershed Reserves into a realm of overall confusion. Aside from what government policy and legislation specifically stated about Watershed Map Reserves and Order-in-Council Reserves, the community watersheds Task Force stated in its newly released 1980 Community Watershed Guidelines document that Category One Watersheds were to be provided "*maximum protection*" by provincial resource agencies. It was a strange thing indeed for the Task Force to categorize the Reserves into management categories, since a Reserve itself, as defined under the *Land Act*, already provided "*maximum protection*," no matter what category of land size that the Task Force developed for the Reserves. It was simply someone's idea to separate the Reserves into management area categories.

Furthermore, as identified in a 1978 memo by the Chairman of the Task Force to Environment and Land Use Technical Committee chairman, Ben Marr, the approximately 150 or more Category One community Watershed Map Reserves were scheduled to become Order-in-Council Reserves:

*The most restrictive grouping is Category 1 and covers those watersheds under 6 square miles in area which are virtually free of habitation, and general public and recreational activities. By reference to Table 5.1 of the Guidelines it will be noted that this group calls for reservation of Crown Land from disposition by Order-In-Council; from claim staking by Order-In-Council; that agriculture, forestry, habitation, rights-of-way and recreational activities be strictly curtailed.*²¹⁴

For some reason the initiative to baptize the 150 or more Watershed Map Reserves by the provincial government's executive committee was mysteriously derailed, despite later memo reminders from senior administrators about this looming issue as late as 1982 and in early 1983.

Information prepared November 11, 1982 by the
Surveys and Land Records Branch for the December 10, 1982
Executive Committee meeting indicates that the total
number of watersheds within the three categories has
not changed.

Order-in-Council
reserves for the Category I watersheds (as indicated in the
guidelines) have been recommended by MOE to the E.L.U.C.,
but no action has been taken.

Not only were the Big Eddy Trustees excluded from the MoF recommendation process to place the Dolan Reserve in the AAC, they were also not informed of this controversial matter when the determination was actually authorized by the Chief Forester, contrary to information in the quote below, which happened to be the period when the Trustees were busy hammering out their concerns about mitigation expenses with B.C. Hydro:

²¹³ Information from the minutes of the initial meeting on the Development of an Integrated Management Plan for Dolan Creek, June 27, 1984. The Cut for the Dolan watershed was later dramatically reduced as a result of the Big Eddy Trustees involvement in the Integrated Watershed Management Plan.

²¹⁴ J.D. Watts, Chairman, Community Watersheds Task Force, to Ben Marr, Chairman, Environment and Land Use Technical Committee, May 11, 1978.

(A.) One of the goals of the Ministry of Forests' Harvesting Program is to authorize the harvest of appropriate volumes of timber under provision of the Forest Act according to pertinent regulations, policies and procedures. In the Spring of 1982, the Chief Forester authorized an Annual Allowable Cut of 130,000 cubic meters for the Revelstoke Timber Supply Area.

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In actuality, the "referral process" mentioned in section C of the quotation above failed to include critical input from the public on what Crown (Public) land areas were to be included in the AAC. The long held and practiced public process referral rules, particularly as they related to water purveyors and their Watershed Reserves, were now being routinely ignored and broken. As a result, public consultations were conscientiously and routinely confined to 'after the fact' decisions by the MoF, decisions ultimately and conveniently determined under the discretion of the provincial Chief Forester's Office.

Many of the factors that were wrongly applied into the assumptions about incorporating community watersheds into the AAC determinations were tabled for discussion at meetings of the ninety-odd provincial Public Sustained Yield Unit committees and the Regional and local Resource Management Committees in the 1970s. These meetings left little access for proper decision making processes by provincial water purveyors and the public they theoretically represented, forums where local timber industry representatives often had their way. Though the Community Watersheds Task Force (1972-1980) had determined to process formal avenues for public objections through a time-honoured referral system when it both created and re-created hundreds of *Land Act* Watershed Reserves throughout the Province in the 1970s, the Ministry of Forests neglected to abide by these consultative procedures when it determined AACs throughout the province.

All lands in the Province of BC are represented and categorized by numeric symbols according to Ownership Codes. Government planning staff always refer to and include these Ownership Codes when making land use permit decisions and tenure dispositions through the standard practice of Clearance status procedures.²¹⁶ Such coding is critical for determining which lands are and are not subject to forest harvesting and range livestock resource management for the

CLEARANCE
(STATUS INQUIRY)

²¹⁵ Draft, page 18, *Dolan/MacPherson Integrated Watershed Management Plan*, May 1985.

²¹⁶ Refer to Appendix A for a brief analysis of Ownership Codes.

Ministry of Forests, or for other land permitting uses under the administration of other government agencies. For instance, National Parks (51-N), Indian Reserves (52-N), Military Reserves (53-N), Ecological Reserves (60-N), Watershed Reserves (60-N), Provincial Parks (63-67-N), were provided with two digit identification numbers along with one of three corresponding attached letters, a “B”, “C”, or an “N”. In the case of an “N”, this category was defined as lands not included in the timber harvesting land base. Specifically, for the Watershed Reserves, there were troubling rumours that their “N” classification was secretly replaced, re-categorized and re-grouped as “C” status, so that these conflicting Reserve tenure lands that had been coded for exclusion could now be included in the timber harvesting land base.

- | | |
|---|--|
| - | The sub-codes for forest cover allocation are: |
| B | - Schedule "B" land, Tree Farm Licence (Crown Land). |
| C | - Land available for long-term integrated resource management. |
| N | - Land not available for long-term integrated resource management. |

After the passage of the new *Ministry of Forests Act* in 1978 by the Social Credit Party government – which Council of Forest Industries’ top representative Mike Apsey helped to draft before his controversial appointment as Deputy Minister of Forests in June 1978 – Section 8 of the *Act* necessitates the preparation of a comprehensive Forest and Range (livestock foraging) analysis of provincial Crown lands. These plans were to be forwarded to the Provincial Executive by September 30, 1979, whereby provincial allowable annual cuts were to be determined:

The intent is to produce a set of forest management options that will state levels of timber and range use and the implications these will have on other activities important to the people of British Columbia. The Forest Service considers this project extremely important and wants to produce the best analysis possible within the time allowed.

To meet the deadline, the Forest Service has begun its analysis of timber supply. This will describe the nature of the wood supply and predict yields over time. The analysis is proceeding by constraining the land base according to the factors presently used to calculate allowable annual cuts. [Underline emphasis]

*The unabridged background paper will be appended as reference material to support analyses in later chapters. A suggested outline of the contents follows: ... (e) Discuss policies of other agencies which affect the management of your resource. For example: ... (iii) effects of harvesting on the quality and quantity of water from community watersheds.*²¹⁷

Consistent with its top commanders’ clandestine objectives, at some point the MoF began to include the Watershed Reserves in determining long-term harvesting formulas for the Timber Harvesting land base. As was the case with all the provincial Watershed Reserves, the Dolan Creek Map Reserve was clearly marked on the Ministry of Lands’ Legal Survey Departmental Reference Maps and on the Ministry of Forests Forest Atlas Reference Maps as *Land Act* Reserve No. 0320842. Ministry of Forests planners at both Nelson Regional and Revelstoke District offices had working reference copies of these maps, copies of the Ministry of Environment’s 1980 Community Watershed Guidelines document that indicated Dolan as a Category One Map Reserve, and Ministry of Lands active Map Reserve status data from its computer system that registered the Dolan as a conflicting Crown tenure.

²¹⁷ Distribution of the *Ministry of Forests Act, Forest Resource Analysis’ Terms of Reference* to Ministry of Environment staff, by P.M. Brady, Director of Water Investigations Branch, December 18, 1978.

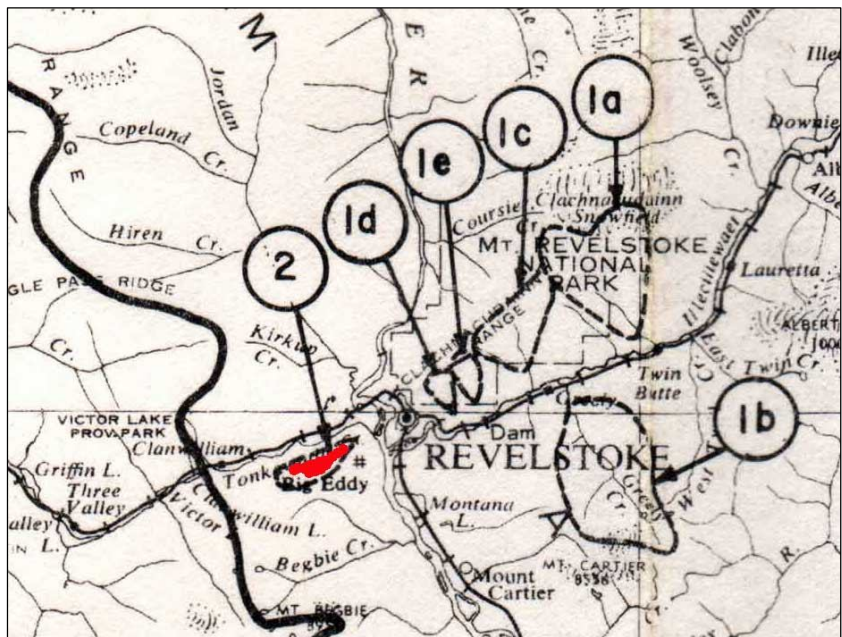
NELSON		FOREST DISTRICT		SECTION 3.7 PAGE 1	
REVELSTOKE		WATER DISTRICT			
***** W A T E R S H E D *****		***** U S E R *****		***** DRAINAGE LAND *****	
*****		*****		***** AREA *****	
*****		*****		***** STATUS *****	
NO.	SOURCE	N A M E	POPULATION	SQ. MILES	
1D	BRIDGE CD	REVELSTOKE (CITY)	210	1.7	CR 100%
2	DOLAN CR	BIG EDDY (IMP DIST)	758	1.7	CR 99%
1C	HAMILTON CR	REVELSTOKE (CITY)	685	5.6	CR 100%
1E	NAPOLEON CR	REVELSTOKE (CITY)	145	1.2	CR 100%

Above: Excerpt from Appendix G, of the 1980s Community Watersheds Guidelines document, registering Dolan Creek as a Category One Watershed Map Reserve. The Ministry of Forests had copies of this as a central planning document, along with the associated maps of Watershed Reserves published with the 1980 document identifying Dolan Creek as Map No. 2 (see below) in the Revelstoke Water District, and within the Nelson Forest District (Region).

Revelstoke District Manager T. Harvie acknowledged this information in two separate letters of correspondence, albeit with his own twisted and condescending interpretation:

*We recognize that the Dolan Creek Watershed is a “Category 1 Community Watershed” which is subject to maximum protective measures. As well as it being yours, it is also our primary concern to maintain the water quality and quantity of Dolan Creek.*²¹⁸

*We are not increasing the local timber supply by harvesting within the Dolan Creek watershed. This area has always been included in the calculation of the Annual Allowable Cut for the Revelstoke Timber Supply Area. As stated from the beginning, water is the number one resource in the Dolan Creek watershed and it will receive maximum protection with other resource activities being of lesser importance.*²¹⁹



District Manager Harvie’s statement in the second quotation, that the Dolan was always in the AAC, is misleading. It is contrary to information in earlier Forest Service Inventory reports for such an inclusion, against the legislative status of Watershed Map Reserves, and against the initiative by the Environment and Land Use Technical Committee by having made a recommendation to further strengthen the Dolan as a Section 11 (later, Section 15) *Land Act* Order-in-Council Reserve.

²¹⁸ L.P. Kuster, on behalf of T. Harvie, District Manager, Revelstoke Ministry of Forests District office, to Lloyd Good, chairman, Big Eddy Waterworks District, January 23, 1984.

²¹⁹ T. Harvie, District Manager, Revelstoke Forest District, to Big Eddy Waterworks District, May 16, 1985.

Prior to the finalization, publication and government approval of the 1980 Community Watershed Guidelines document, internal recommendations on Category One Watershed Reserves from the Ministry of Forests ²²⁰ made it very clear that logging in these Reserves was to be off limits:

Re your request for comments on the proposals for guidelines for watershed management of Crown land used as community water supplies, I comment as follows. With respect to Class I watersheds, i.e., less than six square miles, it is very unlikely that there would be logging development except under the direct management of the community responsible for the watershed. ²²¹

Government staff in other agencies provided similar endorsements for protection of the Category One Reserves: *4. Forestry. Not to be carried out under any circumstances in Category I watersheds.* ²²²

There was, literally, no excuse for the Ministry of Forests to have included the Dolan Creek Watershed Reserve in its District's AAC, a point the Big Eddy Trustees repeatedly addressed in their letters to government. The reason why the Ministry of Forests ignored the *Land Act* Community Watershed Reserves and the policy measures to protect them in the 1980 Guidelines document was because of contrary, internal, renegade directives through its headquarters in Victoria to promote logging in all community watersheds, no matter what their legal tenure status. As a result, the Forests Ministry merely provided 'lip service' to the policy, setting up its own interpretation of "*maximum protection*" while secretly including Watershed Reserves in its AAC determinations.

This lip service attitude is exemplified in the following statement by the chief commander Deputy Minister Mike Apsey, who wrote in February 1980 that the proposed community Watershed Reserve "*guidelines will be useful if they are used simply as guidelines, not as rules*". ²²³ At the heart of the matter was a lack of integrity, the unabashed dishonesty and a culture of corruption within the Ministry of Forests to dishonour and mismanage the protection of these sources – repeated actions to manipulate the public and its water purveyor administrators.

It was argued by some inside government that the weakness of the community watersheds Task Force process was that its 1980 Guidelines document had very little legislative teeth to it. Land Management officer J. Dyck reflected on this in his comments during the review process of the draft Guidelines document: "*If these guidelines are to be successful they must have a legal basis, and relate to an administrative process that will ensure compliance. Both of these are lacking in the report.*" ²²⁴ This was a strange analysis from Ministry of Lands officer Dyck, because he of all

²²⁰ The MoF was one of a few other ministries that provided similar but more stringent recommendations during the review comment process.

²²¹ D.S. Cameron, Construction Engineer, Engineering Division, to K. Apt, Management Engineering Section, Ministry of Forests, March 6, 1979. The exact wording was also forwarded from L.W. Lehrle, Director, Engineering Division, to C.J. Highstead, Director, Planning Division, Ministry of Forests, Victoria, on March 29, 1979.

²²² W. Hubbard, Biologist, Ministry of Lands, Parks and Housing, to W.R. Redel, Deputy Minister of Lands, Parks and Housing, March 21, 1979.

²²³ T.M. Apsey, Deputy Minister of Forests, to the Minister of Forests, T. Waterland, February 18, 1980.

²²⁴ J. Dyck, Land Management, Ministry of Recreation and Conservation, to C.J. Keenan, Planning and Surveys Division, Water Investigations Branch, January 27, 1978.

people should have intimately known the powers of Section 11 and Section 12 *Land Act* Watershed Reserves, the very “legal basis” of Reserves included in the 1980 Guidelines document.

Following the dissolution of the Community Watersheds Task Force in late 1980, the Ministry of Forests was no longer bound to internal scrutiny from a formal inter-Ministerial oversight committee (formed under the *Environment and Land Use Act*) regarding its actions and presumptions about the Watershed Reserves, including community watershed sources not yet and about to be reserved. J.P. Sedlack, the Ministry of Forests Kootenay Lake District Manager in the Nelson Region, said as much in a September 1981 memo where he heralded the Ministry of Forests as the “lead agency” over community watersheds:

*The Ministry of Forests has taken the initiative of prioritization of watershed values even though it is not under our mandate to manage the water resource.*²²⁵

It was clearly defined and stated in the Ministry of Crown Lands’ Manual, in its 1980 *Statement of Policy* about the Community Water Supply Watershed Reserves under its administration, that **“It is the recognized mandate of the Ministry of Environment to manage and administer the water resources of British Columbia.”** The document and its *Statement of Policy* that was authorized by the Lands Ministry Executive Committee on September 1, 1980, went on to stipulate that the Ministry of Environment is the official “lead agency” when “developing” a “Crown Land Plan” with municipalities and Regional Districts.

7.4. The Government Notifies the New Guinea Pig

On January 31, 1984, the Revelstoke MoF District office finally produced enough muster to notify the Big Eddy Trustees of Joe Kozek Sawmills’ application – originally dated on August 18, 1983 – for logging in the Dolan Creek Category One Watershed Reserve. The letter included an interesting statement meant to influence and console the Trustees:

In November 1983 we carried out an onsite inspection of the area with our Research Hydrologist. Recently we received his report which concluded that logging of these areas would generally have low impacts on Dolan Creek.

The District Manager’s assistant, Paul Kuster, gave the Trustees until March 15th to provide comments on the application. However, the argument about hydrology wasn’t about to sway the Trustees.

On March 5, 1984, the Trustees sent the following comments back to Kuster:

*You state that a research hydrologist made an onsite inspection of the area and reported logging would have a low impact on Dolan Creek. Not having read his report, I do not understand what he means by low impact.
At this point in time we do not know the impact on Dolan Creek by clear cutting of B.C. Hydro’s right-away, but we hope to start using Dolan Creek as a water supply in July, 1984. It*

²²⁵ J.P. Sedlack, District Manager, Kootenay Lake Forest District, to Gordon Erlandson, Regional Resource Planner, Nelson, September 25, 1981.

could be many years before the true environmental impact is known. Any logging in Dolan Creek watershed prior to this time will only complicate this situation.

If the Forestry of B.C. is in such bad shape that it is necessary to clear cut in the 1.7 square miles of Dolan Creek watershed, steps must be taken to protect the interest of the Big Eddy Water consumers. We the Trustees would expect the Minister of Forests to post a bond large enough to cover the cost of any environmental impact, and a letter of assurance from the Minister of Forests that any additional cost to the Big Eddy Waterworks District would be financed by his department.

The Trustees experience and outcomes of BC Hydro's transmission right-of-way through Dolan Creek gave the Trustees a trump card in their hand with the MoF. In addition to concerns from Big Eddy, the City of Revelstoke sent a letter of support to the Ministry of Forests office on March 21, 1984, and again on April 3, 1984, stating that it "*strongly objects to a cut block in the Dolan Creek watershed*". District Manager T. Harvie sent a letter back to the City of Revelstoke assuring it that:

No decisions have been made regarding whether or not this area will be approved for logging. At the present time it is our plan to conduct a field inspection of the proposed areas as soon as the snow is gone to carefully review this application. We fully recognize the sensitivity of the Dolan Creek area from both a watershed and aesthetic point of view and can assure you that both these factors will be looked at very closely, and considered before any decisions are made.



Above: location of the Ministry of Forests' Revelstoke Forest District Office in the heart of the community of Big Eddy.

With formal public feedback from both the Big Eddy Waterworks District and the City of Revelstoke opposing logging plans in Dolan Creek, and the accompanying restrictions stated in the 1980 Guidelines document to stay out of Category One Watershed Reserves, the Ministry of Forests nevertheless continued to proceed with its secret plans to log in the Dolan Watershed Reserve.

Determined to proceed, on June 27, 1984 a meeting was convened in the Revelstoke MoF District office boardroom (located at 1761 Big Eddy Road in the hamlet of Big Eddy), which included the following attendees: two of the Big Eddy Trustees, Nelson Regional Ministries of Environment and Forests representatives, and Paul Kuster and K.B. Lavelle with the Revelstoke MoF District office. The purpose of the meeting was to introduce the development of an Integrated Watershed Management Plan (IWMP) for Dolan Creek and the Mt. MacPherson area.

Ministry of Forests commences plan

Ministry of Forests planners in Revelstoke are developing an integrated resource management plan for the Dolan Creek and Mount MacPherson area. The plan will consider all resource uses and make appropriate management decisions affecting the timber, water, recreational and other resources in the area. The planning process will commence June 27, 1984 with a meeting and a field trip involving the Ministry of Forests, the Ministry of Environment, and various user groups and agencies such as the Big Eddy Water District, the City of Revelstoke, and Joe Kozek Sawmills Ltd.

A prime consideration in the area is the community water use from Dolan Creek. The planning process will involve representatives from

Water Management Branch of the Ministry of Environment, a Ministry of Health official and a forest hydrologist from the Ministry of Forests to ensure that the water quality and quantity in Dolan Creek is maintained. Another prime consideration is the visual impact of timber harvesting and other forest uses in the area. The Ministry of Forests will involve its landscape management officer from Nelson to review the current situation and to develop options that will lessen the visual impact of resource development in the area during the course of the plan.

The integrated management plan will review all other uses in the area as part of the planning process. A wide range of recreational activities

take place such as cross-country skiing, horse-back riding, and snowmobiling. A variety of special uses are also made including, among others, a registered trapline, explosives storage and a school study area.

It is expected that a detailed five year development plan will be prepared with an additional 15 years of anticipated development. The resultant 20 year plan will be reviewed annually and updated when necessary. The plan will also be monitored regularly by Ministry of Forests staff to ensure that it is followed. For more information, please contact Kevin Lavelle at the Ministry of Forests office at 1761 Celgar Road in the Big Eddy, Revelstoke or phone 837-6111 during business hours.

The IWMP was a brand new provincial draft planning policy specifically and ironically set up for Watershed Reserves, a policy which was still being ironed out by government ministries before its final approval by Deputy Ministers in February 1985. At the meeting, the Big Eddy Trustees didn't realize that they were one of two targeted guinea pigs for the MoF's new community watershed illegal forest management planning strategies. The other guinea pigs were the Erickson and

Wynndel Irrigation Trustees in charge of two Watershed Reserves situated by the Town of Creston, the Duck Creek and Arrow Creek watersheds.

7.5. The IWMP Process for Dolan Creek

In its plans to log the Dolan Watershed Map Reserve, the Ministry of Forests encountered one of its most difficult public processes with community water purveyors. According to the Ministry of Forests, there were only two Integrated Watershed Management Plans (IWMPs) completed by January 1988, which included the Dolan Creek IWMP and the Arrow/Duck Creeks IWMP. More planning processes followed where the government ministries continued to encounter numerous and similar difficulties:

Big Eddy continues fight against watershed logging

After studying the Ministry's integrated management plan for the Dolan Creek watershed, Big Eddy Water-works District has again rejected the concept. At a meeting held in Eddy last Thursday, Chairman of the district stated two objections to the plan and felt a five to eight year moratorium on any activity within the Dolan Creek watershed should be imposed. The trustees felt that time was essential to properly monitor and record the impact of B.C. Hydro's activity. During that same period it was felt a full and comprehensive analysis of the watershed should be conducted by independent specialists. Good said the senior hydrological engineer for the Water Management Branch in a report made the point that neither B.C. Hydro nor its agent Beddes Construction took responsibility for complete cleanup of damages to the watershed while putting in transmission lines. Instead local users were charged with the obligation. Good said concern for the watershed was raised by the Water Management Branch when Hydro interfered with 6.5 per cent of the area and concern should certainly be raised when forestry wants to utilize almost 20 per cent. The second objection is that the plan is in direct violation of current guideline restrictions. Watershed restrictions in the guidelines state that in category 1, forestry is restricted to that logging designed to enhance watershed management goals only. Good said forestry's proposed plan of logging to increase local timber supply is in direct and blatant conflict with the guidelines. Good said the board does not intend to play forestry's game and then find it does not work, further down the road. Good said the forest ministry cites economic hardship to local economy if the watershed timber is not made available. He said the trustees resent the implication of that line of justification. He added, the guidelines do not provide an exception to accommodate regional timber supply shortage. If any single economic interest is allowed to take precedence over the guidelines then comprehensive, multi-discipline planning becomes meaningless. According to the trustees it is unfair and unprofessional to use timber scarcity to force Big Eddy water users into submission by playing their water supply off against timber supply needs. A letter outlining the objections will be sent to forestry and the government.

Car & Greyhound collide near Enchanted Forest

On the evening of Friday, March 29 at approximately 10:30 p.m., a two vehicle accident occurred on the Trans Canada Highway #1 some 36 kms. west of Revelstoke near the Enchanted Forest. A westbound 1983 Toyota Tercel driven by 36 year old Anne Louis Sanderson of Kimberley, B.C. went out of control and crossed over the centre line into the path of an eastbound Greyhound bus. The driver of the bus, 32 year old Trevor Wilson of Penticton, B.C., sensing that this car was out of control, managed to slow his bus down to prevent a more severe collision. Fortunately both Sanderson and her 13 year old son were buckled up and escaped uninjured. All 28 occupants of the bus including the driver also escaped injury. Damage to the Sanderson vehicle is estimated at \$6,500 while the Greyhound suffered close to \$1,000 damage. Sanderson has been charged with failing to confine her vehicle to the right hand portion of the highway.

Provincial Court

Ronald Champagne charged under the Motor Vehicle Act. Fine \$35. Charged under the Motor Vehicle Act. Fine \$35. ***

Basil Hoy charged under the Motor Vehicle Act. Fine \$300. ***

In some cases where critical conflicts have been anticipated, MOE [Ministry of Environment] has become a participant in a more formal MoF planning process. Examples of this are community water supply watersheds for the City of Nelson, Creston (Arrow and Duck Creek), Tahsis (McKelvie Creek), Big Eddy Waterworks District (Dolan Creek) and McMurdo Bench. In many ways, these have followed the intent of Appendix H Policy and Procedures and they could continue to be carried out following the planning process already in place.

*During the next five years, it is necessary that planning priorities accurately reflect the priorities of fully integrated management. We cannot afford to fragment our efforts through establishing separate lists of priorities for individual resource concerns.*²²⁶

*I would like to congratulate your District Manager Harvie and Regional Water Manager Dyck on the use of a jointly signed letter to demonstrate the close cooperation and high level of understanding of mutual resource concerns that is essential to integrated resource management in sensitive areas. This type of approach is not only reassuring to people who may be concerned that one Ministry's needs are being placed ahead another's, but also it provides a coordinated response and reduces the opportunities for those who would try to play one Ministry against another. I would be very interested in learning how this letter was received, and what the current status of the issue is. In those situations where our Ministries can reach accord, this style of response to the general public could be very useful.*²²⁷

The joint MoF/MoE response to the Big Eddy water users to which you refer in your June 25, 1985 memo is the result of closer liaison between the two ministries in watershed planning. This type of response is encouraged and is expected to increase as a result of the recent joint policy on watershed planning.

The joint response is generally well received and does indicate that forest and water interests has been reached on an approach. This certainly puts the MoF in better stead with water users and also increases the role and responsibility of the MoE. Government agencies must sort out their management differences first, rather than in the public forum. This usually helps to expedite the planning process and progress in public forums.

The Big Eddy Waterworks District has better accepted harvesting in the watershed as a result of the joint letter and seem to understand that single use may not be the best option. Discussions are more positive now than at any time in the past.

*The final plan is presently before the regional managers of the two ministries for approval.*²²⁸

²²⁶ Ministry of Environment memo, regarding *Status of Integrated Watershed Management Plan Program for Community Watersheds – June 1985*, to Water Management Branch Director P.M. Brady and MoF Director of Planning & Inventory F. Hegyi, June 17, 1985.

²²⁷ J.R. Cuthbert, Chief Forester, to D. Oswald, Acting Regional Manager, Nelson Forest Region, June 25, 1985, regarding *Ministry of Environment, Ministry of Forests jointly signed letter to Big Eddy Waterworks District dated May 16, 1985*.

²²⁸ D.L. Oswald, Acting Nelson Regional Manager, Ministry of Forests, to J.R. Cuthbert, Chief Forester, July 23, 1985.

During the initial stages of its IWMP process for Dolan Creek, the MoF was unable to weaken and influence the position of the Big Eddy Trustees, as indicated by a failed attempt to influence the Trustees by way of a proposed public relations "show me" tour of the Blewett watershed (see Chapter 8 for the story). The only path for the MoF was to simply force logging on the Big Eddy Waterworks District, despite the community's unrelenting opposition, and despite the Dolan's conflicting tenure status as a *Land Act* Watershed Map Reserve.

Fears Dolan Creek logging could damage watershed

by Suzanne Bilic

Mayor Tony Coueffin told the Ministry of Forests planners at a meeting last Wednesday that further logging on the Dolan Creek could do "irretrievable damage" to the watershed.

He told the planners to look at other alternatives. "I'm not saying you can't log there, but have you considered other avenues?" asked the Mayor.

The Ministry of Forests presented the various group representatives with a plan for the Dolan Creek and Mt. MacPherson area and a field trip followed the meeting.

After the meeting and field trip the Mayor said, "In the upper area of the Dolan Creek it is feasible to do logging without doing damage to the watershed."

The Forest planners'

major objective is to produce an integrated management plan for the two areas. This type of plan would avoid conflict between the various groups using the areas, said Paul Kuster, Operations Superintendent of the Nelson Forest Region.

Representatives from the Ministry of Health, Ministry of Environment, Joe Kozek Sawmills Ltd., Downie St. Sawmills, Big Eddy Water District and B.C. Hydro were on hand to express their concerns about the plan. Over a 20 year period the planners are hoping to carry out logging in the Dolan Creek and Mt. MacPherson area.

Among the speakers was a hydrologist, Dave Toews from Nelson. He told the meeting that if logging were done in the area it would increase

the quantity and quality of the water. Toews said experiments would regularly be conducted before the next plan proposal.

The next stage is to present these various groups with another plan in October of this year, after taking into consideration the views and concerns expressed at last week's meeting.

Kuster said, "We want to emphasize that the concerns and opinions expressed will have an impact on the future planning for Dolan Creek and Mt. MacPherson."

Both Mayor Coueffin and Kuster stated that everything is still in the planning stages and nothing has been settled as yet.

"Over all, the meeting went as well as could be expected," said Kuster.

In May 1985, the MoF provided the Big Eddy Waterworks District with a draft version of the IWMP document, and then an amended version on June 17, 1985. The Big Eddy Trustees rejected the amended version, and on August 5, 1986, another IWMP version was provided, which was also amended in November 1986. That version was once again contested, and another version was amended on February 20, 1987. The final version was completed on May 26, 1987, even though the Big Eddy Waterworks District and the City of Revelstoke opposed and rejected it.

Logging of local watershed areas makes some people uneasy

Not everyone is convinced that watersheds can be logged without some form of damage. At present the Big Eddy Water Board (BEWB) has concerns about the Dolan Creek area which is presently under study to be logged. Lloyd Good of BEWB said the forestry has said 30 per cent of the area could be cut before there would be any effect, but only 10 per cent was cut for the Hydro power lines and there was damage which still hasn't healed. Good is afraid that with more damage on top of what is already there the result would be irreparable damage.

Good said the forestry wants the logging contractors, in this case Kozek Sawmills, to take out timber that is not that good. Some of the trees are 100 to 150 years old and Good maintains it is not really economical to log the area.

The logging of watershed areas has been going on for some time in the province of B.C. according to Paul Kuster operations superintendent with the Ministry of Forests. He said watersheds are a part of the provincial land base and, "If done carefully and properly can enhance the property of watersheds by turning over the forests." He said the ministry recognizes the areas as watersheds and the primary concern is with water quality and quantity. But he also

added that more studies had to be done in this area.

Kuster says from a forest management point of view they cannot afford to leave the timber standing. He said it would be done as farming with removal of the trees over a period of 10 years. Kuster added that if the trees were left standing they could rot and become diseased or infested with insects which would be worse for the forests. The rotten trees become snags and can contain fires which are difficult to detect or put out. He said it is not valid to wait and that other areas in the Dolan Creek watershed could be logged without damage to the shed.

Good feels that replanting by the Forestry is of little use for the future logging of even his grandchildren. With the growing season in the high country being anywhere from six to eight months he said it would be a long time before the new timber would be useable again. But the main concern is for the water supply to Big Eddy. The BEWB feels damage to the watershed would possibly pollute its water supply. Good said the forest industry in Revelstoke is in bad shape if it hinges on 1.7 square miles of timber in the Dolan Creek area. He is not totally against logging the area but would like to see the Hydro scars healed first.

Other than airing views at a meeting last June, Good said not too much has been done and the board is waiting until Kuster gets back to them before any action is taken.

Kuster believes the logging can be done successfully but if any areas cannot be logged safely they would be postponed until suitable technology is found to allow safe logging. In the meantime Kuster said the ministry has commitments to logging companies as the government had given out the amount of timber allowed to be cut each year. He said at the meeting in June many agreed it could be done without damage and those included MLA Cliff Michael and Mayor Tony Coueffin.

Kuster said by October 1984 a draft should be ready to be discussed with those concerned. He said he would appreciate any comments from anyone who is aware of that area being used frequently for recreation or any other input they may have.

Kuster also said Greeley Creek Watershed was also being considered for logging. That watershed provides the City of Revelstoke's water supply.

Mayor Coueffin said he was aware of the concerns and he had some himself. For a long time the watersheds were considered untouchable

but not so any more. He said the stipulations of logging in the area "were rough" but it still requires keeping an eye on the Dolan Creek area.

He said he was not totally against it as in this day and age it would be almost a worthless effort to try and stop progress but he felt as many concessions as possible should be demanded from the ministry.

As for the Greeley Creek Watershed being logged, the mayor said that would be by small business; therefore the forestry would be responsible for the building of the roads and they would be far more careful.

Provincial Court

Neil Sutherland charged with blood alcohol in excess of .08. Sentenced to 15 days in jail to be served intermittent.

Stephen Iffe charged with blood alcohol in excess of .08. Sentenced to 15 days in jail to be served intermittent.

Francis Cotter charged with three counts of breaking and entering with intent. Sentenced to nine months in jail on each count to be served concurrent.

Unlike other subsequent IWMP processes, there were no Terms of Reference established for the Big Eddy IWMP. For instance, in the other IWMPs, approval for an IWMP was often based on stakeholder and party “consensus”.²²⁹ Clearly, even if such a provision had been included for Big Eddy, there was no public consensus for the Ministry of Forests’ logging proposals in the Dolan IWMP, a source of ongoing frustration for the Trustees.

In late 1984, the IWMP policy was introduced and appended to the Ministry of Environment’s 1980 Community Watersheds Guideline document as “Appendix H”. For many reasons the Trustees amusingly and appropriately pegged this new IWMP policy amongst themselves with a nickname, “Preparation H,” the medication used to address troubling haemorrhoids.

During the initial phase of the IWMP process, the Trustees provided a five-page letter of concern on March 27, 1985 to the MoF Revelstoke office. They summarized the numerous problems associated with B.C. Hydro’s transmission line clearing, and then presented their concerns about the Dolan as a Category One Watershed Reserve:

It is absurd to believe that to contemplate logging the area as proposed by the Ministry of Forests. Can any clear minded reasonable person suggest that when interference with 6.5% of the watershed raised these concerns, that it is now appropriate to alienate almost 20% of the watershed as proposed by Forestry’s Plan? Such a proposition flies in the face of the findings and recommendations of the Water Branch’s Senior Hydrologist.

It is abundantly clear that the guidelines of 1980 prohibit logging in category # 1 watersheds, except for narrow grounds which are intended to enhance watershed management. Apparently the local forestry’s integrated management plan is born out of a desperate shortage of timber supply. It appears that the shortage is so acute that they are prepared to violate inter ministry guidelines for watershed protection. We are not sure what the legal implications of their plan entail, but we suspect that an individual found guilty of wilfully violating watershed guidelines would be promptly prosecuted. If these guidelines are to be effective, they must be equally enforceable upon individuals and government agencies and Ministries alike.

The Forest Ministry cites economic hardship to the local economy if watershed timber is not made available. We resent the implications of this line of justification. The guidelines speak of logging to enhance watershed management only. They do not provide exceptions to accommodate regional timber supply shortage. If any single economic interest is allowed to take precedence over the guidelines, then comprehensive, multi-discipline planning becomes meaningless. If general management of our forest resource has such acute shortage of supply, that the economic salvation of our region depends on our tiny watershed, we are entitled to view with a jaundiced eye the general forest management practices over the last decade. In fact, if the style of management which produced regional depletion is the criteria still in vogue, heaven help our community watershed.

²²⁹ I.e., the Chapman/Gray Creek IWMP, finalized in 1998. Section 5 of the Terms of Reference in the February 1994 draft document states: “The planning team will use consensus to reach decisions and work until consensus is attained.” Consensus was not attainable, the government refused to honour the Sunshine Coast Regional District’s position against logging. That brought about a May 2, 1998 public referendum where 87.6% of Regional District voters were against future logging.

We submit it is unfair and unprofessional to use timber scarcity to lever Big Eddy water users into submission by playing off our water supply against timber supply needs. On the subject of the economy, the 1.7 square mile Dolan Creek supplies water for a population of 1,000 people. These intrusions in our water shed would result in such a higher operating cost to the Big Eddy Water District, that these residents would have to pay double the present rate for their water tolls.

On April 4, 1985, the Big Eddy Waterworks District forwarded copies of their five page letter of objection to:

- Minister of Environment Austin Pelton;
- Minister of Agriculture Harvey Schroeder;
- Minister of Energy, Mines and Resources Stephen Rogers;
- Minister of Forests Thomas Waterland;
- Minister of Health Jim Neilson;
- Minister of Lands, Parks and Housing Tony Brummet;
- Minister of Municipal Affairs Bill Ritchie;
- Shuswap-Revelstoke New Democratic Party M.L.A. Cliff Michael;
- and Provincial Water Comptroller P.M. Brady.

None of the publically elected representatives sent the Big Eddy Trustees a response, except New Democratic Party Cliff Michael who complimented them on a “*very well prepared and convincing document.*” He promised to present their case to Forests Minister Tom Waterland.

It was evident that the Big Eddy Trustees were very creative in holding their ground, and correctly exercised their democratic rights and vigilant unrelenting efforts in doing so, even though the Social Credit Ministers were not supporting their pleas. Moreover, the Trustees were reconsidering the process they went through with B.C. Hydro and the Water Comptroller’s public hearing and related committees, and began to demand financial compensation for all related costs as a result of the proposed logging proposals.

The Big Eddy Trustees are very disappointed in your decision to log Dolan Creek starting in the summer of 1987. As you stated in your letter of May 16th, third paragraph, B.C. Hydro’s activities ceased in the fall of 1981, but no steps were taken by either of your departments to repair the damage to Dolan Creek until the fall of 1983. We have found this spring it is a long ways from being reliable and continuous water source of the past. It becomes very frustrating trying to operate a community water supply when the creek has to be monitored after every rain fall, and this spring’s run off almost filled the Dolan Dam with silt and sand, which is going to be very costly to the consumers to clean up.

You have stated monitoring will be done to Dolan Creek as funds permit. I would like to point out that B.C. Hydro deposited a fund of \$50,000 for the rehabilitation of Dolan creek, which two thirds was returned to Hydro with very little rehabilitation accomplished. We have experienced in the past we cannot depend on the B.C. Forest Service to monitor logging as to guidelines or even common sense practices. We find it necessary to require an independent full time monitor to over see any activities carried out by Forestry or logging contractors and paid for by B.C. Forest Service.

*As with the Revelstoke Dam case we request funding should the need arise to protect our community interest. In formulating the regulations we could well require the services of professional consultants to make our case. Similarly in assessing damage flowing from road construction or logging, independent professional opinion could be required. Our community should not be subjected to these costs as a condition of protecting the primacy of our claim to, and enjoyment of the water resources.*²³⁰

As a result of the strong position taken by the Big Eddy Trustees, the Nelson MoF and the Nelson Ministry of Environment began to take things personally, to become defensive in their dealings with the Trustees. For instance, in a letter of response to Big Eddy's letter of June 20th the two Ministries went to so far as to directly blame the state of dirty water in Dolan Creek from the transmission line clearing on the Big Eddy Trustees themselves:

It is the judgement of Water Management staff that any present instability in Dolan Creek is the result of excessive cleanup of the channel carried out by Big Eddy Waterworks District.... and not the transmission line development. The Ministries of Environment and Forests are preparing a contingency plan for inclusion in the Integrated Management Plan for Dolan and MacPherson Creek Watersheds. The exact conditions and responsibilities have not been worked out and your District will again be given opportunity for input. The idea of bonding or other security being posted by the developing interests to rehabilitate logging related problems is being investigated. The issue of cost of chlorination can be clarified by the policy of the Ministry of Health that all supplies derived from surface water and shallow groundwater sources receive treatment by disinfection.

The issue of chlorination and related costs as presented in the above-mentioned letter were, from the understanding of the Big Eddy Trustees, and from letters from the Ministry of Health in the 1970s, in error. The interpretation posed by the two Ministries on the issue of chlorination treatment was indicative of the influence being brought upon the Ministry of Health due to the government's new policies to access plunder hundreds of BC's community watersheds.

Regarding the Big Eddy's demands for the government to post a bond and related liabilities, Joe Kozek Sawmills stated that such was the responsibility of government, and not the responsibility of contractors logging on Crown lands:

Although the existing plan appears to be very thorough, there are a few points that warrant further discussion:

(a) As all logging will be following the Ministry of Forests guidelines we cannot accept having to "post" a \$25,000 bond for the "Watershed Area", and an additional \$10,000 bond for the outside area.

*(b) It is our opinion that if the Ministry of Forests want some form of timber harvesting with the watershed areas, then they should take full responsibility.*²³¹

The issue of provincial liability, as narrated in Chapter 9, had been an ongoing, central and internal issue, as referred to in a Ministry of Forests Nelson Region office memo in 1981:

²³⁰ Big Eddy Waterworks District to the Ministry of Forests and Ministry of Environment, Nelson Regional Offices, June 20, 1985.

²³¹ Joe Kozek, President, to Revelstoke Ministry of Forests District Manager, October 14, 1986.

*Demands for guarantees and acceptance of responsibility for damage by industry or government have become a major stumbling block in the decision-making process. Who will be liable in the event of disruption of water quality or quantity caused by harvesting operations or other unrelated uses created by access built for timber extraction? Also, some groups oppose logging unconditionally.*²³²

When the Ministries of Forests and Environment provided the Big Eddy Trustees with its second version of the IWMP in July 1986, the Trustees sent another strong letter of objection back to the Ministries on October 16, 1986:

We find the revised Plan of July, 1986 is unchanged from the Plan put forth in May of 1985, or the draft Plan that was drawn up in March, 1985. It allows for the same amount of clearcut logging in Dolan Creek, and the same methods it will be logged. So the position of the Big Eddy Water District stands the same. Please refer to our letter of April 2nd, 1985.

In reference to the contingency plan, it has been our experience with B.C. Hydro's intrusion into the Dolan Creek watershed, that neither the people from the Ministry of Environment or Forestry give any consideration to enforcing the guidelines, and very little assistance in rehabilitating the Creek so it could be put back in operation. As these same people are asking us to trust them in regards to a logging operation in Dolan Creek when we are still experiencing Creek shut down due to Hydro's intrusion, it is our contention as stated on April 2nd, 1985, that an independent study must be done before any more disturbance to Dolan Creek occurs.

If Forestry was sincere in their approach to this problem, a bond should be posted by [the] Crown to cover any or ongoing damages should it occur. Before any intrusion to Dolan watershed occurs, arrangement must be made to pay for cost of chlorinating our water supply, as done with B.C. Hydro when they cleared the Right of Way for power lines.

The Ministry of Environment's Nelson Regional Director, Dennis McDonald, provided no concessions to the Big Eddy Trustees in his letter of response. Instead, he consoled the Trustees with vague assurances, stating that:

*Water Management staff of my Ministry and those of the MoF who have been involved in this plan's development appear confident that adequate safeguards and contingency measures are built into the plan to protect the quality, quantity and timing of flow in Dolan Creek such that Water licensee's interests should be protected.*²³³

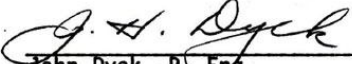
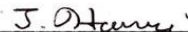
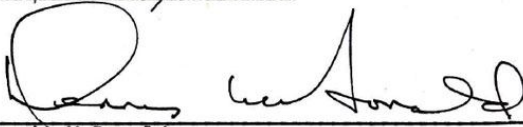

Minister of Environment and Parks Stephen Rogers, a strong advocate of government deregulation, was not at all vague in his reply to the Big Eddy Trustees, despite the fact that his Ministry's senior administrators had previously advised against all logging in Category One Watershed Reserves:

Your request for an independent study to evaluate the present and future status of the Dolan Creek watershed is not supported by my Ministry. Staff from my Water Management Branch have concluded from their investigations of the proposed development plan that there are no

²³² Gordon Erlandson, Planning, Nelson Ministry of Forests Regional office, to Bruce Fraser, Public Involvement Coordinator, Planning Branch, Ministry of Forests, Victoria, October 8, 1981.

²³³ Dennis McDonald, Nelson Regional Director of Environment, to Lloyd Good, Chairman, Big Eddy Waterworks District, November 14, 1986.

*sound technical reasons not to recommend approval of the proposal involving limited harvesting activities. My Ministry is committed to the principles of integrated resource management and will strive to accomplish the goals and objectives of the Dolan/McPherson Integrated Watershed Management Plan.*²³⁴

Dolan/MacPherson Integrated Watershed Management Plan	
Prepared by	
Ministry of Environment, Water Management Branch, Nelson	
Ministry of Forests, Revelstoke Forest District	
May 1985	
Amended November 1986	
Amended February 20, 1987	
Recommended by:	<u></u> John Dyck, P. Eng. Regional Water Manager Nelson Region
DATE:	<u>May 26, 1987</u>
Recommended by:	<u></u> Tom Harvie District Manager Revelstoke Forest District
DATE:	<u>April 27/87</u>
Approved by:	<u></u> Dennis McDonald Regional Director Ministry of Environment
DATE:	<u>May 29 1987.</u>
Approved by:	<u></u> Ross Tozer Regional Manager Nelson Forest Region
DATE:	<u>87.09.30</u>

In a final open meeting held at the Big Eddy public school on December 10th, 1986, a civil servant from the Nelson Regional Environment office stated that there was no definite science or outcome regarding the impacts of logging to a community watershed as it:

²³⁴ Stephen Rogers, Minister of Environment and Parks, to Lloyd Good, Chairman, Big Eddy Waterworks District, November 25, 1986.

*... was a learning process. We do not believe the Big Eddy residence's water should be jeopardized while civil servants learn more about watershed management.*²³⁵

Very clearly, and contrary to a written promise made by the Forest Service with the Big Eddy Water District in 1965 (see Chapter 3), the government was now intent on logging the Dolan Creek Watershed Reserve, no matter what arguments or concerns were presented to it by the Big Eddy Waterworks District, or for that matter from the City of Revelstoke. The acute sense of frustration, isolation and abandonment was not something peculiar to the Big Eddy Trustees – many other communities were experiencing the very same things.

However, despite all the efforts, meetings, and ongoing government expenditures by the Ministry of Forests to authorize logging in the Dolan Creek Watershed Reserve which were conducted over a three-year period, the Big Eddy Trustees prevailed to prevent any logging. After a field trip with government staff into the Dolan watershed in 1988, where the Trustees convinced government staff about their concerns, the Ministry of Forests abandoned the logging plans outlined in the IWMP document,²³⁶ similar to how the Ministry's proposed logging plans in the Dolan were abandoned by Regional administrators in the 1950s and 1960s.

²³⁵ Big Eddy Trustees to Dennis McDonald, Regional Environment Director, Nelson, January 5, 1987.

²³⁶ Source: communication with Lloyd Good.