

# The Big Eddy Report

*Diving in to BC's drinking water protection legacy*

by Will Koop

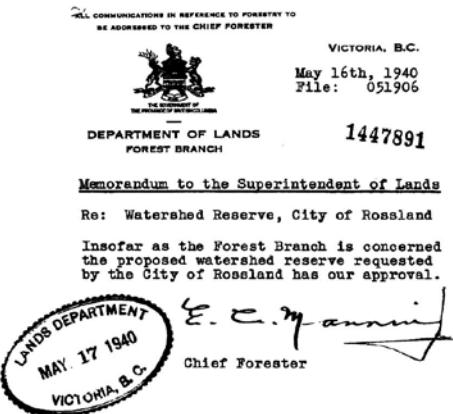
The BC Tap Water Alliance is about to release a new report called *The Big Eddy*. We have dedicated it to the life and memory of Colleen McCrory, a well-known environmental and social justice activist who passed away in July 2007. Among her many responsibilities with the Valhalla Wilderness Society, she was also a founding director of the Alliance (est. February 1997).

The report is based on documents retrieved from the small community of Big Eddy, located just west of the City of Revelstoke. Over a period of almost fifty years, the Big Eddy Waterworks trustees repeatedly fought to protect its drinking watershed reserve, Dolan Creek. Woven into the fabric of this narrative are many other accounts of interest and intrigue collected from an assortment of records and documents about drinking watershed protection.

Together, these accounts unequivocally demonstrate that BC has a strong foundational legacy on the protection of drinking water sources. It also sadly demonstrates how administrative governments, beginning primarily through the actions of Forest Service during the first Social Credit administration (1952-1972), misdirected the public and water purveyors in order to mismanage and obfuscate watershed reserve tenures that were established and protected under the *Land Act*.

## Watershed Protection History

1910 is when British Columbia instituted its drinking watershed protection legacy, made through the application and enactment of both federal and provincial legislations, and the establishment of a small host of



watershed reserves in the decades that followed. This legacy was rooted in legislation established by the United States government in the 1890s over federal public forestlands, such as the precedent-setting watershed reserve established in 1892 by US President Harrison for Portland City's watershed, the Bull Run.

The BC government first protected public forest lands for drinking watershed purposes in 1905 through a provision under the *Land Act*, and placed an order-in-council reserve over lands in the Capilano watershed, Vancouver City's water supply. A second similar reserve over the adjoining Seymour watershed lands was established in 1906. The *Land Act* was soon revised in 1908 to further accommodate the public's concerns by creating a powerful Crown land lease provision to protect a community drinking watershed against commercial uses for a period of almost a thousand (999) years.

This legislation, which was eventually provided to Metro Vancouver in 1927, stood for 62-long years before the Social Credit government severely weakened it in 1970 to prevent water purveyors from protecting

their watersheds. When it owned the Railway Belt lands across BC's interior, the federal government protected New Westminster City's water source, the Coquitlam watershed, through an order-in-council watershed reserve in March 1910, the first of other subsequent reserves established for water purveyors in the Railway Belt.

The BC Water Rights Branch (through the administration of its 27 Water Districts) and the Health Department were the primary early advocates, watchdogs and defenders of the public's rights over the protection of drinking and irrigation watersheds. This advocacy is evidenced in the famous October 1922 report to BC Lands Minister Pattullo by Provincial Water Comptroller E.A. Cleveland, who recommended that Metro Vancouver's drinking watersheds be protected against logging, and who later obtained a thousand-year lease to protect its watersheds.

## The Clash

A clash of political resource philosophy over the protection of drinking watersheds raged in earnest in the 1920s by some foresters within government, supported by university and private sector foresters. The issues of protecting community and irrigation watersheds, and the protection of salmon habitat, became prominent during the second Provincial Commission Inquiry on Forest Resources from 1944-1945, when the first complaints about the mismanagement of watershed reserves were registered by the Association of Irrigation Districts.

By 1950, when the Big Eddy Waterworks District was formed, its trustees asked the government to protect Dolan Creek as a watershed reserve. However, a Kamloops Region Forest-

er misled the trustees by stating that the Forest Service maintained rights to log in it, despite the fact that the same forester had recently stopped a timber sale in Revelstoke City's watershed reserve. Documents state that when the superintendent of lands and the chief forester established a watershed reserve for the City of Rossland in 1940, its three watersheds were protected from disposition of timber sales. Despite the misdirection repeatedly aimed at testing the Big Eddy Trustees from 1952 to 1964, they successfully fought against the Forest Service by contesting each timber sale application.

During the 1950s and 1960s, the Forest Service initiated sustained yield planning objectives on BC's forestlands, the establishment of tree farm licenses, public working circles and public sustained yield units (what would later become timber supply areas). During this period, Assistant Chief Forester L.F. Swannell sent a memo in December 1960 to all his regional foresters, instructing them that whenever they reply to referral letters from a government water rights branch engineer about logging proposals in a watershed reserve, or in replying to similar letters of concern from a municipal or an irrigation district clerk, his foresters should avoid any language that might indicate or make reference to any rights, powers and privileges assigned to watershed lands that would preclude timber sales.

By 1963, Chief Forester F.S. McKinnon began signalling the invasion of BC's protected watershed reserves. He was most upset at Rossland City administrators for daring to oppose his timber sales in Rossland's 23-year-old watershed reserve tenure which had become engulfed within the boundaries of the Forest Service's newly established Salmo Public Sustained Yield Unit (No. 58). In a

memo to his Nelson District foresters, McKinnon urged them to counter the city's concerns, and referred to his department's ongoing "problem of protection" over the last "40 years" by the establishment of "so-called reserves" over BC's community and irrigation watersheds.

Following years of protests in the 1960s by BC water purveyors against logging, the Social Credit government was forced to set up an internal inter-agency task force in 1972 to conduct a review of BC's community watersheds. It was reported to the task force that most of BC's watershed reserves were missing from the government's central reference maps. As a result, in May 1973, an executive committee of government, under the New Democratic Party administration, authorized the creation (and re-creation) of 300 or more watershed reserves. Following the defeat of the NDP government, the Social Credit administration later sought to hide the existence of the watershed reserves by removing any reference to them in the task force's final October 1980 document released to BC's water purveyors.

### **Big Eddy Fight**

When the Big Eddy trustees fought BC Hydro in the 1970s against a transmission right-of-way through their watershed reserve – despite the fact that Hydro had been given orders to stay out of the reserves – BC Hydro compensated the trustees with over a million dollars to cover the costs of an interim alternative water source. When the trustees complained to the Environmental Appeal Board about a related matter in the early 1980s, the Board made a precedent setting ruling about protecting the Dolan Creek watershed which infuriated the Ministry of Forests.

In 1982, Chief Forester Bill Young included the Dolan watershed



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reserve in the Nelson Region's Annual Allowable Cut, despite its protected conflicting tenure under the *Land Act*. When the Ministries of Forests and Environment began an Integrated Watershed Management Planning process with the Big Eddy trustees to allow logging in their reserve (1984-1987), the trustees fought back and forced the Ministry of Forests to abstain.

During this period, the trustees joined a newly formed organization called the BC Watershed Protection Alliance. The Alliance forced the Ministry of Forests to conduct an internal legal audit about the liabilities of logging in BC's community watersheds, and our report is the first summary account of these records released to the public on this controversial issue.



Will Koop is a founding member of the BC Tapwater Alliance