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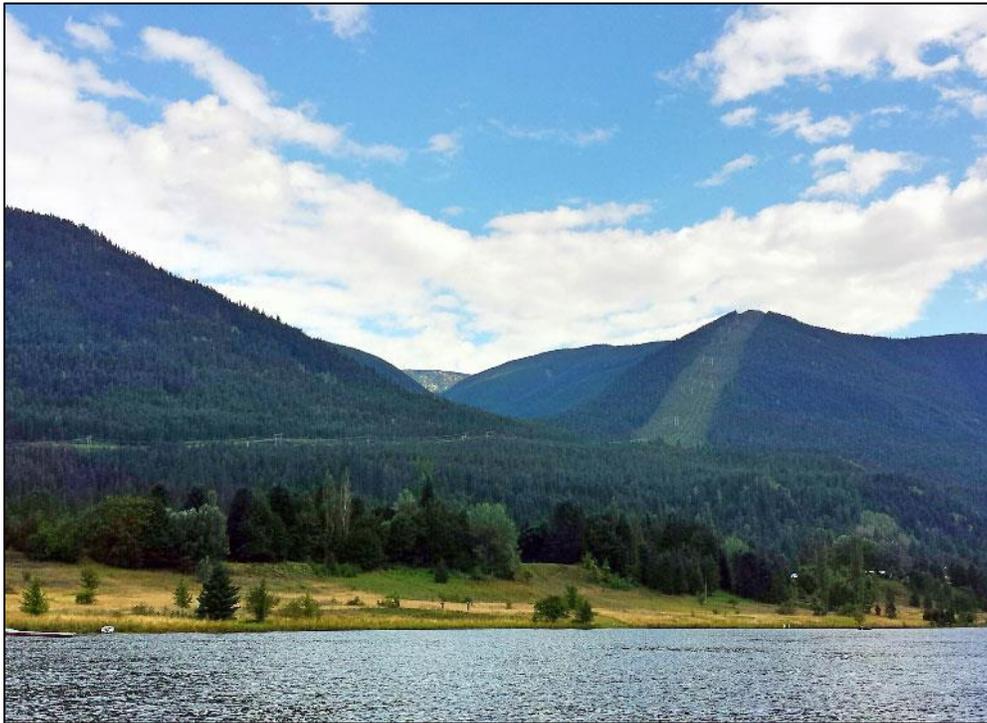


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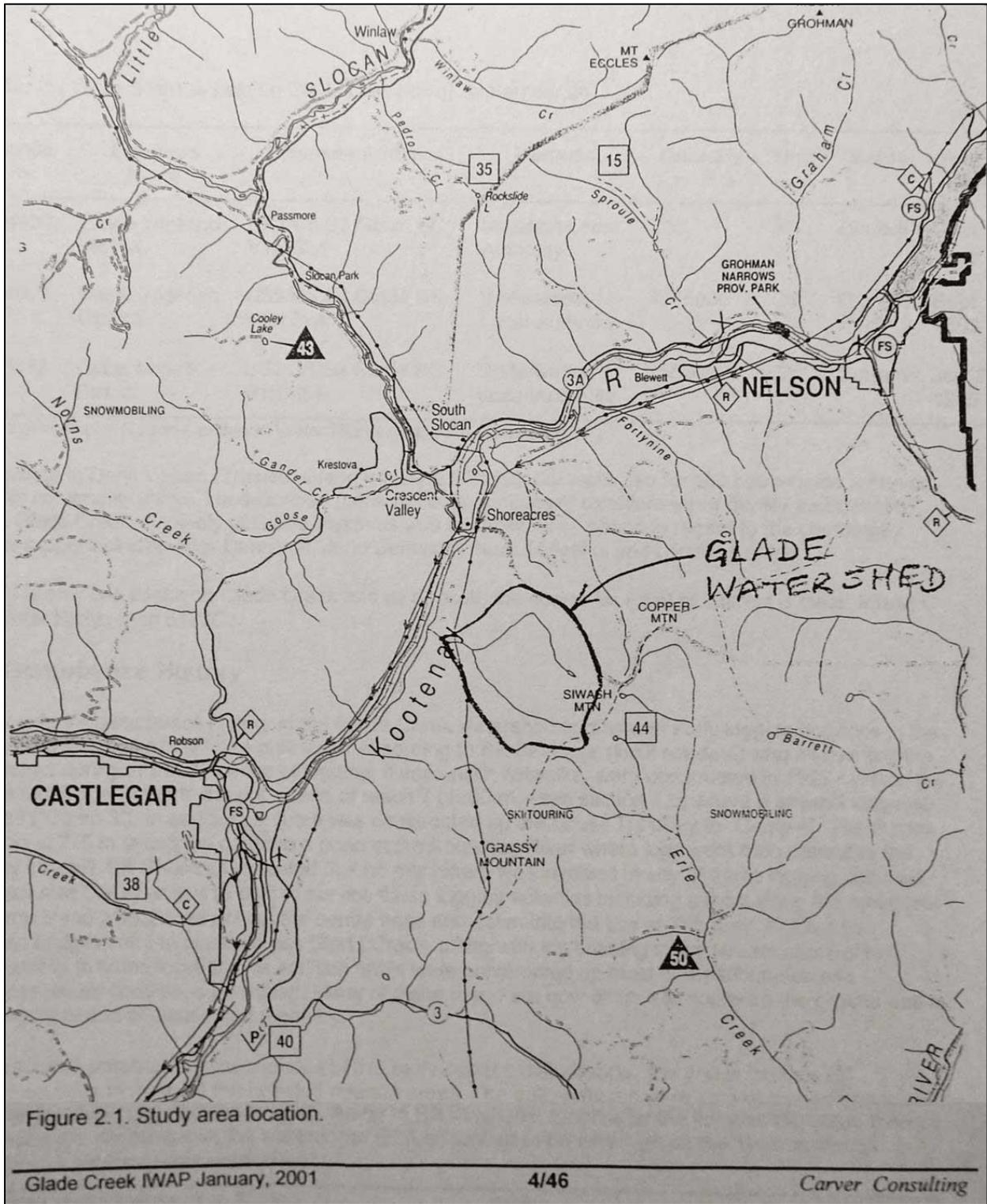
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THE GLADE CREEK WATERSHED RESERVE: NO “MISNOMER” / NOT “JUST A NAME”



The Second Preliminary Report

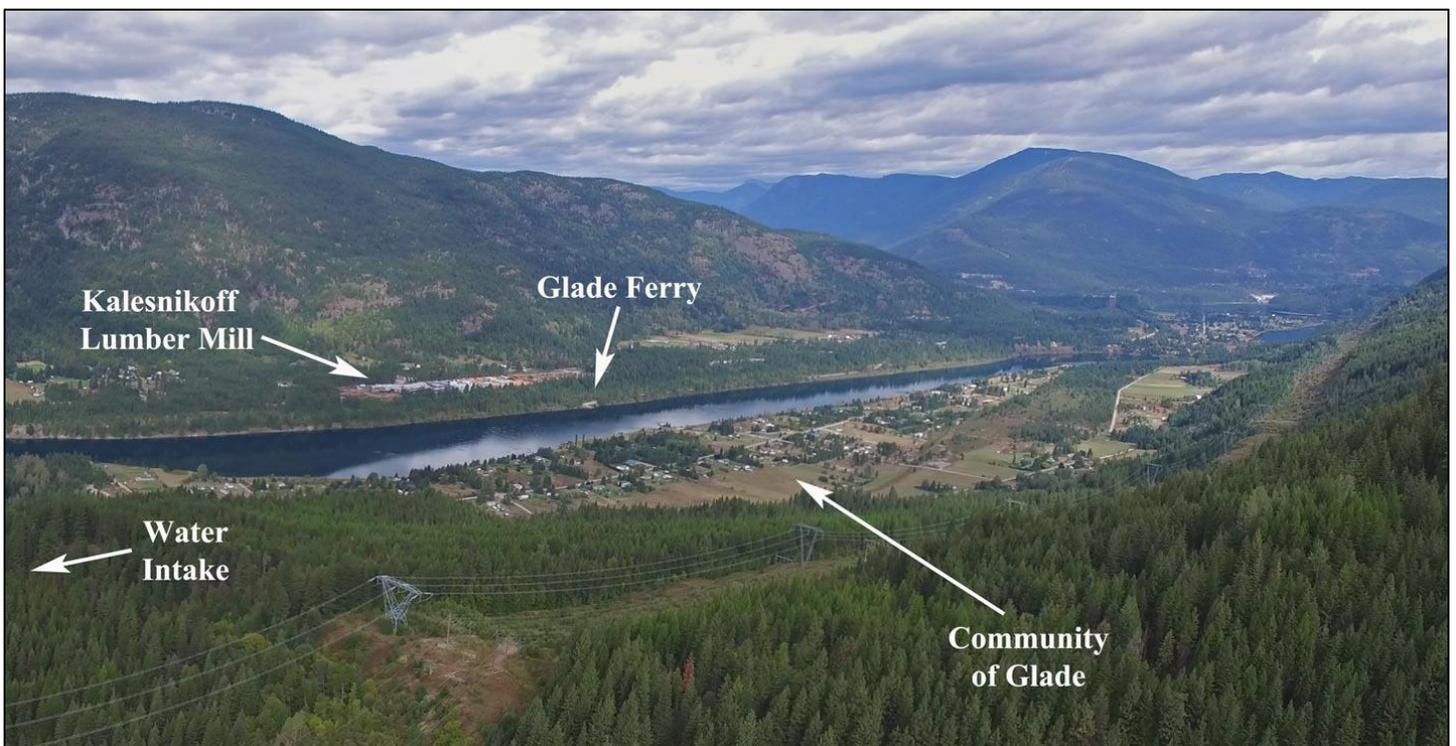
**By Will Koop, Coordinator
May 1, 2017**



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FOREWORD

This Second Preliminary Report, *The Glade Creek Watershed Reserve: No “Misnomer” / Not “Just a Name,”* replaces the first Preliminary Report of August 30, 2016.¹

This Second Report update provides added information, images, and Report Sections. It relies on Freedom of Information files, old Glade Community files, old newspaper articles, old Robson Community (near Castlegar City) files, and forest cutting plans and documents recently filed by Kalesnikoff Lumber. We have also included a minor summary of our October 31, 2016 Complaint filed with the Association of BC Forest Professionals regarding two professional foresters and Community Watershed Reserves.

In our June 2006 book, *From Wisdom to Tyranny: A History of British Columbia’s Drinking Watershed Reserves*, we included the following six “primary recommendations,” the first of which called upon the public and its government to initiate a formal Judicial or Legislative Inquiry into the government’s administrative history of Community Watershed Reserves:

- “That the contents of this report [book] are a primary and sufficient catalyst for a provincial investigation into the actions of BC’s government regarding the *Land Act* Watershed Reserves, and those drinking watersheds not reserved;
- That an independent body of examiners conduct a forensic audit of all Crown land provincial planning initiatives and government records concerning the public’s Watershed Reserves and watersheds not reserved;
- That all licensed and tenured activities approved by the provincial government within Watershed Reserves be halted, pending a formal investigation;
- That this report serve as substantive grounds for water users to seek protection of their water sources through stronger legislation;
- That this report aid those BC water users with existing Watershed Reserves by helping them understand that they already have legal rights and avenues of protection over their water sources (despite what some government representatives have knowingly and mistakenly informed them over the years);
- That there are sufficient legal grounds to revisit, appeal and revoke BC Supreme Court Justice Paris’s July 8, 1997, *Reasons for Judgment*, and to investigate the corresponding government information and memos related to the court decision.”

¹ This Second Preliminary Report, as with the one that preceded it, was entirely self-funded by the author.

Report Summary: The Glade Creek Watershed Reserve

The community of Glade is located along the southern shore of the Kootenay River just below the confluence of the Slocan River, and in-between two BC Interior City centres, Castlegar and Nelson. Glade is located within Area I of the official planning boundary of the Regional District of Central Kootenay (RDCK). Its water source, the north-west facing Glade Creek watershed (formerly called 10 Mile Creek), composed of the North Fork and South Fork tributaries, is located in planning boundary Area E.

The community of Glade was originally issued a water licence in September 1908, with a subsequent license issued in July 1975, both on Glade Creek. The Glade Irrigation District, an Improvement District incorporated under the *Water Act*, was formed in 1973.

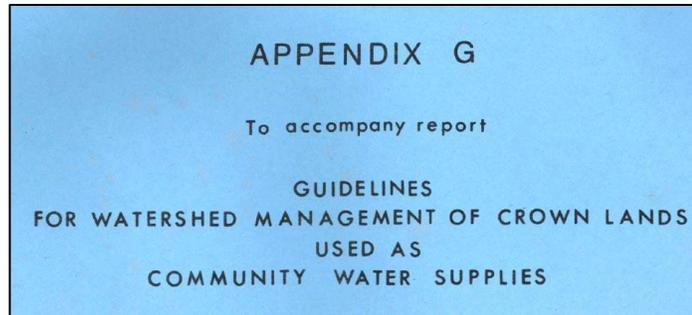
In February 2016, Glade residents contacted the BC Tap Water Alliance (BCTWA). They were concerned about renewed logging proposals in the Glade Creek Community Watershed by two forest companies with Crown timber Chart areas granted by government in the watershed.

The BCTWA soon discovered and reported to the residents that their watershed was designated as a Community Watershed Map Reserve, listed in Appendix G of an October 1980 Ministry of Environment document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*.

NELSON		FOREST DISTRICT		SECTION 3.6 PAGE 1	
NELSON		WATER DISTRICT			
***** W A T E R S P E D *****		***** U S E R *****		***** D R A I N A G E *****	
***** S O U R C E *****		***** N A M E *****		***** L A N D *****	
NO.	SOURCE	NAME	POPULATION	SQ. MILES	STATUS
25A	ARROW CR	EAST CRESTON (IMP DIST)	1350	30.7	CR 96%
10E	CLEARWATER CR	NELSON (CITY)	10	19.2	CR97.5%
10C	COTTONWOOD CR	NELSON (CITY)	10	14.9	CR86.9%
24A	DUCK CR	WYNDEL (IMP DIST)	700	20.1	CA 96%
6	DUHAMEL CR	DUHAMEL CR (IMP DIST)	600	22.0	CR97.8%
10B	FIVE MILE CR	NELSON (CITY)	4000	18.4	CR 100%
30	GLADE CR	GLADE (IMP DIST)	200	11.5	CA 99%
19.0	HANNA (ROCK) CR	RIVERVALE (REG WATER UTILITY)	300	8.8	CR 99%
2	HEART CR	FAUGUIER (B.C. HYDRO COMM)	100	10.2	CA 98%
23	KELLY CR	FRUITVALE (V9LL175)	2400	9.3	CR 100%
17	POUPRE (CHINA) CR	GENELLE (IMP DIST)	500	10.2	CR 99%
5B	SPRINGER CR	SLOCAN (VILLAGE)	140	19.2	CR 100%
10D	WHITEWATER CR	NELSON (CITY)	3000	9.1	CR 100%

Above: Excerpt from Appendix G, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, showing Glade Creek, map location and identity number 30, highlighted in red.

In May 1973, an Executive Committee of Deputy Ministers, called the Environment and Land Use Technical Committee,² authorized its provincial Task Force on community watersheds (February 1972 to October 1980) to establish, and in many instances to re-establish, *Land Act* Watershed Map Reserves for BC's Community



Watershed Water Purveyors and Users. The October 1980 document, being the finality of the Task Force's eight-year mandate, included a long combined list of almost 300 Community Watershed Map Reserves and Order-in-Council Reserves. Appended to the 1980 document were a series of 5 large format maps, each providing the names and locations of all the Community Watershed Reserves placed throughout the former 24 jurisdictions of BC's Water Districts.

Formal Ministry of Forests' comprehensive forest planning analysis documents, submitted to the BC Legislature in 1980 and 1984, made references to the "constraints" associated with BC's Community Watershed Reserve tenure designations:

- "these areas have all been defined and placed in Forests' records as map reserves;"³
- "watershed reserves" are part of the "withdrawals" from the Ministry of Forests' "land base."⁴

The BCTWA also possessed a copy of a 1980s Forest Atlas Reference Map (see below), authenticating that Glade Creek had been designated as a Community Watershed Map Reserve. Standard for government Reference Maps (Canvas, Milar and TRIM maps), the Watershed Reserve's boundaries were outlined with a thick blue line and included the Map Reserve's file reference number, a file owned and supposedly kept in order by the Ministry of Lands. As a stipulated requirement, resource administrators must refer to government Reference Maps for clearance purposes when they conduct resource permit proposal applications and assessments, such as timber sales and timber tenures, to confirm if the Crown land in question does not have any Land Ownership Code restrictions, encumbrances or conflicts. The map copy of the Glade Community Watershed Map Reserve was forwarded as evidence to the residents.

As understood by government administrators who had authorized their establishment, Community Watershed Order-in-Council Reserves, and Community Watershed Map Reserves, which were, and are, established under Sections 15 and 16 of the *Land Act*,⁵ protect and "withdraw Crown land from disposition"⁶ within described boundaries of the said Reserves.

² The Committee was created through the mandate and powers of the 1971 *Environment and Land Use Act*.

³ The March 1980 *Forest and Range Resource Analysis Technical Report*, Appendix D, Contributions from Other Users.

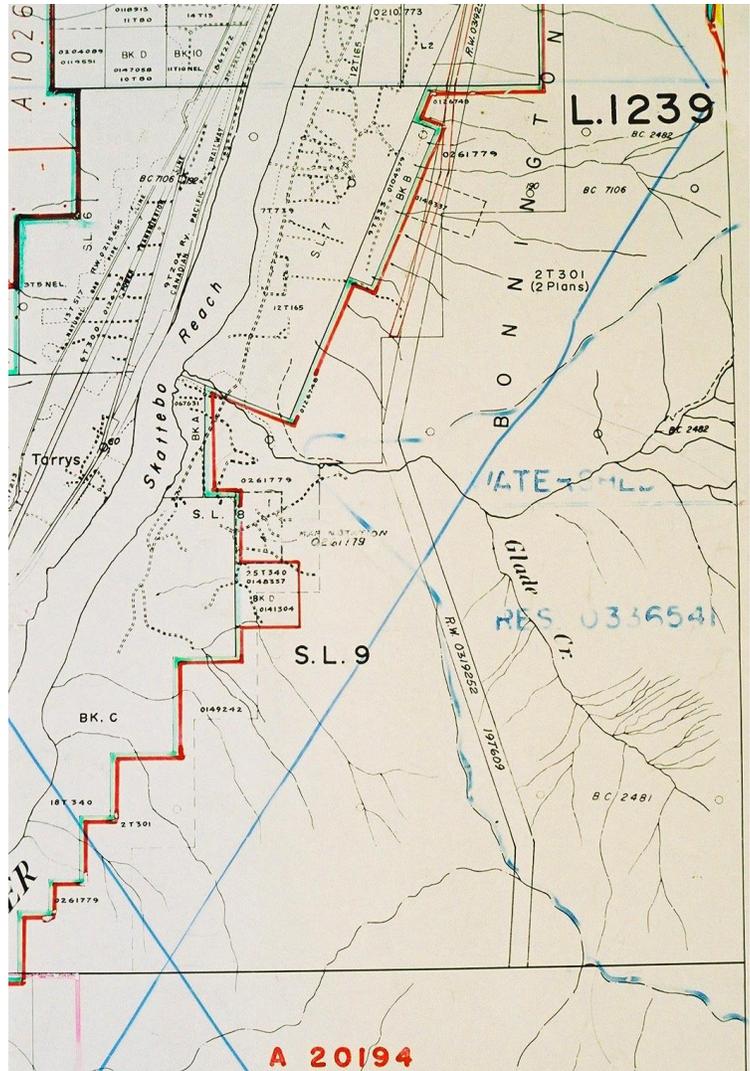
⁴ The 1984 *Forest and Range Resource Analysis* report, Chapter B1, *The Forest Land Base*, page B1.

⁵ The two Reserve Sections were formerly numbered as Sections 11 and 12 of the *Land Act* (1970-1996).

⁶ The Interpretation Section of the 1970 *Land Act* defines "disposition" as that which "includes every act of the Crown whereby Crown lands or any right, title, interest, or estate therein are granted, disposed of, or affected, or by which the Crown divests itself of, or creates a right, title, interest, or estate in land or permits the use of land; and

Right: Eastern section of a 1980s Forest Atlas Reference milar map showing the lower or northwestern half of the Glade Creek Watershed Reserve outlined in blue dashed lines, with the words WATERSHED RES in blue, with the Reserve’s reference file number.

The *Land Act* Reserve legislation has been and is commonly used by government to temporarily or permanently protect Crown lands for various purposes. It is powerful legislation, the very same legislation, for instance, that protected hundreds of areas first proposed, and dozens of those finally chosen, by government as Ecological Reserves within Provincial Forests. According to Community Watershed Map Reserve status records found in many Reserve files, administrators typically assigned them with a “temporary” term, expiring in the year 9,999. Though technically a “temporary” term, the Watershed Map Reserves’ expiry date was almost eternal or permanent, acknowledging the critical nature assigned by government for continuous protection of BC’s community water purveyors and users.



----- Tenure Inquiry -----		TASSA17 --	
Tenure Type:	RESERVE/NOTATION	File No	: 0326774 Status : ACTIVE
Subtype	: MAP RESERVE (SEC. 12 Dated	: 19750722 Expires	: 99990722 ←

The powers attributed to these Reserves is what seems to have deeply troubled many government, academic and private company foresters alike.

The BCTWA also informed the Glade residents about its major research publications which provide documented accounts of the lengthy administrative history of BC’s Community Watershed Reserves. I.e.:

- the 2006 book, *From Wisdom to Tyranny: A History of British Columbia’s Drinking Watershed Reserves*;

the words “dispose of” have a corresponding meaning.” The same section defines “reserved lands” as “Crown lands that have been withdrawn from disposition under this or any other Act.”

- the on-line report, [The Big Eddy: A History of the Big Eddy Waterworks District, and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve](#);
- the on-line report, [Good Servants / Bad Service: An Examination of Records and Reports Relating to Rossland City's Drinking Watershed Reserves \(1923-2002\)](#).

We asked the residents to obtain as many records as possible to check and verify whether or not the Glade community, through the lengthy administration of the Glade Creek Irrigation District, had kept or been given information by government about their Watershed Reserve.

A Freedom of Information request on the Reserve's Lands file was made. The short file revealed that the Watershed Map Reserve had been registered by the Ministry of Environment in 1976 – as part of the authorized initiative and mandate of the community watersheds Task Force, like the almost 300 Map Reserves established / re-established between 1973 and 1976. The file stated that along with the Map Reservation of Glade, ten other local community watersheds were also established as Map Reserves.⁷ Community residents also subsequently filed other Freedom of Information requests.

GOVERNMENT OF BRITISH COLUMBIA	
MEMORANDUM	
TO: Director of Lands Lands Service BUI IGS Attn. Assistant Director of Land Management	FROM: J.H. Doughty-Davies, Head Planning Section Water Investigations Branch VICTORIA, B. C. July 7, 1976
SUBJECT: Community Watershed Map Reserves	
OUR FILE: 0309757-3	
YOUR FILE:	
In reference to conflicts in multiple use of community watersheds, <u>it is requested that a map reserve be placed on the following watershed areas.</u> The attached topographic maps indicate the watershed boundaries.	
<u>Watershed</u>	<u>Drainage Area</u>
Boivin Creek	22.9
Silver Spring Lake	2.4
Kindersley Creek	22.0
Bjerkness Creek	10.0
→ Glade Creek	11.5
Sandy Creek	4.6
Eagle Creek	2.6
Hendryx and Indian Creeks	3.9
Proctor Creek	3.4
Caribou Creek	91.8
Heart Creek	10.2

The Glade Creek Watershed Map Reserve file includes an undated memo (mid-October, 1976?) that the Watershed Reserve application was opposed by the Forest Service. However, subsequent government documents and Reference Maps from 1980 following, which were not part of the file, reveal that the Glade Creek Watershed Map Reserve had nevertheless been established in favour of the Glade Creek Irrigation District. These

facts / clues lend credence to the BCTWA's suspicions, as is the case with a number of other Watershed Reserve files, that the Glade Creek Reserve file may have been purged or tampered with, as documents post-1977 are missing.⁸

For example, as explained by way of a confidential source in *From Wisdom to Tyranny*, a party, or parties, within government shredded key incriminating documents in two Ministry of Lands'

⁷ Boivin Creek, Silver Spring Lake, Kindersley Creek, Bjerkness Creek, Sandy Creek, Eagle Creek, Hendryx and Indian Creeks, Proctor Creek, Caribou Creek, Heart Creek.

⁸ Another possibility is that administrators may have failed their duties to properly update the Reserve file.

Community Watershed Map Reserve files kept for Bartlett and Mountain Chief Creeks.⁹ The file's paper shredding was undertaken to remove revelatory records that may have authenticated the establishment and ongoing tenure memos related to the two Reserves, stifling the Surveyor General's file evidence submitted for a July 1997 Supreme Court Hearing in Nelson City, where the Surveyor General provided Affidavit evidence that now favored the Respondents.¹⁰ Old Forest Atlas Reference Maps clearly show that Bartlett Creek was designated a Watershed Reserve in the early 1950s. Later, Forest Atlas Reference Maps in the 1980s and early 1990s document both Bartlett and Mountain Chief Creeks as Community Watershed Reserves.¹¹

According to statements made in a July 17, 1997 interview with Rob McArthur, the Regional Water Planner for the Kootenay Region,¹² the Surveyor General's staff "had a hard time finding where the hell" their two Reserve files were kept. The Ministry of Lands' staff finally discovered the location and holder of the two files, along with other Reserve files: they had been absconded from the Ministry of Lands by the Ministry of Forests since at least 1989!

The Valhalla Wilderness Society's court action against the Ministry of Forests in 1997 correctly alleged the Ministry's unlawful issuance of logging permits to Slocan Forest Products in the two Community Watershed Map Reserves. The two Reserves, located between and above the Towns of New Denver and Silverton, is where large public protests had taken place in 1997 against the logging proposals, with



residents wrongfully arrested by the RCMP for interfering with the transport of logging equipment headed toward the two Watershed Reserves, whose old growth forests had never been logged. After the court case, with the Court dismissing Valhalla's legitimate claim, the government quickly erased the two Watershed Reserves from Ministerial Reference Maps, with the vindictive purpose of demonstrating to the Supreme Court, and to the concerned public, that the two Reserves in question had never been established by government.

A tenure inquiry was made with the Cranbrook Regional office of the Ministry of Forests, Lands and Natural Resources (FLNR) in July, 2016. The Cranbrook portfolio officers found no

⁹ Chapter 9, *The Paris Judgement and Pandora's Box*, page 144.

¹⁰ The Valhalla Wilderness Society (Petitioners) Vs. the Ministry of Forests, the Ministry of Environment, Lands and Parks, the Attorney General, and Slocan Forest Products (Respondents), Nelson Registry 6789.

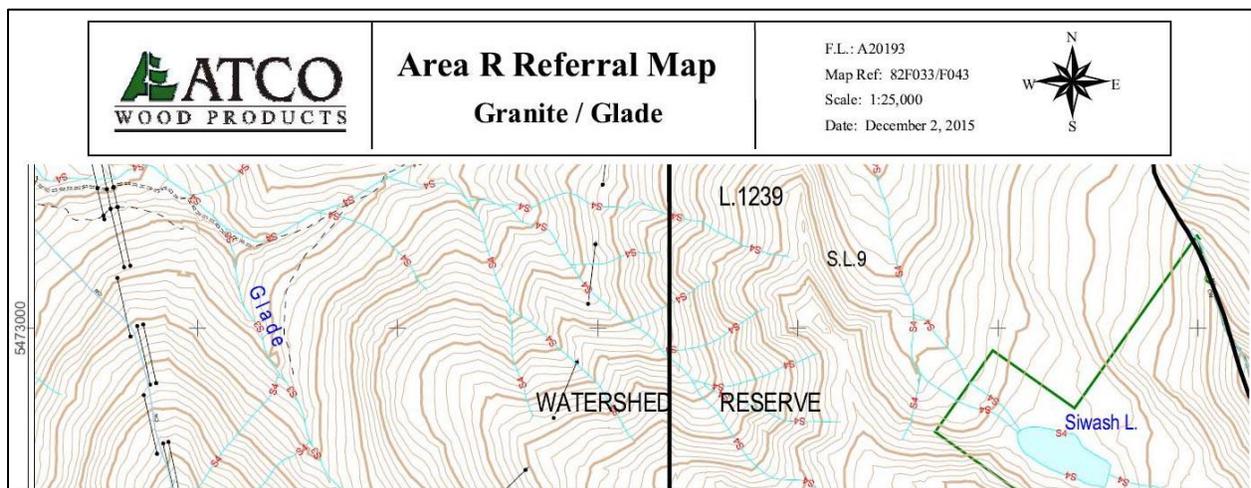
¹¹ As with Glade Creek, the two watersheds are located in the Arrow Timber Supply Area.

¹² Rob McArthur was the Ministry of Environment's designated alternate for the 1993-1995 Glade Creek Technical Committee (see Section 9 for a descriptive of the Committee).

evidence of the Glade Creek Watershed Reserve file reference number in FLNR’s digital management records database.

As background research for its *Big Eddy* report, in 2013 the BCTWA had conducted similar tenure inquiries with the Cranbrook Regional office for Big Eddy’s Dolan Creek Watershed Reserve, and for Revelstoke City’s Greeley Creek Watershed Reserve. The Portfolio officer also found no records in the computer tenure database related to the two Reserves’ file numbers, or to any other Watershed Reserve reference numbers that may also have been established.

Though the Glade, Dolan and Greeley Creek Reserves are not referenced in the FLNR’s database system, this does not necessarily lead to the conclusion that the Reserves were cancelled or no longer exist. For instance, the BCTWA knows that the three Reserves in question continued to be recorded on government reference maps in the 1980s and 1990s with their associated file reference numbers. Regarding the Glade Reserve, it was also recorded on Atco Lumber’s forest



planning maps from 1993 through to December 2, 2015 as a “Watershed Reserve.” And, there is no paper trail in the Glade Creek Reserve file with records after 1977, nor proof of the Reserve’s discontinuance. There may be, therefore, good reasons to assume that a party or parties may have wanted the Reserves in question to just simply disappear. It is plausible that some Reserves may have been excluded or removed from FLNR’s computer database, as that is what most likely happened to the Bartlett and Mountain Chief Creek Reserves sometime in early to mid-1997.¹³

Aiming to solve the mystery of the missing Reserves from the government’s tenure database, the BCTWA conducted a preliminary, comparative analysis of the Community Watershed Map Reserves recorded in *Appendix G* of the October 1980 Ministry of Environment document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, with the computer list of Community Watershed Reserves the BCTWA received from government in 2013.

¹³ Administrators sent the BCTWA the computer print-out lists of all the Community Watershed Reserves in 1997 and 2013. The 1997 list did no longer included the Bartlett and Mountain Chief Watershed Map Reserves.

The October 1980 list documents a total of 95 Community Watershed Map Reserves for the Cranbrook Region.¹⁴ The 2013 list, however, only records a total of 28 Community Watershed Reserves for the Cranbrook Region:

- 23 of which are Map Reserves;
- 1 of which is an Order-in-Council Reserve;
- 4 of which were demoted from Map Reserve to Notation of Interest status.¹⁵

This is a disturbing / troublesome finding for BC's Community Watershed Reserves in the Cranbrook Region alone. Some of the questions that need to be answered regarding the Cranbrook Region are:

- What happened to the data file tenure registry of the other, missing 67 Watershed Reserves, including the Glade Creek Reserve?
- Why were 4 of the remaining 28 Watershed Map and Order-in-Council Reserves demoted, when were they demoted, who demoted them, and were the Water Purveyors notified before they were demoted?

Administrators in government, through the Ministry of Forests, surreptitiously reassigned the single use purpose and critical public function of water supply, formerly (or perhaps still) protected by way of Watershed Map Reserves, to timber supply. It was accomplished through various conniving means and methods over time. Documented in the BCTWA's previous reports, and in the present report, if government administrators could:

- make unlawful decisions to allow timber sales in Community Watershed Map and Order-in-Council Reserves;
- trick Water Purveyors into thinking and believing these Reserves could not prevent timber sales;
- assign these Reserves in Tree Farm License agreements from the 1950s onward;
- assign these Reserves into Public Sustained Yield Units and Timber Supply Areas;
- include these Reserves in the Allowable Annual Cut netting down procedures from 1979 onwards;
- remove references to Watershed Map Reserves from the Ministry of Environment's October 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*;
- hide the tenure status of these Reserves from Integrated Watershed Management Planning documents and procedures from 1984 onward;
- hide the tenure status of these Reserves from Higher Land Planning and Land Use Planning documents and their public processes from 1989 onward;

¹⁴ Reserves registered in the Cranbrook, Fernie, Golden, Grand Forks, Kaslo, Nelson, and Revelstoke Water Districts, all of which were located in the Nelson Forest Region.

¹⁵ Three of these 28 Reserves were, according to the government list, established after 1980, two of which are Notations of Interest. However, early government records show that two of these Reserves were established in the 1970s as Map Reserves.

- hide these Reserves in the status list of the *Forest Practices Code Act* Community Watersheds and hide their Reserve tenure file references from official Reference Maps from 1994 onward;
- randomly demote the status of these Reserves;

couldn't government administrators also have then made Community Watershed Reserve tenures vanish from the government's computer database?

The two logging companies, Atco Wood Products Ltd. (formerly, Atco Lumber) and Kalesnikoff Lumber Co. Ltd., which had somehow, and at some time, been granted forest tenure rights by government in the Glade Creek Watershed Reserve, held separate meetings in two different communities in April 2016 to review their logging proposals and to answer public questions. At the meetings, members of the public asked each forest company managerial forester to comment about the history of the Glade and Deer Creeks, whether each had been established as a Watershed Reserve, and what those designations meant. Both Professional Forester Managers claimed that community drinking watershed sources established by the BC government throughout the 1900s as "Watershed Reserves" were and may have been named as such, but the names meant nothing whatsoever, whereby those named designations had no means or powers to protect Public lands or to prevent commercial logging within them.

Atco's long-standing Professional Forester and Forestry Manager, Ron Ozanne, falsely claimed at the Glade Community Hall, and in an email sent to a member of the community the day previous, that references to "Watershed Reserve" tenures found printed or labelled on Atco's company forest planning maps over the decades, which Glade Creek residents had copies of, were meaningless, dismissing references to the Glade Creek Watershed Reserve, and to Community Watershed Reserves in general, as a "misnomer."

After being asked a question at the Deer Park community meeting whether or not Deer Creek (located just northeast of Castlegar) had ever been designated as a Watershed Reserve, Kalesnikoff's Professional Forester and Woodlands Manager, Tyler Hodgkinson, was not only dismissive of Community Watershed Reserves, using the same "misnomer" claim, but stated, by way of a "NO" answer, that Deer Creek had never been designated as a Watershed Reserve.



Kalesnikoff Lumber has logging tenures in both the Deer Creek and Glade Creek Community Watersheds.

Contrary to Hodgkinson's "No" statement, government records reveal that Deer Creek had been designated by government as an Order-in-Council Watershed Reserve for 28 years (1942-1970), and that Kalesnikoff Lumber had known about this Watershed Reserve in the late 1960s, and had been advised by the Forest Service, and therefore known, that the Watershed Reserve protected Deer Creek from timber sales.

The Deer Creek Reserve file records also reveal that during the late 1950s and into the 1960s the Forest Service had repeatedly advised Celgar Limited, the tenure holder of Tree Farm Licence No. 23, of the very same, that Deer Creek was off limits to timber sales and logging tenure rights because of the conflicting Departmental Watershed Reserve tenure which was protected from "disposition." At the end of December 1970, two weeks after the Deer Creek Reserve had been cancelled, the Nelson Forest Region Forest Manager correctly advised the Canadian Cellulose Company in a letter that as a result of the cancellation, "disposition can now proceed." The Forest Manager's choice of legislative language confirms and bears evidence of the Teflon-coated powers of Watershed Reserves and the Forest Manager's understanding of these powers.

Why were two Registered Professional Foresters, employed by separate logging companies, each company with lengthy logging and sawmilling histories in the lower Nelson Forest Region, each company with forest tenures and chart areas in numerous Community Watersheds and Community Watershed Reserves, making misleading or misdirecting claims about Community Watershed Reserves? Why did these foresters not provide the public with honest and informative answers at these two community meetings as they were supposed to do under their Professional Seal and abiding Code of Ethics, with similar ethical obligations for public accountability under their Professional Reliance framework? What did these foresters not want to tell the public? Were these foresters hiding something, or some things? Their dismissive answers seem to suggest as much, that something was askew.

In lieu of these concerns, Section 12 of this report poses appropriate questions for the Association of B.C. Forest Professionals' Board regarding the professional and ethical conduct of two of their members.

In summary, this second Preliminary Report finds that there is as yet no valid documentation to indicate that the government rendered the Glade Creek Watershed Map Reserve inactive, despite the fact that the Reserve file is reportedly no longer registered in the government's Crown Land tenure computer database.

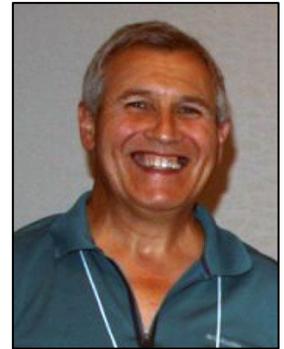
If Glade Creek has an active Map Reserve tenure status, this leads to a number of serious questions and considerations. I.e., forest tenures, cutting permits, road permits would be contrary to the purpose of the conservation Reserve and would therefore be unlawful.

1. Ron Ozanne, Atco's Forestry Manager

On the evening of April 21, 2016, at the Glade community hall, Glade residents met to hear Atco Wood Product's four-hour presentation on proposals to construct new road access and to log in the upper North Fork tributary of the Glade Creek Community Watershed Reserve. The community of Glade has had a registered water licence on Glade Creek since 1908, and is a designated, Ministry of Environment, Community Watershed.



The day before the meeting, April 20th, Atco's long-standing forestry manager, Ron Ozanne, a Registered Professional Forester (RPF), sent the following email segment in response to a question put to him on March 16, 2016 by the Glade Watershed Protection Committee concerning the meaning of a Community Watershed Reserve:



Question #3. *In a letter dated Feb. 4, 2016 (attached) to Andy Davidoff, Area I Director, there is a map attached showing cut block R10 (Area R Referral Map, Granite/Glade, F.L A20193). On that map are the words 'Watershed Reserve'. Can you tell us what this means, and how long it has been in effect? Also, to what area(s) does it pertain?*

Ozanne Response. *The term "Watershed Reserve" on the mapping is a very early mapping terminology which simply denotes Community Watershed. The word Reserve in this term can easily be mistaken for an area where there is no logging.*

At the April 21st meeting, held in the community of Glade, forester Ozanne stated the following:

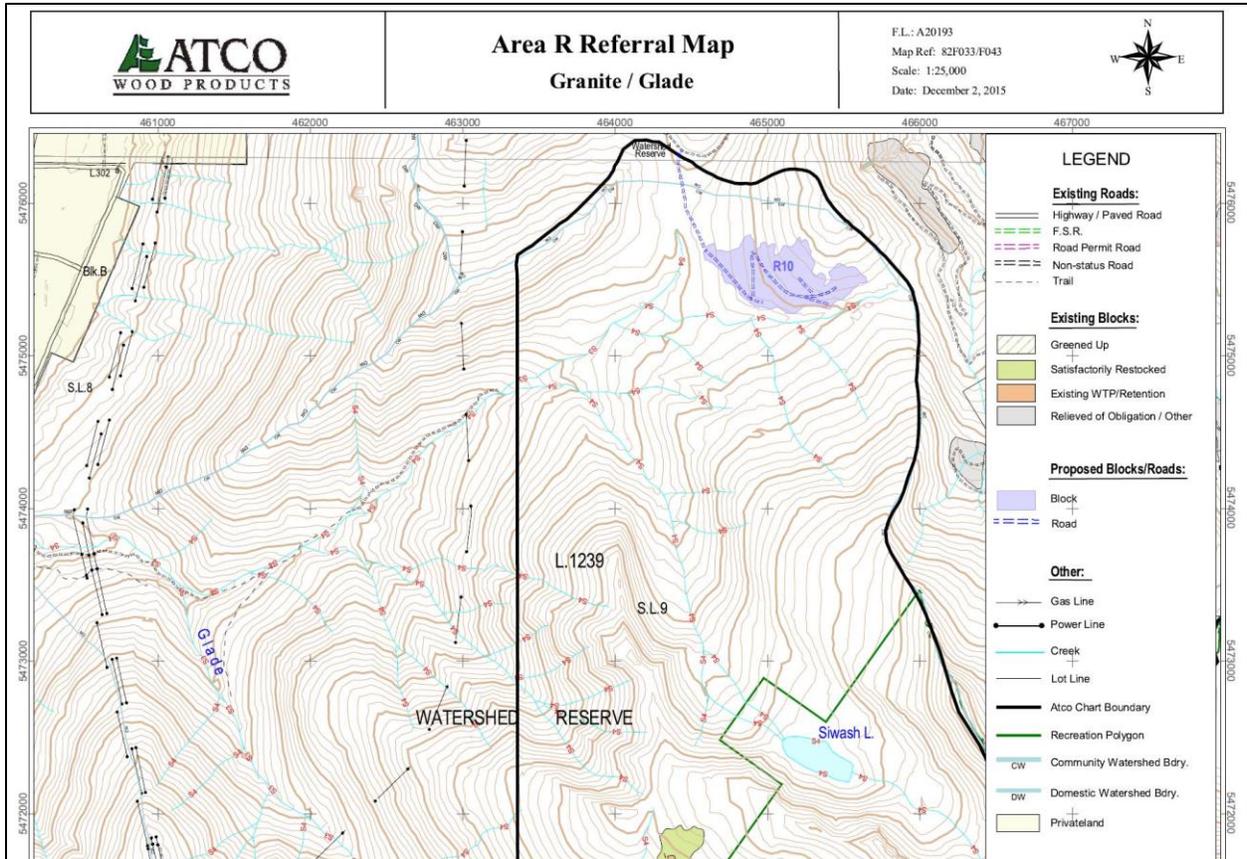
Ozanne: *There is a certain amount of the land base that is protected in Parks in the Province, for good reason. There is a certain amount of 'other area,' quite a large area. I just wanted to show you people what there is. See this green line here [Ozanne is pointing to an Atco company map showing the Glade watershed], in this area, all the way around Siwash Lake, and over here and here. And there is another one right here. Those are called OGMA's. What those are, are Old Growth Management Areas. In essence, simply put, they are completely reserved from logging.*

Resident: *Right. And so is a Watershed Reserve. But somehow that is disappeared.*

Ozanne: I want you to understand this. There have been maps that have come out that used to label something, Watershed Reserve. And it's a misnomer¹⁶ that watershed ...

Resident: What's the misnomer?

Ozanne: It's a misnomer in that if you look at maps throughout the entire province **every community watershed was called a Watershed Reserve**. [Bold emphasis] All it meant is there is a community watershed there, because there was harvesting all through them, has been for years, everywhere.¹⁷



Above: Atco Wood Products' December 2, 2015 logging plan map, showing the proposed cutblock (R10) and logging road access layout for the upper North Fork of the Glade Creek Watershed Reserve. Note Atco's map reference to "Watershed Reserve." Atco is targeting a section or nest of old growth forest lying on the south and southwest facing slopes immediately below the ridge or boundary height of land.

¹⁶ "Misnomer," a late Middle-English term, literally means a "wrong name," and may also mean "a wrong use of a name." Online Wikipedia states that "a misnomer is a word or term that suggests a meaning that is known to be wrong. Misnomers often arise because the thing named received its name long before its true nature was known. A misnomer may also be simply a word that is used incorrectly or misleadingly."

¹⁷ Transcript of video/audio recording.

About an hour later, forester Ozanne was again asked about his “misnomer” comments.

Resident: *In regards to the Watershed Reserve that was on the map, the Atco map. You said it was a bit of a misnomer.*

Ozanne: *Yes.*

Resident: *And, it was terminology that could be mistaken for an area where there is no logging.*

Ozanne: *Yes.*

Resident: *Historically, that was the case under the Land Act, [where the watershed] could be held under Reserve or be exempt from activities such as logging. And, obviously Glade watershed was once designated as a Reserve as shown on your own maps of 1993 and 2016. We checked into the records from Freedom of Information showing that Glade was established as a Community Watershed Map Reserve in 1976 by the Water Rights Branch. And, Water Rights was asked to do so under legislative mandate of a provincial task force that went from 1972 to 1980.*

Ozanne: *As I said. It is a misnomer. If you went to those maps, the 1993, the 2016, **all of our maps that cover community watersheds have this.** [Bold emphasis.] There is [sic, are] a lot of maps that contain it.*

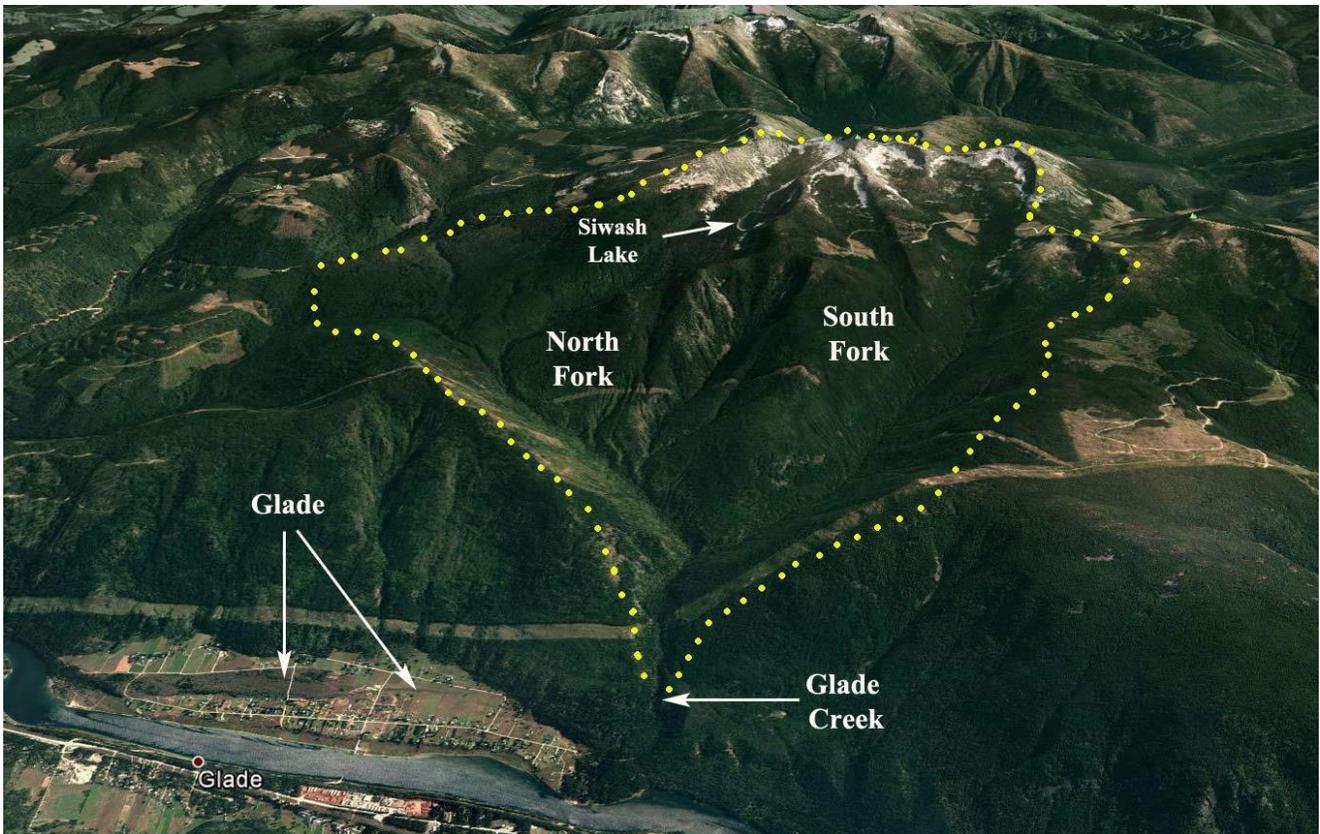
It's on our base map. It's like getting rid of contour lines off the ... If you don't really smarten up what labels you put on a map, they just keep getting passed on from year after year. ... I can tell you that this has happened, and show you on maps, many other watersheds that say Watershed Reserve. And we've logged there ever since the 1960s, 1970s, and have never stopped logging.

Resident: *In 1976, supposedly we had Watershed Reserve status, but nothing was ever told to us, or nothing was ever said about that status changing, as far as we can tell.*

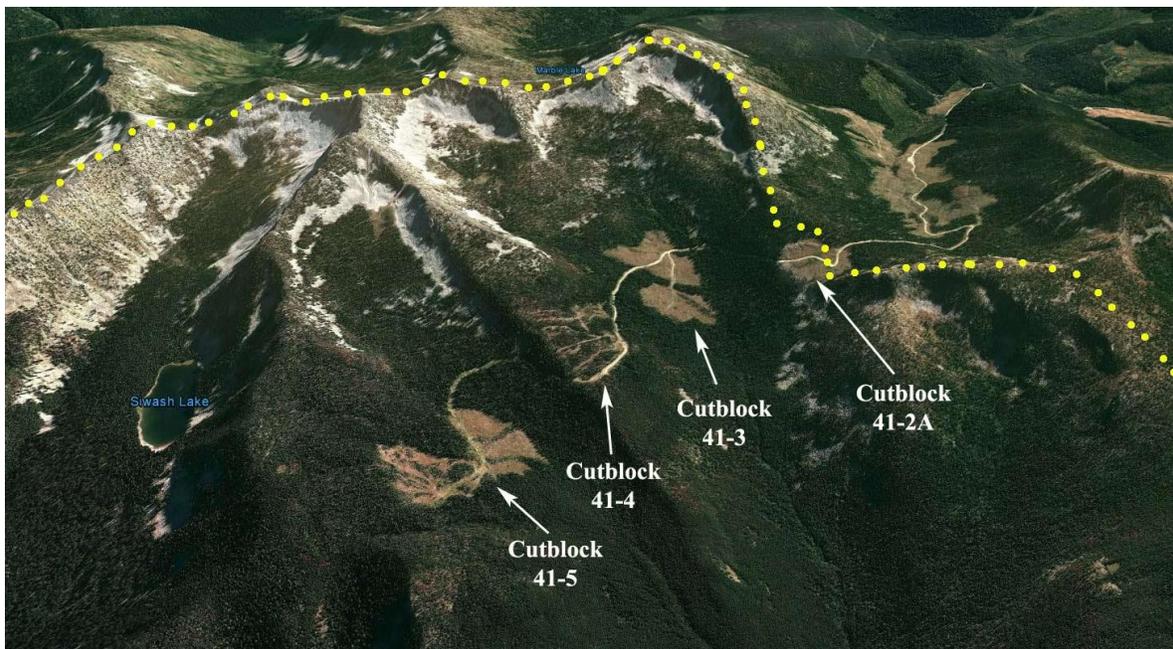
Ozanne: *Like I said, as far as I know, it was just a label that was put on the base maps when there was a community watershed, and it's occurring on a lot of our other community watersheds where we've harvested for years.*

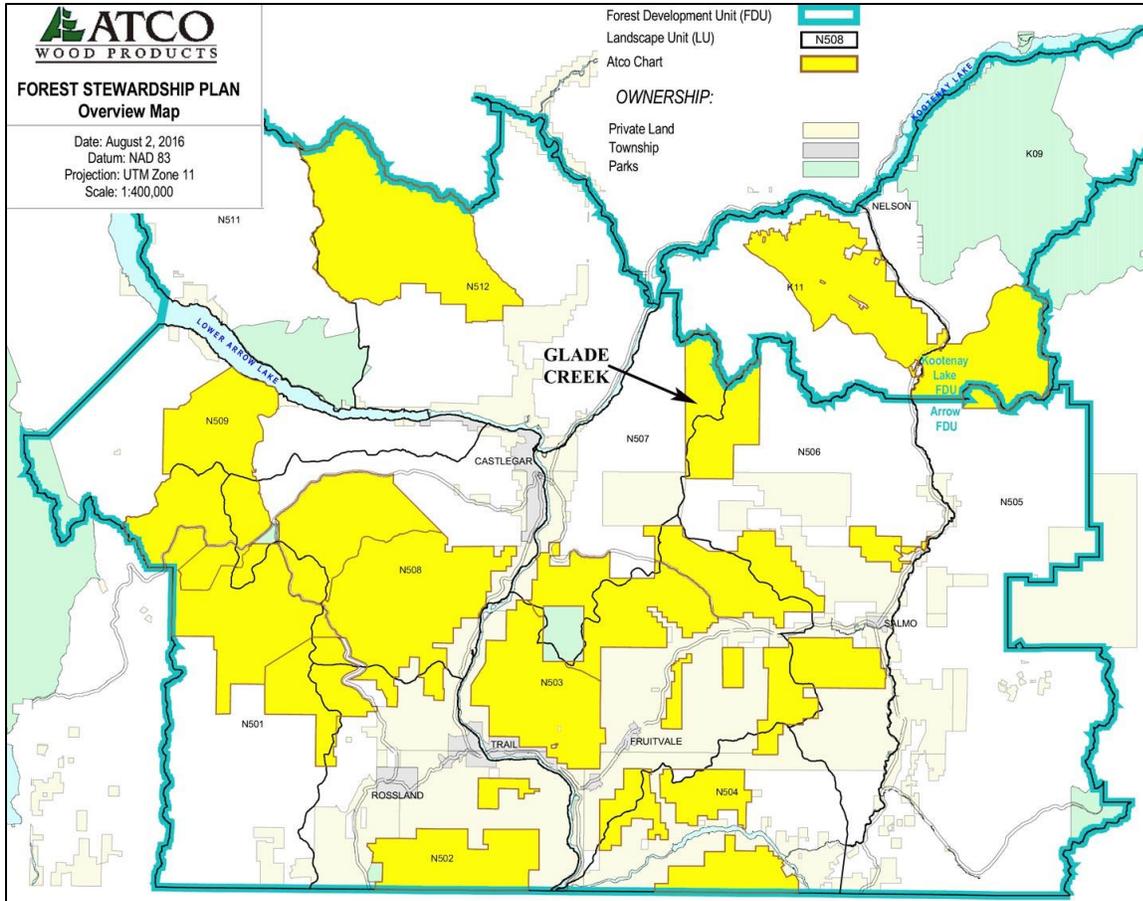
Resident: *So, are there any that you are aware of, a Reserve, or a community watershed, that you cannot go into, in your jurisdiction?*

Ozanne: *Not in our jurisdiction, not on our forest license. There is no area that we can't go into.*



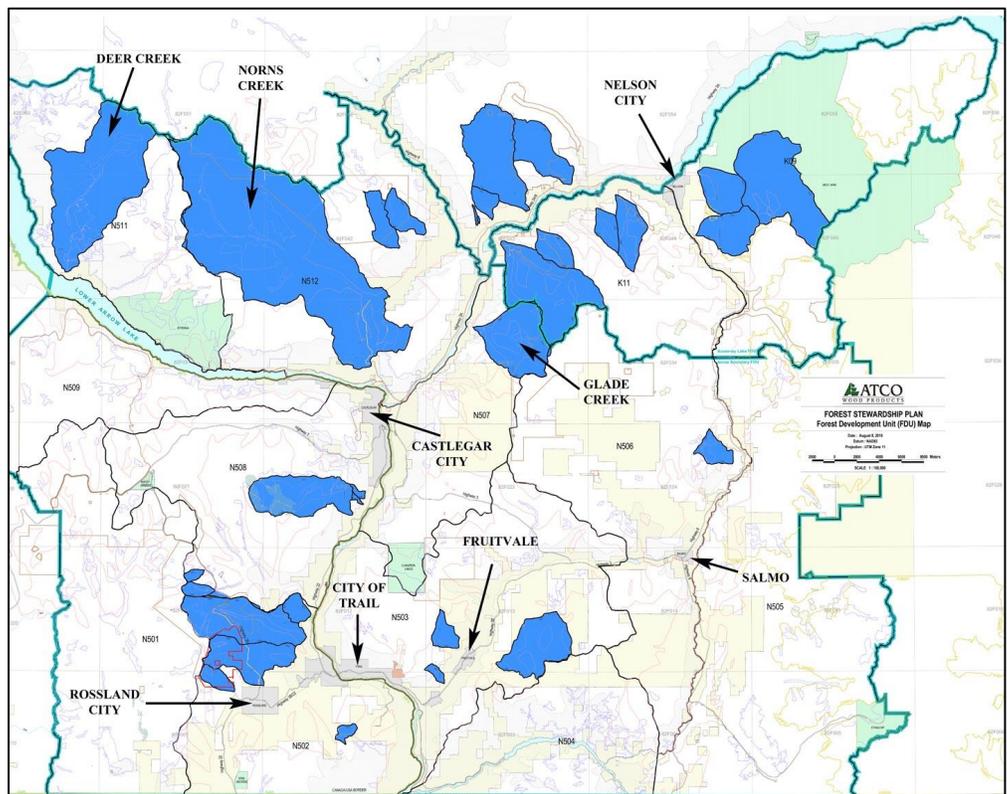
Above: Google Earth image (2009) of the Glade Creek Watershed Reserve (within the yellow dotted boundary), showing the North and South Fork drainages. At the very bottom of the image, left of centre, is Kalesnikoff Lumber's mill site. **Below:** In the late 1990s, Atco had permits to build logging road access into old growth forest stands, and to log four cutblocks in the former pristine headwaters of the South Fork drainage. From 1993 to 1995, the Ministries of Forests and Environment convened the Glade Creek Technical Committee (see Section 10), where government cast final decisions for Atco to log the South Fork headwater forests. Government failed to notify the Technical Committee of the tenure status of Glade Creek, designated as a Community Watershed Map Reserve.

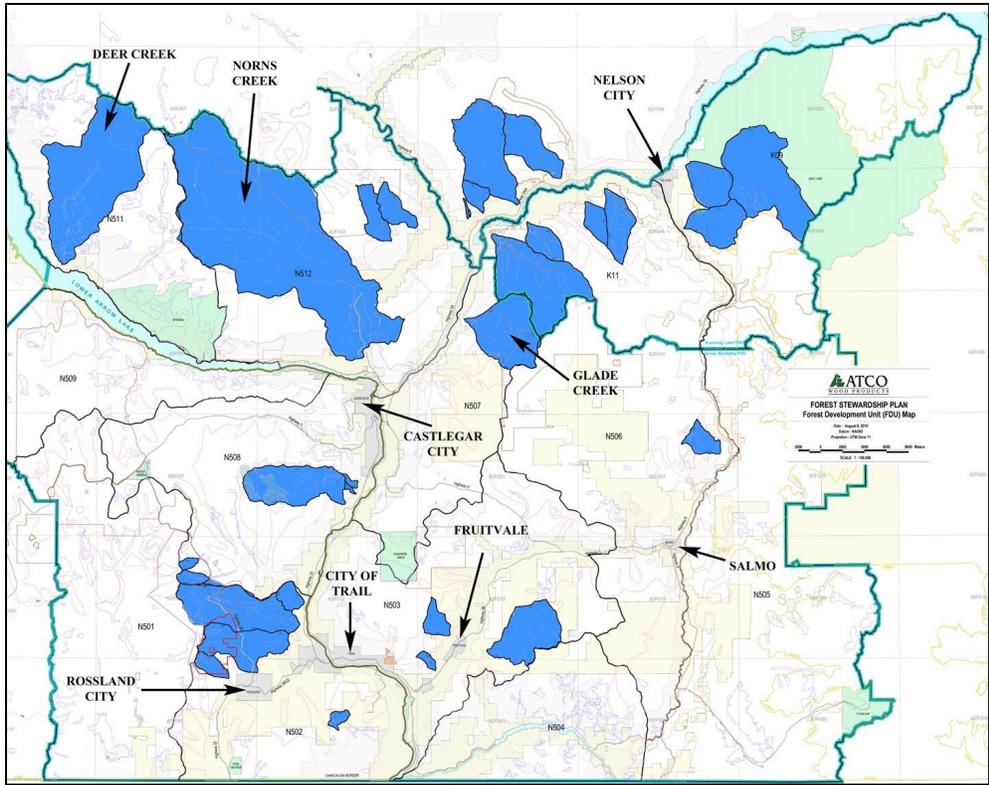




Atco's August 2016 Forest Stewardship Plan Maps, with added coloring to show Atco's forest tenure Chart areas (above, in yellow), and Atco's maps showing locations of Community Watersheds (right, in blue).

By making a careful comparison between the two maps, one can observe the number of community watersheds Atco has forest tenures within.



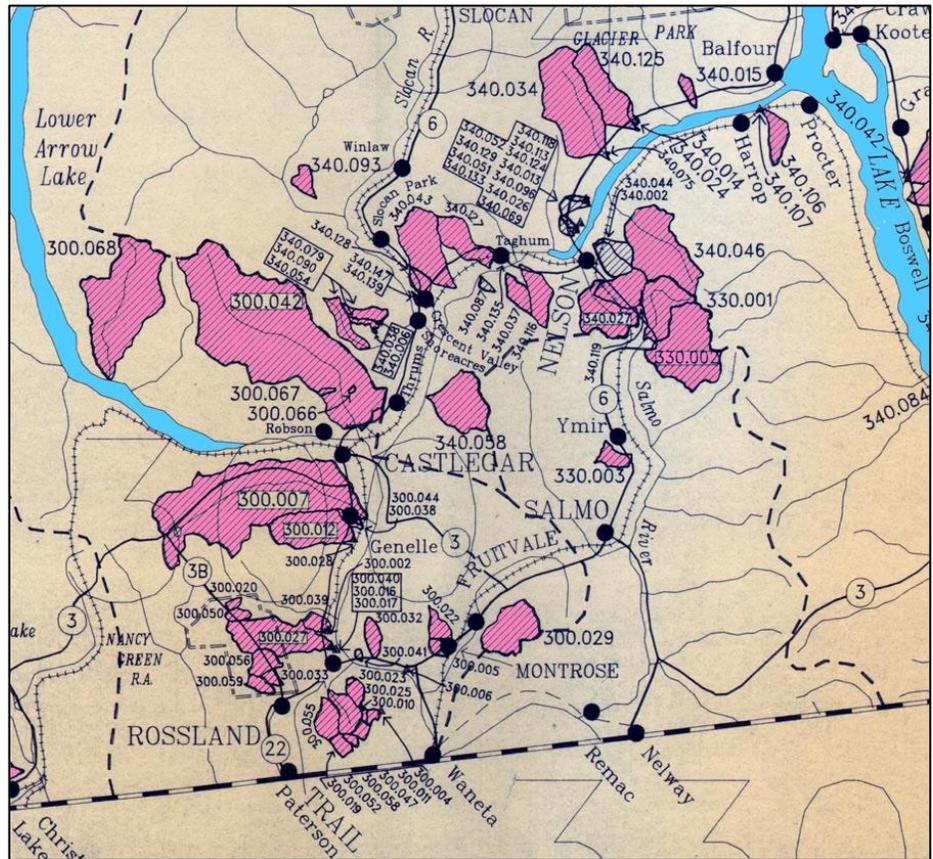


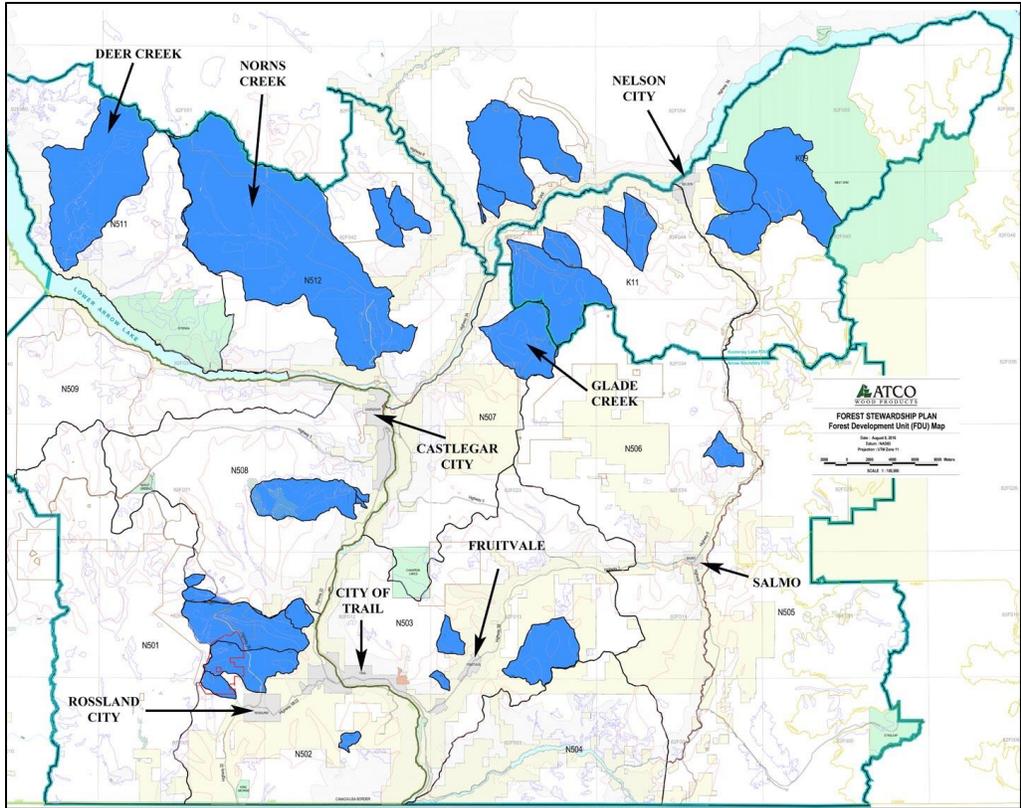
Comparing the number and locations of Community Watersheds:

Atco's August 2016 Forest Development Unit Map within the green boundaries (above);

The Forest Practices Code Community Watersheds' Map of 1994 (right).

Note the differences.



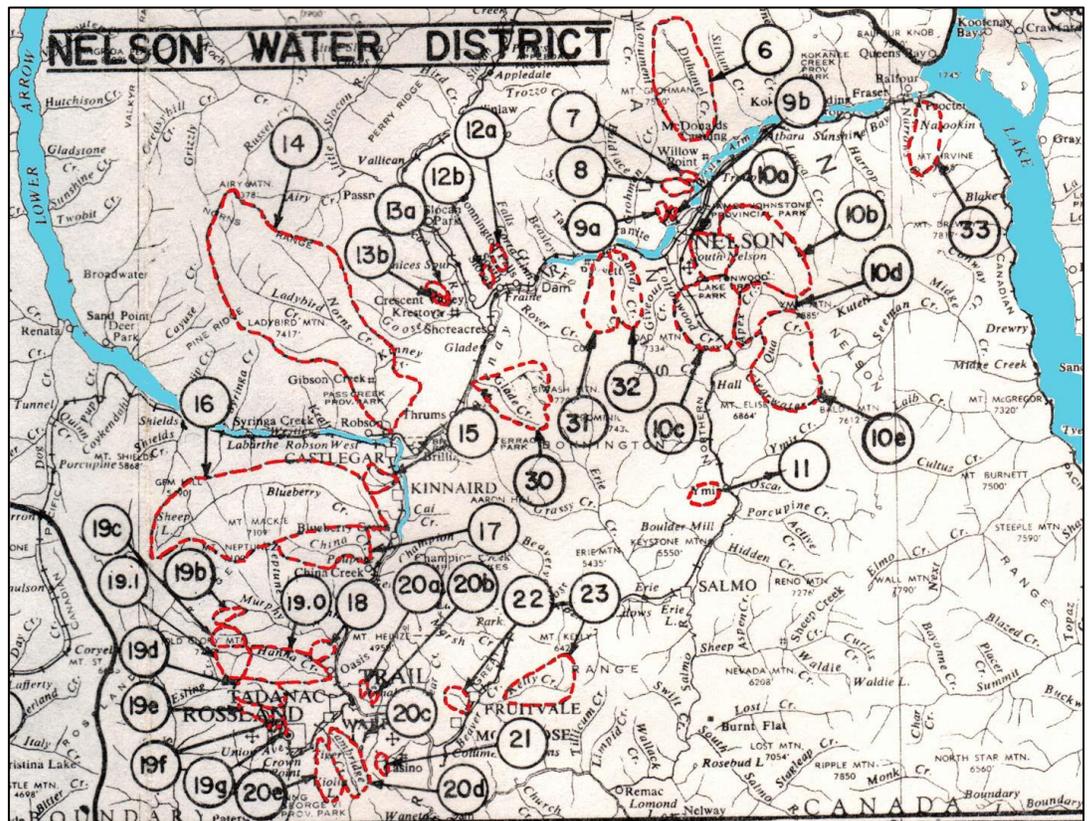


Comparing the number and locations of Community Watersheds:

Atco's August 2016 Forest Development Unit Map within the green boundaries (above);

The Community Watershed Map Reserves published in the October 1980 Community Watershed Guidelines document, with the Reserves outlined in red dashed lines (right).

Note the differences.



1.1. Atco's Forest License and Logging in the Norns Creek Watershed Reserve

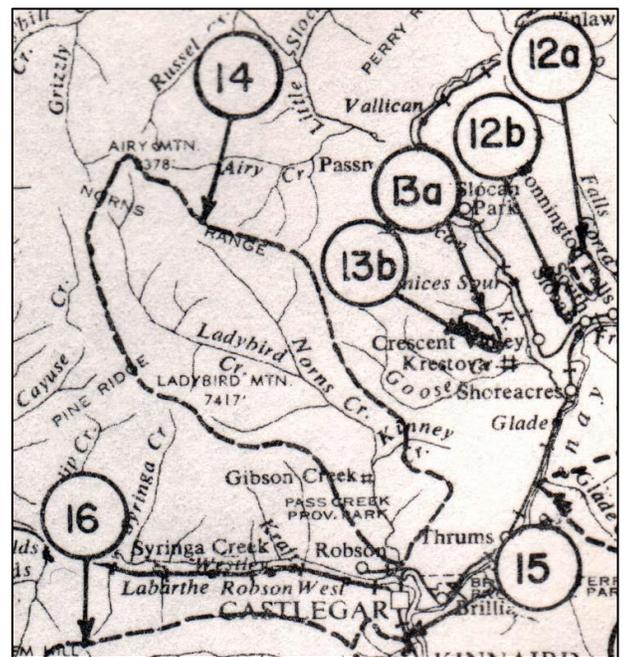
Three years before Atco's meeting in the Glade Community Hall, Atco was in the midst of another public showdown in the community of Robson, located about 20 kilometres west of Glade. Residents, with the Robson-Raspberry Improvement District, who had recently formed the Robson Raspberry Watershed Alliance (RRWA), were opposed to both Atco's logging and to the Ministry of Forests' Crown Land cattle grazing leases in the Norns Creek watershed. The Improvement District was on record as "strongly" protesting "activities such as logging in the Ladybird Creek – Norns Creek watershed."¹⁸



February 8, 1989 public forum in the community of Robson. Image source: Castlegar News.

When the RRWA organized a public panel discussion meeting on February 8, 1989, at which Atco and Ministry of Forests representatives participated, Arrow Forest District Manager and professional forester Ken Arnett failed to inform the RRWA and the Improvement District about Norns Creek's tenure status as a Community Watershed Reserve. In fact, the government had consistently failed to notify the public about this critical, legal tenure, and had instead unlawfully let timber and range licenses over many years within the Reserve's boundaries.

The Norns Creek Watershed Reserve was one of the older Reserves in the Nelson Region, created by government on September 18, 1939. The Watershed Reserve was later included in the Ministry of Environment's October 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies* document, as shown here from one of its maps.



¹⁸ Castlegar News, March 15, 1989, "District must improve water, inspector says."

Sunday

Castlegar News

Vol. 42, No. 11

60 Cents



CASTLEGAR, BRITISH COLUMBIA, SUNDAY, FEBRUARY 5, 1989

WEAT

Today and M
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is near zero
Monday.

Atco refutes critics' complaints



A DAY IN THE WATERSHED . . . officials from the Ministry of Forests' Arrow Forest District office in Castlegar and representatives of Atco Lumber Co. in Fruitvale discuss Atco's logging operations in the Ladybird Creek/Norns Creek watershed during a field trip to the area Friday. —CastNewsPhoto by Simon Birch

By SIMON BIRCH
Editor

Representatives of Atco Lumber Co. this week defended their logging practices in the Ladybird Creek/Norns Creek watershed saying allegations the company is adding to damage created by past logging operations in the area are not true.

On a field trip to the watershed Friday, Atco's woodlands manager Hans Louwe and logging superintendent Gus Young took representatives of the Castlegar News and BCTV on a tour of several areas the company is currently logging under a contract with the Ministry of Forestry to rid the area of a spruce bark beetle infestation. The field trip was organized by officials from the Forests Ministry's Arrow Forest District office in Castlegar.

Representatives of the Robson-Raspberry Watershed Alliance — a newly formed group whose goal is to protect the watershed from damage — were also invited on the field trip but declined the offer, citing a "few days' notice" of the proposed field trip was "not sufficient enough notice to be able to make changes" in the schedules of alliance members.

Trustees of the Robson-Raspberry Improvement District — the formally incorporated body responsible for supplying and distributing potable water to the 2,200 residents of Robson and Raspberry — also declined to take part in the field trip.

Trustee Walter Evdokimoff told representatives of the Arrow Forest District and Atco Lumber, who had gathered at the RRID office in Robson prior to leaving on the field trip, that the improvement district trustees did not want to go because their participation in the field trip would give the impression they approve of the logging currently taking place in the watershed.

During the field trip, Young and Louwe disputed allegations by the alliance that Atco is cutting too deep into the ground for skid trails along which logs are

"It's good logging," Hamann said.

Prior to the field trip, RRID trustee Evdokimoff and Robson-Raspberry Watershed Alliance coordinator Astrid Austin engaged in a heated exchange with Hamann and his colleagues and Atco representatives at the RRID office, with Evdokimoff calling for a moratorium on logging in the watershed and Austin labelling Hamann's explanation of Atco's logging operation "gobbledygook."

"Until you can go out and look at it (the logging) with us, you can call it gobbledygook," Hamann replied.

In a letter distributed prior to the field trip, Austin says "technical people" of the alliance's choice will review the situation in the watershed in the spring and then will discuss the situation with Ministry of Forests officials.

The letter goes on to say that "spring is the most appropriate time to look at the damage, not in winter when everything is frozen solid."

Evdokimoff called for an independent third party to investigate conditions in the watershed. However, Arnett said the Ministry of Forests' responsibility is in fact to act as independent body to review logging practices.

Robson and Raspberry residents — who are currently on a notice to boil their water — say they are fed up with the continuing degradation of their water supply.

While the alliance places the blame on past and present logging operations, its members also cite problems with cattle using Norns Creek as a drinking source, and defecating and urinating in the creek.

In a letter to the Castlegar News Jan. 29, the alliance said it appreciates the efforts of cattle owners in the area who are trying to remedy the problem of wandering cattle. But several cattle were seen gathering at the banks of the creek Friday as field trip participants drove by along Pass Creek Road. One cow was observed defecating on to the snow and ice which has formed along the creek.

The next round in the battle takes place tomorrow at Robson Hall at another public meeting called by the alliance to discuss the watershed. The meeting is scheduled to start at 7 p.m. with Arrow Forest District officials and Atco Lumber representatives expected to participate in a question-and-answer forum.

One of the presenters at the February 8, 1989 public forum in Robson was (wholistic and alternative) forester Herb Hammond, the chair of both the BC Water Protection Alliance (recently formed in October 1984) and the Slokan Valley Watershed Alliance (formed in 1981). As stated in Chapter 4 of the BC Tap Water Alliance's *The Big Eddy* report (published online in 2013), the Community Watershed Reserves established throughout the Kootenays:

went unidentified by the newly created BC Watershed Protection Alliance Had the many members ... been properly briefed and grounded about the Reserves, the actions of the

Residents blast logging in watershed

By SIMON BIRCH
Editor

Residents of the Robson Raspberry Improvement District, worried about what they say are continuing threats to their water supply, have called for a moratorium on logging in the Robson-Raspberry watershed.

At an informational meeting Monday at Resker Hall in Robson the residents circulated a petition calling for an immediate end to logging in the area and accused the Ministry of Forests of failing to protect the environment of the watershed.

The Forests Ministry, said Robson resident Ken Wylie, has been "massively negligent" in its supervision of logging activity in the area.

"That watershed is decimated," said Wylie, a Castlegar lawyer. "Forestry failed to police it."



LOUD AND CLEAR . . . People who depend on water from the Robson-Raspberry watershed made their complaints about the deterioration of the watershed known at a meeting Monday in Robson. —CasNews photo

Wylie said he has "no doubt" that the trustees of the Robson Raspberry Improvement District and the Regional District of Central Kootenay "should get an injunction to bar logging in the watershed."

Wylie was joined by RDCK director Martin Vanderpol in blasting the Forests Ministry at the meeting.

Referring to the ministry's responsibility to protect the environment in the watershed while at the same time collecting stumpage fees from logging contractors, Vanderpol said it's like "letting the fox in the chicken coop." He argued that the cost of repairing the damage to the watershed far outweighs any stumpage fees recouped from logging the area.

Vanderpol said there should be a moratorium on logging in the watershed "right now."

"We have to stop development in our watershed,"

the Area J director said, adding that the government should recognize the watershed is used as a source of drinking water.

"The first priority should be pure drinking water," Vanderpol said, drawing a round of applause from the approximately 30 people who attended the meeting.

Wylie said the history of damage to the watershed through logging is "absolutely unbelievable."

At one point in the meeting, he read from a letter to the improvement district board from the Forests Ministry stating that there should be "no further disposition of timber" in the watershed.

The letter was dated Sept. 28, 1937.

Over the years, logging has been blamed for increasing erosion in the watershed which in turn causes deposits of sediment in the water supply. That sediment has rendered the district's ultra-violet sterilizing system ineffective.

As well, Wylie said, the ministry at one point acknowledged stream beds in the watershed were used as skid trails for the logs being harvested.

Ian Hamann, the Arrow Forest District's operations manager, attended Monday's meeting and agreed past logging practices were not the best.

"It was poor logging — no one's going to say it was good logging," Hamann said. "There was a lot of practices that were poor."

He said the "past is past" and the Forests Ministry "assumes a portion of that responsibility" for allowing the poor logging practices.

But Hamann defended the current licensee, ATCO Lumber of Fruitvale, which is currently logging at the source of Ladybird Creek in an attempt to rid the area of a spruce bark beetle infestation.

Hamann said ATCO, which was not represented at the meeting and came under harsh criticism for its current logging operation, is now following good logging practices.

Hamann, who lives in Robson, said a hydrologist's report in the fall identified problems in the watershed and listed priorities but came too late in the year for work to start on correcting the problems.

"I think it's self-evident that work has to be done," he said after the meeting, adding that the district has asked for funding so that work can begin on correcting some of the problems.

Earlier in the meeting, Hamann said district staff have been seeking a meeting with the improvement district trustees to discuss the situation in the watershed and called Monday's meeting a "step in the right direction."

"I'm glad to see an initiative is being taken," Hamann said.

continued on page A2

Watershed

continued from front page

Logging was not the only complaint organizers of the meeting raised Monday.

They say cattle are being allowed to roam freely next to the creeks in the watershed, using the creeks as sources of drinking water and urinating and defecating next to the creeks.

But George Stein, a trustee of the improvement district, said government officials he has spoken to say they are "unaware of any laws that they could act upon firmly."

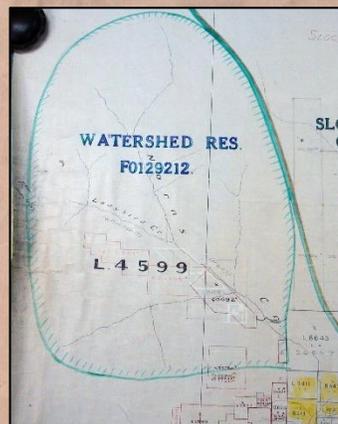
That brought an exasperated response from one member of the audience who said, "We can't do anything about cattle crapping in the creek? That doesn't sound reasonable."

However, later in the meeting, Wylie said a friend

of his who has cattle in Pass Creek but who keeps the animals away from the creek, indicated he would approach other cattle owners in the hope of convincing them to limit their animals' access to the creek.

Wylie said his friend knows which ranchers are responsible and said they are likely to cooperate because they want to avoid bad publicity.

Meanwhile, residents Astrid Austin, Nora Jukes, Sandra Groepner and Sandra Wylie are spearheading an effort to organize another public meeting Feb. 6 at Robson Hall. At that meeting, they hope to have representatives from the Forests and Environment ministries, ATCO Lumber, the Slokan Watershed Alliance and the Robson Raspberry Improvement District, on hand to discuss the problems in the watershed.

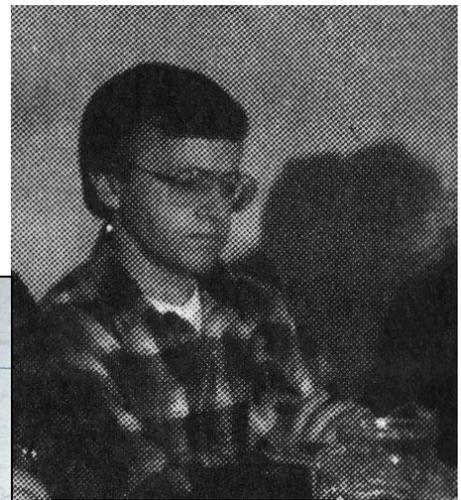


Alliance may have significantly influenced, revised and shifted community watershed history in British Columbia from the way we know it today.

The Alliance was responsible for drumming up much-needed public awareness of issues related to community and domestic watersheds over the following six or so years, causing reverberations across the Province. The continual actions from many of these groups would also force the Ministry of Forests to internally investigate government liability policies over Crown land logging in community watersheds (see Chapter 9, The Looming Issue of Liability).

Despite its great influence, the Alliance somehow failed to account for the Watershed Reserves while they were being, or about to be, invaded and compromised, while being underhandedly and secretly included in the Chief Forester's Annual Allowable Cut and Timber Supply Review determinations.

Atco's planning forester, Hans Louwe, a presenter at the Robson forum, also failed to acknowledge Norns Creek's status as a Watershed Reserve. As Atco's forester Ron Ozanne stated on April 21, 2016, Atco's Norns Creek logging and site plan maps had the words "Watershed Reserve" printed on them.



Left: 1930s canvas Forest Atlas Map showing the Norns Creek Watershed Reserve boundaries, which includes Ladybird Creek.

2. Tyler Hodgkinson, Kalesnikoff's Woodlands Manager

A week later, on the evening of April 29, 2016, at a meeting place in the community of Deer Park (located just north-west of Castlegar), residents met to hear Kalesnikoff Lumber's community presentation proposal for more logging in the Deer Creek Community Watershed. Tyler Hodgkinson, Kalesnikoff's Woodlands Manager and a Registered Professional Forester, presented information to the public. A resident commented and asked Hodgkinson the following:

Resident: *Yeah, I mean I think you can understand, you know, our concern, or at least mine being a resident here and being that's my water source and all the things that can happen both with logging and with climate change and with wildfire, because you are right, it is a bit of a wild card, those are conflicting concerns and how do you really juggle those priorities and apply the ecological values that I know your company has always had, and likes to have. But frankly to clear cut a water drainage that's a water source for people...not just us, but you know...*

Hodgkinson: *That we have been doing it for years, right?*

Resident: *Yes, I know, I know, but that makes a good question because at one time, you tell me, were we not a Watershed Reserve at one time?*

Hodgkinson: *No, that's a, that's a misnomer. They put Watershed Reserves on maps, and they called all community watersheds Watershed Reserves, but they, it was just a name.*

Resident: *Yeah but it, but, it was Gazetted.*

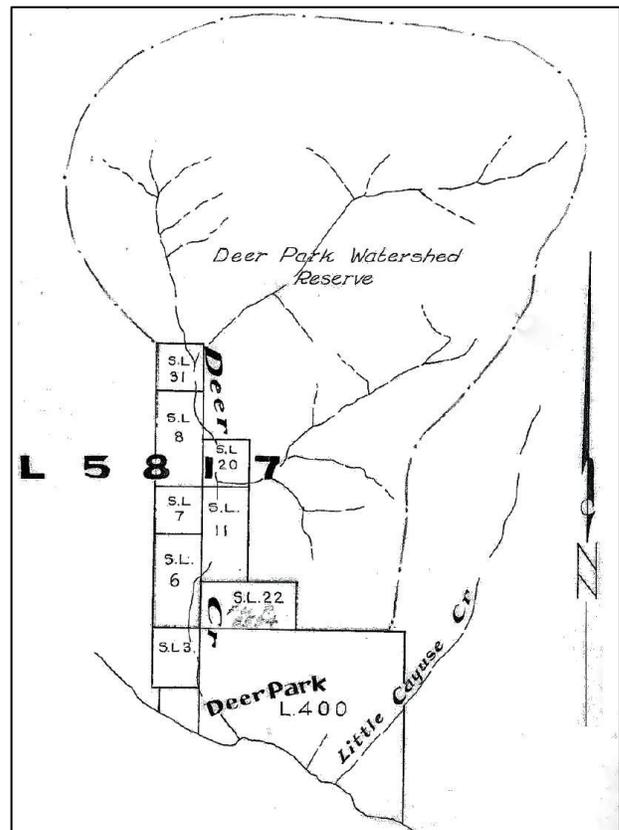
Hodgkinson: *No, no, it's a Working Forest, it's all designated a Working Forest. So somebody put that on a name, and now people are saying, 'oh you can't log in there,' but you know what, it doesn't mean that.*

Resident: *But I think for quite a while it was excluded from logging.*

Hodgkinson: *I don't think so.*

Resident: *And what would it mean if it was declared a Watershed Reserve?*

Hodgkinson: *It's not though.*



Resident: Under the Land Act? What would it mean? For logging, if it was?

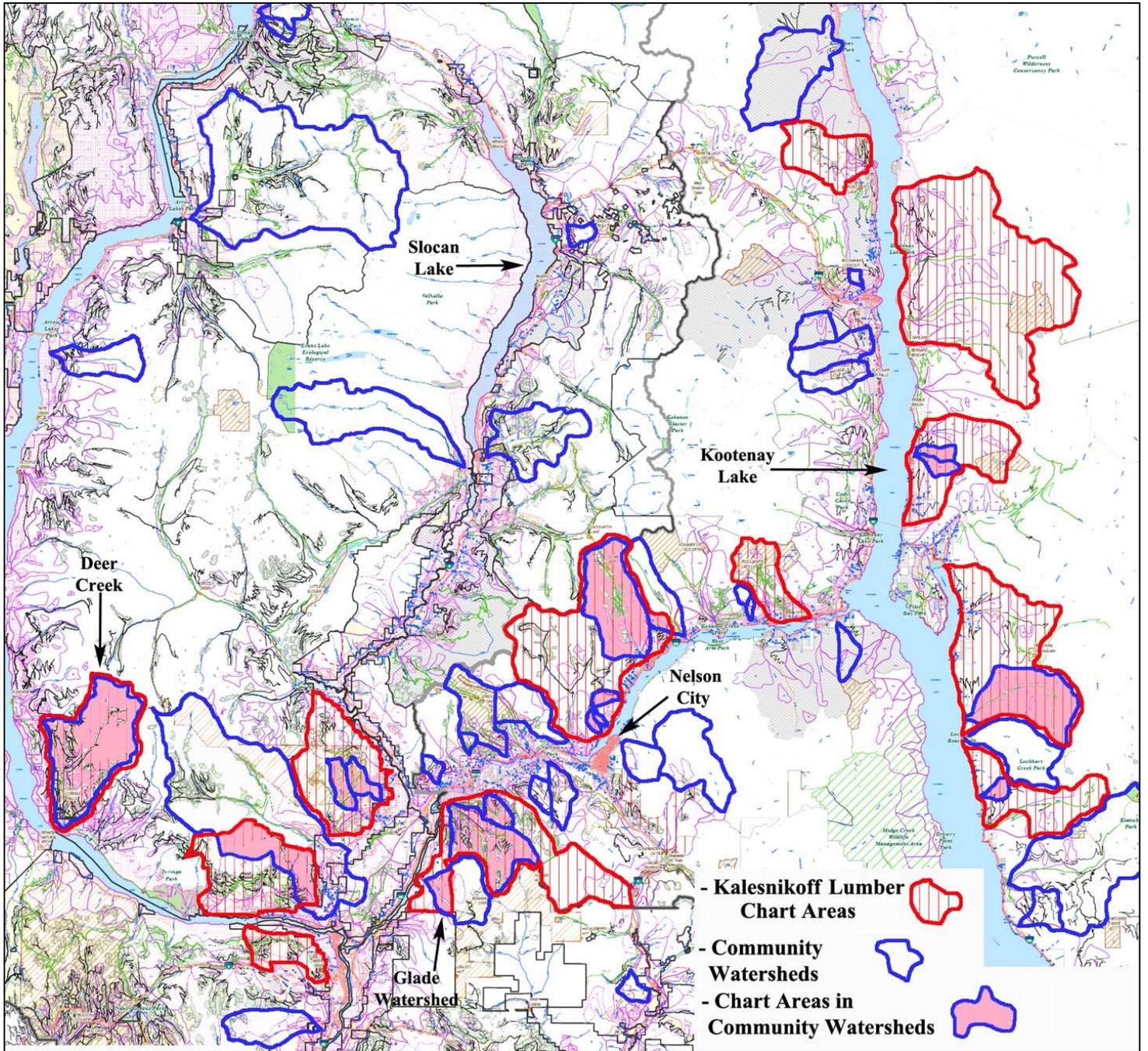
Hodgkinson: Nothing. ... It's Integrated Management. We have multiple resource users and we all have the same amount of rights. So we have rights to timber, you have rights to a certain amount of potable water. Other people, have, you know, hunters for example have the right to go hike in there or take the horses and go hunting, people have the right to go up there walking, hiking, dirt biking, whatever, right? We all have equal rights, and its Integrated Resource Management, that's all. That's what society has deemed it: in society we all live in wood homes and use paper products, and it's a renewable resource, and I don't know what more to say.¹⁹

According to witnesses, forester Hodgkinson had also attended Atco's presentation at the Glade Community Hall on April 21st, where he heard questions posed to forester Ozanne, and heard Ozanne's response comments about Watershed Reserves. That is most likely why forester Hodgkinson also happened to restate, exactly, Ozanne's "misnomer" dismissive answer at the Deer Park meeting. Documented below in Section 5, government had designated Deer Creek a Watershed Reserve for about 28 years, during which time logging was disallowed.



Above: Google Earth image (2009) showing the Community of Deer Park and the Deer Creek Community Watershed. Deer Park is located on the northern shore of the Lower Arrow Lakes Reservoir, and about 30 kilometres northwest of Castlegar City. Kalesnikoff Lumber has a commercial logging tenure in Deer Creek, a former Order-in-Council Watershed Reserve (1942-1970).

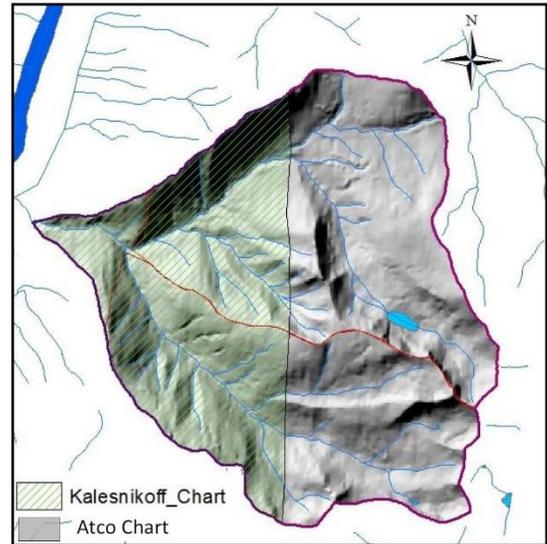
¹⁹ Transcript of audio recording.



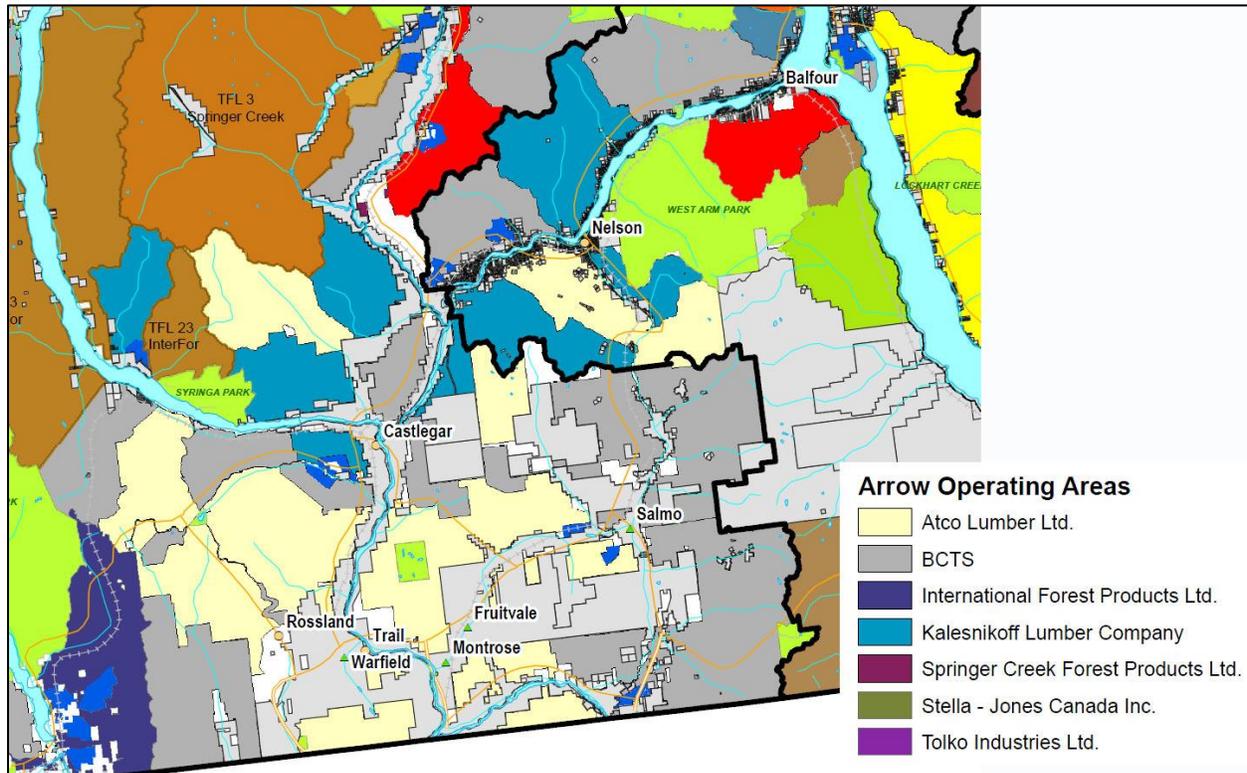
Map above is a copy of Kalesnikoff Lumber’s Arrow Forest Stewardship Plan, 2015, Detail Wall Map, retrieved from the company’s website. Color highlight details from the map were removed, and thick blue and red colored lines were introduced to feature the locations of Kalesnikoff Lumber’s Chart Areas (in red) and Community Watershed locations (in blue), as found and outlined on the 2015 map. The Chart tenures are located in the Arrow and Kootenay Lakes Timber Supply Areas. The pink filled areas show 16 Community Watersheds Kalesnikoff has logging tenures within. Of the 16 Community Watersheds, 13 comprise the entire watershed boundaries. Most of these Community Watersheds are, and were, Watershed Reserves.

3. Kalesnikoff & Atco: Logging Partners in the Glade Reserve

Kalesnikoff Lumber and Atco Wood Products share a few things common when it comes to commercial logging in BC’s Interior Community Watersheds, and with the public controversies associated with logging in them. For instance, they both share Crown land logging license rights in the Glade Creek Community Watershed Map Reserve, where Kalesnikoff was somehow twice granted forest tenure on the lower to higher elevation forests, and where Atco was also somehow granted forest tenure on the upper elevation forests. Along with Atco, Kalesnikoff is currently developing logging proposals for its tenure in the lower Glade Creek Watershed Reserve’s two sub-drainages.

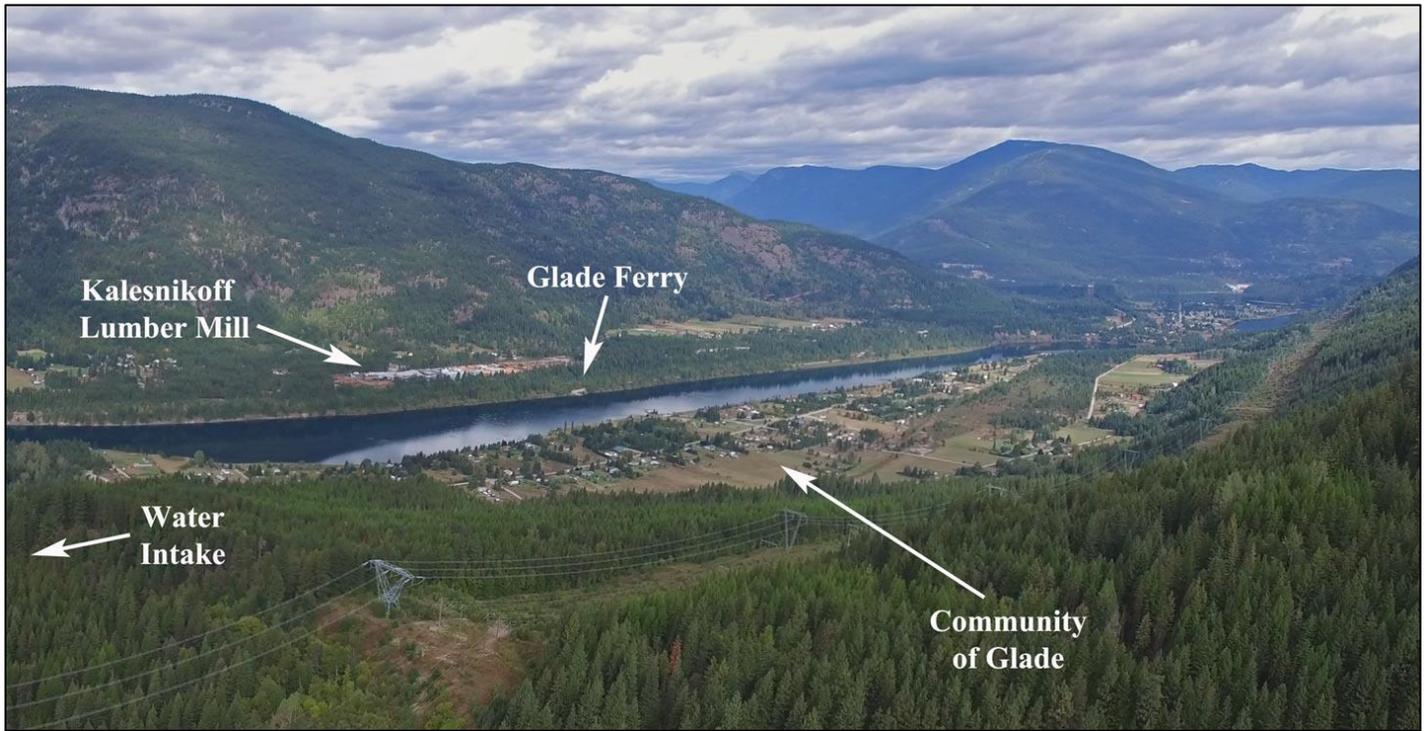


Forester Hodgkinson’s “misnomer” brush-off comment which he gave at Deer Park not only relates in part to Kalesnikoff Lumber’s logging rights in the Glade Community Watershed Reserve, as it does with Atco’s logging rights in the same Reserve, but it also relates to Kalesnikoff’s and Atco’s forest tenures granted by government in many other designated Community Watershed Reserves in BC’s Interior forest lands. This is what Atco Forester Ozanne refers to in his April 21st comments to Glade residents, **“all of our maps that cover community watersheds have this.”**



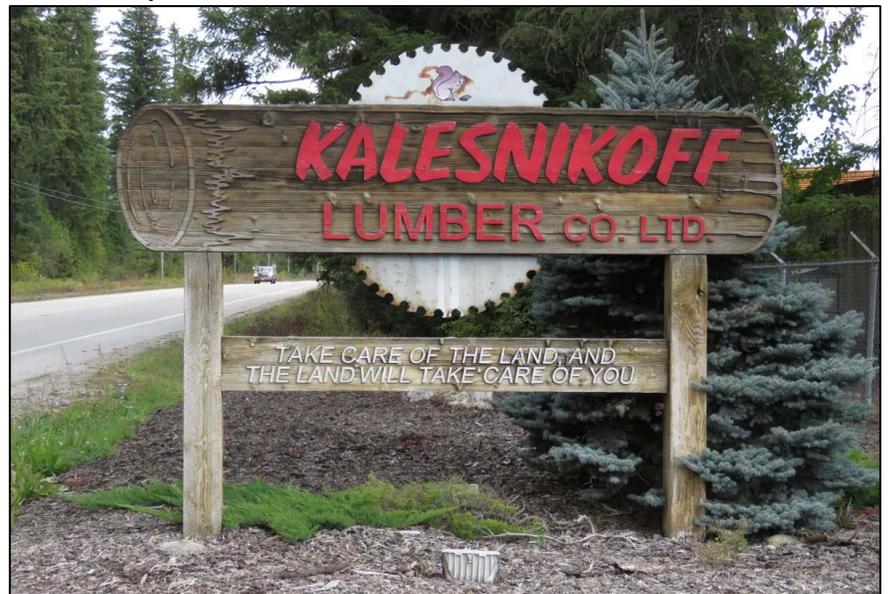
2010 forest tenure map showing Atco’s and Kalesnikoff’s operating areas in the Arrow Kootenay Lakes Timber Supply Areas.

3.1. Kalesnikoff Lumber's Logging Proposals: March 2017



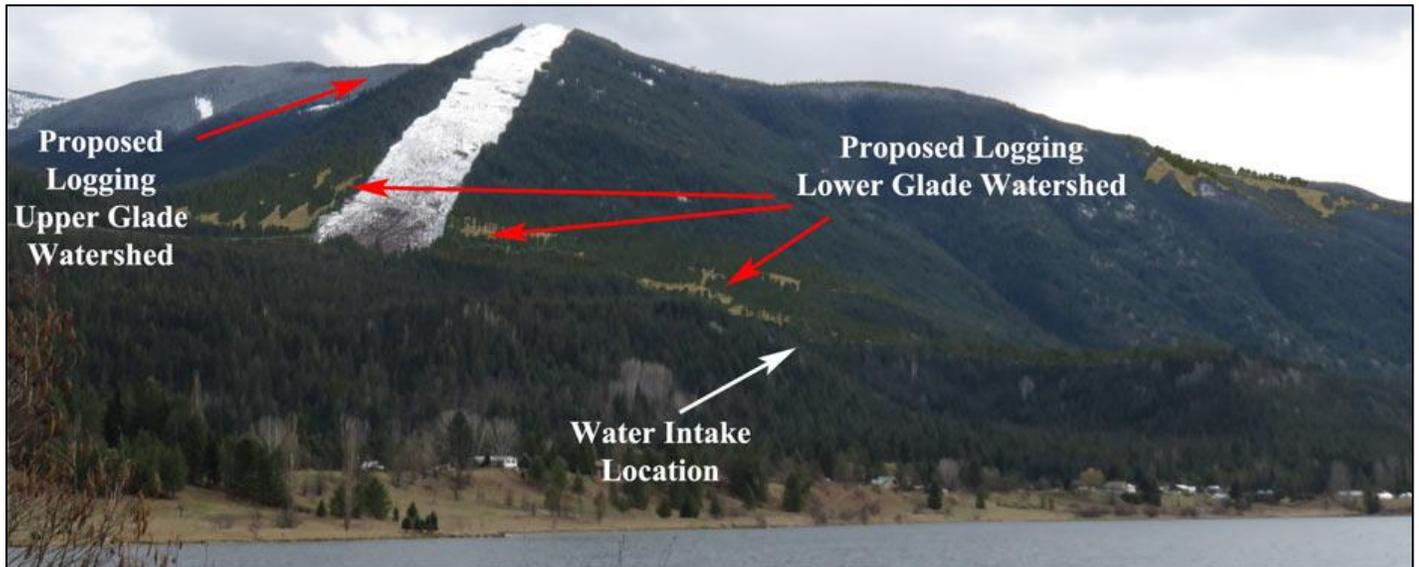
Kalesnikoff Lumber Company's mill, perched on an old geological river bench in the photo above (September 2016), lies directly across from the community of Glade. The noise and whining hum of the mill is almost constant, the dim heard reverberating throughout the hamlet of Glade from early morning to midnight. Only when the wind happens to kindly shift the noise in another direction, is there a semblance of country silence bliss.

Ever since the mill went into operation, the company has not intruded onto the Crown Land mountain forest slopes just to the south of the mill, the steep slopes into and on either side of the Glade Creek watershed. Kalesnikoff's main physical impediment to this area has been the Kootenay River – a regulated portion of which flows between two hydro dams – with the only direct access via a small ferry to and from Glade – barely room for a logging truck. The other impediment has been the local community.



Kalesnikoff Lumber's sign and abiding public motto: *Take Care of the Land and the Land Will Take Care of You.*

Kalesnikoff Lumber released its Cutting Permit proposal package for the lower Glade Community Watershed and adjacent mountain lands to the public on its website on Friday, March 30, 2017, called *Glade Upper McPhee-A066*.



Above: from Kalesnikoff's *Draft Simulation: CP 66 Glade – West Ferry Landing*, with added print and arrow location information. This is the expected view, from the ferry alone, resulting from Kalesnikoff's first logging pass. Note the light green in the far upper right area, from which Kalesnikoff intends to approach, via a new road network called the Upper McPhee Mainline, the upper Glade Watershed.

The Cutting Permit package includes an *Emergency Preparedness and Response Manual*, site plan maps, a logging blocks summary, two drainage plans, a hydrogeomorphic assessment of the Glade watershed, a public referral letter, a summary of public concerns document, and three visual simulations.



KALESNIKOFF LUMBER CO.
 TAKE CARE OF THE LAND,
 AND THE LAND WILL TAKE CARE OF YOU

March 29, 2017
 To Stakeholders and Public,

RE: Kalesnikoff Lumber Company Ltd. Harvesting Proposal CP-66 Lower Glade and Upper McPhee

Please be advised that Kalesnikoff Lumber Co. Ltd. is currently undertaking planning requirements necessary to the eventual submission of a harvesting proposal within Lower Glade Creek Watershed and Upper McPhee.

The objective of this notice is to provide you with the opportunity to identify areas of concern to ensure that concerns are addressed to the extent practicable prior to the development of an area of crown land allocated for Kalesnikoff's forest activities. A summary of concerns received to date with corresponding Kalesnikoff responses is posted on Kalesnikoff's website under Public Stakeholder Engagement.

Kalesnikoff has the responsibility to take public concerns into account where these concerns relate to operational issues. Decisions concerning land use designation are the responsibility of the Provincial government. Kalesnikoff endeavors to foster public confidence in its management of important resources and is committed to minimizing the risks to private property, water quality and quantity in all watersheds in which we operate. Kalesnikoff's forest activities are carefully planned by registered professional foresters, in which the recommendations of qualified geotechnical, hydrological and other professionals are followed to minimize potential negative impacts to important resources and community values.

Sincerely,

Tyler Hodgkinson, RPF
 Woodlands Manager

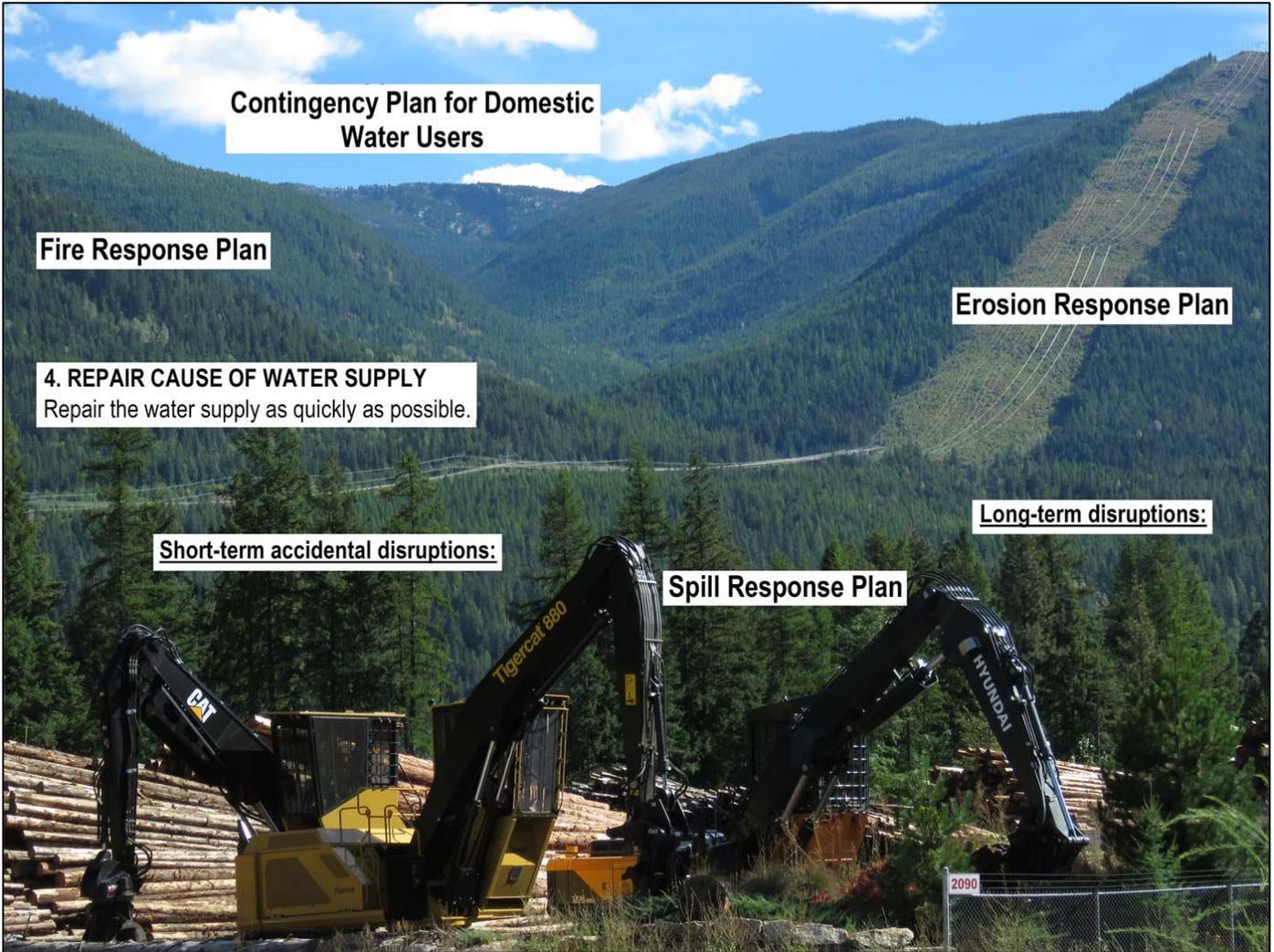
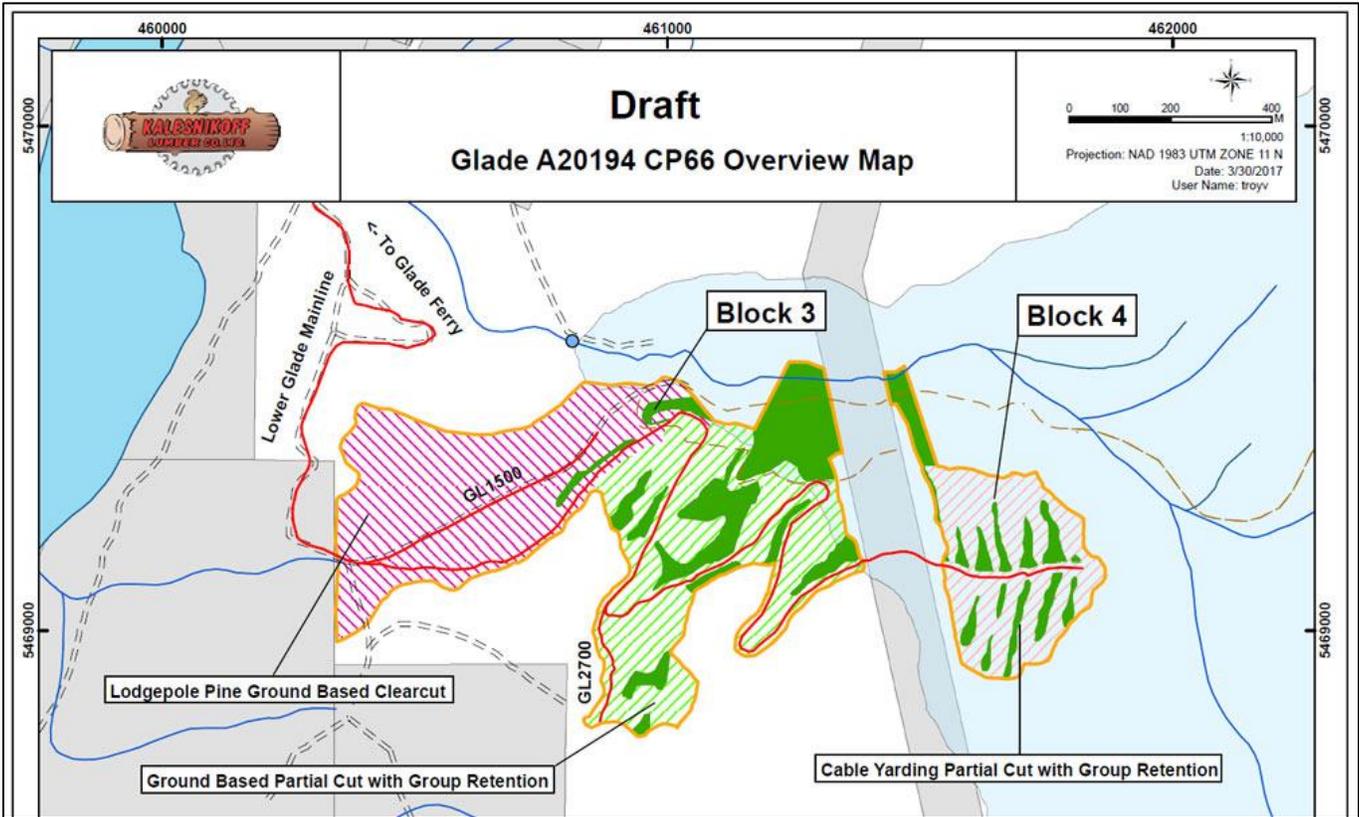


Photo taken in September, 2016, showing eastern section of Kalesnikoff’s mill sort, with the Glade Community Watershed Reserve in centre background. Titles from Kalesnikoff’s *Emergency Preparedness and Response Manual* were inserted in the photo.

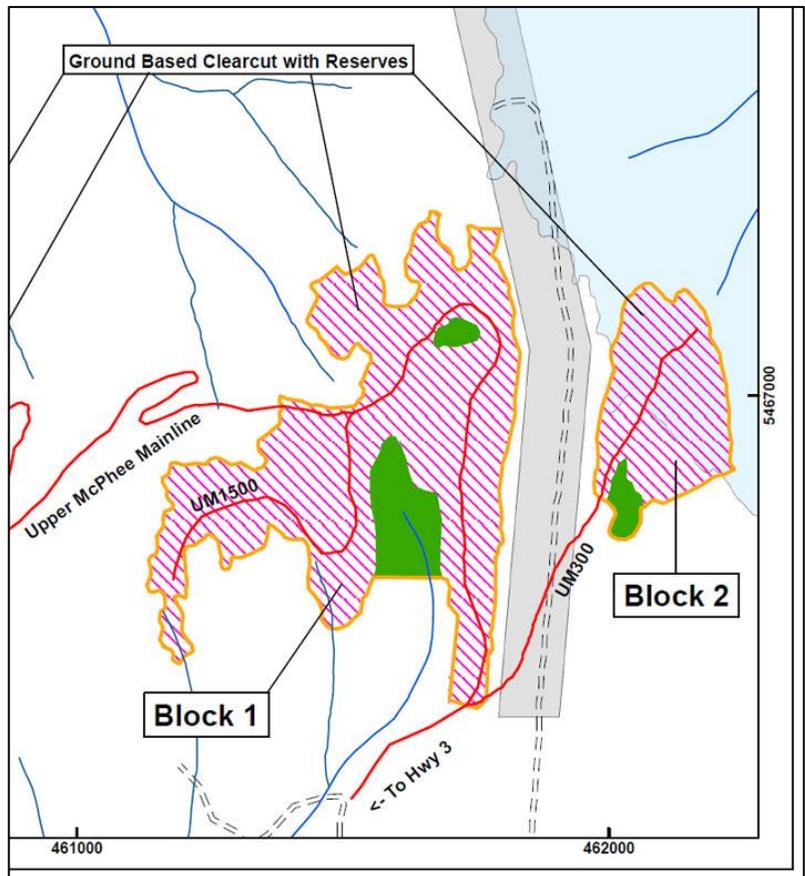
The proposed logging plan map for the Glade Creek Community Watershed does not include contour lines, a critical map information layer. Contour lines have been widely used by professional foresters and government planners in the past to not only carefully detail and indicate the relative steepness of slopes in “sensitive” areas, such as community watersheds, but to also indicate to the public the total elevation (top to bottom) for each “sensitive” cutblock proposal.





Segments from Kalesnikoff Lumber’s proposed road access and logging map. The light blue shaded portions of the map indicate the inside boundaries of the Glade Watershed Reserve. Three cutblocks and new logging roads invade, or cross into, the Reserve’s boundaries.

Of importance, the blue dot in the top map portion (just to the left of the “Block 3” rectangle) indicates the location and proximity to the Glade Creek water intake of the lower three cutblock proposals.





Wide angle photo collage of Glade Creek (September 2016) just above and entering the concrete water intake structure. Due to the steepness and narrow canyon confines of the Creek, and the steep-sloped nature of the Glade watershed, the intake area is vulnerable to cumulative repercussions of logging and road access. I.e., the re-interpreted motto: “The (denuded and roaded) Land Will Take Care of (Your Intake).”

In Kalesnikoff Lumber’s package of Cutting Permit proposal documents is a *Summary of Public Concerns: Lower Glade and Upper McPhee – Cutting Permit 66*. The document is said to summarize concerns by Glade residents, following two meetings Kalesnikoff held on September 30, 2015 and on February 17, 2016 concerning its Forest Stewardship Plan proposal. The document states that:

The majority of Glade residents attending the meetings were not interested in forming a working group and voiced strong opposition to logging near their community and within the Glade watershed. Subsequent to these meetings, numerous letters, notices, and e-mails were sent to Kalesnikoff detailing concerns residents have in regard to any logging

proposals. Concerns made known have served as a surrogate to a working group and have been given consideration during the development of CP-66.

The document, signed off by Kalesnikoff's Woodlands Manager and professional forester Tyler Hodgkinson, does not append or include the "letters, notices, and e-mails" from the Glade residents, and neither does the document identify or name the "surrogate to a working group" members.

3.1.1. Kalesnikoff's Response to the Meaning of "Watershed Reserve Status"

Of the six general themes introduced in the *Public Concerns* document is a section called *Concern Related to the Term "Watershed Reserve."* It addresses an obvious and vital question raised by Glade residents, and as summarized by the Company, **"Watershed Reserve status what does it mean?"**

Hodgkinson answers the question by avoidance of his own commentary, and, instead, narrowly answers the community's question with a written response from the government. Hodgkinson, however, failed to reference or footnote both the identity of the government respondent and the date of the response. He also fails to provide a summary background on the response process: how and who initiated the response.

Shortly after the public release of Kalesnikoff's *Public Concerns* document, a resident of Glade emailed Hodgkinson requesting him to identify the origins of the government's Watershed Reserve response. Hodgkinson replied on April 3, 2017: "You are best to direct this question to George Edney, District Manager, Kootenay Nelson."

The same day, Georgy Edney, the FLNR (Forest Lands and Natural Resources) District (Forests) Manager, wrote in an email: "This interpretation was provided from Land Authorizations Section Head, Sharon Dailey." Dailey is at the Kootenay-Boundary Regional Operations in Cranbrook. Edney, however, did not provide the date, or context, of Dailey's response, nor did he attach a copy of Dailey's originating email for the Glade resident.

The Alliance contacted Mr. Edney in late April 2017, for clarification. Mr. Edney stated that the result of a "meeting" with Kalesnikoff sometime in September, 2017, that is, shortly after the release of the Alliance's August 30, 2016 preliminary report on the Glade Creek Reserve, Mr. Edney requested a definition of Watershed Reserves from Sharon Dailey. Dailey then forwarded her response to Mr. Edney on September 29, 2016.

The following is Dailey's written response, as it appears in Kalesnikoff's *Public Concerns* document. Note that Dailey's response does not specifically refer to "Community Watershed Reserves," but seeks to explain the function of government's "Watershed Reserves" in general.

The term watershed reserve is a Lands Act term which is clear from the following explanation.

To my knowledge, the term 'Watershed Reserve' would only apply to historical Land Act Reserves that were established over Watershed areas.

“Reserves” that are established under the Land Act can be established for several reasons: to stop any Land Act dispositions from being accepted within the Reserve area; to only allow specific types of Land Act dispositions (or stop specific types of Land Act dispositions) within the Reserve area; to ensure that any Land Act applications are referred to a specific government agency during the adjudication process of a Land Act application, or as merely a notation to ensure that specific attributes within the Reserve area are taken into consideration during the adjudication of a Land Act disposition.

Land Act Reserves include Section 15 Order-in-Council Reserves, Section 16 Map Reserves (which are supposed to be a complete withdrawal, but historically have not been established as conditional withdrawals or notations), Section 17 Map Reserves for conditional withdrawals, and Notations of Interest.

These Reserve areas are captured in any 'status' for Land Act purposes, but are also captured by other agencies during the status or clearance process.

We have some historical Reserves established over some Watershed areas in the region that act as a Notation of Interest for Land Officers to consider the Watershed in their adjudication of Land Act applications. Usually when considering impacts of an activity in a Watershed area the Land Officer will refer to Section 14 of the Watershed Guidebook: <http://www.for.gov.bc.ca/TASB/LEGSREGS/FPC/FPCGUIDE/WATRSHED/water9.htm#part14>.

Reserves are generally not established over Watershed areas anymore as they are now a layer available in the data warehouse and show-up on all Status reports regardless of whether a Land Act Reserve is established or not.

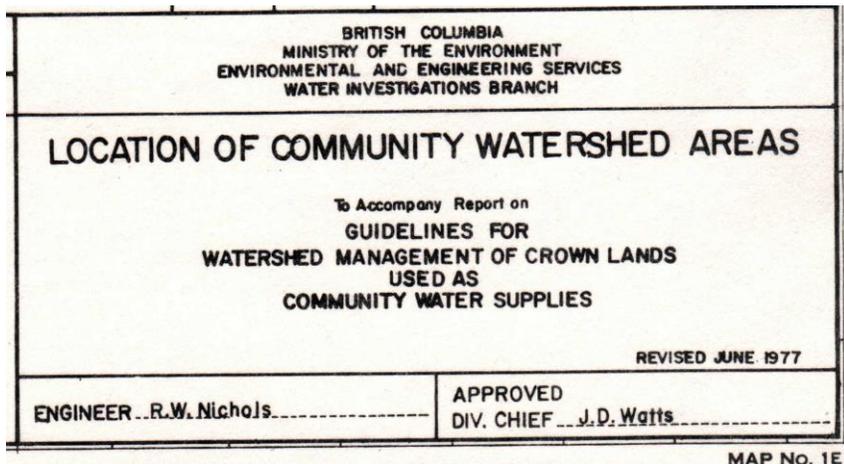
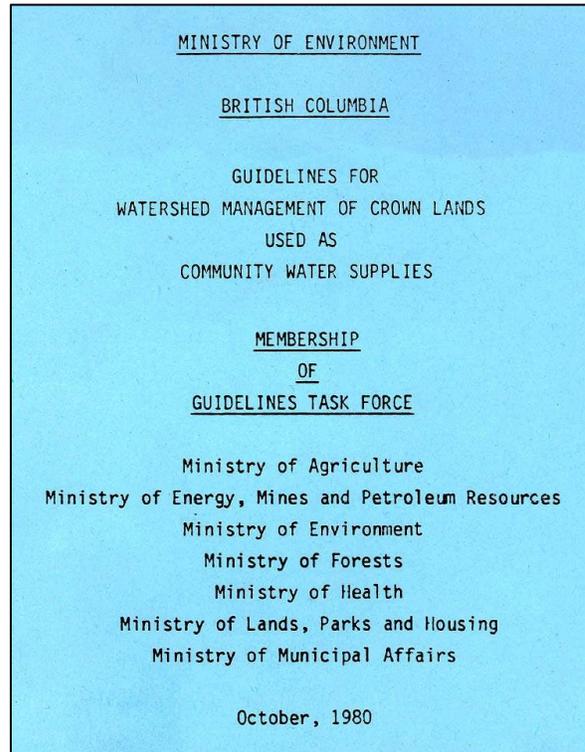
4. NO “Misnomers”: Origins of Community Watershed Reserves

*Lot 1656, Kootenay District, about which you have received an enquiry for a timber sale, is situated adjacent to the area withdrawn from any disposition under the “Land Act”, which has been set aside for the use of the Corporation of Rossland for watershed purposes.*²⁰

Professional Forester Ozanne recounts at the April 21st public meeting in Glade Atco’s lengthy history of logging in BC’s Community Watershed Reserves – a remarkable confession. However, in his written April 20th email response, and in his April 21st oral presentation, he fails to correctly state or summarize the meaning and nature of provincial law under the *Land Act* that fully protects Crown forest lands through the establishment of Community Watershed Map Reserves and Community Watershed Order-in-Council Reserves.

The locations and identities for most of BC’s Interior Community Watershed Reserves were last formally registered and listed in *Appendix G* of an October 1980 Ministry of Environment Community Watersheds document, *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*. *Appendix G* included the Glade Creek Watershed Map Reserve. Five provincial map-sheets were also appended to the main document, showing the locations and identities of all the Community Watershed Map Reserves in British Columbia.²¹ Additional Community Watershed Map Reserves were also established in BC after 1980, which, of course, were not listed in the 1980 document.

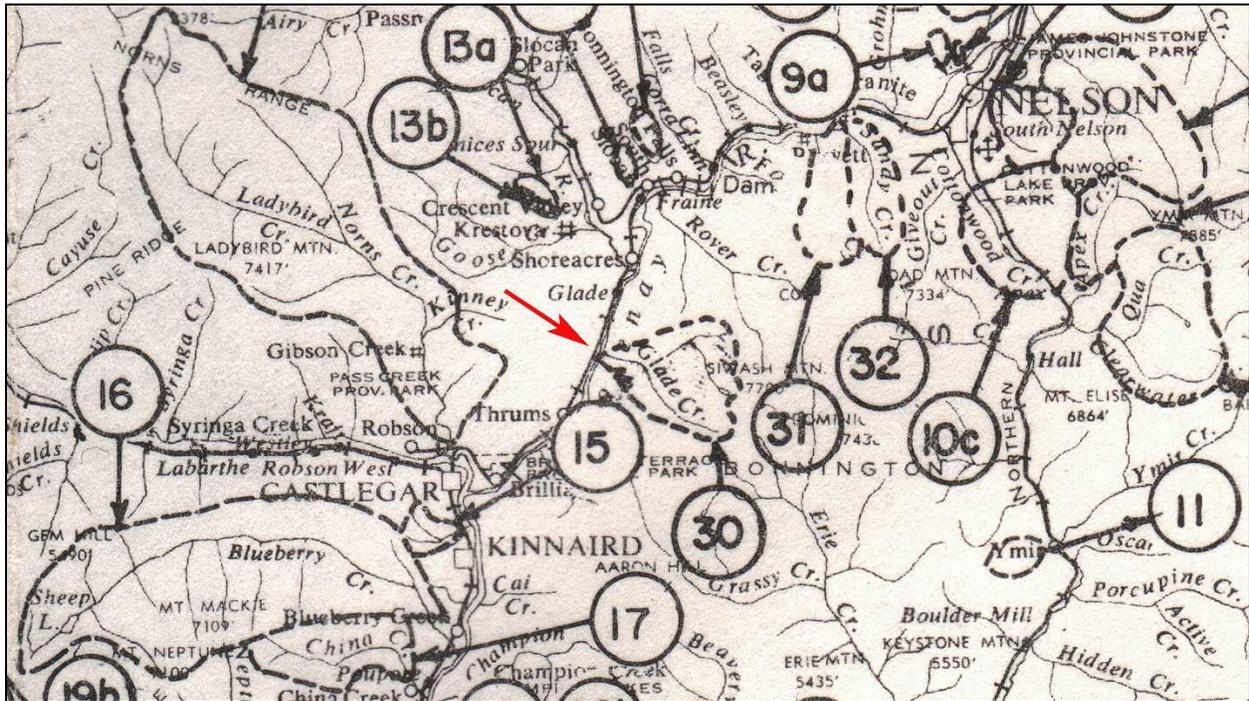
The 1980 document, and the inclusion of almost three hundred Community Watershed Map Reserves, was the outcome of a special government Task Force on



²⁰ S.E. Marling, Assistant Forester, Nelson District, July 17, 1941.

²¹ South Western, South Eastern, West Central, East Central, and North Eastern B.C.

Community Watersheds (1972-1980), established by a former Environment and Land Use Committee (ELUC) of Deputy Ministers. Under legislative powers of the 1971 *Environment and Land Use Act*, the Task Force Minutes state that in 1973 the ELUC authorized the Task Force to establish, and, in a number of cases, to re-establish Community Watershed Map Reserves by way of former Section 12 of the *Land Act*.²²



WATER DISTRICT	WATERSHED		Name	Population	DRAINAGE AREA (Sq. Miles)
	No.	Source			
NELSON	12a	Smoky Creek	South Slocan (Imp. Dist.)	150	1.9
	12b	Waits Creek	"		0.3
	13a	Langill Creek	Krestova	320	1.3
	13b	McDermid Creek	"		0.9
	14	Norns Creek	Raspberry	280	62.9
	14	"	Robson	1,000	
	15	Merry Creek	Kinnaird (Town)	2,846	2.1
	16	Blueberry Creek	Blueberry Creek (Imp. Dist.)	700	56.6
	→ 30	Glade Creek	Glade (Imp. Dist.)	200	11.5
	31	Eagle Creek	Eagle Creek (W.U.C.)	75	2.6
	32	Sandy Creek	Sandy Creek (W.U.C.)	300	4.6
	33	Procter Creek	Procter Creek (W.U.C.)	100	3.4
	34a	Hendryx Creek	Riendel (Reg. Dist.)	550	1.9
	34b	Indian Creek	Riendel		2.0
	36	Russell Creek	Kitchner	75	9.1

Above: Cut-out sections of Map No. 1E, South Eastern British Columbia, from *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*, showing the Glade Creek Watershed Map Reserve, and other neighbouring Watershed Map Reserves, in the former Nelson Water District.

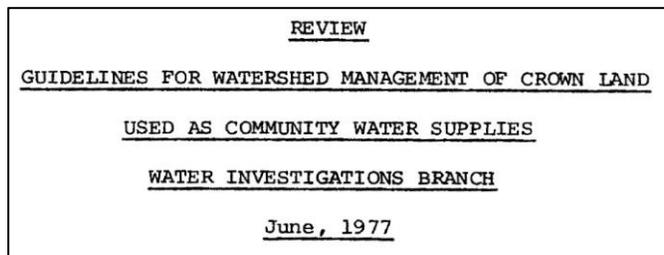
²² The *Land Act* Section 12 for Map Reserves was revised as Section 16 in the 1996 BC Statutes.

The March 1980 *Forest and Range Resource Analysis Report*, which had been presented to the BC Legislature, described the *Environment and Land Use Act* as “the major provincial statute.”

*It establishes a committee of cabinet known as the Environment and Land Use Committee (ELUC) which was wide-ranging powers to: ... ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of the environment occasioned thereby. ... Any and all power granted under any other act or regulation must conform with any order set out under this act.*²³

Partly explained in the BC Tap Water Alliance’s [recent on-line Bulletin No. 1](#), and explained at length in another publication by the Alliance, [The Big Eddy](#),²⁴ at least five references to

watershed “map reserves” were scattered throughout the text of the Task Force’s June 1977 Draft *Guidelines* document. However, all the references to “map reserves” were later stricken by administrators from the final edited 1980 document version of the *Guidelines for Watershed Management of Crown Lands*



used as Community Water Supplies. This mischievous act by unknown parties to conceal the legal nature of Watershed Reserve tenures in the 1980 document, which was distributed to hundreds of BC’s Water Purveyors and to Regional Districts, became a primary means to fool the trusting public into believing the Ministry of Forests’ and the forest industry’s rhetoric that Community Watersheds were all on the chopping block.

The BC Tap Water Alliance investigated how these Community Watershed Map Reserves are legal Crown tenures (see Appendix A, *Land Act Reserve Legislation*). The legislation states that they are powerful legislative instruments that freeze or protect Crown lands from any, and all, “dispositions,” which includes timber licensing.

The Interpretation Section of the 1970 *Land Act* defines “*disposition*” as that which “*includes every act of the Crown whereby Crown lands or any right, title, interest, or estate therein are granted, disposed of, or affected, or by which the Crown divests itself of, or creates a right, title, interest, or estate in land or permits the use of land; and the words “dispose of” have a corresponding meaning.*” The same section defines “*reserved lands*” as “*Crown lands that have been withdrawn from disposition under this or any other Act.*”²⁵

For instance, it is the same legal instrument that government used to protect hundreds of BC’s Ecological Reserves that were initially proposed and designated as Map Reserves in Provincial Forests from 1968 onwards. The Ecological Map Reserves were later baptized as Ecological Order-in-Council Reserves.

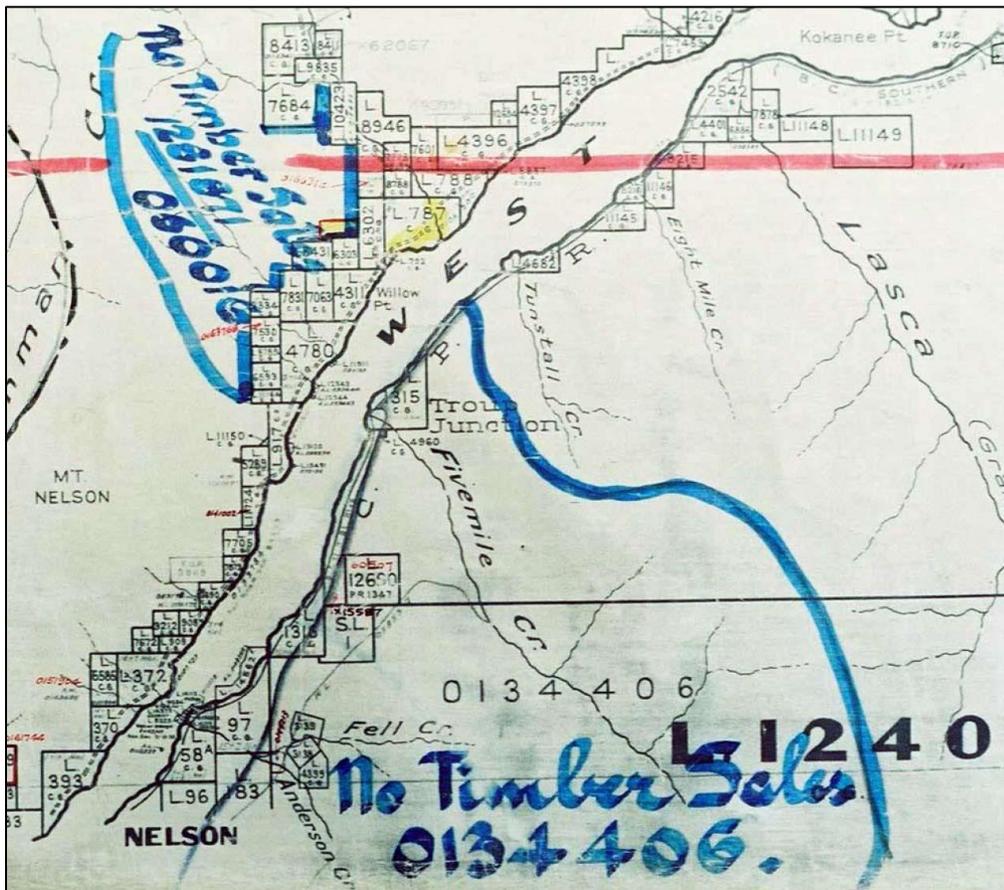
²³ Section 5.5.2., *General Land-Use and Environmental Legislation*.

²⁴ See Chapter 4.

²⁵ Quote from Appendix A of the BCTWA’s Big Eddy report.

Some of the earliest Community Watershed Reserves established under the *Land Act* in southeast BC were created in the 1920s, situated near, and including one for Nelson City. For instance, a list of 14 *Departmental Reserves for Watershed Protection* was presented as evidence (as Exhibit #392) during the first Sloan Royal Commission on Forestry in 1944, although many other Community Watershed Reserves scattered through other Water District and Forest District jurisdictions were not presented as evidence before the Commission.

Forest Atlas Reference Maps, the central forest planning reference tool for government foresters, clearly warned resource administrators how Community Watershed Reserves were off-limits to forest harvesting, and often had the words “**No Timber Sales**” boldly printed ovetop of said watersheds. Later, from the 1970s to the 1990s, formal government planning reference maps – Forest Atlas Reference Maps, Water Rights Reference Maps, and Lands Reference Maps – included the words “Watershed Reserves.” Ovetop of these were references to each Reserve file number and a thick blue line denoting the watershed. There were dozens of Community Watershed Reserves on these maps by the late 1970s.



Left: Old canvas Forest Atlas Map showing one of many of the designated Community Watershed Reserves in the Nelson City area, with the standard proviso, No Timber Sales.

These are the historic and legislative origins of why the words “Watershed Reserve” are also found on Atco’s forest planning maps, which company Professional Foresters are wrongly claiming to be a “misnomer.”

5. The Deer Creek Watershed Reserve: 1942 to 1970

*This area was once held in what appeared to a tight watershed reserve for the residents of Deer Park.*²⁶

*The original reserve was approved August 14, 1942 for the purposes of protecting the domestic and irrigation water-supply of the settlement known as Deer Park. It has been amended several times, but is still in good standing.*²⁷

*... so much attention has been focussed on this watershed*²⁸

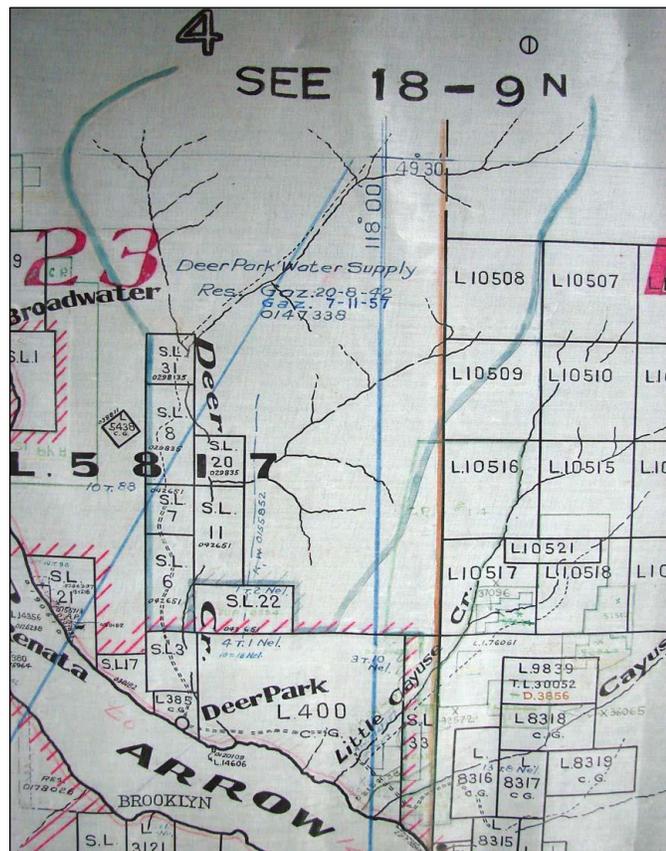
During the April 29, 2016 Deer Park community meeting, a question was put to Kalesnikoff's Woodlands Manager Tyler Hodgkinson by a Deer Park resident about whether, or not, Deer Creek had been a Community Watershed Reserve "at one time." Hodgkinson's answer was an unequivocal "No," along which he quickly tagged the resident's (or perhaps anyone else's) Reserve inquiry as a "misnomer."

An old government file, however, contrarily and descriptively documents that from 1942 through to December 1970 Deer Creek's official status was in fact a Community Watershed Reserve, established through an Order-in-Council, and proclaimed in the BC Gazette.

In the summer of 1942, the Deer Park Farmer Institute petitioned Minister of Lands Wells Gray to protect Deer Creek from logging. In August 1942, under

"provisions of Section 93 of the *Land Act*, Chapter 144, Revised Statutes, 1936,"²⁹ the meted watershed boundaries were reserved through Order-in-Council No. 1108:

*Notice is hereby given that the following described parcel of land is reserved for the purpose of protecting the domestic and irrigation water-supply of the settlement know as Deer Park, situated on Lower Arrow Lake, Kootenay District.*³⁰



²⁶ W.G. Hughes, Forester, memo to BC Chief Forester, L.F. Swannell, May 25, 1970.

²⁷ I.T. Burrows, Forester, to H.M. Pogue, Forester, B.C. Forest Service, February 14, 1961.

²⁸ C.E. Bennett, Forester, Management Division, August 10, 1970.

²⁹ This is the same section as the 1960 Revised Statutes of BC (RSBC), being Section 88, Chapter 206.

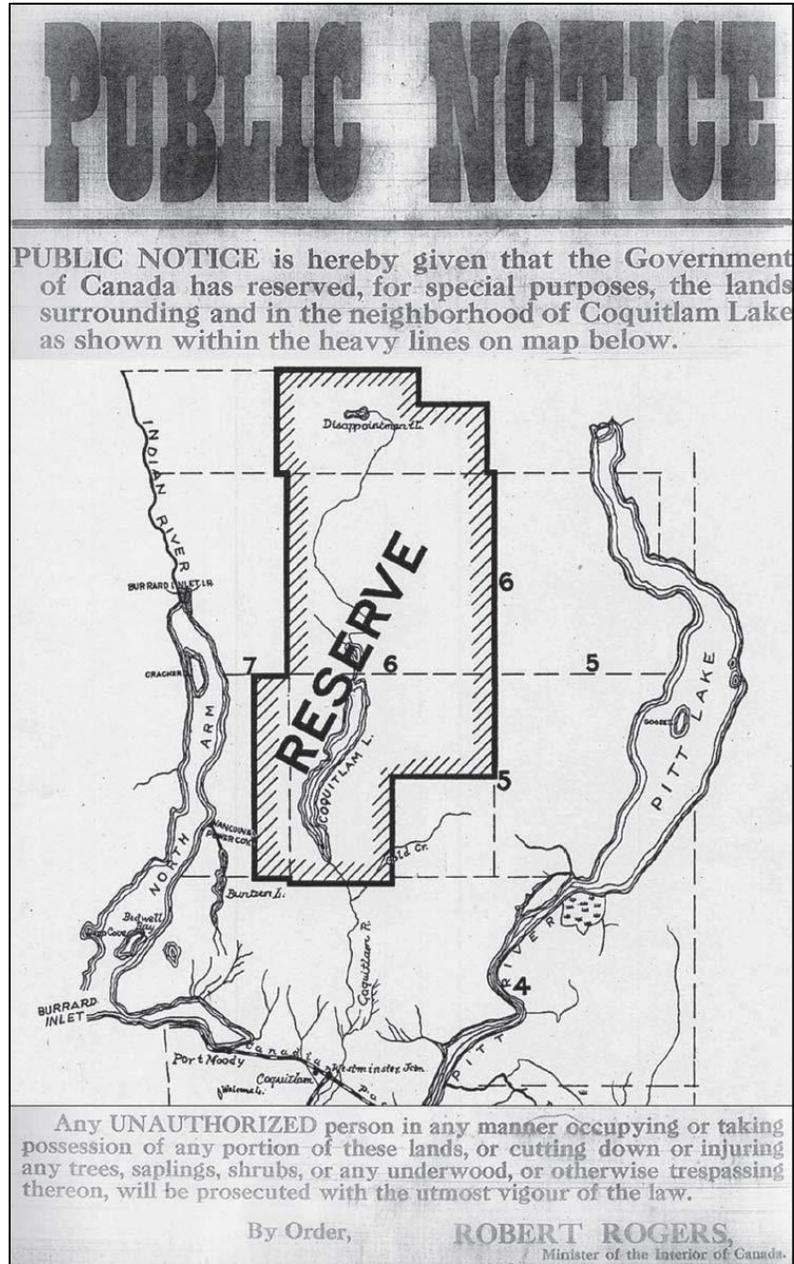
³⁰ Notice by H. Cathcart, Deputy Minister of Lands, August 14, 1942, as written in the BC Gazette.

Government records also reveal that Lands Minister Wells Gray had authorized the establishment of numerous Watershed Reserves for BC's Water Users during his administration. Before his term in public office as Lands Minister, Wells Gray once held public office as Mayor of New Westminster, when and where he vigilantly fought to prevent logging in the City's protected drinking water source, the Coquitlam River watershed. The Coquitlam had originally been protected by federal law as a Watershed Reserve in 1910. The federal law was explicitly clear on the Reserve's intent which forbade the cutting and removal of timber. The government later named a provincial park in honour of the Lands Minister.

1970 government correspondence records reveal that, despite what forester Hodgkinson stated on April 29, 2016, the Kalesnikoff Lumbering Co. Ltd. had been informed about, and had known about, the tenure status of Deer Creek as a Watershed Reserve:

*We will not be in a position to proceed with the application by Kalesnikoff Lumbering Co. Ltd. without a current check of the status of lands at Deer Park and of the water licenses in the reserve, as correspondence on the reserve file indicates that there could be problems with the reserve while the water licenses are in good standing. This might be overcome by some agreement with Water Rights, but if it should be necessary to preserve watershed values, the plan of logging and logging costs will be affected. Kalesnikoff Lumbering Co. Ltd. should therefore be advised that this area cannot immediately be made available and a memo to this effect is attached.*³¹

According to correspondence records, Kalesnikoff Lumbering initially planned to access the headwaters of the untouched / un-roded Deer Creek Watershed Reserve through an existing



³¹ C.E. Bennett, Forester, Management Division, March 25, 1070.

TELEPHONE 399-4211

KALESNIKOFF LUMBERING Co. LTD.
"MANUFACTURERS OF FOREST PRODUCTS"

RECEIVED

FEB 15 1972

MINISTER OF LANDS, FORESTS,
AND WATER RESOURCES OFFICE

DEPT. OF LANDS FORESTS AND WATER RESOURCES
FOREST SERVICE

P. O. BOX 10,
THRUMS, B. C.

February 8, 1972

MAIL ROOM
VICTORIA, B. C.

6147328

Comment	Reply Direct In Minister's Absence	
Discuss	Attention & File	
Report	Information & File	
Draft Reply		✓ April 10/72

The Honorable R.G. Williston,
Minister of Lands, Forests,
And Water Resources,
Parliament Buildings,
Victoria, B.C.

Re: Deer Park Timber Sale

Dear Mr. Williston,

Regarding my first letter to the District Forester at Nelson, B.C. on October 21, 1969, and my formal application on March 23, 1970, I have not, till today, received an answer as to if our application was accepted or not.

I have followed the application up by a few more letters in 1970 and 1971, and had verbally asked the District Forester if a decision was made. The only answer I get is that there has been no final word from Victoria and that it will be followed up again.

Forest Service logging road located in the Norns Creek Watershed, another old Community Watershed Reserve, because access to Deer Creek's upper mature forest limits were restrictive, surrounded by other watershed forest lands licensed to and located within Tree Farm Licence Tenure No. 23.³² Kalesnikoff's application for timber rights in Deer Creek started by way of introductory letter dated October 21, 1969, and by way of a "formal application on March 23, 1970."³³

The records also show that despite ongoing pressure by Celgar Limited from 1955 to the early 1960s to include logging rights for the Deer

Creek Watershed Reserve in its Tree Farm License, professional foresters with the BC Forest Service had to continually remind Celgar's president, C.B. Dunham, at his headquarters office in Vancouver City, that the Deer Park Watershed was not, and could not legally be, part of Tree Farm Licence No. 23:

*Because of this prior reserve the area cannot be considered as part of Forest Management Licence No. 23.*³⁴

*The description of Schedule B [of Tree Farm Licence agreement No. 23] applies only to lands not otherwise alienated at that time and therefore we do not consider this watershed reserve as being part of T.F.L. 23. This has been explained to Mr. Dunham on more than one occasion but he still tenaciously pursues the possibility of Celgar obtaining timber from this area as a part of T.F.L. 23.*³⁵

On August 25, 1962, because of Mr. Dunham's constant nagging, the Forest Service went so far as to specifically advise the Department of Lands Chief Geographer, W.R. Young (in charge of

³² "The watershed is isolated from the rest of the Salmo P.S.Y.U., being surrounded by the T.F.L." (Forest Service memo, June 14, 1971.)

³³ Peter P. Kalesnikoff, Manager, letter to Minister of Lands, Forests and Water Resources, R.G. Williston, February 8, 1972.

³⁴ W.G. Hughes, Forester, to C.B. Dunham, August 2, 1957.

³⁵ W.G. Hughes, Forester, Forest Service memo, June 14, 1962.

map registering land ownership status) in a descriptive memo that the Deer Creek Watershed Reserve “cannot be construed” as “part of Crown lands of T.F.L. 23.”

Celgar was a large forest corporation, and had acquired extensive forest area tenure rights granted in 1955 for its Tree Farm License No. 23 (formerly referred to as a Forest Management Licence). Celgar operated and owned a pulp mill in the town of Castlegar, located about 30 kilometers south-east of the Deer Park community.³⁶

The Forest Service responded to C. B. Dunham, that if Celgar nevertheless wished to apply for a timber sale in the Deer Creek Watershed Reserve, the corporation would have to submit a logging proposal to the Water Rights Branch (a Branch under the Lands Department), as was the case for any other company or individual seeking to do so for lands reserved for water supply purposes. On August 2, 1957, Nelson District forester W.G. Hughes wrote to C.B. Dunham stating:

An application for such a licence would have to be cleared through the Water Rights Branch of the Lands Department, and if there were any objections from the water users, it is not likely that timber within the reserve would be sold.

However, correspondence records reveal that the Nelson Forest District considered Celgar unreliable when it came to logging in community or domestic watersheds.

*We do not consider that we have enough control on T.F.L. operations – most particularly where Celgar are the licensees – to insure against damage to the watershed.*³⁷

Despite Celgar’s ongoing and failed lobbying attempts to obtain cutting rights in the Deer Creek Reserve tenure, the corporation nevertheless understood the public maxim for the resource protection of BC’s community watersheds. In a February 9, 1960 letter to BC’s Chief Forester, C.B. Dunham wrote the following:

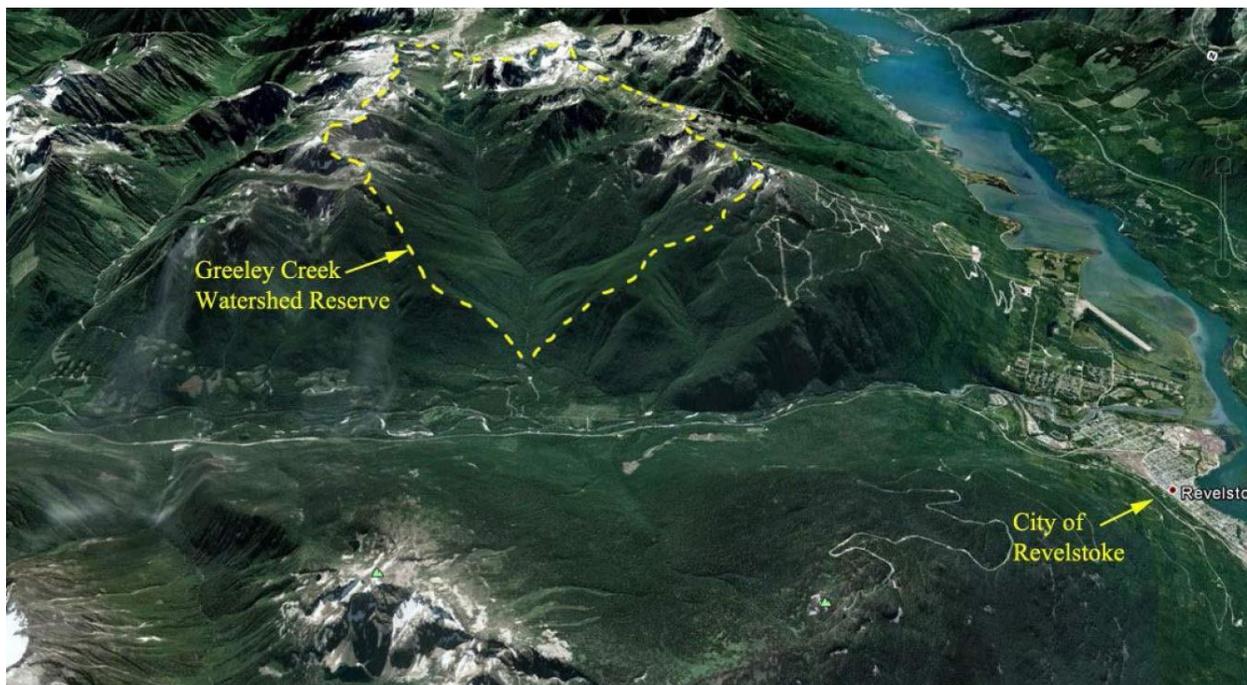
During discussion with the Forest Service when drawing up the final meets and bounds for the Tree Farm Licence contract, we asked about the Greely Creek Watershed near Revelstoke. We were told we could keep the area in the Tree Farm Licence but it was unlikely we would ever be able to cut in it as it was a municipal water supply. We then asked to have this area taken out.

The BC Tap Water Alliance wrote a history of the Greely (alternatively, Greeley) Community Watershed Reserve in its 2013 major report, [The Big Eddy](#). It had been established by the federal government in 1917 specifically to protect the watershed from logging for the City of

³⁶ “In 1970, ownership of the TFL was assigned to Skeena Kraft Ltd. and in 1991, it was assigned to Westshore Terminals Ltd., an affiliate of Westar Timber Ltd. During the period of Management Plan No. 7, the TFL was divided into two new licences. The southern portion of the original TFL was assigned to Pope and Talbot on April 15, 1992.” (Source: *Tree Farm Licence 23, Rationale for Allowable Annual Cut (AAC) Determination*, by Larry Pedersen, Chief Forester, 1999)

³⁷ R.V. Corregan, Forester, to B.C. Chief Forester, June 20, 1962. A December 6, 1972 letter to the Deputy Minister of Forests by a local resident Mr. Romaine described how TFL 23 logging in nearby Little Cayuse and Big Cayuse Creeks had been “ruthlessly raped by logging contractors within the past fifteen years.”

Revelstoke's water supply interests. These lands were formerly owned by the federal government within the former Railway Belt, a 500-mile belt of lands, by 40 miles in width. In 1930, the Railway Belt lands, and with it the ownership of the Greeley Watershed Reserve, soon to be Revelstoke City's primary source of protected water supply, was transferred to the BC government by way of a lengthy agreement. As part of the special conditions of transfer, the Greeley remained a protected *Land Act* Watershed Reserve, which was never logged. As with the federal government, BC also abided by similar legislation and means to protect public drinking water sources by way of formal, legal reserve tenures. In 1955, the Forest Service nevertheless unlawfully included the Greeley Reserve within the new tenure boundary of Forest Management License (TFL) No. 23.



With B.C. Hydro's proposal in the early 1960s to flood the Arrow Lakes drainage south of Revelstoke, with the construction of a large dam located just northwest of Castlegar, the new and immense reservoir would flood out many of the structures of the Deer Park community, with high flood waters being raised by almost 50 feet. This outcome became a golden opportunity by the Forest Service to "lift" the Deer Creek Watershed Reserve, as the Deer Park community, Forest Service foresters argued and presumed, would have to move away, and therefore abandon its water licenses and dependence on Deer Creek.

If High Arrow is projected it is quite likely that the community of Deer Park will move away and the reserve can be lifted. Prior to lifting this reserve final plans could be approved in principle as to whether or not this forest would be added to T.F.L. No. 23 or added to the Salmo S.Y.U. [Sustained Yield Unit].

In the meantime it would be unwise to establish any priority of claims against the productive capacity of the area. Under present circumstances, any attempt to plan timber sales would involve the complications of dealing with the wishes of the community,

*probably through the District Water Engineer, and even if it was possible to design a method of cutting which would receive the blessing of the community, operations might lead to problems in public relations.*³⁸

*At present the maximum high water at Deer Park is 1,402 feet. Clearing for the dam will be to 1,448 feet. This extra 46 feet will flood the lower half of Deer Park but not the upper half. Before taking any further action we should wait and see if the whole settlement is to be abandoned or not.*³⁹

*Re yours of June 14, 1962 and ours of June 2, 1962. Is Deer Creek Water Shed now considered to be included in the Salmo P.S.Y.U. for purposes of Timber Sale administration?*⁴⁰

*Re your 240, Deer Creek watershed not in Salmo P.S.Y.U. STOP Understand residents in area relocating to higher ground. STOP Therefore final decision re status of reserve area should be delayed until settlement picture clarifies.*⁴¹

In the first quote above, the Salmo S.Y.U., or Sustained Yield Unit, was officially called the P.S.Y.U., or Public Sustained Yield Unit. Its planning boundaries extended from its western limits just west of the City of Rossland, the southern boundary being the U.S. Border, or 49th Parallel, the northern boundaries at the headwaters of Deer Creek eastward to just south of Nelson City, and its eastern boundaries on the headwaters of the mountain ranges located just east of the Township of Salmo. Within the boundaries of the Salmo PSYU were dozens of community watersheds, domestic watersheds, and Community Watershed Reserves, wherein top government foresters schemed to invade these protected sources.

On December 1, 1970, an Order in Council Distribution Form No. 1 was filled out, and under *Subject Matter* was the following: *Cancellation of Deer Creek Watershed Reserve*. Copies of Form No. 1 were sent to Deputy Minister of Lands D. Borthwick, Surveyor of Taxes J.O. Moore, Nelson Land Commissioner G.L. Brodie, Nelson Land Inspector H.K. Boas, Lands Administration C.W. House (in charge of Reserves), and W.G. Hughes with Management Division of the BC Forest Service. The Reserve was cancelled on December 4th, and on December 9, 1970, Deputy Lands Minister Borthwick declared the cancellation of the Reserve for notice in the BC Gazette.

Two weeks after the Deer Creek Reserve was cancelled, on December 17, 1970, Nelson District Forester J.R. Johnston wrote the following to the Canadian Cellulose Company Limited's Nakusp office:

We have been advised that the Order-in-Council establishing this watershed has been cancelled and disposition of the area can now proceed.

³⁸ H.M. Pogue, Forester, Working Plans Division, to Assistant Chief Forester J.S. Stokes, November 5, 1962.

³⁹ J.R. Burrows, June 17, 1965.

⁴⁰ J.F. Munro, Nelson District Forester, to Victoria, Forest Service Management, Radiogram, July 25, 1966.

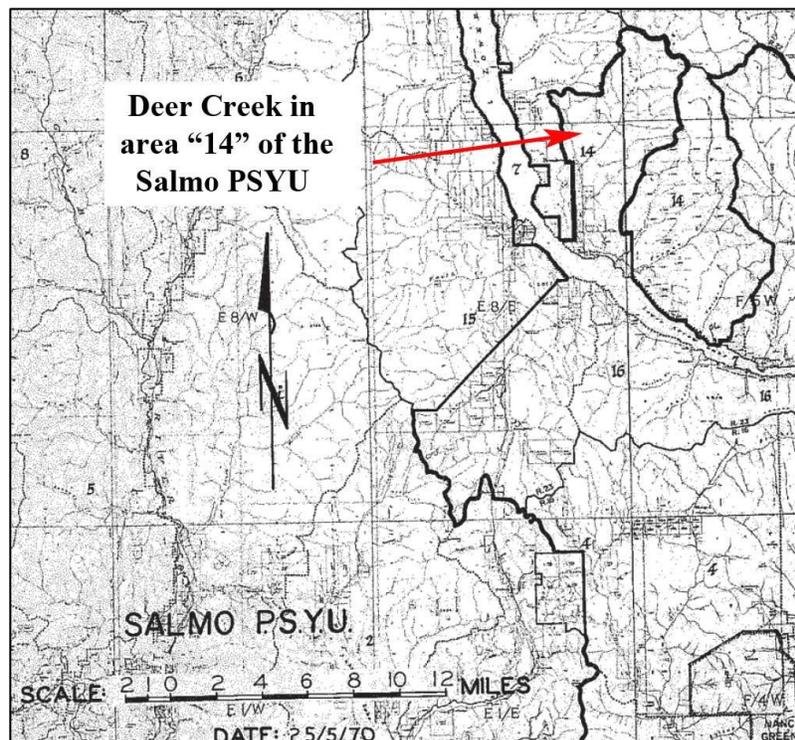
⁴¹ W.G. Hughes, Victoria, Forest Management, Radiogram, July 26, 1966.

When Nelson District’s top forester states that “disposition of the area,” that is of Crown lands, “can now proceed,” it is significant because therein Johnston admits that dispositions or licensing of Crown land could not have legally occurred beforehand, because of the Reserve designation. It’s also significant, because seven years previous BC’s Chief Forester, F.S. McKinnon, refuted the very legislation. McKinnon stated in an internal memo in 1963 that the same Watershed Reserve legislation under the *Land Act* for Rossland City’s three watersheds, which prevented and protected those Crown lands from “disposition,” was “open to misunderstanding” (see Section 7 below). J.R. Johnston simply confirmed that the Chief Forester’s “misunderstanding” of the Reserve legislation was unfounded and unwarranted.

Though the Deer Creek Watershed Reserve had not been officially cancelled until December 4, 1970, a June 14, 1971 Forest Service memo states that the Nelson Forest District had already quietly included the Watershed Reserve in the Salmo PSYU (within the Salmo Provincial Forest), six months previous, through an amendment made on May 25, 1970. The order to “amend the description of the P.S.Y.U. to include the Deer Creek watershed” by Chief Forester L.F. Swannell⁴² before the Reserve was formally cancelled, was unlawful, as *Land Act* Order-in-Council Reserves and Map Reserves are Crown Lands frozen from disposition. Both Reserve categories are formally identified as such through provincial Land Ownership Code designations for provincial Crown Land planners under a restriction category, which automatically excludes the reserved Crown Lands from the timber harvesting land base or any other permit licensing.

To counter this legal problem / difficulty, records indicate that top administrative foresters in the BC Forest Service nevertheless quietly began including Community Watershed Reserves into the Province’s PSYUs (later renamed as Timber Supply Areas, TSAs),⁴³ ignoring their restrictive Land Ownership Code status. This was the evidently the case for the Glade Creek Watershed Reserve.

Right: Forest Service map amendment, May 25, 1970, shows Deer Creek Reserve now in Salmo PSYU.



⁴² L.F. Swannell memo, to Inventory Division, May 25, 1970.

⁴³ 85 PSYUs were converted into 33 Timber Supply Areas (TSAs): “The new management units were mapped out so that timber harvested within a TSA could logically be used to supply processing plants located within the same TSA.” Source: 1983 *Report of the Ministry of Forests*. By 1993, there were a total of 36 TSAs.

6. Pre-eminence and Doctrine of Consent: Government Assigned Conditional Rights to BC's Water Users to Refuse Logging Proposals Et. Al. in their Community Watershed Reserves

*... the Department [of Lands] would not entertain any alienation with the Reserve without the consent of the City of Rossland*⁴⁴

The Deer Creek Watershed Reserve file includes memos about a standard government referral process. The Forest Service was required to notify the Water Rights Department about a timber sale application in the Deer Creek Community Watershed Reserve before any approvals on the timber sale could be made. In turn, the Water Rights Department's Water Engineers, who were put in charge of Community Watershed Reserves decades previous, had to seek official consent from the Deer Creek Water Purveyors for the timber sale application, or any other resource application, in the Purveyors' assigned Watershed Reserve. Without the Water Purveyor's consent, no Crown land "dispositions" were processed.

MEMORANDUM	
DEPT. OF LANDS FORESTS AND WATER RESOURCES FOREST SERVICE	RES. FROM DISTRICT FORESTER
TO: Chief Forester	Nelson, B.C.
Parliament Buildings	August 18th 1970
Victoria, B.C.	AUG 24 1970
	MAIL ROOM VICTORIA, B.C.
REFER TO YOURS OF	MY FILE: 0147338, 0272566
	M. P.S.Y.U., Salmo M. Watershed - Deer Creek
Attention: Mr. C.E. Bennett, Management Division	
Reference your memorandum August 10th, 1970 concerning the Deer Creek Watershed.	
We have contacted Mr. Tom Oakland, District Water Rights Engineer in Nelson on this matter and he feels that the water users still in the area that called for the reserve in the first place should be consulted. In this regard he plans a field trip to the area around the first of September, following which he will give us a letter expressing his views on the advisability of a sale in the watershed.	
As a result of the above you can expect to be advised on this matter about September 15th.	

For instance, a memo from Section 5 of this report refers to the "blessing" and "wishes of the community":

Under present circumstances, any attempt to plan timber sales would involve the complications of dealing with the wishes of the community, probably through the District Water Engineer, and even if it was possible to design a method of cutting which would

⁴⁴ D. Borthwick, Superintendent of Lands, January 15, 1965.

receive the blessing of the community, operations might lead to problems in public relations.

Another memo of August 18, 1970, sent to the Chief Forester concerning Deer Creek:

We have contacted Mr. Tom Oxland, District Water Rights Engineer in Nelson on this matter and he feels that the water users still in the area that called for the reserve in the first place should be consulted. In this regard he plans a field trip to the area around the first of September, following which he will give us a letter expressing his views on the advisability of a sale in the watershed.

In 1946, the Kamloops District Forest Service bypassed sending a referral memo to the Water Rights Department, sending instead a letter directly to the City of Revelstoke regarding a timber sale application in the Greeley Creek Watershed Reserve. Both the City and the Medical Health Officer rejected the application:

The Council urgently request you to refuse sale of Sections 22 and 27 which is within two sections of Greeley Water Shed. Such action would impair, if not destroy, Revelstoke's water supply if sold for logging purposes.

*Your safeguarding of this utility is essential to the health of the community and the Council would appreciate telegraphic assurance of your refusal to sell or dispose of the rights on this water shed.*⁴⁵

The Revelstoke City Council have informed me that an application has been made to purchase certain lands for logging purposes in the Greeley Creek watershed.

Greeley Creek, as you know, serves as the main source of Revelstoke's water supply.

*As City Health Officer and in the interest of the health of this community I would strongly recommend that no action be taken with regard to the sale of these lands for logging purposes.*⁴⁶

On July 13, 1946, Kamloops District Forester A.E. Parlow dispatched a telegram to the applicant, John Berducci, stating that:

Your application to purchase cedar poles on portions of Sections twenty two and twenty seven in Township twenty three Range One disallowed as these areas within Revelstoke Watershed Reserve.

From 1952 through to 1965, the Forest Service had repeatedly badgered the Big Eddy Water Purveyor Trustees with numerous timber sale applications in the Dolan Creek Watershed Reserve, located just west of the City of Revelstoke. The Big Eddy Trustees were vigilant,

⁴⁵ City of Revelstoke City Clerk, July 12, 1946.

⁴⁶ Medical Health Officer A.L. Jones, July 12, 1946.

continuously rejecting and refusing the applications.⁴⁷ Because of the Trustees repeated refusals, District Forester Hesketh finally ended the matter in an August 6, 1965 response letter, stating to the Trustees that “there will be no conflict with the Dolan Creek Watershed Reserve.”

Similar rejections were made in 1941 and 1947 by the City of Rossland for timber sale applications forwarded to the City by the Forest Service.

*Lot 1656, Kootenay District, about which you have received an enquiry for a timber sale, is situated adjacent to the area withdrawn from any disposition under the “Land Act”, which has been set aside for the use of the Corporation of Rossland for watershed purposes.*⁴⁸

*In reference to application of the above named for a timber sale for dead material on an area within the Rossland City Watershed, instructed to advise that the City Council at its last regular meeting passed a resolution protesting the sale in question.*⁴⁹

*Attached copy of application and City Council’s objection. May we have your authority to notify applicant of disallowance. For our information. May we turn down or discourage an application under circumstances like these without further reference to your office?*⁵⁰

This doctrine of consent concerning Watershed Reserves had been in place for decades, much to the chagrin of some top administrative foresters in government who had other plans in mind.⁵¹ Numerous government documents reveal that some Forest Service foresters often attempted to circumvent or even ignore this doctrine and the policy that governed over the Watershed Reserves.

Though Watershed Reserves were implemented to legally protect the forests under a recent definition of “conservation lands,”⁵² foresters nevertheless sent timber sale proposals to the Reserves’ Water Purveyors hoping that by tempting or refining the doctrine and the Reserve policy one or two proposals might nevertheless slip through. Some foresters became dishonest, shifty and sometimes ruthless about both the doctrine and the law. Many of the large and small forest companies were of the same mind.

Government records indicate that by 1967 the Forest Service gained influence over the Water Rights Department, with the Department’s Director now a willing political partner in colluding to revise the doctrine of consent. The Director would now inform his Water Rights Engineers to include new instructions to Watershed Reserve Water Purveyors that they would have to consent to forest management.

⁴⁷ See Chapter 3, 1952-1965: *The Early, Successful Vigilance of Big Eddy Against the Forest Service’s Intention to Log the Dolan Reserve*, in *The Big Eddy* report.

⁴⁸ S.E. Marling, Assistant Forester, July 17, 1941.

⁴⁹ Rossland City Clerk, August 27, 1947.

⁵⁰ Nelson Forest District memo to Victoria Forest Service headquarters, August 29, 1947.

⁵¹ Refer to Section 8 of this report for a brief discussion.

⁵² “Non-administered conservation lands under the Land Act: Order-in-Council (OIC) reserves, Map Reserves (MR).” Source: *Northeast BC Conservation Lands Review Project*, January 2015.

Small wonder BC's Water Purveyors and Water Users were complaining to government, the skyrocketing complaints of which led the Environment and Land Use Technical Committee to eventually establish the first provincial Task Force on community watersheds in February 1972, a Task Force it authorized in 1973 to establish, and or re-establish, dozens of Community Watershed Map Reserves.

By the 1980s onward, the Ministry of Forests / Forest Service no longer sought the referral advice from Water Purveyors about timber sales or timber tenures in Community Watershed Reserves. By the mid-1980s, the Ministry of Forests no longer even made reference to "Community Watershed Reserves" in formal planning documents, nor in correspondence files to, or information sessions with, BC's Water Purveyors and Water Users. Unmistakably corrupt, in the 1990s the Ministry of Forests sought to conceal the Watershed Reserve tenures from the public, because the Ministry was now routinely breaking the Map Reserves' tenure law, allowing indiscriminate timber harvesting licensing within them. As described below in Sections 9 and 10, by 1993 this was the unwitting predicament facing the Glade Creek Irrigation District.

Government later redefined or altered the Doctrine of Consent assigned to BC's Water Purveyors concerning Community Watershed Reserves. These Community Watershed Reserves, and other similar Reserves, now referred to as "non-administered conservation lands," are assigned to the Ministry of Environment as "the interest holder."

*All industrial activities proposed within a non-administered conservation land require referral to the interest holder for review and comment resulting in a significant work load for both the Land Act administrators and the interest holders. It is therefore essential to ensure that conservation and files remain pertinent to the current values and priorities of the interest holder.*⁵³

⁵³ *Northeast BC Conservation Lands Review Project, Executive Summary, January 2015.*

7. 1963 – BC’s Chief Professional Forester Calls Community Watershed Reserves into Question, Taking Matters one Step Further: He Breaks the Law by Authorizing Timber Sales

Atco’s and Kalesnikoff’s foresters are not the only Registered Professional Foresters to have publicly denied or called into question the lengthy tenure history of BC’s Community Watershed Reserves. Patterns of disavowal, repudiation, refutation and denial stem back more than fifty years.

In December 2008, the BC Tap Water Alliance published [*Good Servants / Bad Service: An Examination of Records and Reports Relating to Rossland City’s Drinking Watershed Reserves \(1923-2002\)*](#). The report included statements of denial made in April 1963 by BC’s Chief Forester, F.S. McKinnon.

In an April 23, 1963 memo, Forester McKinnon called into question the Lands Department’s lengthy administrative history “of **these so-called watershed reserves**.” Making reference to a document in the Lands Department’s Rossland Community Watershed Reserve file, which stated “that the area [Rossland City’s three adjoining watersheds] has been withdrawn from any disposition under the Land Act”, McKinnon wrote that legislative protection of a community Watershed Reserve, which forbade timber sales, was “**open to misunderstanding**.” Rather than admitting the simple plain truth about the Reserve’s rights and powers granted by government to the City of Rossland that protected its three watersheds from logging, forester McKinnon, under a corrupted Department of Forests, urged his underling foresters to bully-talk the City of Rossland officials down: it “will require education of their officials as to what to expect from well conducted logging operations.” McKinnon also daringly and openly stated in the same memo that “there is no doubt such timber must be included in the capital growing stock of the S.Y.U.”, the Salmo Public Sustained Yield Unit.

Contrary to the legislative powers that protected Rossland City’s collective Reserve tenure from logging, sometime after April 1963 Chief Forester McKinnon authorized the Nelson Forest District to issue a series of Timber Sales within Rossland City’s Watershed Reserve.

Logging within the watershed reserve has been a very controversial issue, hence the inspection to determine what could be done to solve some of the problems experienced by the operator and the City.

*Ranger Wood has been constantly bombarded with complaints from various officials from the City of Rossland, and the City Engineer, Mr. Evans, appears to be ready to jump at the least sign of muddying of the streams caused by road construction or logging. Mr. Hebert, the District Health Inspector, has also apparently stated that he will shut the operation down if there is the least muddying of the water systems. There would appear to be a definite lack of communication between all parties concerned, and therefore it is suggested that every effort be made to bring both parties, especially the licensee and the City Engineer, together to discuss and agree on mutual problems.*⁵⁴

⁵⁴ Inspection report by R.F. Bryant, Victoria headquarters forester, August 25, 1965.

Two and half years previous, during the December 1960 Christmas holidays, Assistant Chief Forester L.F. Swannell was busy constructing a memo to all his top foresters in the Province's Forest Regions (formerly called "Districts"). After the W.A.C. Bennett Social Credit administration gifted Tree Farm Licensees means to log in community watersheds included within the boundaries of their 25-year renewable tenures, Swannell manufactured a bold and shameful deception to mislead BC's trusting Water Purveyors and Users, under what appears to have been a Departmental invasion or coup against BC's Watershed Reserves. A Section of the strategic memo included the following sleazy instructions:

*The existing practice of consulting the District Water Engineer, Municipal Clerk or Irrigation District Manager regarding such [timber] sales should be maintained but the letters should be worded to suit the individual cases according to the legal status of the area, and **care should be taken not to imply** that the party concerned has any timber disposal rights or priorities which do not legally exist. **In the case of a timber sale in a municipal watershed reserve**, for instance, rather than asking if the municipality has any objection to the proposed sale, **it is preferable to state** that the sale is proposed and ask if there are any special conditions they wish us to consider for insertion in the contract.*
[Bold emphases]

In June 1962, one and a half years later, Nelson District Management forester R.V. Corregan wrote the following in a memo to the Chief Forester, regarding the discussion about the fate of the unlogged Deer Creek Watershed Reserve:

*At the outset we would point out that we strongly favor logging under strict control **within these reserves** unless there are reasons for assuming that such logging would have serious effects on the watershed. **We are actively promoting the harvesting of mature timber in these areas, and with considerable success.** [Bold emphases] By the same token we are quite sensitive about granting cutting rights where we suspect that this may have unfortunate results since such action might destroy public confidence in our program and undo all our good work to date.*

We do not consider that we have enough direct control on T.F.L. operations ... to insure against damage to the watershed.

*Assuming there are no reasons to the contrary (silvicultural or involving soil stability) we would favor granting a timber sale within the [Deer Creek] reserve. It follows that the reserve should be included in the Salmo S.Y.U. which is short of mature timber anyway.*⁵⁵

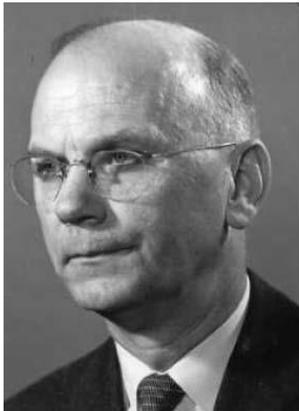
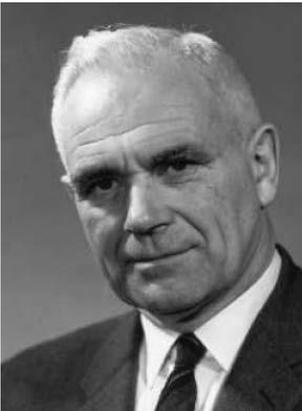
Similar patterns of corruption on the invasion of protected Community Watersheds were also ongoing in the United States. Documents obtained from Washington State County archives in 1994 describe that this assault was organized by the timber industry, using a logging program in Seattle City's Cedar Creek watershed as an international public relations platform.

⁵⁵ June 20, 1962. The comment about including the Deer Creek Watershed Reserve in the SYU is evidence of what the Forest Service was unlawfully doing, including *Land Act* Reserves into the timber harvesting land base.

Other records obtained from Portland City concerned citizens document that by 1958, the U.S. Forest Service began authorizing illegal road and logging permits in Portland City's Bull Run Watershed Reserve. U.S. Federal legislation enacted since 1892, had protected the Bull Run watershed's forest lands from logging, human trespass and cattle grazing. After a lawsuit was filed in 1973 against the U.S. Forest Service, by 1976 the Oregon Court Judge found the U.S. Forest Service guilty of breaking the U.S. Federal law that protected the Bull Run watershed.

Despite the initiatives from the BC's Chief Forester's office to misdirect other government foresters and civil servants over the administration of Watershed Reserves, some foresters in BC's Forest Service weren't always towing the line. Nelson Forest District forester H.D. Bancroft wrote the following in August 1966 concerning the Genelle Improvement District's protests against logging in the China Creek watershed, located southwest of Castlegar, then included in the Salmo PSYU:

Your Improvement District has no Map Reserve on the China Creek Watershed. This means that apart from the use of water granted under your water licence you have no control over the activities of other people or interests within the said watershed.

	<p>TOP MEN OF BC's TIMBER BUREAUCRACY 1958-1972</p> <p><i>Top left:</i> Ray Williston, Social Credit Party Minister of Lands and Forests (1958-1962), and then Minister of Lands, Forests and Water Resources (1962-1972), on whose watch the provincial Watershed Reserves were wrongfully under attack.</p> <p><i>Bottom Left:</i> R.G. McKee. When the position of Deputy Forests Minister was established in 1958, he was the Chief Forester. From 1958-1959, he held both positions. From 1959-1964 he was Deputy Forests Minister.</p> <p><i>Top Right:</i> F.S. McKinnon. Chief Forester, 1959-1965; and Deputy Forest Service Minister, 1965-1968.</p> <p><i>Bottom Right:</i> L.F. Swannell. Kamloops District (Regional) manager, 1952-1958. Assistant Chief Forester, 1958-1965. Chief Forester from 1965-1972.</p>	
		

Above: Excerpt photos from Chapter 2.5, *The Chief Forester Signals the Invasion of Community Watershed Reserves*, in *The Big Eddy* report, page 76.

7.1. The Ministry of Forests' Demonstration Forest Initiative Next Door to the Glade Creek Watershed Reserve

The MoF Nelson Regional office had a principal public deception objective in mind during the 1980s regarding drinking watersheds within its operational boundaries. During this period, the MoF placed considerable pressure on the City of Nelson beginning in 1982 to log its pristine water source, Five Mile Creek, one in a cluster of adjacent Watershed Reserves created since the 1930s for the City. The aim of the MoF was to render the City's drinking watershed area into a "demonstration forest" in order to influence communities throughout the Ministry's regional boundaries to, in turn, log in their community and domestic watersheds.⁵⁶

In Chapter 8 of the 2013 [The Big Eddy](#) report, the BC Tap Water Alliance published an account from government records about how the Ministry of Forests became involved in suckering the public through a public relations or propaganda program called Demonstration Forests. Under the tutelage of Deputy Forest Minister Mike Apsey (1978-1984), a former executive of the Council of Forest Industries, in the early 1980s the new Ministry of Forests linked arms with the Council of Forest Industries in the creation of Demonstration Forests.

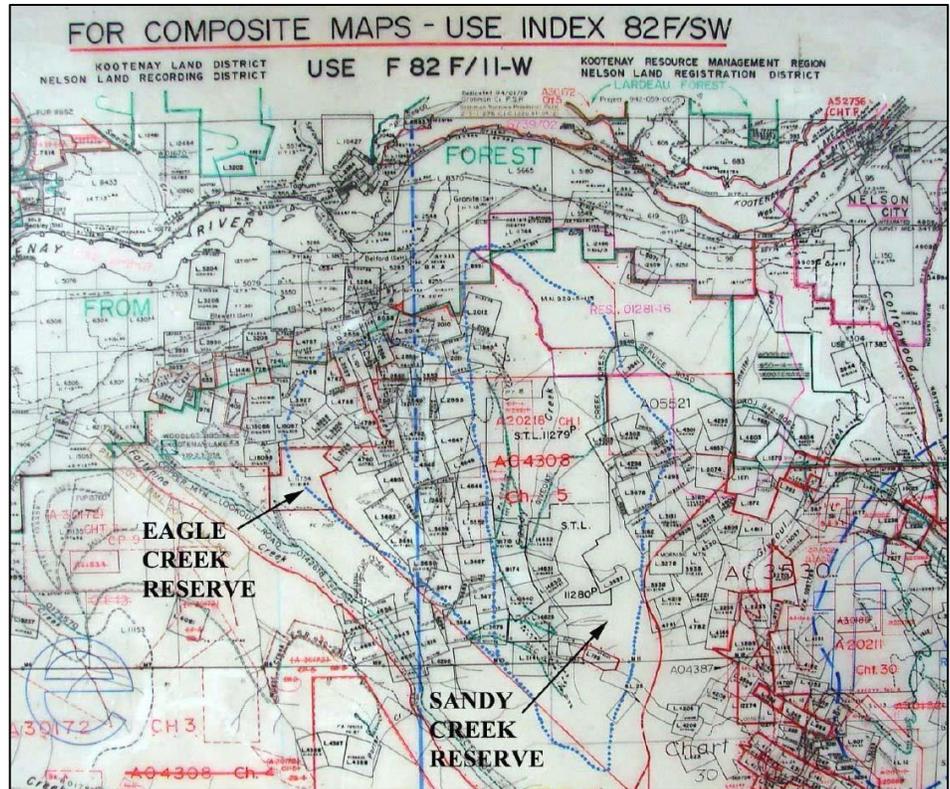
Throughout BC, the MoF's Regional offices were experiencing significant public opposition to logging in community watersheds. In particular, the Nelson MoF Regional office was acutely aware of this issue through many ongoing experiences with local communities over the previous twenty-odd years. The proposals for and introduction of logging in formerly protected community and domestic water sources was highly sensitive, controversial, and politically explosive. It was part of what many civil servants understood as being 'on the front lines', what an MoF employee recently stated in a power-point history presentation on public relations in the Kootenays – "like being tossed into a boiling pot and told to make it stop."

In order to bring about some measure of public acceptance, professional foresters in the MoF forged an alliance with local forest companies – vis-à-vis the Council of Forest Industries – to devise public relations strategies to do so. The principal public relations method chosen was to establish "show me" or demonstration forums in a targeted drinking watershed, where, hopefully, representatives from that candidate water users' or purveyor's community would first approve or consent to a logging rate and program, and would then cooperate with the government and private industry to sucker and synergize other water users. As explained below, it had been done before on two separate occasions in the Pacific Northwest, and was simply resurrected and reapplied.

Because the Ministry of Forests was unable to influence the City of Nelson by logging its protected Community Watershed Reserves, and therefore was unable initiate a Demonstration Forest, the Ministry opted for doing so in the neighbouring community of Blewett, located just east of the Community of Glade. The community of Blewett had two Community Watershed

⁵⁶ From Section 8.2, *Too Much at Stake*, in *The Big Eddy: A History of the Big Eddy Waterworks District and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve*, September 30, 2013.

Map Reserves over Sandy and Eagle Creeks, wherein Atco has a forest tenure. Kalesnikoff has a forest tenure to the west of Atco's tenure, on the west side of Fortynine Creek extending over to the Glade watershed. The Ministry of Forests was successful in luring the Blewett community into accepting a logging and Demonstration Forest program in its drinking water sources.



The new demonstration forest location proposal in the small community of

Blewett's drinking watershed sources was introduced as a special case study at a February 9, 1982 Seminar on Protection on Community Watersheds, held in the former Robson Square Media Centre in Vancouver City's downtown core. Carl Highstead, MoF Headquarters Director of Planning, was the chairman of the 'in-house' one-day session that was attended by fifteen other MoF and Ministry of Environment delegates, including the provincial commander, Chief Forester Bill Young.⁵⁷

On October 31, 1985, both recently retired Chief Forester Bill Young, and Mike Apsey recently retired from government and now CEO of the Council of Forest Industries, attended the inaugural and unauthorized⁵⁸ meeting of the Seymour Advisory Committee, regarding the formation of the Seymour Demonstration Forest. The Demonstration Forest was meant to launch an international propaganda logging program in Metro Vancouver's three drinking watershed sources, the Capilano, Seymour and Coquitlam. From 1989 to 1995, the Ministry of Forests, a major funding partner, contributed \$530,000 of taxpayer funds into the operational activities of the Seymour Demonstration Forest. In February 1999, after the BC Tap Water Alliance presented a critical report called *Seymourgate*, the Greater Vancouver Water District disbanded the Seymour Advisory Committee, stopped the logging program, and reassigned the Demonstration Forest lands as the Lower Seymour Conservation Reserve. On November 10, 1999, after another special two-hour meeting, the Greater Vancouver Water District Board Mayors voted to end the logging in its drinking watersheds.

⁵⁷ Ibid.

⁵⁸ As explained on page 31 in the December 1997 *Seymourgate* report, the Seymour Advisory Committee was created through the approval of Water District Commissioner Doug MacKay, but without the approval of the Greater Vancouver Water District Board, a big no-no.

8. WATERSHED(S) IN CRISIS

*Power has to be protected from scrutiny, because if people know what the powerful are doing, they are not going to like it. Therefore, it has to be kept secret.*⁵⁹



8.1. The Formation of GRROWL and the Letter Writing Campaign

*Your [Cutting Permit 41, of Forest Licence A20193, forest development in Glade Creek] proposal, when received, will be subject to referral to the water users affected.*⁶⁰

*I am very displeased and dissatisfied with the forestry people that they never conferenced with the Glade water committee and the people before awarding our watershed to be logged out.*⁶¹

S.N. McLean Forestry Services' September 27, 1991 Timber Cruise Plan for the upper Glade Creek, submitted to the Castlegar Forest District, states that the Ministry of Forests had approved the Glade Creek Landscape Unit Forestry Development Plan in June 1991 for Atco's Forest License tenure A20193. It states that the "proposed years of logging" in the high elevation old growth forests were scheduled for the period from 1992 through to 1994.

The Ministry of Forests' files for forest tenure A20193 contains no prior letter of notification having been sent to the Glade Irrigation District Trustees or the Glade community for the Ministry's approval of the 1992 logging plan commencement, or for the Development Plan. If

⁵⁹ Noam Chomsky, May 12, 2016, a talk presented by the Harvard-Epworth Church, Cambridge, Massachusetts, Youtube, *Noam Chomsky 2016, After the Electoral Extravaganza*, about 45 minutes in.

⁶⁰ G.B. Allin, District Manager, Arrow Forest District, to Hans Louwe, Atco Lumber Ltd., March 30, 1983.

⁶¹ Undated letter from a Glade resident, received by the Castlegar Forest Service District Office, August 4, 1992.

proper notification had not been given, this avoidance was contrary to a long-held stipulation imposed by the Ministry of Forests in 1983 to the applicant, Atco Lumber (formerly, Hearn Bros. Lumber Co.), whereby Atco's Glade Creek community watershed logging "proposal" approval was first to be "subject to referral to the water users affected."⁶²

The 1983 stipulation to Atco for community referral and approval was later referred to by the Ministry of Forests during a Question and Answer session at the September 28, 1992 Public Information Meeting, the first public meeting convened in the community of Glade regarding Atco's logging proposals. The "Answer," written by the Ministry of Forests in its meeting Minutes, did not provide details on whether or when the Ministry, or Atco, had "consulted" "the community" either in the early 1980s or in 1991:

Public Question number 1: Who went in and said it's time to start logging?

Answer (edited by the Ministry of Forests): *In 1983 new areas of operation were assigned to licensees. Atco was assigned Glade Creek area, and was advised that before logging the community would be consulted. Atco started the process by submitting their proposal.*

Although the Ministry of Forests' 1992 Public Information Meeting "answer" stated that Atco obtained an extension to its Granite Creek Chart area in 1983 to now include the Glade watershed, a Ministry of Forests' correspondence letter of March 30, 1983 provides a contrary claim. It references Atco's ⁶³ August 22, 1980 "application" for "an extension to Chart 8 of Timber Sale Harvesting Licence A03406." The letter states that the Ministry of Forests "granted" the application extension in late 1980, not in 1983. Such an extension, whether granted either in late 1980 or in 1983, was unlawful, because it was granted in a Community Watershed Map Reserve tenure created under former Section 12 of the *Land Act*. The March 30, 1983 letter also states that the Arrow Forest District would have "entertained" a "Road Permit" to Atco "to permit construction during the summer of 1983," for Atco's proposed Cutting Permit 41.

A review of our files indicates an application by Atco Lumber Ltd., dated August 22, 1980, requesting an extension to Chart 8 of Timber Sale Harvesting Licence A03406. This extension was granted.

Regarding your proposed development in Glade Creek we have designated this application as Cutting Permit 41 of Forest Licence A20193, file 850-13-1. Please use this designation in all future correspondence.

The correspondence reveals that prior to August 1980, the Glade watershed had not been part of Atco's (formerly, Hearn Bros. Lumber Co.'s) forest tenures, and had not been allocated to any other timber licensee. As such, there was oddly no letter of referral notification to the Glade Irrigation District found in the Ministry of Forests' files ⁶⁴ concerning Atco's 1980 tenure extension application, an application which the Ministry of Forests had approved.

⁶² Arrow Forest District Manager G.B. Allin to Atco Lumber, March 30, 1983.

⁶³ The August 1980 application was made by Hearn Bros. Lumber Co. Ltd, headquartered in Fruitvale, BC. Hearn Bros. had forest developments in Granite Creek, next to the Glade Creek Watershed, and the application proposed five cutblocks totalling 117.8 hectares, the largest block being 59.2 hectares. Hans Louwe was the Woods Manager for Hearn Bros.

⁶⁴ Files 12290-20, 12290-04, and 19500-40.

For the April 19, 1993 Glade Creek Technical Committee meeting, Atco provided a one page “chronology of data collection / reviews to date.” In that chronology, was a reference to an April 22, 1991 “meeting at S.N. McLean Forestry office with Steve Voykin,” the secretary for the Glade Creek Irrigation District. There are no explanatory comments about the “meeting” in Atco’s chronology, no means to indicate the meeting’s nature or purpose. It is possible that an Atco representative may have verbally notified Mr. Voykin of Atco’s intent or proposal to log in the Glade watershed in early 1991, but once again, nothing is stated in Atco’s chronology to verify this possibility, and neither is there a reference to a formal referral letter having been sent by Atco, or by the government, to the Glade Irrigation District community.

GLADE CREEK	
TECHNICAL COMMITTEE MEETING	
April 19th, 1993	
Arrow Forest District Boardroom	
Summary of discussion:	
Present:	
Sandy Shlakoff	Glade resident, observer
Leona Pereversoff	Glade resident, observer
Marion Sapriken	Glade resident, observer
Elaine Kruse	Atco Lumber
Ron Ozanne	Atco Lumber
Hans Louwe	Atco Lumber
Clement Yeo-West	Glade resident, observer
Ian Hamann	BCFS, Arrow F.D.
Jim Whissell	BCFS, Arrow F.D.
Reiner Augustin	BCFS, Arrow F.D. (minutes)

The referral application and notification process to Water Purveyors was a long-held legal policy within government, extending back decades. Not only did the process concern the sensitive issue of community water supply, but it also involved forest licence applications, or other license application and tenures, in public Community Watershed Reserve tenures specially assigned by government to Water Purveyors.⁶⁵ The Ministry of Forests should, and ought to, have automatically rejected Atco’s timber license application in the Glade Creek Watershed Reserve tenure, or, for that matter, as it ought to have done in any other Community Watershed Reserve tenure. The Ministry knowingly failed to do so, and thereby undertook a public deception.

Therefore, unbeknownst to the Glade Irrigation District Trustees and Glade residents, the Ministry of Forests and the Ministry of Environment were guarding a tightly controlled secret, whereby the community’s watershed, Glade Creek, had been protected with a Public (Crown Lands) Map Reserve tenure. Government records reviewed to date reveal that the tenure status of Glade Creek as a Map Reserve, and the legislative meaning of such a Reserve as protection against “disposition,” was not communicated or described by the provincial government to the Glade Creek Irrigation District Trustees from 1980 onward, though this legislation, and its provisions, were even set out in the March 1980 *Forest and Range Resource Analysis Technical Report*, as submitted to BC’s Legislative Assembly by Forests Minister Tom Waterland.

The conservation or protection powers of the Section 11 and Section 12 *Land Act* Watershed Reserve tenures were clearly re-stated and defined by government in subsection 4.490, *Watersheds Used for Community Water Supplies*, in a September 1, 1980 Ministry of Lands, Parks and Housing Manual:

⁶⁵ This referral history, whereby Water Purveyors had been allocated authority to deny a timber sale or timber license application in a community watershed, is described in Section 6, *Pre-eminence of Consent*.

“New dispositions,” [i.e., a Timber Sale, Timber License, or Timber Tenure] *“may be made where the activity is compatible with the intent of the Guidelines [meaning, Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies, October 1980] and not detrimental to the community water supplies and **where the land is not affected by an Order-in-Council or Map Reserve.**”*⁶⁶ [Bold emphases]

The records acquired to date show that it was sometime in March 1992, just before the high mountain spring snow melt, that the community of Glade learned of the BC Ministry of Forests’ plans for Atco to road access and clear-cut the pristine old growth in the South Fork high elevation headwater forests of the Glade Creek Community Watershed Reserve.



Photo of the Glade watershed (September 2016). Valley to Left is the North Fork Tributary, and valley to right is the South Fork Tributary. Atco’s logging plans for the 1990s were located at the headwaters of the South Fork Tributary.

The first documented instance of public awareness and concern in government files about proposed logging from the Glade community appears in an undated letter from early April 1992. The letter was sent to the Ministry of Forests’ Arrow Forest District Office in Castlegar, and was signed by Bob Wilson, the “secretary for the **Committee For Clean Water.**”

As members of Glade Irrigation District we would like to express our concerns about ATCO’s logging plans in our watershed. We definitely want to be informed about any developments in this area, especially logging roads and any fuel storage depots. There are approximately 250 [sic, 350] people depending solely upon this clean water supply.

When Wilson’s letter arrived at the Arrow District Forest Office in Castlegar, the secretary date-stamped it April 15, 1992. The same day, Ian Hamann, a Registered Professional Forester and the Operations Manager for Harvesting at the Arrow District Office, wrote a response letter to Bob Wilson. Hamann forwarded copies of his letter to Len Eddy, his associate and Timber Resource Officer in the Castlegar District office, and to Hans Louwe, Atco Lumber Co. Ltd.’s woodlands manager who was headquartered in the hamlet of Fruitvale.

⁶⁶ See Appendix A, Land Act Reserves Legislation.

Thank you for your undated letter in which you have expressed concern about Glade Creek watershed.

Atco Lumber Co. Ltd is proposing to harvest within the Glade Creek watershed in the near future. This will involve both road construction and logging activities.

Prior to any harvesting activities taking place, this office will ensure that the Glade Irrigation District has ample opportunity to review and provide input into any harvesting plans. In order that you have such an opportunity, I am taking the liberty of forwarding this letter to Mr. Hans Louwe, Woodlands Manager for Atco Lumber. I trust Mr. Louwe will advise you of the date on which Atco Lumber will make their five year development plan available for public review and the location where the plan may be viewed at. The five year development plan is a plan which the company prepares and updates on an annual basis and identifies the extent and location of all proposed harvesting activities for the ensuing five year period.

Following public review of Atco's development plan, I would suggest a meeting with representatives of the Glade Irrigation District, Atco Lumber and the Forest Service would be in order. At that time this office will further contact you to arrange for a mutually convenient meeting location.

In the interim, I would invite you and any members of the irrigation district to visit our district office (during working hours) for the purpose of reviewing Atco's proposed harvesting maps and plans for the Glade Creek watershed.

In a June 26, 1992 letter, sent from Ron Ozanne, a registered professional forester, to Arrow Forest District Manager Ken Arnett, Ozanne wrote about Atco's "open house:"

There has been large representation from Glade Creek water users at the recent Development Plan open house in Castlegar, June 11, 1992. As discussed with Ian Hamann, it appears again that watershed activities in this area will involve the formation of another Technical Committee.

Ozanne, who would soon be employed by Atco, was then working for S.N. McLean Forestry Services Ltd., Atco's timber cruising consultant.⁶⁷ The "open house" on Atco's Glade Creek logging proposal occurred some three weeks after Hamann's April 15th letter to Bob Wilson, where and when, as stated by Ozanne, a "large" group of Glade residents showed up.

In a July 9, 1992 letter to the Glade Irrigation District, Ian Hamann wrote of his Ministry's intention on "the formation of a Technical Committee for Glade Creek." Hamann wrote that the Technical Committee idea was going to be introduced at a forthcoming public meeting to be held sometime in September 1992, with its purpose to "discuss Atco's proposed harvesting plans and

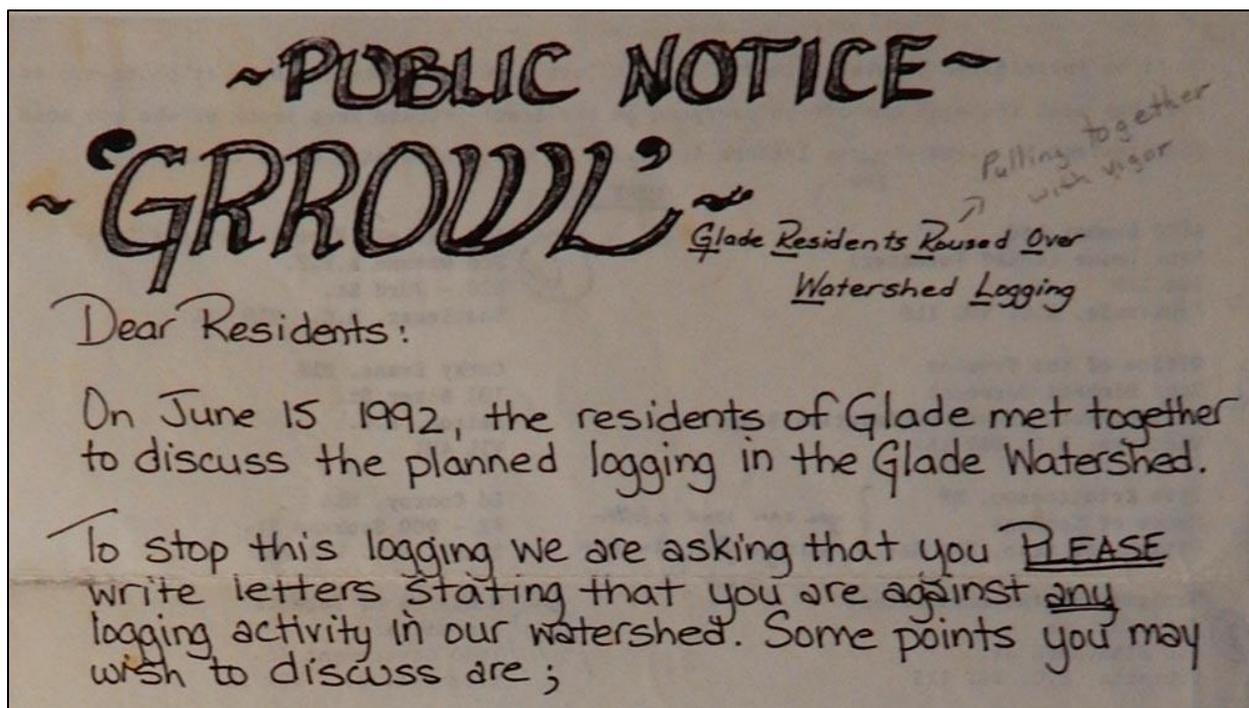
⁶⁷ An obituary for the late Neil Sinclair McLean published in the September – October 2014 issue of the BC Forest Professional Magazine, states that S.N. McLean Forestry Services Ltd.: *operated for over 40 years out the main office in Kamloops, as well as those in Castlegar and Prince George. During the 1970s, it grew to become the largest forestry consultancy in the Interior of BC.*

schedule for road construction/logging,” and to “solicit concerns and input from the trustees and water users.”

Instead of automatically rejecting any logging proposals in the Glade Creek Watershed Map Reserve, and informing the Glade Creek water users of the logging being ‘proposed’ in advance of the Ministry of Forests’ decision to allow the logging, the Arrow Forest District wrote to a Glade resident on July 17, 1992 that:

The Atco Lumber Ltd. presentation that you attended is an opportunity for more people to become aware of proposed harvesting activities before they start. The District Manager of the Arrow Forest District has instructed all companies in the District to host open houses in the communities affected by the proposed activities.

Indicated below, the July 17th letter was written four days before the Arrow Forest District changed its plans to re-schedule Atco’s road building permit in the Glade Watershed for sometime later in 1993.



Reaction to Atco’s logging plan by the Glade community participants was immediate. On June 15, 1992, four days after Atco’s open house event in Castlegar, “the residents of Glade met together to discuss the planned logging in the Glade Watershed.” That information, and “**We do not want our watershed logged !!**”, was stated in a “Public Notice” published and distributed by the recently formed Glade Residents Roused Over Watershed Logging, or GRROWL. GRROWL’s steering committee was formed the day of the June 15th meeting, consisting of 14 members: Louella Bartlet, Nikki Kinakin, Rick Marken, Glen and Linda McIntyre, John Ozeroff, Charlie Perversoff, April Reeves, Andy Sapriken, Lionel Simpson, Nora Specht, Noni Tedesco, Clem Yeo-West, and Bob Wilson.



Photo collage of the Glade intake on Glade Creek (September 2016). The small concrete dam, located in a ravine, is nested just above a steep waterfall. The water pipeline and gangplank is constructed along the granite wall of the ravine, which leads to a control building nearby. Logging has the potential to destroy the intake facility.

GRROWL's steering committee members immediately sparked a community letter writing campaign.⁶⁸ For the campaign, they included the names and addresses of 19 provincial and federal government representatives and 2 non-government representatives, all of which were printed on the back side of the public notice:

- BC Premier, **Michael Harcourt**;
- Federal MP, **Lyle Kristianson**;

⁶⁸ The Steering Committee also organized a "community educational meeting" for Tuesday, July 21, 1992, with guest speakers from the Slovan Valley Watershed Alliance and Dr. Lee Hutton, the pathologist at the Nelson Kootenay Lake Hospital. The Slovan Valley Watershed Alliance (formed in 1981), was also unaware of the Glade Watershed Reserve tenure, or other Watershed Reserve tenures established throughout the Nelson Forest Region.

- Federal Minister of Health & Welfare, **Benoit Bouchard**;
- BC Environment Minister, **John Cashore**;
- BC Minister of Health, **Elizabeth Cull**;
- BC Minister of Forests, **Dan Miller**;
- BC MLA, **Corky Evans**;
- BC MLA, **Ed Conroy**;
- CORE (Commission on Resources & Environment) Commissioner, **Stephen Owen**;
- Regional District of Central Kootenay Director, **John Voykin**;
- Ministry of Forests Nelson Regional Manager, **Ross Tozer**;
- Ministry of Environment Regional Director **Dennis MacDonald**;
- Arrow Forest District Manager, **Ken Arnett**;
- Nelson Regional Environmental Protection Program Manager, **Rick Crozier**;
- Environment Canada's Conservation and Protection Manager, **Beverly McNaughton**;
- BC Environment Water Quality Branch Director, **George Butcher**;
- Nelson Ministry of Forests Regional Manager of Integrated Resource Management, **Ken Gorsline**;
- Castlegar Central Kootenay Health Unit, **Dr. N. Ames**;
- Ministry of Environment Waste Management Branch, Cranbrook;
- ATCO Lumber Ltd.'s Chief Forester, **Hans Louwe**;
- **Ron Ozanne**, S.N. McLean Forest Services Ltd.



Wide angle photo collage of the water intake dam and distribution pipe (September 2016).

All the letters and postage stamps would be provided and paid for by the Glade Creek Irrigation District. According to government records, a wave of letters was sent to government Ministries and agencies beginning on June 20, 1992. Statements from the many letters included the following written comments:

As concerned residents and property owners in the Glade community, we are writing to you regarding the planned logging of the Glade Watershed area by ATCO Lumber. We are against any logging in this area, be it clearcut or selective, for the following reasons. ... We are asking for your support to see that this or any other logging operation not be allowed in the Glade Watershed area.

I am a resident of the community of GLADE. I recently attended a meeting, where I was informed of ATCO's intention to carry out clearcut logging through our watershed. There is no doubt in my mind that this will have a negative and profound affect on our water quality and quantity. ... I expect you do everything in your power to protect our water rights. You have my assurance, that I and all the other residents of GLADE, will do everything in our power to prevent their going ahead with a road and subsequently logging through out watershed.

Please listen to what is going to be said. We do not want our watershed logged !! My wife and I lived for ___⁶⁹ years in the Slocan Valley and constantly fought to protect our watershed there. Now we have recently re-located to Glade and are faced with the same problem.

I am writing this letter to firmly state that I do not want the Glade Creek watershed logged. I'm appalled that the proposal to log our watershed would even be considered. Our communities' health and adequate water supply is a priority. Water is the oil of the future.

The Glade watershed was chemical contaminant free until 1990 when chlorine was finally forced on this community. Logging of any type, let alone clearcut, will create greater turbidity. An increase in turbidity equals an increase in chlorine use. Chlorine coupled with organic sediment equals organochlorines (a known carcinogen). Logging our watershed will also create an unprecedented influx of human activity, initially for logging purposes and thereafter for recreational purposes. Easy access being provided to all and sundry by the proposed logging road. Human activity in our watershed creates the potential for viral contamination of our water supply. Chlorine is ineffectual in the realm

⁶⁹ Freedom of Information deleted the number, showing how many "years".

of viruses. ... We do not want our Glade watershed savaged by logging. I respectfully implore you for assistance in this serious matter.

I remember when our grandfathers used to tell us how fortunate we were to have good running water in our community. We as concerned people, for ourselves and future generations, got together and put our money and a lot of hard work and built a very good water system, which we are very proud of having plenty of water all year long. Now hearing that a logging company is planning to build a road in our watershed and log there, I am very displeased and dissatisfied with the forestry people that they never conferenced with the Glade water committee and the people before awarding our watershed to be logged out. ... So as a lifetime resident of Glade, B.C., I, like the others, don't want roads or logging in our watershed. I think that we are entitled more to the watershed than a logging contractor.

GRROWL's letter writing campaign achieved a series of results over the following two months, the most immediate and important of which was that the Ministry of Forests "postponed" the "construction of the proposed road" in the upper Glade watershed scheduled for the calendar year of 1992.⁷⁰ The decision to postpone the unlawful road construction was formally announced in a Ministry of Forests' Arrow Forest District staff statement on July 21, 1992, which was then broadcast on two local radio stations, CKQR and KBS. The Glade Community Watershed Committee Minutes of October 20, 1992, which summarized the group's "involvement to date," state:

Through media we were able to postpone road building until the Forestry met with the people. Many letters from the community were sent out.

However, Harvesting Operations Manager Ian Hamann stated a few weeks later, in an August 11, 1992 letter sent to the "Glade Irrigation District Water Users," that the "road construction activities and timber extraction" will "not commence this calendar year," but "is expected to commence in 1993." Drawing out their ire, Hamann's brazen statement only made Glade residents GRROWL even louder, and was no doubt responsible, in part, for the Irrigation District Trustees' later decision in early 1993 to abstain from participating in the Glade Creek Technical Committee. The reason why GCWC later stated in its Minutes of January 6, 1993 that, "we feel that the Technical Committee is a Logging Committee," was based on a public statement made by Arrow Forest District government foresters at the September 28, 1992 public meeting, namely that the government's "decision to log has already been made."⁷¹

Another result of GRROWL's letter writing campaign was a pledge made by the Arrow Forest District to "hold a public meeting with the Glade Irrigation District trustees and the water users of Glade Creek." The pledge was detailed in a July 9, 1992 letter sent to Bob Wilson, with the

⁷⁰ Letter received by the Ministry of Forests, August 10, 1992.

⁷¹ *Minutes of Public Information Meeting, Glade Creek Watershed*, by Arrow Forest District.

“Glade Irrigation District,” a meeting tentatively proposed to be held in the community of Glade on September 14, 1992:⁷²

The purpose of such a meeting would be threefold:

- 1. Discuss Atco’s proposed harvesting plans and schedule for road construction/logging.*
- 2. Solicit concerns and input from the trustees and water users.*
- 3. Discuss the formation of a Technical Committee for Glade Creek.*

Another Arrow Forest District form letter of July 17, 1992, sent to Glade residents, stated:

From the public meeting we wish to establish a working group to allow residents to participate in all stages of planning and development and to keep the community informed of what is happening. Please note that the time and place for the public meeting will be advertised in the local newspapers.

Two other results from GRROWL’s letter writing campaign came by way of two unlawful promises made by Ministerial authorities – unlawful, because they concerned logging plans in a public Map Reserve tenure, and whereby the logging planning proposed to be undertaken was made without the government informing the Water Purveyor and its community of the Map Reserve tenure status:

- Nelson Region Forest Manager Ross Tozer promised the commencement of an Integrated Watershed Management Plan (IWMP) process. IWMPs had already occurred with the involvement of water purveyors in numerous candidate community Watershed Reserves since 1984.⁷³
- Forests Minister Dan Miller promised the commencement of a Local Resource Use Plan (LRUP), a formal public land planning process used for generic or less specific forest planning objectives.



Photo of the Lower Kootenay River, with the community of Glade on lower right (September 2016).

⁷² Letter signed by Ian R. Hamann, RPF, Operations Manager Harvesting. The letter was also forwarded to Ron Ozanne with S.N. McLean Forestry Services Ltd., to Hans Louwe with Atco, to Mike Harnadek with the Central Kootenay Health Unit #2, and to Len Eddy, Arrow Forest District Resource Officer.

⁷³ See Appendix , for the list.

8.2. Formation of the Glade Community Watershed Committee

*It is not our [the Ministry of Forests'] decision to decide if logging is going to happen. ... The decision to log has already been made.*⁷⁴

At some point during July to August of 1992, the GRROWL group, Glade Residents Roused Over Watershed Logging, transformed itself into the Glade Community Watershed Committee, or GCWC.

Within the mandate of its transformation, the GCWC became the authentic arm and voice of the Glade Irrigation District. A formal letter co-signed “with the seal of the Glade Irrigation District” on August 20, 1992 by Glade Irrigation District Trustee chairman John Perisoff and by secretary Steve Voykin stated that “the Glade Irrigation District and the Glade Community Watershed Committee are working together and speak as one voice.”

It is also agreed that:

- 1. A trustee of the Glade Irrigation District be included in all the Glade Community Watershed Committee meetings.*
- 2. The autonomy of the Glade Community Watershed Committee is fully sanctioned by the Glade Irrigation District.*
- 3. Any decisions regarding Glade Irrigation District funds, are to be made at the discretion of the Glade Irrigation District trustees, and/or a general meeting.*

In advance of the public meeting of September 28, 1992 (see below), one of the GCWC strategies was to distribute a two-page public notice called, “Rejection by Glade residents of proposed roadbuilding and subsequent logging of portions of the Glade Creek Watershed by Atco.” The September 9, 1992 public notice, later referred to by the GCWC as its “letter of discontent,”⁷⁵ was sent to 15 government parties. When the GCWC wrote its letter, it, and the Irrigation District Trustees, were unaware of Glade Creek watershed’s tenure status as a Map Reserve. Had they learned of its Reserve status, the community would have initiated an investigation, as did Sunshine Coast residents in 1992 when they began investigating the Chapman and Gray Creek Community Watershed Map Reserves, the first public body in BC to have launched such an inquiry.⁷⁶

The cooperative authority established between the GCWC and the Glade Irrigation District confounded and troubled the Arrow Forest District’s forest planning administrators, who initially recognized that the Glade Irrigation District was the only public body with legitimate status, not the GCWC. For instance, in a November 14, 1992 newspaper article published by the Castlegar News, *Logging Debate Rages On*, it communicated that:

⁷⁴ Ministry of Forests’ *Minutes of the Public Information Meeting, Glade Creek Watershed, September 28, 1992, @ 7:00 pm.*

⁷⁵ Referred to as the “letter of discontent,” in GCWC Minutes of October 20, 1992.

⁷⁶ See Section 10.3, *The Chapman and Gray Creeks’ IWMP and the Tetrahedron LRUP Investigation.*

The GCWC is opposing the forest district's plans to allow logging in 80 hectares of the Glade Creek Watershed. The province has already said that the decision to proceed with the plans has been made.

In the article, Arrow Forest District Resource Officer Len Eddy remarked:

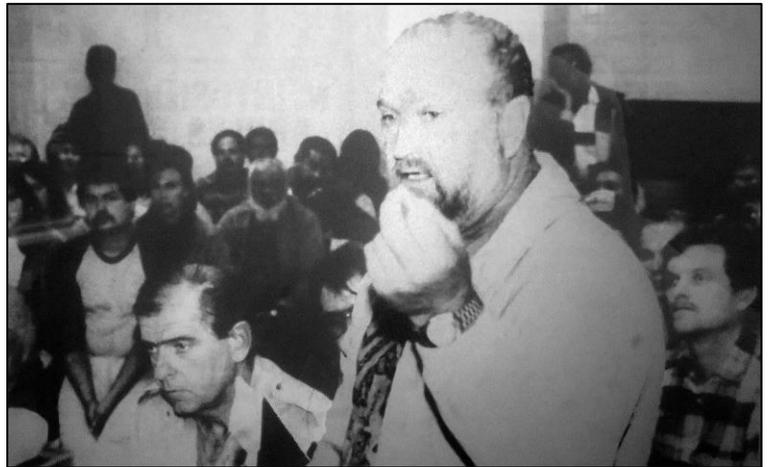
"It's news to me that the Glade Community Watershed Committee had taken over" ... Eddy said if in fact the irrigation district had handed over its authority to the Glade Creek Watershed Committee, "then the irrigation district should be the ones to inform us about that."

The GCWC's Minutes of November 30, 1992 state that community members had a "discussion" about Len Eddy's comments in the newspaper article: "Steve Voykin suggested that the G.C.W.C. and District Trustees clarify the letter given to the G.C.W.C. so there is no confusion about representation."

8.3. The September 28th Public Meeting in Glade

One of the outcomes of GRROWL's letter writing campaign was a public meeting, a major event held in the community of Glade on September 28, 1992.

To ensure that residents have a further opportunity to express their concerns the Forest Service will host a public meeting in the near future. As the summer season is upon us we wish to conduct this meeting sometime in September.



From the public meeting we wish to establish a working group to allow residents to participate in all stages of planning and development and to keep the community informed of what is happening. Please note that the time and place for the public meeting will be advertised in the local newspapers.⁷⁷

In an August 22, 1992 form letter sent to Glade community residents, Atco's Woodlands Manager Hans Louwe wrote:

Because of the concern shown over our Glade Creek proposal, I understand the Ministry of Forests is planning to hold a public meeting in your area soon. From this meeting, the Ministry of Forests wishes to set up a working group to keep residents informed of what is happening and to provide comment and review at all stages of planning and development.

⁷⁷ Ian R. Hamann, RPF, Operations Manager, Harvesting, Arrow Forest District, July 17, 1992.

Organized by the Ministry of Forests' Arrow Forest District Office in Castlegar, and also "called" upon for co-planning by S.N. McLean Forestry Services,⁷⁸ the community event was advertised in local newspapers and on radio station broadcasts.

This meeting is taking place resulting from concerns expressed by local residents about proposed logging in the Glade Creek area. The Ministry of Forests wishes to invite you to this meeting to allow you to voice your concerns and/or to give you the opportunity to be informed about proposed activities in your area.

The meeting format will be a brief presentation by the Forest Service on the current status of logging plans for the area and what is proposed in the future. We will then open the meeting to the public to present concerns over activity in the area. At the end of the meeting we would like to identify three or four representatives from the community to work with us on a working group for the Glade Creek watershed. This working group will be integral to the development of the Glade Creek area ensuring all issues are addressed prior to commencement of activities.

*We hope you will be able to attend this public meeting and consider becoming part of the working group for the area.*⁷⁹

The community hall, where the meeting was held and rented by the government, had been built by Doukhabor residents, who had christened it the United Spiritual Communities of Christ hall.



⁷⁸ According to GCWC Minutes of October 20, 1992: "Public meeting called by Ministry of Forests and S.N. McLean (Atco's consultants)."

⁷⁹ Ian Hamann, September 1, 1992.

The GCWC's Minutes of November 4, 1992 state that at least one reporter, Neil Rachynski from the Castlegar News, had attended the meeting, and had perhaps tape recorded the event.⁸⁰ Other than Rachynski's possible recording, no other recordings of the meeting were known to have been made.

Glade's water users are in an unfair fight

You have to admire the Glade Community Watershed Committee.

These residents are doing everything they reasonably and legally can do to prevent logging in their watershed.

Talk about underdogs.

They're taking on the Arrow Forest District which is, really, the provincial government. The district held a meeting in Glade Sept. 28 to form a technical committee. That was the meeting's sole purpose.

Sure there was talk about what if this and what if that, but the bottom line was to form the technical committee. That group would in turn address how the logging would proceed throughout the watershed.

The question of whether to log or not had long ago been



Neil RACHYNSKI

The Bottom Line

task of getting the Ministry of Forests and Atco Lumber Ltd. out of their watershed.

I like a good fight — but only when it's fair.

The district's operations manager has said the decision to log the area was made well over a decade ago. Might even have been decided a generation ago.

I don't have a problem so much with the decision to log being made then, as I do the province telling people it's still a relevant decision today.

Give me a break. The milk in my fridge has an expiry date. My VISA card has an expiry date. Ideas, too, have an expiry date.

How long can a shelf-ready plan be left unattended before it spoils?

Talk about an easy way of avoiding the public process.

I'm not saying Glade's watershed shouldn't be logged and I'm not saying it should. What I am saying is the decision to log it should be scrapped.

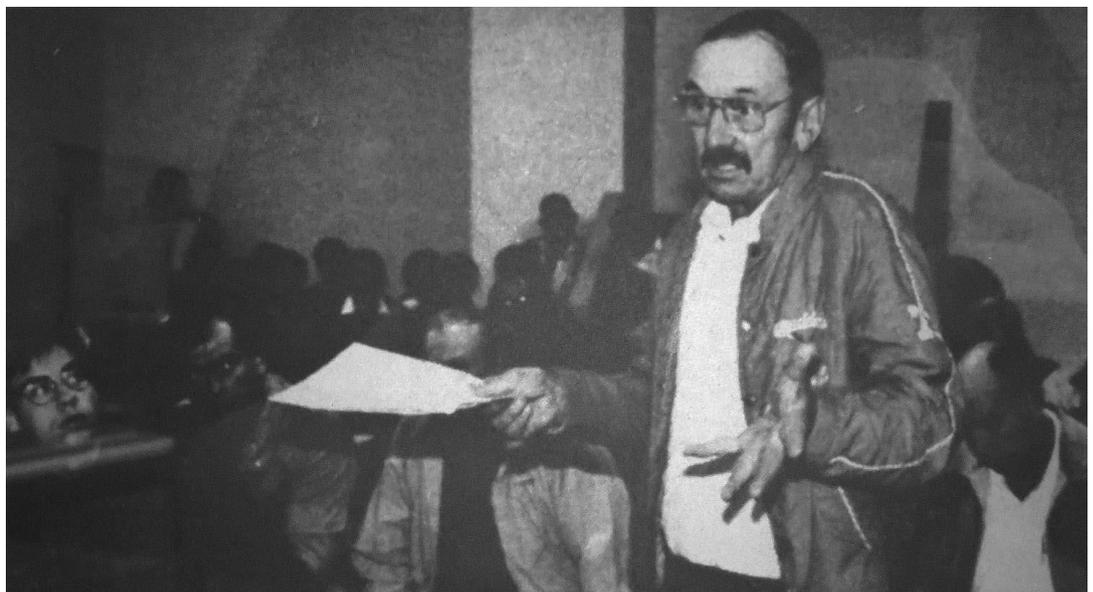
Open things up to new information and public input. I realize even then people will stick to their own agenda. No matter what the government says people will oppose the logging.

And no matter what evidence the residents bring forth the province will rationalize and pacify.

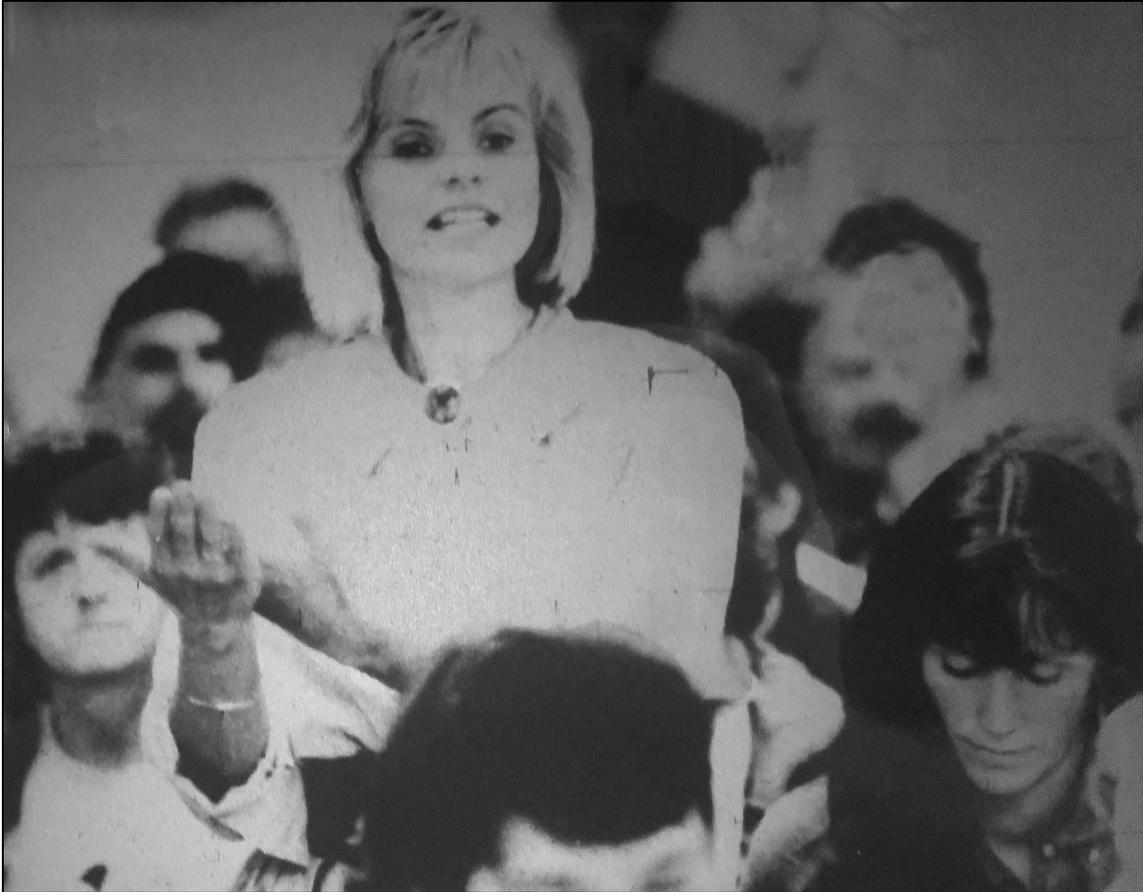
Solution?

Appoint an independent arbitrator. Make all decisions binding with a strict appeal process.

Photo to right, and the other photos of people from the Glade community in this section of the report, were published in the Castlegar newspaper of the September 28, 1992 public meeting in Glade.



⁸⁰ It is not known if a reporter from the Castlegar Sun had attended, or if someone from the local radio station CKQR.



The only written remnant of the meeting found to date is the Ministry of Forests' *Minutes of Public Information Meeting, Glade Creek Watershed*. The ten-page document, attached to an October 2, 1992 Ministry of Forests' form letter, includes a brief three sentence introduction, along with 44 Public Comments, Questions and Ministry of Forests' Answers.

Introduction:

Ian Hamann explained that the purpose of the meeting was not to make a decision to log or not to log (that's a political issue), but rather to answer questions about Atco's proposal. Commented that the Glade Creek Watershed has always been a part of the timber area, and that Ministry of Forests' job is to ensure that all resources are protected. Recommended that a Technical Committee be created, and include trustee representation.

Of the 40 "Answers," written and edited by the Ministry of Forests, many may be regarded as suspect, because they are not direct quotations made by Ministry of Forests' members at the meeting. I.e.:

Question 2: Glade Community Water Shed Committee takes the position that logging should not occur in the Glade Creek Watershed.

Answer: It is not our decision to decide if logging is going to happen.

8.4. The Glade Irrigation District’s Decision to Participate Only as “Observers” on the Technical Committee

By August 20, 1992 an inseparable bond was established between the recently created GCWC and the Glade Irrigation District (GID), whereby it was stated in a formal agreement that both bodies “are working together and speak as one voice.” That voice embodied GRROWL’s initiating June 1992 “public notice,” in which it was declared that “we do not want our watershed logged!!” The GCWC Minutes of November 30, 1992 restated that, “the GCWC and the GID have one voice and one spokesperson for the two amalgamated groups.”

The declaration was later repeated at the beginning of a two-page letter issued by the GCWC and dated September 9, 1992: “the residents of Glade oppose and reject the proposal of any roadbuilding and logging in the Glade Creek Watershed.”

By early January 1993, after a long string of strategies, investigations and events, the GCWC had begun preparing ideas for the wording of a petition against logging in the Glade Creek watershed. On March 16, 1993, just before the Glade Irrigation District annual meeting, the GCWC agreed to the following simple revision:

We, the residents of Glade, oppose any road building and/or logging in the Glade Watershed.

130 residents had signed the petition by end of May 1993, according to GCWC files. Many of the surnames were of Russian origin, reflecting the large local immigrant population of Doukabour ancestry.

At a GCWC meeting held at “Louella’s House” on October 14, 1992, “Louella brought to our attention the fact that the technical committee deadline had been changed to November 1, 1992.” A report “from Nora” detailed an account of what she learned about the logging debate in Greater Vancouver.⁸¹ “Marion and Sandy” reported on the “progress of the petition.” Others gave an update from other watershed groups in the Kootenays, such as the West Arm Watershed Alliance.

8.5. Many Other Skirmishes

Leading up to Atco’s logging plans for Glade, and during 1992, were numerous community watershed logging protest fronts in BC. For instance: Greater (now, Metro) Vancouver’s three watersheds were under considerable public scrutiny, with the initiation of a logging-biased “ecological inventory”; Greater Victoria’s watershed was under similar public scrutiny and

⁸¹ Muddy and silt-laden waters shut down the Metro Vancouver’s Seymour drinking water Reservoir for three weeks due to a large landslide in Jamieson Creek watershed (one of Metro Vancouver’s 3 community watersheds). The event triggered a series of heated public meetings held in early 1991 debating the recent controversial history of logging in the three watersheds, detailed, somewhat, in draft reports issued by the Greater Vancouver Water District. The debates continued until November 10, 1999, when the Water District Board of Metro Vancouver Mayors voted to end logging in the watersheds. The Seymour and Capilano watersheds had been protected through provincial legislation in 1927, and the Coquitlam watershed protected through federal legislation in 1910.

criticism, eventually leading to a 1994 court decision that would end the logging; an Integrated Watershed Management Plan for the Sunshine Coast's Chapman and Gray Creeks was underway, where investigations began about their Watershed Reserves, and a Supreme Court application filed by the Regional District in November 1992 concerning litigation against logging; the Greater Creston's Arrow Creek Watershed Reserve (established in 1942) was, ironically, under a five year logging "moratorium" about to expire in late 1994; and numerous community watershed logging concerns throughout the Kootenays.

The Forest Resources Commission (1989-1991), BC's fourth Royal Commission on forest resources since 1912, had just tabled its final report in April 1991, with controversial recommendations for the continuance of logging in community watersheds under the "integrated-use" directive. Its final report made no mention of Community Watershed Reserve tenures which were legally exempt from the Commission's directive.

Later provincial Royal Commissions (in 1956 and 1976) and the Forest Resources Commission (in 1991) mysteriously failed to mention anything about Watershed Reserves, despite the fact that a provincial Task Force (1972-1980) had created and re-created about 300 of them under the protective powers of the Land Act. The BC Lands Ministry continued to create Watershed Reserves until the late 1980s, at which time the Social Credit government, heavily influenced by resource industry titans, began to uniformly ignore these preserves.

In the [April 1991] Commission's 28 background reports and the data from all the public submissions and input sessions were references to old growth reserves, recreation reserves, ecological reserves, Indian reserves, mineral reserves, biological reserves, wilderness reserves, rain forest reserves and nature reserves, but not one reference to the Land Act [Community] Watershed Reserves or Map Reserves.⁸²

The Ministry of Forests' skirmishes into community and domestic watershed sources in the Kootenays in the 1980s was intense, to say the least. By August 1984, after numerous water user groups had been formed, the Slocan Valley Watershed Alliance held a regional workshop called the FLOW (For Love of Water) Conference, held in the lower Slocan Valley in the hamlet of Winlaw. The event, summarized in the BC Tap Water Alliance report, *The Big Eddy* (in Chapter 4), included two legal assessments by two lawyers on resource use legislation. The presentations, which had no information about Community Watershed Reserves, reflected the government's underhanded achievement, making them invisible to registered Water Purveyors and the public.

Both presenters and their conference presentation documents failed to identify the Land Act administrative instruments and provisions for Crown land Order-in-Council and Map Reserves for community watersheds, identified in provincial Statutes at that time, respectively, as Section 11 and Section 12 Reserves. References were made in the lawyers' presentation assessments to Ecological Reserves, but nothing was explained about how the same Land Act legislation allowed for their creation, as the Land Act shares the identical provisions in creating almost absolute Crown land protections for both Ecological Reserves and community Watershed Reserves.

⁸² Pages 7 and 122, in *From Wisdom To Tyranny: A History of British Columbia's Drinking Watershed Reserves*.

It is ironic that the Watershed Reserves went unidentified by the newly created BC Watershed Protection Alliance, because the West Kootenay, where the inaugural conference was held, was in fact surrounded by Watershed Reserves. Had the many members of the B.C. Watershed Protection Alliance been properly briefed and grounded about the Reserves, the actions of the Alliance may have significantly influenced, revised and shifted community watershed history in British Columbia from the way we know it today.

Page 2 — Nelson Daily News, Monday, April 4, 1994

Water boiling advisories issued in Central Kootenay

Water boiling advisories have been issued to the following water systems in the Central Kootenay Health Unit:

Ainsworth Water Users, Airey Creek Water Users, Allandale Subdivision, Atco Lumber Ltd., Baerg Creek Water Users, Beasley Water Users Community, Bedorf Road Water Users, Birch Grove Campground, Bird Creek Improvement District, Blaylock Estates, Bourkey Creek Improvement District, Brandon Improvement District, Casino Waterworks District, China Creek Water Users Comm., Christian Creek Water System, Clayton Creek Improvement District, Crescent Valley New Settlement, Crystal Creek Water Users, Deer Park Water Users Comm., Dumont Creek Water System, Eagle Creek Water Users Comm., Ezra Creek Waterworks System, Fife Water Users Community, Fletcher Creek Improvement District, Forty-Nine Creek Water Assoc., Foster Creek Water Users Comm., Gardner Creek Water Users, Gibson Creek Shared Comm. W.W., Howser Water Users, Jerome Creek Water System, Kaslo Waterworks Utility, Kettleon Road Water Users, Kitto Creek Water Users, Kline's Mobile Home Park, Krestova

Improvement District, Laird Creek Water Users, Laird Mobile Home Park, Lardeau Water Users Community, Longbeach Water Users Community, Mirror Lake Water Users Comm., Morley Spring Water Users, Nakusp and District Water Commission, Narrows Creek Water Users, Nasookin Improvement District, Pedro Creek Water System, Pine Springs Motel and Trailer Park, Procter Creek Improvement District, Procter Spring Water Users Comm., Ridgewood Improvement District, Rosling Spring Water Users, Sandy Creek Water Users Comm., Shannon Creek Water Users, Six Mile Water Users, Slocan (Village of), South Kinney Creek Water Users, South Slocan Water Spec. Area., Spud Hill Water Users Comm., Stewart Water System, Sunnyside Mobile Home Park, Taghill Water Users, Taghum Spring Water Users Comm., Tarry's Creek Water System, Upper Pass Creek Water Users Comm., West Kootenay Power (Rover Creek), Whitehead Waterworks District, Willow Point Water Users, Ymir Specified Area, Beaver Valley Water System, North Shore Utility - Sutherland Creek, Coutts Creek Water System, Jarvis Creek Water Users, Peter's Spring "A" & "B".

The unprecedented plight of BC's Water Purveyors, 1994.

9. The West Kootenay-Boundary Land Use Plan: Exclusion of the Glade Creek Community Watershed Map Reserve and other Community Watershed Reserves

*The proposed West Kootenay-Boundary and East Kootenay land use plans are being published simultaneously after a year and a half of intensive public participation, supported by detailed information from a variety of government agencies working together. ... This linking of provincial, regional and local objectives is key both to the effectiveness of the developing provincial land use strategy and to bringing an end to the conflict that has divided communities in the region.*⁸³

The New Democratic Party (NDP) administration ushered in a series of Regional, Sub-Regional, and Local Land Use Planning initiatives in the 1990s. Two of those Higher Level Plans included the *East Kootenay Land Use Plan* and the *West Kootenay-Boundary Land Use Plan (WKBLUP)*, regional planning processes in southeastern British Columbia which officially began in early 1992 and ended by late 1994.

The two Regional Plans would set out to establish new “Special Management” logging criteria in Community and Consumptive-Use watersheds,⁸⁴ under the looming shadow of new Community Watershed Guidelines associated with the proposed *Forest Practices Code Act* that became law in June 1995. The WKBLUP promised that:

*The new Forest Practices Code and community watershed guidelines should result in more consistent protection of consumptive-use watersheds.*⁸⁵



The Commission on Resources and Environment recommended to the government that:

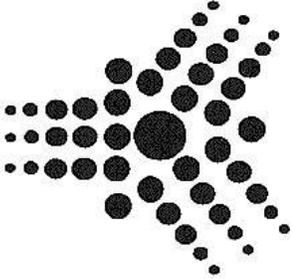
Progress on domestic watershed planning in the region be reinforced and enhanced by various means, consistent with the requirements of the Forest Practices Code and community watershed guidelines, including: (b) strengthened legislation, regulations

⁸³ Commission on Resources and Environment, *West Kootenay-Boundary Land Use Plan*, Overview, October 1994.

⁸⁴ As stated in the Overview section, the Land Use Plan “recommends that Special Management Areas, Integrated Use Areas and Dedicated Use Areas be designated as Resource Management Zones under the *Forest Practices Code*.”

⁸⁵ *West Kootenay-Boundary Land Use Plan*, page 84.

*and policies measuring, maintaining and protecting water quality, quantity and timing of flow, as well as quality and sustainability of groundwater.*⁸⁶



**COMMISSION ON
Resources and
Environment**

OVERVIEW October 1994

The West Kootenay–Boundary and East Kootenay land use plans are the third and fourth regional plans (after Vancouver Island and Cariboo-Chilcotin) developed and recommended for government and public consideration by the Commission on Resources and Environment (CORE) in 1994.

The B.C. legislature created CORE by statute (the Commissioner on Resources and Environment Act) in July 1992 for three primary reasons:

- to ensure the sustainability of a natural resource–based economy after a century of increasingly intense resource extraction, and sustainability of the ecosystems that support all economic and non-economic activities in the province
- to increase the level of meaningful public participation in land use and resource management decisions.
- to address aboriginal concerns about land and resource use on the traditional territories of First Nations.

To address these concerns, the *Commissioner on Resources and Environment Act* provided for the creation of a sustainable provincial land use strategy, at the heart of which would be the development of comprehensive land use and resource management plans throughout the province, at the regional and community levels. The Act provided for regional plans to deal with land allocation issues, and community-based plans to address land use and related resource and environmental issues.

When CORE was created, the provincial government asked that priority be given to regional plans for the Kootenays, Vancouver Island and the Cariboo-Chilcotin, which had a history of conflict over land and resource use. The Kootenays have boundaries identical to the Nelson Forest Region, in the southeastern corner of B.C.

Local forest company Atco Wood Products, headquartered in Fruitvaile, located east of the City of Trail, would later advertise the *WKBLUP* in its forest license management literature. I.e.:

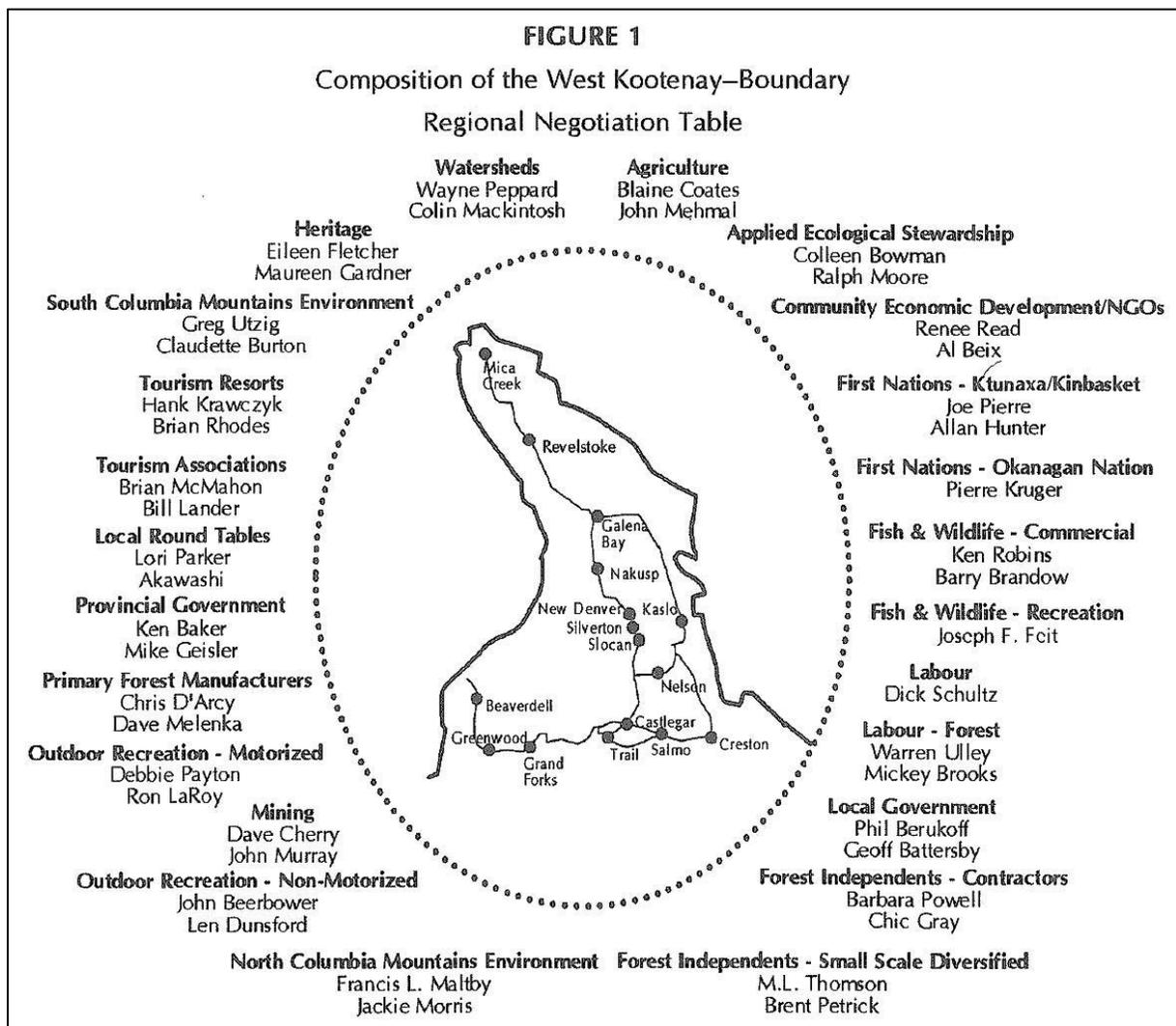
*Atco has developed a Sustainable Forest Management Plan (SFMP) which describes how the company will achieve the objectives of higher level plans developed under public involvement processes such as the Kootenay Boundary Land Use Planning Process. It also guides the development and content of other planning documents including the Forest Stewardship Plan.*⁸⁷

⁸⁶ Page 84.

⁸⁷ *KPMG: Forest Certification Report*, Atco Wood Products Ltd. – June 2011.

The October 1994 *WKBLUP* stated that throughout Nelson Forest Region's four western Forest Districts – Revelstoke, Boundary, Kootenay Lake and Arrow – “there are about 620 regional watersheds that are utilized by legally organized groups (community watersheds) or that have three or more licences for domestic use,”⁸⁸ with “89 identified community watersheds in the Kootenay Lake forest district” alone.⁸⁹ The Land Use Plan failed to provide an identification and status list of all of these community and domestic watersheds, and which watersheds were within each of the four western Forest Districts.

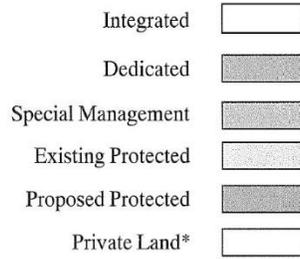
Due to the prevalence of water licenses located throughout the four western Forest Districts of the Nelson Forest Region, the *WKBLUP* planning processes included the participation of some community watershed licensee Water User representatives at a special committee Table called “Watersheds,” which was convened by Wayne Peppard and Colin Mackintosh. However, the *WKBLUP* failed to include an identification list of Water User representatives who participated in the Community Watershed Planning Table.



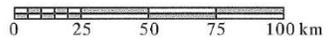
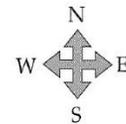
⁸⁸ Page 83.

⁸⁹ Page 120.

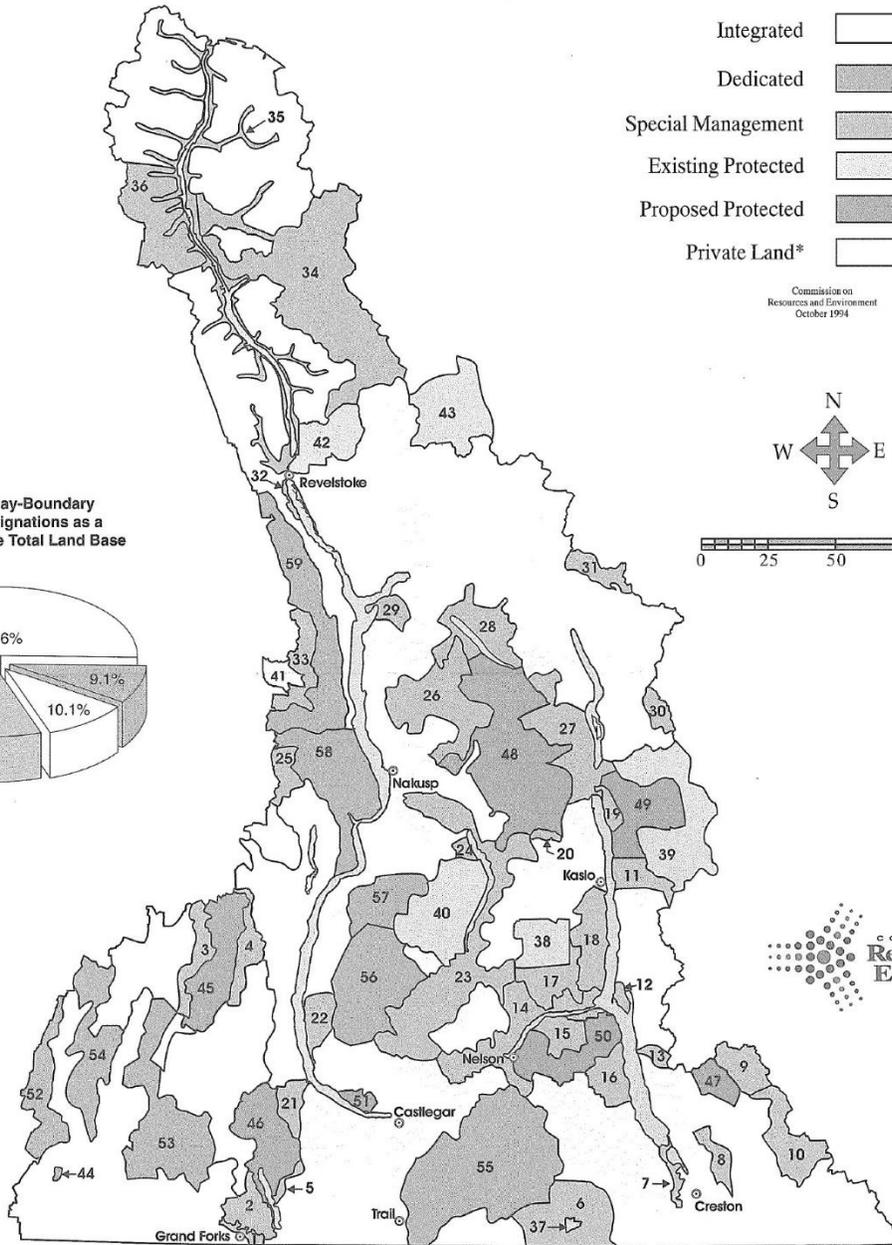
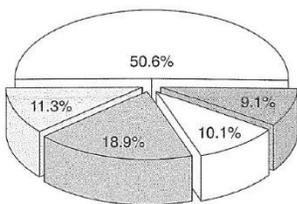
WEST KOOTENAY - BOUNDARY REGION LAND USE DESIGNATIONS



Commission on
Resources and Environment
October 1994



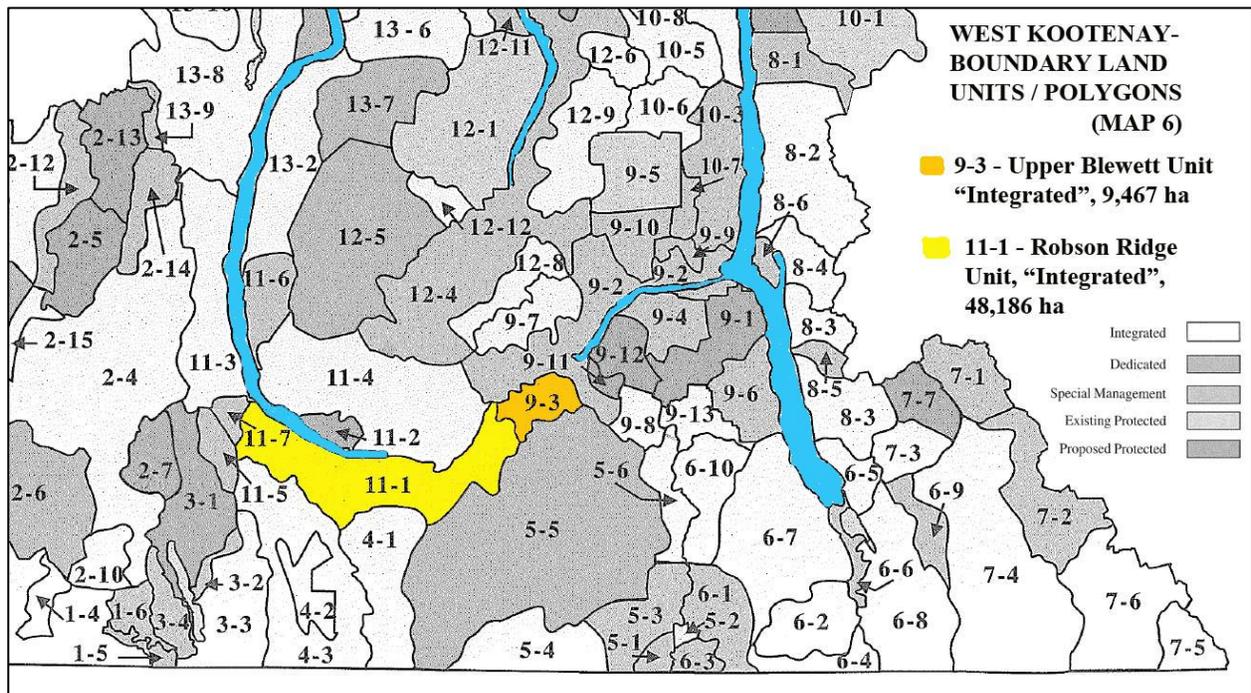
**West Kootenay-Boundary
Land Use Designations as a
Percentage of the Total Land Base**



Special Management Areas		Existing Protected Areas		Proposed Protected Areas		Dedicated Use Areas		Integrated Use Areas	
1 Gilpin Grasslands	13 Lockhart Creek	37 Stag Leap Provincial Park	41 Monashee Provincial Park	44 Conkle Lake	52 Okanagan Highlands	The remaining unnumbered areas on the map have been designated as an Integrated Use Area.			
2 Snowball Creek and West Side of Christina Lake	14 West Arm Kootenay Lake	38 Kokanee Glacier Provincial Park	42 Revelstoke National Park	45 Upper Granby	53 Upper Boundary Creek				
3 Goatskin Creek	15 Lasca / Hamop creeks	39 Purcell Wilderness Conservancy	43 Glacier National Park	46 Gladstone	54 Beaverdell Uplands				
4 Galloping Mountain and Headwaters of Burrell Creek	16 Midge Creek	40 Valhalla Provincial Park		47 Upper Kianuko	55 Salmo River and Erie Creek				
5 Texas Creek (south side)	17 Kokanee, Coffee and Lendrum creeks			48 White Grizzly Wilderness Area	56 Koch and Hoder creeks				
6 Upper Priest, Sheep and Stag Leap creeks	18 West Side Kootenay Lake			49 Carney / Fry Creek	57 Snow and Burton creeks				
7 Creston Wildlife Management Area	19 Argenta Falls			50 Kootenay Lake / West Arm Wilderness Area	58 Mosquito Creek				
8 Arrow Creek	20 Whitewater Grizzly Trail			51 Syringa Creek	59 Fosthall Creek				
9 Malandine Creek	21 Dog Creek								
10 Upper Kamma and Kid creeks	22 Hutchinson Creek								
11 Campbell Creek	23 Soocan Valley Corridor								
12 Pilot Peninsula	24 Soocan Lake (northwest shore)								
	25 Pinnacles								
	26 South Asher, St. Leon and upper Kuskanax creeks								
	27 Lardeau River and Hope Creek								
	28 Trout Lake								

It appears that some Community Watersheds were not ‘on the Table’ during the *WKBLUP* planning process. This apparently excluded the participation of the Glade Creek Irrigation District representatives, who, at the time, happened to be attending a separate government planning process, the Glade Creek Technical Committee, meant to log their watershed, Glade Creek (see Section 10).

Two maps published in the *Overview* section and in *Appendix 5* of the *WKBLUP* show all the Commission on Resources and Environment’s “Special Management Areas,” within which community watershed areas (which the document refers to as “consumptive-use watersheds”) were assigned. However, both maps failed to include the Glade Creek community watershed, including a number of other community watersheds in this Special Management Area category.



Above: Lower section cut-out from Map 6 in *Appendix 5* of the *WKBLUP*, showing the “land use designations by polygon.” The Glade Creek Watershed Reserve, located in the “Integrated” category of Robson Ridge Unit 11-1, is highlighted in yellow. Two other Watershed Reserves, Sandy Creek and Eagle Creek, are in the neighbouring “Integrated” Upper Blewett Unit 9-3, highlighted in a tan color. Both Kalesnikoff Lumber and Atco Wood Products have forest tenure licences in Unit 9-3 and Unit 11-1. For more information and history about the Upper Blewett Unit, see Chapter 8, *The Failed Public Relations Tour of the Blewett Watershed, Etcetera*, in *The Big Eddy* report.

This important map clue designating Special Management Areas infers that the Glade Creek Community Watershed was not identified or registered with the *WKBLUP* planning process as a Community Watershed / Consumptive-Use Watershed. The maps also show that the Glade Creek oversight was also the case for a number of other Community Watersheds such as Roseland City’s watershed sources. The maps show that the areas which were not committed to Special Management were dedicated to another lesser category, called Integrated Use Areas.

Of importance, Land Use planners with the provincial government's CORE and LUCO (Land Use Coordinating Office) failed to uphold their public duty – duties stated and published in land use planning guidance documents in the early 1990s – to comprehensively inform the Land Use Committees and Tables about ALL Crown Land tenure designations. They specifically failed to identify and report on the dozens of Community Watershed Reserve tenures located in both the East Kootenay and West Kootenay-Boundary areas.

Established in January 1992, the Commission on Resources and Environment (CORE) is a government initiative in which the Ministry of Forests has a significant interest.

CORE's mandate is to develop a comprehensive provincial strategy for land use planning and management, to help develop and implement regional land use planning processes, and to monitor the operation of those processes. Through extensive stakeholder consultation, CORE identifies and makes recommendations to Cabinet on strategies and land use plans.

*The commission met in four regions that have a history of land use controversy: Vancouver Island, the Cariboo-Chilcotin, East Kootenay, and West-Kootenay Boundary areas. Recommendations on these areas are expected in 1993 or 1994.*⁹⁰

Thus, these Community Watershed Order-in-Council and Map Reserves were never identified within the final *WKBLUP* and *East Kootenay Land Use Plan* documents, nor were definitions of these legal tenures provided within each of the attached report Glossaries. These omissions in the *WKBLUP* included the *Land Act* tenure status of the Glade Creek Community Watershed Map Reserve.

In the 2006 book, *From Wisdom to Tyranny: A History of BC's Watershed Reserves*, the BC Tap Water Alliance summarized the following in its sub-chapter on Land Use Plans and the *Forest Practices Code Act* (see Appendix C below, *Forest Practices Code Act*):

*Land Act Community Watershed Reserves are legal and statutory entities. Because their status was not formally recognized and considered during the regional and sub-regional planning processes (and was, in fact, neglected and ignored), it can be argued that those processes were illegitimate.*⁹¹

The government, through the Commission on Resources and Environment (CORE), failed to provide the East and West Kootenay Higher Level planning processes with existing Crown land tenure data about the Community Watershed Reserves. This leads to the serious consideration that some of the report recommendation sections in these Land Use Plans, which relate to management proposals of these Reserve tenures, were unlawful, because Community Watershed Map Reserves and Order-in-Council Reserves are protected areas and are not subject to forest harvest licensing or to other Crown land dispositions, under Land Ownership Code 69-N.

⁹⁰ Ministry of Forests Annual Report 1992/93, page 13.

⁹¹ Chapter 8.4, *The 1990s: The Forest Resources Commission, Land Use Plans, Land and Resource Management Plans and the Forest Practices Code Act*.

This failure, to formally table the Watershed Reserve tenures, was linked to another process underway at that time, namely the lengthy legislative drafting of the *Forest Practices Code Act*, which included new directives for managing BC's community watersheds. Much was described about this controversial process in the BCTWA's book, *From Wisdom to Tyranny*. For instance, a member of "an internal committee that helped develop the *Forest Practices Code's Community Watersheds Guidebook*" stated that the Ministry of Forests wanted "the Watershed Reserves removed because it causes them an administrative headache for everyone involved."⁹²

Community Watershed Guidelines

*In late 1992, the ministry [of Forests] recognized the need to develop new guidelines to safeguard the purity of community watersheds. An inter-agency technical advisory committee was struck. With public and stakeholder input, draft guidelines were scheduled to be completed late in 1993, and released for public review. The final version will likely be submitted to Cabinet for approval sometime in 1994.*⁹³

From the early 1990s to 1995, plans were underfoot by the Ministry of Forests to further conceal the identities of the Community Watershed Reserves from all planning documents. As part of this overarching strategy, an August 4, 1994 Ministry of Environment fourth and final draft document, *Community Watershed Guidelines*, the precursor of the October 1996 *Community Watershed Guidebook*, provided a list of 676 Community Watersheds, all of which were assigned new code numbers. There was no differentiation made for which Community Watersheds had Watershed Reserve designations (with their own Lands file reference numbers) with those which had none. Thereby both government administrators and the general public could no longer differentiate between the two, as both category watersheds were herded into one *Forest Practices Code* forest management pen. And, of the seven legislative "Authorities" mentioned at the beginning of the *Community Watershed Guidebook*, no reference was made to the *Land Act*.

COMMUNITY WATERSHED GUIDELINES

4th Draft

August 2, 1994

Not For Distribution

***Protected Areas:* Areas such as provincial parks, federal parks, wilderness areas, ecological reserves, and recreation areas that have protected designations according to federal and provincial statutes. Protected areas are land and freshwater or marine areas set aside to protect the province's diverse natural and cultural heritage.**

Above: Segment from the *Glossary* section of the *Community Watershed Guidelines*, 4th Draft, August 2, 1994, the definition of "Protected Areas." Note that the definition fails to include Community Watershed Map and Order-in-Council Reserves! The "recreation areas that have protected designations," by way of BC provincial statutes, are the UREP (Use, Recreation and Enjoyment of the Public) Reserves, protected for decades as Map or Order-in-Council Reserves under the *Land Act*, featured under Land Ownership Code 61-N.

⁹² Chapter 11.1., *Calls to the Minister of Lands and her Train*.

⁹³ Ministry of Forests Annual Report 1992/93, page 12.



Above: Segment from Map 4 (of 6), *British Columbia Community Watersheds South East*, dated March 1994. The 1994 maps were prepared by the Ministry of Environment's Hydrology Branch for the Ministry of Forests' Integrated Resource Section, in lieu of the *Forest Practices Code Act's* Community Watersheds, with new reference code numbers. In red, is Glade Creek, with its new number, **340.058**. Prefix '340' represents the *Lower Kootenay River Area* division. The Watershed Reserve tenure reference file numbers do not appear alongside the new reference code numbers, because Ministry of Forests' administrators ignored them. The 6 Community Watersheds maps were prepared during the Land Use Plan processes.

Right: A segment from Map 4 list of community watershed data, highlighting Glade Creek in red.

340.046	Five Mile	Creek	082F.054	47.87	NELSON CITY OF	KOOTENAY LAKE	NELSON
340.047	Fletcher	Creek	082F.086	13.23	FLETCHER CREEK IMPROVEMENT	KOOTENAY LAKE	KASLO
340.051	Foster	Creek	082F.054	1.15	Foster Creek WUC	KOOTENAY LAKE	NELSON
340.052	Four Mile	Creek	082F.054	3.50	NASOOKIN IMPROVEMENT DISTR	KOOTENAY LAKE	NELSON
340.053	Foursome	Lake	082F.066	0.18	Foursome Lake WUC	KOOTENAY LAKE	NELSON
340.054	Gander	Creek	082F.042	9.93	Gander Creek WUC	ARROW	NELSON
340.058	Glade	Creek	082F.033	29.98	GLADE IRRIGATION DISTRICT	ARROW	NELSON
340.059	Glencairn	Creek	082G.021	5.93	MOYIE IMPROVEMENT DISTRICT	CRANBROOK	CRANBROOK
340.062	Guillim	Creek	082F.073	79.76	SLOCAN VILLAGE OF	ARROW	NELSON
340.063	Hansen	Brook	082F.076	0.10	Hansen Brook WUC	KOOTENAY LAKE	NELSON
340.065	Hendryx	Creek	082F.076	5.77	CENTRAL KOOTENAY REGIONAL	KOOTENAY LAKE	NELSON
340.066	Huggard	Creek	082F.028	2.95	WYNDEL IRRIGATION DISTRIC	KOOTENAY LAKE	NELSON
340.067	Humphries	Creek	082K.063	7.88	TROUT LAKE IMPROVEMENT DIS	ARROW	KASLO
340.068	Indian	Creek	082F.076	6.06	CENTRAL KOOTENAY REGIONAL	KOOTENAY LAKE	NELSON
340.069	Jarvis	Creek	082F.054	0.03	Jarvis Creek WUC	KOOTENAY LAKE	NELSON
340.070	Jean	Spring	082F.018	0.00	CRESTON TOWN OF	KOOTENAY LAKE	NELSON
340.072	Kaslo	River	082F.085	441.38	Village of Kaslo	KOOTENAY LAKE	KASLO

10. The Glade Creek (Watershed) Technical Committee (1993-1995)

At the present time only highly contentious areas receive local resource planning. Most watersheds in British Columbia do not have local resource plans.

Although the Ministry of Forests has traditionally held responsibility and discretionary authority for the planning process, the process chosen must, in practice, be acceptable to all participants.⁹⁴

10.1. Evolution of the Glade Creek “Technical Committee”

During the busy proceedings of the West Kootenay-Boundary Land Use (WKBLU) planning processes from January 1992 to October 1994, described in Section 9, the Ministry of Forests established a special and separate negotiating and land planning process in March 1993 with the community of Glade, which it dubbed the Glade Creek Technical Committee (GCTC).⁹⁵

Through such ‘consultation,’ the Ministry of Forests meant to formally determine the amount and method of logging for Atco Lumber Co. Ltd. – a local, private forest company – in the Glade Community Watershed.⁹⁶ With all the public attention and continual protests set against logging in domestic, irrigation and community watersheds in the Nelson Forest Region since the 1960s, and similar protests throughout British Columbia, the Ministry of Forests was somewhat leery of conducting yet another formal planning committee with yet another Water Purveyor community.

Formal participants of the GCTC included the Ministry of Forests, the Ministry of Environment, the Ministry of Health, and Atco Lumber. The Minutes also document that Glade Creek Irrigation District representatives and citizens made a wise decision at a separate Irrigation District public meeting to sit in only as “observers,” and not as GCTC participants.

Kalesnikoff Lumber, which presently has a forest tenure in the lower Glade watershed, did not participate in the GCTC. However, a reference to Kalesnikoff Lumber Co. Ltd. was included in the Meeting Minutes for June 15, 1993. It provides the following explanation:

The lower portion of the watershed is a SBFEP operating area, was originally part of Kalesnikoff Lumber Co. Ltd. area but was taken over by the FS SBFEP program.

The May 18, 1993 Meeting Minutes state that “the lower elevations of the Glade Creek watershed are not part of Atco’s operating area (part of the FS SBFEP program).” SBFEP is the acronym for the Ministry of Forests’ Small Business Forest Enterprise Program. The Minutes fail

⁹⁴ *A Description and Analysis of Local Resource Planning Processes Used by the British Columbia Ministry of Forests*, November 1994, pages 1 and 6.

⁹⁵ With the GCTC’s establishment, there have been no references found to suggest that the WKBLU community watersheds planning table was advised of the separate GCTC planning process.

⁹⁶ The Arrow Forest District published a document in 1989, *The Integrated Watershed Management Plan Technical Committee Handbook*.

to state, or to provide information on, why Kalesnikoff's original forest tenure in the lower Glade watershed "was taken over" by the SBFEP program.

Oddly, the GCTC Minutes and Agenda records do not provide information that pinpoint what category of formal land use planning process the GCTC was authorized to operate under. The March 30, 1993 GCTC Minutes state that, "individuals from Glade" and "Glade residents" were advised by Ministry of Forests representatives on the GCTC of "the operation of other Technical Committees in the Arrow Forest

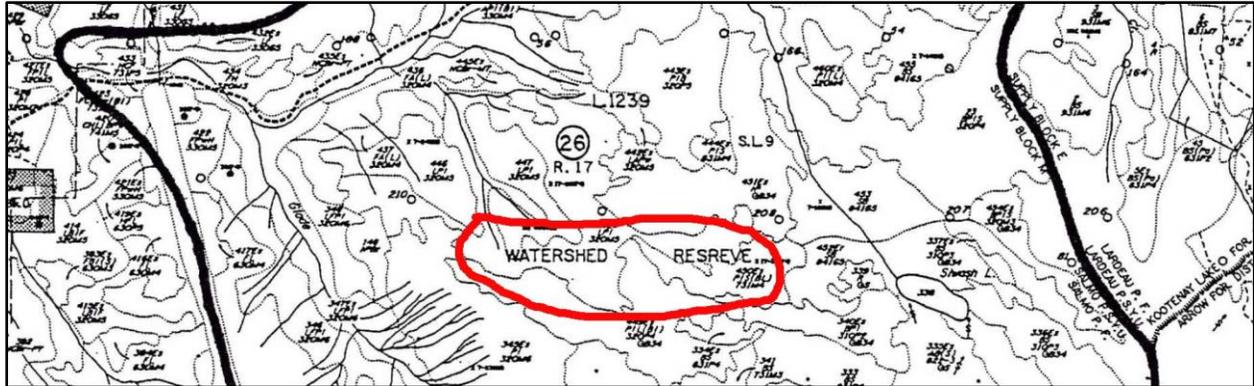
District," and were provided with a copy of the Blizzard Mountain Technical Committee Terms of Reference as a guide to the GCTC's proposed mandate. However, the Blizzard Technical Committee was not established under an Integrated Watershed Management Plan (IWMP) process, as the GCTC ought to have been structured under. And no reference was provided for in the GCTC's April 19, 1993 Terms of Reference to IWMPs, or to the IWMPs' October 1980 parent document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, where the Glade Creek community watershed was included as a Category 2 Watershed Map Reserve.

Under section 7 of the GCTC Terms of Reference was a vague reference to "Other Acts, Regulations and documents as they may apply," and to the "Ministry of Forests Policy for Community Watershed Planning (Policy Manual Volume III; Chapter: Planning and Inventory (P&I): Section 010)," but nothing was stated in the GCTC's May 3, 1993 Minutes if Glade residents were even provided with a hard copy of the latter Planning document.

The April 19, 1993 GCTC Minutes' Terms of Reference state that although "Resource management decisions must be consistent with existing legislation and the regulations," and although Atco Lumber had provided a planning map to the GCTC upon which the status of the Glade Creek watershed was labelled with a "Watershed Reserve," nothing was stated in the Terms of Reference concerning the Glade Creek watershed having a Watershed Map Reserve Crown tenure.

<p>GLADE CREEK TECHNICAL COMMITTEE MEETING March 30, 1993 Arrow Forest District Boardroom</p>	
<p>Summary of discussion at the convening meeting:</p>	
<p>Present:</p>	
Richard White	Glade, observer
Ian Hamann	BCFS, Arrow F.D.
Ron Ozanne	Atco Lumber Co. Ltd.
Hans Louwe	Atco Lumber Co. Ltd.
Carrie Morita	MOE-Water Management, Nelson Region
Louella Bartlett	Glade, observer
Leona Pereversoff	Glade, observer
Lionel Simpson	Glade, observer
Reiner Augustin	BCFS, Arrow F.D.
<p>INTRODUCTION</p>	
<ul style="list-style-type: none"> • Individuals from Glade advised they are present at the meeting only as observers. • There was a brief discussion with respect to the operation of other <i>Technical Committees</i> in the Arrow Forest District. Glade residents were provided with names of contact people on these committees. • Representation: The BCFS designate will be Ian Hamann with the alternate being Reiner Augustin. 	

<p>Audio Taping of Meeting</p> <ul style="list-style-type: none"> • Glade residents intended to tape the meeting. Discussion ensued regarding audio taping of the meeting: <ul style="list-style-type: none"> - concern expressed by Atco at having meeting tape recorded, of the opinion that taping indicated a lack of trust, not prepared to agree to having discussion recorded, - BCFS representatives advised taping of proceedings is not new from a FS experience, has occurred in other situations, prefer not to have discussions taped, were of the opinion that reviewing main discussion points at the end of each meeting should suffice, - Glade residents expressed surprise at objection to taping, were of the understanding that tape recording was acceptable, - MOE representative has no objection to taping, - Decision: discussions will not be tape recorded.
--



Above: Excerpt from an Atco forest planning map provided in the April 19, 1993 GCTC Minutes. The map includes the words “Watershed Resreve,” with “Reserve” misspelled. Despite this written identification on official planning maps, nothing was stated, nor explanations provided, about the Glade Watershed Reserve tenure in the Minutes.

Prior to the GCTC’s establishment in March 1993, two separate promises were made to the Glade residents during the community’s 1992 letter writing campaign. One promise was made by Ross Tozer, the Ministry of Forests’ Regional Manager in Nelson, and the other promise by the New Democratic Party Administration’s Forests Minister Dan Miller (see Section 10.4 for more):

- Tozer stated in a July 28, 1992 letter that “the Arrow Forest District has advised me they will be implementing an Integrated Watershed Management Plan (IWMP) for this area;”
- About two weeks later, Dan Miller stated otherwise in an August 13, 1992 letter, that “Ministry staff in the Arrow Forest District will be implementing a Local Resource Use Plan (LRUP) with Technical Committee involvement, which provides opportunity for individuals to get involved in the planning process.”

10.2. IWMP History

*The Guidelines for the Watershed Management of Crown Lands Used as Community Water Supplies (1980) are used in making resource management decisions that will achieve the objective of protecting water supplies in community watersheds. Community watersheds are reserved under Section 12 of the Land Act for the primary purpose of water production.*⁹⁷

*Land Act Reserves include Section 15 Order-in-Council Reserves, Section 16 Map Reserves (which are supposed to be a complete withdrawal, but historically have not been established as conditional withdrawals or notations).*⁹⁸

An internal, 1981 Ministry of Forests’ initiating document, *Discussion Paper – Multiple Resource Use Management in Community Watersheds*, went through several drafts over a period

⁹⁷ Chapman and Gray Creeks Integrated Watershed Management Plan (Draft), February 1994, pages 25-26.

⁹⁸ Sharon Dailey, Land Authorizations, Kootenay Region, September 29, 2016, email to George Edney.

of about three years.⁹⁹ Finalized on November 30, 1984, it was published as *Appendix H, Policies and Procedures for Community Watershed Planning*, a primary tool for Integrated Watershed Management Plans (IWMPs), attached as an amendment to the October 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, a Ministry of Environment document (see Appendix B below, *IWMPs*).

A definition of IWMPs in the November 30, 1984 *Appendix H* document states that they are:

Plans prepared for Community Watersheds to guide the management of land and resources. The scope and level of detail of these plans can vary in keeping with the complexity and extent of the resource management problems to be addressed.

As one of the conditions of an IWMP, the document also states that it:

must provide a basis for deciding the best use or combination of uses for lands within a Community Watershed and how best to manage for those identified uses.

As a logical and appropriate question for the IWMP condition stated above, what would the “best use” be for public lands already set aside and established for protection from resource exploitation under legislation as a Community Watershed Reserve? The answer – nevertheless ignored by government administrators – was already provided for and restated in the September 1, 1980 Lands Policy, *Watersheds Used for Community Water Supplies*. The document clearly states that logging proposals and tenures may be entertained only if Crown lands in a community watershed are not protected through two *Land Act* categories of Watershed Reserve tenures:

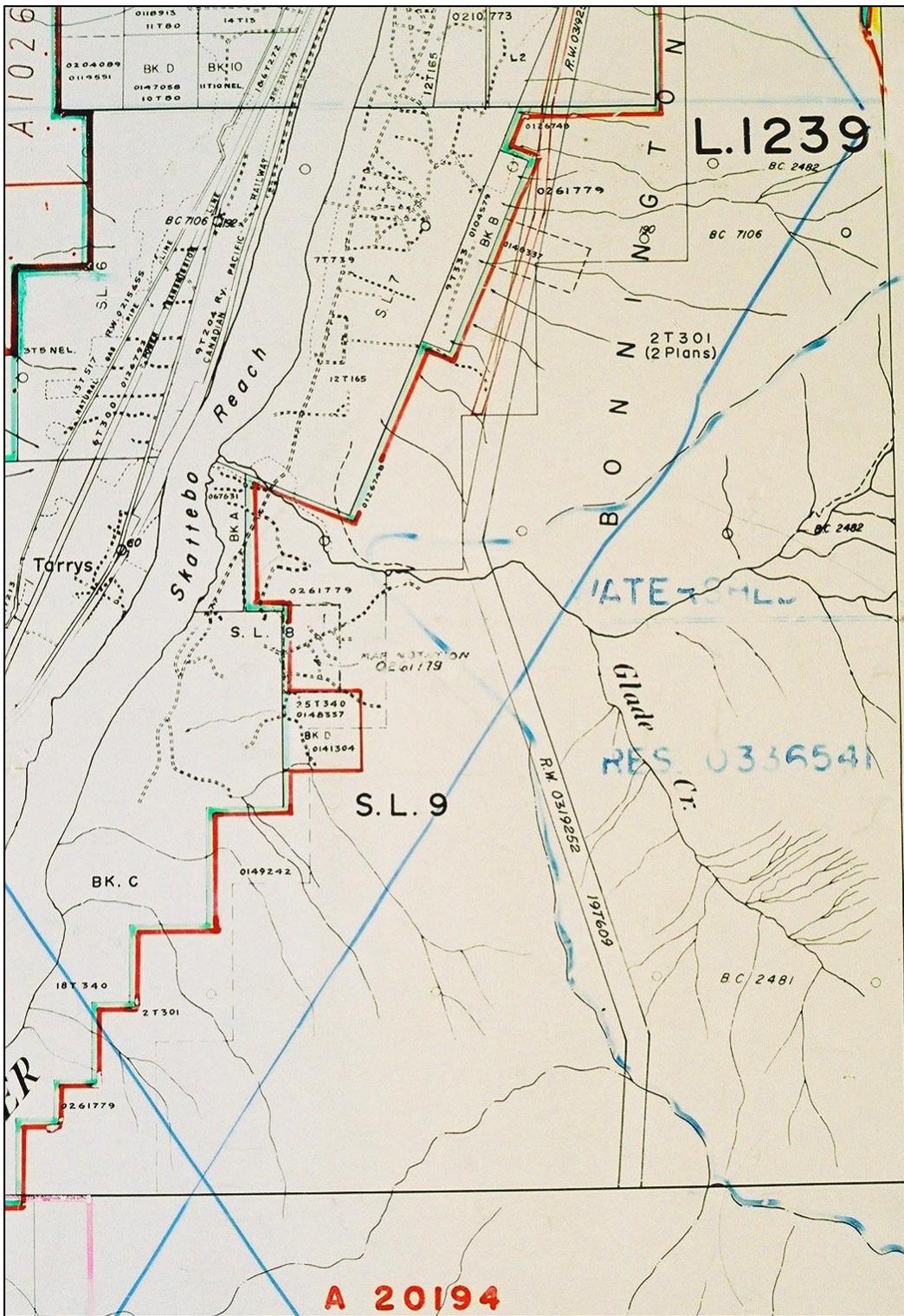
New dispositions may be made where the activity is compatible with the intent of the Guidelines [document] and not detrimental to the community water supplies and where the land is not affected by an Order-in-Council or Map Reserve.

Through a series of investigations ongoing since 1996, the BC Tap Water Alliance has stated in its reports how the Lands Reserve policy and legislation (formerly, Sections 11 and 12 of the *Land Act*) for Community Watershed Reserves was, aside from routinely being ignored in timber and range licensing permitting, also routinely and unlawfully ignored by the Ministry of Forests in all IWMP processes that began in 1984 following.¹⁰⁰ The Ministries of Forests and Environment (with Forests as new lead agency), who were partners in IWMP processes since 1984, had consistently withheld notifying BC’s organized Water Purveyors about the legal tenure status of their community watersheds as Reserves in government planning documents. In doing so, government representatives, forgoing their fiduciary responsibilities, manufactured and propagandized a dastardly trick upon the unsuspecting and trusting public, a means to surreptitiously transfer and capture the Reserve tenure from the Water Purveyor’s primary and

⁹⁹ The drafting of the IWMP document occurred alongside the drafting and revisions of a separate November 1981 complimentary internal document, *Policy for Integration of Forest Planning and Operations in Community Watersheds Lying on Crown Land within Provincial Forests*.

¹⁰⁰ As described in *From Wisdom to Tyranny* (2006) and in *The Big Eddy* (2013), the Dolan, Duck and Arrow Community Watershed Reserves, and their respective Water Purveyors, were the first “guinea pigs” of the IWMP façade launched by government in 1984.

specially allocated interest, to the timber and range licensing authority of the Ministry of Forests, with cumulative financial benefits accruing to both private industry and government.



Eastern section of a 1980s Forest Atlas Reference map showing the lower or northwestern half of the Glade Creek Watershed Reserve outlined in blue dashed lines, with the words WATERSHED RES in blue, with the Reserve's reference file number.

10.3. The Chapman and Gray Creeks' IWMP and the Tetrahedron LRUP Investigation

When government began making promises to the Glade Irrigation District community in the summer of 1992 about conducting either an IWMP or an LRUP process within the boundaries of the Glade Creek Watershed Reserve, during the same period community residents on the Sunshine Coast (in Southwest BC) were asking serious questions to government about the Sunshine Coast Regional District's two community watersheds, Chapman and Gray Creeks. The two watersheds had the same Watershed Reserve category designations as Glade Creek.

The Chapman and Gray Creeks IWMP process (1990-1998) stated in its first 1994 draft report document that its Terms of Reference was based upon the October 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, the 1980 document which included a long list of BC's Watershed Reserves.

During this IWMP process, a separate planning process, the Tetrahedron Local Resource Use Plan (LRUP), coincided and convened over lands inside the Chapman and Gray Creeks IWMP. The boundaries of the

Tetrahedron Alpine lands had been reserved in the late 1970s by the Social Credit Party Administration within the boundaries of the Chapman Creek Community Watershed Map Reserve, a Reserve placed within a Reserve.

Sunshine Coast community members who participated in the Tetrahedron LRUP process had access to government planning documents, wherein they discovered the words Watershed Reserve printed on forest planning maps. These residents, who sat on the LRUP Water Committee, subsequently undertook a series of associated inquiries and a careful review of government files, as documented in the following quotes from the December 31, 1993 *Final Report of the Water Subcommittee* document:

Regional watershed to be studied

by Rose Nicholson

A study that will determine future activities in the Chapman and Gray Creeks watershed is being undertaken by a group that includes representatives from the Ministry of Forests, the Water Management and Fish and Wildlife Branches of the Ministry of Environment, the SCRDP, Interfor, Canfor, the Ministry of Health and the Department of Fisheries and Oceans.

The watershed of the two creeks provides water for much of the Sunshine Coast. A rapidly increasing population is putting greater demands on the water system. While the traditional use of the area is for logging, an increasing interest in the area for recreational uses has made it clear that there is a need for an organized plan that would safeguard the water supply for all concerned.

The planning team has also invited public input, and, said government hydrologist Valerie Cameron, team member from the Water Management Branch, "We have received a few very good submissions, but not as many as we had hoped.

"Some of the submissions

dealt with issues that are not within our mandate, and although these issues are important, our major focus is water quality and supply. But we are taking all comments very seriously."

Another study, a Local Resource Use Plan (LRUP) being undertaken by the Ministry of Forests, will to some extent overlap the area being studied by the Integrated Watershed Management Plan (IWMP).

"The LRUP will have to conform to the IWMP," said Cameron. "If any activity threatens to affect water quality, the water issues will take precedence."

Although participation in IWMP meetings will be restricted to planning team members and official guests, others interested may attend as observers, provided they make arrangements through the chairman. Public information meetings will be held at key stages in the planning process.

The final IWMP, expected to be completed by December of this year, will be submitted for approval to the regional manager of the Vancouver Forest Region and to the regional director of the Ministry of Environment.

news



Sunshine Coast Forest District resource planning officer Barry Miller (head of table) addresses LRUP members during a Dec. 1 meeting. Ian Cobb photo

LRUP members disgruntled by delays

from page 1

However, only the committees looking at jobs, old-growth, wildlife, wilderness, recreation and forestry had their reports ready for discussion, with water a week away from completion.

"I just want to get this done," said LRUP member and wilderness subcommittee chair George Smith.

His demands echoed everyone else around the table, including LRUP chair Barry Miller, SCFD resource planning officer.

"The committee doesn't have an awful lot of time," he said. "We've got to face the stark reality that time is marching on."

Many of the committee members appeared disgruntled, perhaps because the adoption and review of the minutes of their previous meeting took an hour to complete, and by the end of the meeting the group decided to meet today (Dec. 6) and Dec. 8 to begin reviewing subcommittee reports and aim toward hashing out a consensus.

"We're gathering technical

information with these subcommittees and (when the reports are complete) the core committee must plow through what they come up with," said SCFD district manager Greg Hemphill.

With the completion of the reports, he said, "now we can get down to the work."

Another main source of the frustrations evident in the group is the length of time they've been working on the LRUP—now nearing four years.

"We've been dragging out crap and people's gripes and we've been doing that for four years," growled Howe Sound Pulp and Paper LRUP member David Chance during the drawn out acceptance of the previous meetings minutes debate.

Area E LRUP representative and water subcommittee chair Chuck Weatherill declared the process wouldn't be needed if the government had heeded its own advice from the past to not fiddle with the upper country around the Tetrahedron.

"What really annoys me is

this whole process was gone through 20 years ago and was totally ignored," he said.

Fortunately for the LRUP committee, the day after the meeting, PAS Vancouver Regional Protected Areas Team manager Graham Boothroyd reported that the group can relax a bit because the provincial process has slowed down.

"If that report is produced within the first couple of months of '94, it should satisfy the system," he said.

Boothroyd said the LRUP

process is just the start of the governments thrust to transform 12 per cent of the land mass into protected areas, with there being 60 other areas, smaller and larger than the Tetrahedron, proposed for protected status.

"Then there are about 20 approved study areas as pointed out by cabinet and then there are the actual parks."

The Caren Range has also been suggested for protected status, he said.

Currently, six per cent of BC is protected.

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Introduction

When the Tetrahedron Local Resource Use Plan (LRUP) process began in 1990 members of the Committee were unaware that Chapman and Gray Creeks were Watershed Reserves. As a result of some of the older Forest Atlas mapping reviewed by the Water Subcommittee inquiries were made to MoF regarding the significance of this designation.

Ministry of Forests (MoF)

According to the MoF, the Watershed Reserve is a red flag¹⁰¹ used to indicate water values during harvest planning. Although older forest cover maps clearly indicated the Chapman Creek Watershed Reserve the more current ones did not. It was subsequently determined that the Watershed Reserve also had a different ownership code than the area surrounding the Reserve.

Ministry of Crown Lands (MoCL)

A tenure inquiry to Ministry of Crown Lands (MoCL) disclosed that Chapman Creek Watershed is a Section 12 Watershed Reserve established on July 22, 1975. Its currently active status expires on July 22, 9999. Administrative authority is vested in MoELP, Water Management Branch. This is why it has a different ownership code.

All original MoCL records, of the boundary for the Section 12 Chapman Creek Watershed Reserve, are either incomplete or non-existent.

Current Ministry of Crown Lands (MoCL) maps of the Watershed Reserve do not correspond with previous Ministry of Forests (MoF) and MoCL maps in that the boundaries defining the watershed area have been altered. This alteration includes the disappearance of the creek which flows from Edwards Lake into Chapman Creek, and consequently results in the exclusion of Edwards Lake from the Chapman Creek Watershed Reserve. There is no available documentation to indicate why the changes were made or what information the changes are based on.

MoCL Policy-Community Watershed Reserves 1/5/83 states that, “Map Reserve means a reserve, established by the Ministry on behalf of the Minister, to temporarily withdraw or withhold Crown land from disposition.” This is a Section 12 Watershed Reserve.

Ministry of Environment (MoE)

Appendix G of the Ministry of Environment, Guidelines for Management of Watersheds used for Community Water Supplies, classifies Chapman as a Category II Watershed which, according to MoCL and MoELP policy, “may be protected by the establishment of map reserves or Crown land designations over the entire watershed, or by the use of reserves or Land Act designations over critical or sensitive areas”.

MoCL policy, Community Watershed Reserves. under 3.3 Land Application Activities “(a)” states “all applications for Crown land within a watershed used for community water supplies will be evaluated in accordance with MoE Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies, and in accordance with the type of administrative instrument in place”; in this case a Section 12 Watershed Reserve. Further to this “applications II are not accepted in watersheds that have been reserved from alienation under Section 11 or 12 of the Land Act”.

¹⁰¹ I.e., “Integrated management of the watershed is acceptable and the map notation “red flags” the importance of protecting the water resource.” (Source, Greg Hemphill, District Manager, Sunshine Coast Forest District, to Barry Miller, Chairman, Tetrahedron LRUP Committee, May 3, 1993.)

Problems with Information Assembly

Assembling the information relevant to Watershed Reserves was surprisingly difficult and many inconsistencies regarding the Chapman Creek Watershed Reserve were noted.

- 1. Generally there exists a letter from the MoF to the Water Investigations Branch acknowledging the establishment and boundaries of each watershed reserve in British Columbia. There isn't one for the Chapman Creek Watershed Reserve.*
- 2. A request from the Water Subcommittee to the Ministry of Forests for their Chapman Creek Watershed Reserve file resulted in the information that there isn't a watershed reserve file.*
- 3. There is inadequate documentation in the MoF and MoCL files regarding this watershed reserve.*
- 4. On Ministry of Crown Land maps the northern end of the watershed boundaries appear to be altered with no supporting documentation.*
- 5. Early MoF forest cover maps show the Watershed Reserve while later ones did not.*
- 6. ESAs for water are not attributed to the Chapman watershed on MoF forest cover maps.*
- 7. MoE does not seem to exercise its apparent mandate regarding management of the Watershed Reserve.*
- 8. The re-inclusion, in 1989, of the area, previously deleted from the licensee's chart area in response to community concerns, on September 22, 1973, as well as area constrained from harvest by the 1974 IRM Study.*

The Sunshine Coast Forest District decision to include the Watershed Reserves in the "working forest" does not appear to be supported by policies regarding ownership and the purpose of the watershed reserve status. This decision also ignores the conclusions and recommendations of the MOF 1974 Integrated Resource Management Study regarding the upper Chapman.

The questions raised by community residents at the government's planning tables about the Chapman and Gray Creeks Watershed Reserves, namely, their legal tenures, influenced elected members on the Sunshine Coast Regional District (SCRD). The resulting public awareness and education of the Watershed Reserves led to references of the reserve legislation for inclusion in the SCRD's legal action in BC's Supreme Court, filed against the government and International Forest Products. The SCRD's October 30, 1992 Statement of Claim (C926687) states:

The Regional District holds a valid and lawful water licence issued pursuant to the laws of the Province of British Columbia by the Crown Provincial and a watershed reserve on Chapman and Gray Creeks, which are the only accessible and viable sources of domestic water in that geographic vicinity.

Since approximately 1974, the Crown Provincial has represented to the Regional District, which representations the Regional District has relied on to its detriment in establishing and extending its water system, that an integrated watershed management plan ("I.W.M.P.") would be established, with the Sunshine Coast Regional District being an active participant, to control and manage activity in the watershed areas to, inter alia,

History of Tetrahedron debate highlighted

When the water sub-committee handed its report into the Tetrahedron Local Resource Use Plan (LRUP) core committee Jan. 25, it was seen as a major step in the long (four-year) process, set up to determine if the Tetrahedron should become a protected area under the provincial Protected Areas Strategy.

Included in the water sub-committee report, the last of seven sub-committee reports

handed into the core committee, is an outline of the history of the Tetrahedron debate. A summary appears below

"The Tetrahedron Study Area has been the subject of a land use debate on the Sunshine Coast since the early '60s when the first of a number of park proposals for the area was submitted to the Ministry of Parks. The original park proposal was rejected, based on uncertainty regarding future allocation of Chapman Creek as the primary source of domestic water for the Sunshine Coast."

In 1968 another park proposal was submitted and in 1969 an evaluation of the Chapman Creek Watershed was commissioned to determine its capacity to provide potable water to Sunshine Coast residents — then numbering about 5,000.

A water reserve was established on Chapman Creek in 1970 by the Sunshine Coast Regional District, establishing water provision as Chapman's primary use.

In 1972 the SCR D "outlined

concerns regarding a 1971 Forest Service Engineering study" in which Jackson Bros. Logging "was compromising water quality within the Chapman drainage."

In 1973 a special Chapman Creek meeting recommended the upper creek area be set aside as a watershed and access be limited to non-vehicular recreational use.

The next year an Integrated Resource Management Study of the Chapman drainage concluded that past logging activities were "primarily responsible for most water quality deterioration" and that forest capability was low.

In 1975 Chapman Creek was designated a Section 12 Watershed Reserve for community water supply under the Land Act.

In 1979, sediment problems were ongoing and another park proposal was submitted.

In 1982, a Ministry of Forests hiking trail system was reserved around Tannis, Mayne, Bachelor, Edwards and Gilbert Lakes. "It was subsequently abandoned when logging substantially altered the landscapes associated

with the trail system," the history notes. In 1987 a wilderness recreation system was created, "in the unlogged area that remained of the 1968 park proposal, by community volunteers with donations from the Ministry of Forests, industry, local businesses and a federal government grant." As a result of that, 35 kilometres of trails and four all-weather cabins accommodate about 3,000 people every year.

In 1989, the origins of the LRUP process began with the Tetrahedron Wilderness Proposal submitted to the SCR D.

In 1990 "it became apparent that the concerns of the community, regarding wilderness designation, recreation and employment impacts would not be adequately addressed by the Integrated Watershed Management Plan," initiated the previous year, and in October 1990 the LRUP was initiated.

As of Jan. 25, all sub-committee reports for the LRUP have been tabled and preparation of a final report is proceeding.

echelt

Phone: (604) 885-1985 Fax: (604) 885-7591

MEMO

chedule

Pre-schoolers
9:30 am - 11:30 am
1:30 pm - 3:30 pm

as

protect water quality. Those representations have not been complied with or honoured by the Crown Provincial.

In further breach of a duty of care owed by the Crown Provincial to the Regional District to act reasonably to prevent damage to the Regional District's water system, the Crown Provincial has neglected or refused to undertake any or sufficient reclamation of the Gray and Chapman Creek watershed areas.

Alternatively, the Crown Provincial has caused or permitted a nuisance in the unreasonable interference with the Regional District's use and enjoyment of the watershed area lands.

In the SCR D Planner Sheane Reid's November 26, 1992 Affidavit to the Supreme Court, it included the following:

5. The Gray Creek and Chapman Creek areas are designated as watershed reserves under Section 12 of the Land Act.

17. Attached hereto and marked as Exhibit "E" to this my Affidavit is a document entitled "Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies", being the policy and procedures for community watershed planning of the Crown Provincial dated November 26, 1984. Gray Creek and Chapman Creek Watershed Reserves are community watersheds.

21. Attached hereto and marked as Exhibit "H" to this my Affidavit is a Ministry of Environment tenure report on the Chapman and Gray Creek areas identifying these lands in the Crown Provincial's records as being watershed reserves. Chapman Creek was identified as such in 1975, with the designation not to expire until the year 9999 and in the case of Gray Creek it was so designated in 1987, again not to expire until the year 9999. I note that the review date for Chapman Creek is set at 1995 and for Gray Creek at 1997 and that there is no specified cut licence or clearing indicated on this document.

23. Attached hereto and marked as Exhibit "J" to this my Affidavit is an extract from explanatory notes from the Ministry of Forests indicating in particular on page 5 that reserve lands are lands on which the Forest Service is not to dispose of timber values.

Following the completion of the Tetrahedron LRUP document at the end of 1993, on February 3, 1994 the Tetrahedron Core Committee passed the following resolution on the formation of a Watershed Reserve Sub-committee:

That a committee be struck to seek clarification of:

- 1. management authority in the Section 12 Watershed Reserves, and*
- 2. the legal propriety of past management.*

The Watershed Reserve Sub-committee forwarded a two-page letter to BC Ombudsman Dulcie McCallum on February 10, 1994. The letter included the following:

We are seeking clarification of the land status, administrative authority and the policies and procedures governing Section 12 Watershed Reserves. While this may seem to be a straight forward request, our efforts to date have produced only sketchy historical information and policies and procedures which should be in place and which bear little resemblance to the activities and management ongoing within the Chapman and Gray Creek Section 12 Watershed Reserves.

We have requested additional information that may be available through the Freedom of Information Sections of the Ministries of Forests and Ministry of Environment, Lands and Parks.

The Ministries of are being requested to provide:

- 1. all documentation related to the establishment and management of the Chapman Creek Section 12 Watershed Reserve;*
- 2. the individual Ministry's perceived role in Section 12 Watershed Reserves and their legal responsibilities in that regard;*
- 3. the location of other Section 12 Watershed Reserves in the province, and;*
- 4. the management and administrative procedures for any other Section 12 Watershed Reserves.*

The Sunshine Coast community's concerns and awareness about Watershed Reserves was so prominent that government bureaucrats even resurrected acknowledgement of the Community

Watershed Reserves in the February 1994 draft *Chapman and Gray Creeks IWMP* document. It was, apparently, the only instance of such acknowledgement in all the government's other IWMP publications. Under sub-section 3.1.1, *Provincial Water Management*, it states:

The Water Management Program of BC Environment is part of the Ministry of Environment, Lands and Parks. The Lower Mainland regional office of Water Management is represented on the Chapman/Gray IWMP Planning Team.



Province of
British Columbia
Ministry of
Environment,
Lands and Parks

BC
Environment

Water Management Division
765 Broughton Street
Victoria
British Columbia
V8V 1X4

February 25, 1993

File: 77900-50/2

Re: Chapman Creek Community Watershed

As requested in your letter of February 16, 1993, enclosed are copies of documents from our files that relate to the establishment of a map reserve for the Chapman Creek watershed.

The request was made to Lands Service for a "map reserve" on Chapman Creek on August 14, 1973. Apparently, Lands sent requests for map reserves to the Forest Service if they were within "forest reserves" (September 24, 1973). We have copies of Forest Service memos (July - August 1975) from "Administration Division" to "Management" stating that:

"the attached (community watershed map) has been noted on our atlas as a watershed reserve in favour of Water Investigations Branch. This area should be noted on your working plan and atlas reference maps."

We were unable to find such a memo for the Chapman Creek watershed. There are for many community watersheds, but there have been other cases in the past in which we have been unable to locate this document.

It is clear from the referrals from the Forest Service and Lands Service to the Water Resources Service that Chapman Creek watershed did have a map reserve on it.

I hope that this information is of use to you.

Yours truly,

J. S. Mattison
Director
Hydrology Branch

Part of the Water Management Program's mandate is to protect the interests of Water Licensees. Water Management issues Water Licenses for domestic and municipal drinking water, and through the referral system and planning initiatives such as the IWMP process, works to protect drinking water supplies for present and future use.

*The Guidelines for the Watershed Management of Crown Lands Used as Community Water Supplies (1980) are used in making resource management decisions that will achieve the objective of protecting water supplies in community watersheds. **Community watersheds are reserved under Section 12 of the Land Act for the primary purpose of water production.** ¹⁰² [Bold emphasis]*

However, two years later, bureaucrats made a sudden change to their acknowledgement of the Community Watershed Reserves in the 1994 draft. In the subsequent May 1996 draft of the *Chapman and Gray Creeks IWMP*, **the reference**, "Community watersheds are reserved under Section 12 of the Land Act ...", **was removed!** With the removal of the Map Reserve reference in sub-section 3.2.1., *Water Management*, bureaucrats replaced it with the following:

*Water Management issues Water Licenses for domestic and municipal drinking water purposes and other types of uses. In watersheds such as Chapman and Gray where there is a Municipal Waterworks License, the watershed is designated as a community watershed. **Approval for forest development in these watersheds is based on the British Columbia Forest Practices Code (the Code) and special provisions in the Code for community watersheds, and the draft Community Watershed Guidebook. The Guidebook will provide specific direction for carrying out operational plans in community watersheds. Where management strategies in the Code and Guidebook are not sufficient for watersheds with complex resource management problems, a higher level plan such as this IWMP provides more detailed and site-specific strategies for integrated management. Once this IWMP has been completed, the planning team will recommend that the plan be designated as a higher-level plan under the Code. Once this designation is given, Licensees must ensure that development plans are in compliance with this IWMP as well as the Code and Guidebook.** [Bold emphases]*

The Tetrahedron LRUP Watershed Reserve Sub-Committee's request in early 1994 to BC's Ombudsman about "other Section 12 Watershed Reserves in the province" had undoubtedly raised serious internal, legal concerns by the Ministry of Forests, extending frenzied anxieties over its collective, clandestine shenanigans about Watershed Reserves not being referenced in the West and East Kootenay Lands Use Plans, and in other Regional and Sub-Regional Land Use Plans, and therefore extending into the GCTC's shadowy silence about the Glade Creek Watershed Reserve.

The Watershed Reserve Sub-Committee had also undoubtedly created unwanted attention to the Reserves when the Ministry of Forests was implementing internal draft documents in 1994 of the proposed *Forest Practices Code Act* (implemented in June 1995). The 1996 *Community Watershed Guidelines* of which made no references to, and would unlawfully aim to secretly

¹⁰² *Chapman and Gray Creeks Integrated Watershed Management Plan (Draft)*, February 1994, pages 25-26.

supplant, Community Watershed Reserve tenures, that is, ever whilst the Reserve tenures were, nevertheless, still active and in force.



Province of
British Columbia

MINISTRY OF ENVIRONMENT, LANDS AND PARKS
AND MINISTER RESPONSIBLE FOR
MULTICULTURALISM AND HUMAN RIGHTS



BC
Environment

845 Columbia Avenue
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V1N 1H3
Telephone: (604) 365-8622
Main Fax: (604) 365-8568

Ken Arnett
District Manager
Arrow Forest District
845 Columbia Ave.,
Castlegar, B.C.

Atco CP 41
Glade Creek

August 30, 1994

Attention: I. Hamann, Operations Manager

SUBJECT: GLADE CREEK WATERSHED, ATCO CP 41

After our field inspection on August 30th, 1994, BC Environment provides the following comments and recommendations:

- Glade creek is designated as a community water supply in the draft Community Watershed Guidelines, August 2, 1994.
- Those guidelines indicate that the watershed boundary should be designated as a "Landscape Unit" and be consistent with the guiding principles, objectives and standards for community watersheds as established under the Forest Practices Code.
- BC Environment supports road building and harvesting of CP 41 if the FPC standards, the Community Watershed Guidelines and the Biodiversity Guidelines are implemented on the ground.

Segments from a BC Environment memo, addressed to Arrow Forest District Operations Manager, Ian Hamann. The memo indicates the new and collective 'intention' of the proposed *Forest Practices Code Act* for community watersheds, while the Ministry of Environment was busy editing its fourth draft document for the *Act's* community watersheds. The trick imposed upon BC's Water Purveyors was in the wholesale 'disappearance' of Community Watershed Reserves, thereby overlooking / neglecting legal and fiduciary encumbrances.

10.4. The Glade Creek Planning Process

According to definitions allocated to all government Land Use planning initiatives by the Ministry of Forests and the Ministry of Environment, an IWMP was the government's appropriate planning tool to be assigned for the Glade community, as suggested by Regional Manager Ross Tozer in his July 28, 1992 correspondence, a process which also involved the implementation of a Technical Committee and a Terms of Reference.

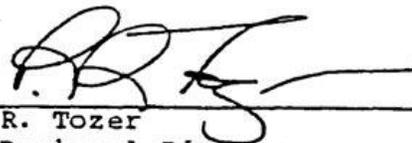
Mr. Tozer, in fact, was a signatory, alongside Kootenay Regional Environmental Director Dennis McDonald, to the 36-page October 1987 document, *Integrated Watershed Management Planning Process*:

This document outlines an integrated watershed management planning process to be followed before, during and after development in community watersheds. The process has been developed utilizing: Guidelines for Watershed Management of Crown Lands Use as Community Water Supplies – October 1980.

"As signatories to the Integrated Watershed Management Planning Process on behalf of our Ministries, we are committed to utilizing this process to accomplish integrated resource management in the community watersheds within the Slocan Valley."



D. McDonald
Regional Director (Environment)
Ministry of Environment & Parks
Kootenay Region



R. Tozer
Regional Director
Ministry of Forests & Lands
Nelson Region

Of importance, the October 1980 Ministry of Environment's *Guidelines* document lists the Glade Community watershed in *Appendix G*, making it an eligible and inherent candidate for the Ministry of Forests' illegitimate IWMP process.

At the first GCTC meeting of March 30, 1993, the Minutes state that:

Glade residents were provided with one copy of the Arrow District Integrated Watershed Management Planning (IWMP) Handbook. A brief history of the handbooks origin and need was provided.

Regional Environment Director Dennis McDonald also responded to Glade residents' letters of concern on August 13, 1992. In his response letters, McDonald, however, implied that a land use planning process for the Glade watershed, such as an IWMP, was unnecessary. Instead, McDonald stated that Atco's logging proposal was "adequate:"

In summary, my staff have reviewed the development proposal and have concluded that the level of terrain analysis and planning and the recommendations for construction and harvesting are adequate to protect the water resource.

Minister of Forests Dan Miller's advice proposal for an LRUP in his August 13, 1992 correspondence was not the proper planning tool for the Glade community: a trick within a trick.

LRUPs were first introduced by the Ministry of Forests in 1983,¹⁰³ a parent land use planning concept evidently used by the Ministry of Forests to help design the evolution of the IWMP process drafts.¹⁰⁴ As stated in the Ministry of Forests 1994 document, *A Description and Analysis of Local Resource Planning Processes Used by the British Columbia Ministry of Forests*, “LRUPs are not usually as issue-specific as” an “IWMP.” Again, in another 1992 Ministry of Forests document:

*One of the dangers associated with Local Resource Use Planning is in creating the impression that the plan is completed simply to resolve a single conflict between two resources. While LRUPs may be initiated or driven by a single resource conflict, the plan itself considers all resource values and embraces the Integrated Resource Management (IRM) philosophy. On the same note, while LRUPs are done to facilitate IRM on a management area, the IRM concept is applied at every planning level.*¹⁰⁵

Moreover, LRUPs “are not required by forest legislation,”¹⁰⁶ and are implemented at the discretion of a Forest District or Regional Manager. With LRUPs:

*As a minimum, the Forest Service must inform the public that a planning process is being initiated, solicit information on perceived issues and concerns, supply an opportunity for public review and comment on the draft plan, and finally, provide information regarding the final decision and the rationale behind the decision. The actual level of public involvement in the planning process is at the discretion of the Regional or District manager.*¹⁰⁷

By 1994, other than Provincial or Regional Planning, the Ministry of Forests had options to implement at least 10 (ten) other resource planning guidelines:

- CAMP: Coordinated Access Management Plan;
- CRMP: Coordinated Resource Management Plan (for Range);
- CRUP: Coordinated Resource Use Plan;
- Folio: Resource Folio Planning system, initiated in 1973;
- IRP: Integrated Resource Plan;
- IRRMP: Integrated Renewable Resource Management Plan;
- IRMP: Integrated Resource Management Plan;
- MP: Management Plan;
- MUP: Multiple Use Plan;
- RMP: Resource Management Plan.

¹⁰³ *Resource Planning in the Ministry of Forests: A Glossary of Past and Present Plans*, page 24.

¹⁰⁴ See page iii, *Integrated Watershed Management Planning Process*, 1987.

¹⁰⁵ *Resource Planning in the Ministry of Forests: A Glossary of Past and Present Plans*, page 25.

¹⁰⁶ *Ibid.*, page 28.

¹⁰⁷ *Ibid.*, page 29.

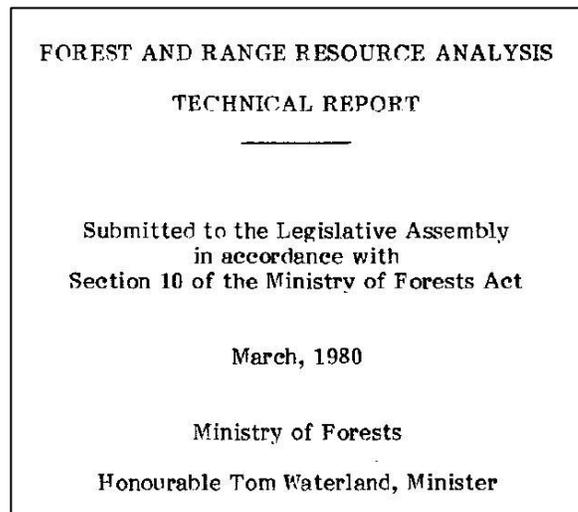
10.5. GCTC: The Ministry of Forests' Planning Hierarchy

*The purpose of the Glade Creek Watershed Technical Committee is to provide direction for “integrated resource use” within the plan area recognizing that the number one priority is the protection of water quality, quantity and timing of flow.*¹⁰⁸

*Request that for the next meeting the BCFS [BC Forest Service] present an overview of the need for watershed logging in the Arrow Forest District (re. AAC impacts).*¹⁰⁹

At the April 19, 1993 GCTC meeting, Ministry of Forests' Nelson Region foresters Ian Hamann, Jim Whissell and Reiner Augustin provided meeting participants with a “review of planning hierarchy.” They made a “brief presentation” on the Ministry's “planning levels.” This included a “provincial planning hierarchy,” making “reference to the Five-Year Forest and Range Resource Program tabled in the Provincial Legislature” and “how this document drives goals at the district level.”

The three government foresters overlooked something of importance when informing the GCTC about their Ministry's planning strategies “at the district level,” implemented following the establishment of the new *Forest Act* in 1978. Included in the March 1980 *Forest and Range Resource Analysis Technical Report* – a one-thousand page long document submitted to the BC Legislative Assembly by Minister of Forests Tom Waterland – was a February 2, 1979 written submission by the Ministry of Environment's Water Investigations Branch, in charge of the government's community watersheds Task Force. The submission included the following precaution:



Protection of Watersheds

*In the management of forest and range lands, the Ministry of Forests should be fully aware of the constraints set out for “community” watersheds. These areas have all been defined and placed in Forests' records as map reserves.*¹¹⁰

The Water Investigations Branch's precaution was reproduced on page 238 of the final 1980 *Technical Report*, albeit with a few words edited out of the original:

In the management of forest and rangelands, the Ministry of Forests is fully aware of the constraints set out for community watersheds. These areas have all been defined as map reserves. The Ministry of Forests is also aware of the constraints of the guidelines prepared by the Task Force on Multiple Use of Community Water Supplies.

¹⁰⁸ Glade Creek Watershed Technical Committee Terms of Reference, April 19, 1993.

¹⁰⁹ Glade Creek Technical Committee meeting, March 30, 1993.

¹¹⁰ Appendix D, Contributions from Other Users.

The Ministry of Environment forewarned the Social Credit administration and the Ministry of Forests about the stated “constraints” in a formal document, just when the Chief Forester began re-determining and re-setting the provincial AAC (Allowable Annual Cut) from 1979 following for BC’s Forest Regions’ numerous District Timber Supply Areas. Accordingly, Community Watershed Map Reserve tenures were to be excluded from the timber harvesting land base, and were to be excluded from the Ministry’s AAC determinations, no exceptions.

Four years later, in the second or subsequent mandated publication of the September 28, 1984 *Forest and Range Resource Analysis* report, which was also submitted to the Legislature in “accordance with Section 7 of the *Ministry of Forests Act*,” it provided a comprehensive provincial accounting for Ownership categories to be excluded from the timber harvesting land base / integrated resource use:

*An estimate of the anticipated withdrawals from the land base over the next 20 years for such purposes of farm lands, watershed reserves, wildlife preserves, ecological reserves and recreational reserves.*¹¹¹

By making these Crown Reserve tenure “withdrawals,” the next sentence in the report stated:

***This information** [bold emphasis] will allow us to realistically predict the land area that will be available for forest management in the future.*

The little that was fortunately stated about Community Watershed Reserves in these lengthy and formal planning documents for BC’s forest land base were not necessarily repeated in the smaller, individual Forest District planning reports for BC’s Timber Supply Areas. Where inter-Ministerial recommendations and oversight guided the construct, wording and perspective in the 1980 and 1984 *Forest and Range Analysis Reports*, such would not be the case for the individual Timber Supply Area Analysis reports from 1979 following. That difference perhaps accounts for the reason as to why no references were included in these smaller Timber Supply Analysis reports about BC’s numerous Community Watershed Map Reserves, reports which were primarily written and supervised by Ministry of Forests’ Region / District personnel without the careful oversight and partnership of other resource Ministry personnel.

On April 19, 1993, the three GCTC government foresters had a “brief discussion” on the “Arrow Timber Supply Area,” stating how “each management unit” within it “has a strategic plan (Management and Working Plan) and a specific Allowable Annual Cut (AAC).” The government foresters specifically made reference to “the 1981 Arrow TSA Yield Analysis report,” stating how “the subsequent AAC was set by the Chief Forester.” They stated how “the achievement of the AAC assumed a number of management strategies,” as they referred to them, “which included the harvesting of timber in [Community and Domestic] watersheds.”

¹¹¹ Chapter B1, *The Forest Land Base*, page B1.

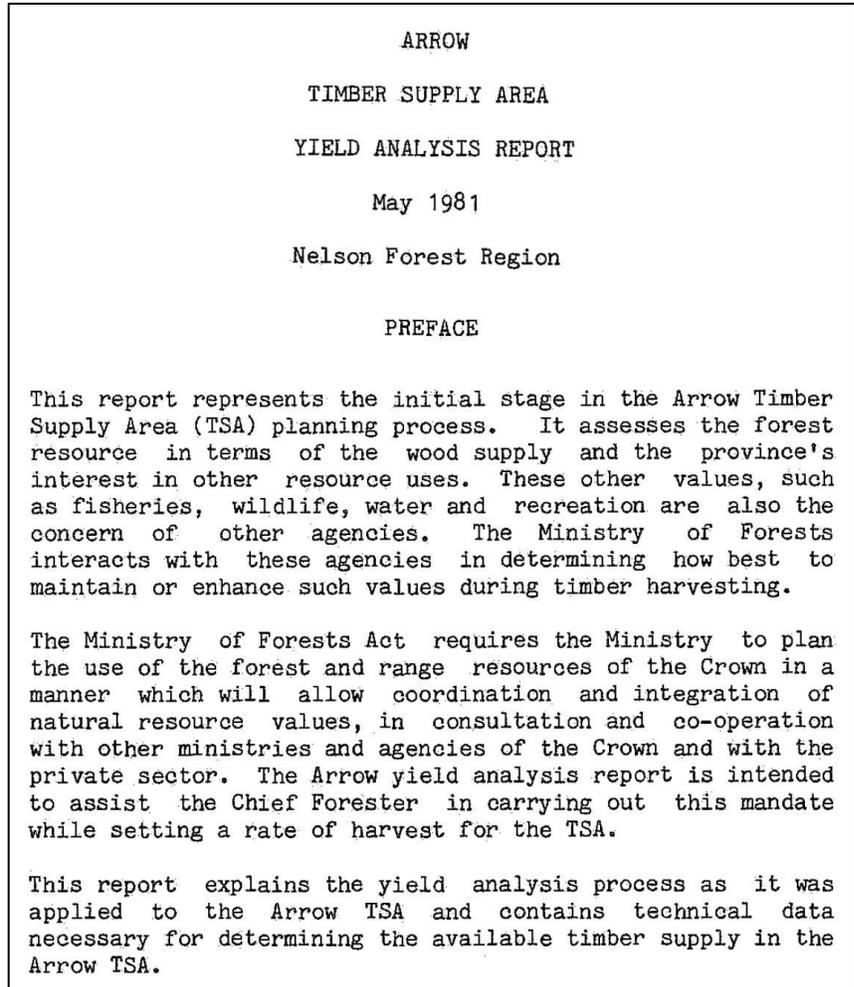
They went on to elaborate that “the planned harvest (based on the 1981 Yield Analysis) was forecasted for the period 1980 – 2000 by Inventory Regions and Compartments.” They also “briefly reviewed the Supply Block “M” (south-east portion of the Arrow TSA) harvest forecast and achievement to September 1992.” They also “discussed the harvest distribution and the difficulty of moving harvest from one area (i.e. Glade Creek) to another unit.”

Having referred to the *1981 Arrow TSA Yield Analysis* report and the concurrent decision to set the AAC for the Arrow Timber Supply Area by Chief Forester Bill Young, the foresters failed to impart to the GCTC members how Community Watershed Map Reserve tenures had been unlawfully included in the Arrow District’s AAC calculations.

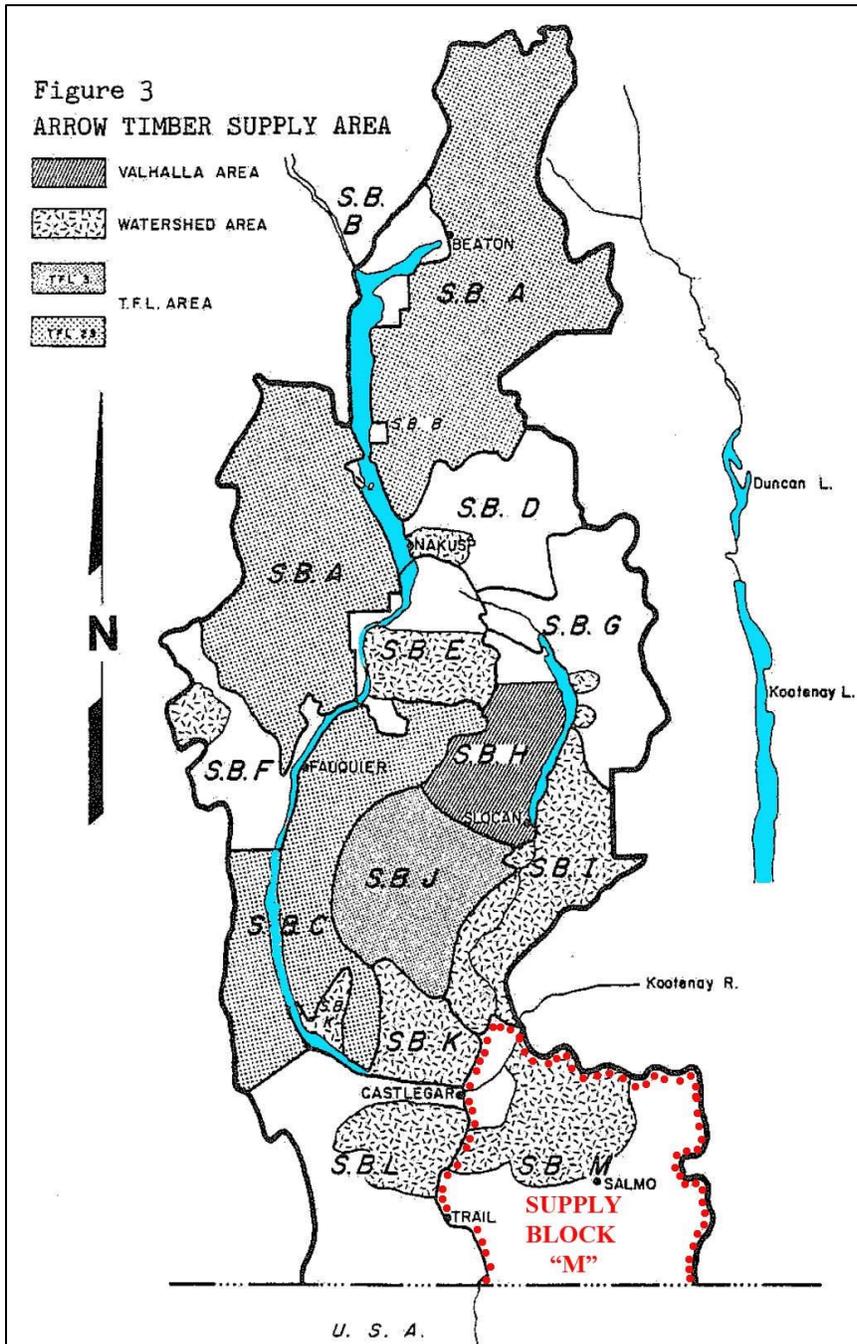
According to a map published on page five of the *1981 Arrow TSA Yield Analysis* report, it failed to include the Glade watershed as a “Watershed Area” (meaning a Community/Domestic Watershed Area), which was located in Supply Block “M” (see the 1981 map below).

The Arrow TSA, as a whole, has an abundance of water. Despite this, with the ever-growing population and with more intensive forest management, it is anticipated that increasing demands will be made on the water resource and the potential for conflicts may increase. In order to minimize water use conflicts careful planning and close liaison with the public and the forest industry is essential when reviewing timber harvesting proposals involving domestic watersheds in particular.

Response to harvesting is difficult to predict for any given watershed, due to variations in climatic and topographical conditions. It must not be assumed that timber harvesting will produce only a negative response in watersheds. Timber harvesting can have a favourable



impact on total annual water yield and timing of runoff, depending upon the type and extent of harvesting practised.¹¹²



Not all of the timber on the forested area is available for harvesting. ... There are also areas with high values for recreation, water, fisheries or wildlife, where harvesting will be reduced or precluded.¹¹³

Left: Figure 3 map, Arrow Timber Supply Area, from the 1981 Arrow TSA Yield Analysis report. The map legend shows the locations of “watershed areas,” namely community and domestic watersheds.

The Glade Creek Watershed Reserve is located in Supply Block (SB) “M”, the boundary of which is highlighted in red dots, but is not part of the “watershed areas.” Rather, Glade Creek is mapped in the ‘white’ area in Provincial Forest land that is theoretically dedicated to timber harvesting according to this map.

¹¹² Pages 7-8.

¹¹³ Page 11.

The 1981 Arrow TSA Yield Analysis report never referred to Community Watershed Map Reserves, only to Environmental Protection Areas (EPA's), defined as:

*Areas that are environmentally sensitive or have high values for other uses as well as timber production (e.g. recreation, wildlife, water, etc.). These areas are identified during the forest inventory process.*¹¹⁴

The 1981 Arrow TSA Yield Analysis report included a sub-chapter 5.3, called *Increased Watershed Constraints*, which stated that “careful planning of harvesting operations in co-operation with other agencies and through discussions with water users may permit securing timber volumes to the level of the benchmark.” These unidentified “Increased Watershed Constraints” were included in short-term and long-term timber harvesting scenarios developed throughout the report.

However, the “Watershed Constraints” described in the 1981 Arrow TSA Yield Analysis report were dissimilar to the “constraints” set forth and stated in the 1980 *Forest and Range Resource Analysis Technical Report* which had been presented to BC's Legislature, namely the Community Watershed Map Reserves' “constraints.” Small wonder the Nelson Region foresters failed to brief the GCTC members and its meeting observers on the tenure status of the Glade Creek Watershed Map Reserve, even though the words “Watershed Reserve” appeared in plain view on Atco's forest planning maps for Glade Creek at the GCTC meetings.

A subsequent Arrow Forest District report, the February 1986 *Arrow Forest District Timber Supply Area Plan, Nelson Forest Region*, included the Glade Creek Watershed Reserve, and three or more other Watershed Reserves, in the District's Subunit Plans. It states that:

- “integrated subunit development plans are being developed for many contentious areas;”
- “Forest Service staff in the Arrow District have begun and will continue an intensive program of subunit planning to address issues such as harvesting in domestic watersheds ... Appendix 3 lists the areas which are currently the subject of subunit plans and the areas for which plans should be initiated over the next two to five years.”¹¹⁵

<u>Appendix 3</u>	
<u>ARROW DISTRICT SUBUNIT PLANS</u>	
Areas Currently Being Planned	
	Perry Ridge
	Ringrose Creek
	Elliott-Christian Unit
	Supply Block F (Edgewood)
	Deer Creek
	Wensley Creek
	Erie Creek
→	Glade Creek
	Blueberry Creek
	Winlaw Creek
	Dayton Creek
	Pend D'Oreille (CRMP)*
	Johnston-Renata (CRMP)*
	Galloping Creek-Lightning Peak (CRMP)*
Areas to be Planned Within Two to Five Years	
	Silverton-New Denver Watersheds
	City of Rossland Watershed
	Champion Creek
	Hills Watershed
	Dumont Creek
	Pass Creek
* Coordinated Resource Management Plan	

¹¹⁴ Pages 11-12.

¹¹⁵ Pages 41 and 42.

The Subunit Plans list, which included **Glade Creek**, the **Silverton-New Denver watersheds**, **Blueberry Creek**, and **City of Rossland Watershed**, were designated Community Watershed Map Reserves.

10.5.1. Land Ownership Code 69 Revelation in the Arrow Forest District

At some point in the late 1980s, Ministry of Forests’ administrators began to secretly alter the Land Ownership Sub-Code for Community Watershed Map Reserves. The Reserves fell under Land Ownership code number 69, a category of “Miscellaneous” Provincial, Crown or Government Reserves. Ministry of Forests administrators broke the law by shifting Community Watershed Map Reserves from sub-category 69-N to sub-category 69-C:

- An “N” signified lands **Not Contributing to** / not available to Integrated Forest Management;
- A “C” signified lands **Contributing to** / available to Integrated Resource Management.

69-N Crown Reserve lands were for **single use** purposes, no dispositions, while 69-C Crown Reserve lands were provided a new category for **multiple use**, a conditional, or unprotected Reserve tenure category. For instance, as single use / protected entities, as those with 69-N status, Ecological Reserves were given their own Ownership Code, 60-N. If an Ownership Code number and Sub-code indicates exemption status from dispositions, a government resource planner would then automatically deny resource applications.

As part of initial investigations into the tenure status of the Chapman Creek Watershed Map Reserve made during the Chapman/Gray

CODE	OWNERSHIP	DESCRIPTION
40-N	Private	Crown grant. See 81-N.
50-N	Federal	Federal reserve
51-N	Federal	National park
52-N	Federal	Indian reserve
53-N	Federal	Military reserve
54-N	Federal	Dominion government block
60-N	Provincial	Ecological reserve
61-C	Provincial	UREP (use, recreation, enjoyment of the public)
62-C	Provincial	Forest management unit (TSA, PSYU), Crown land
62-N	Provincial	Timber agreement land (Crown land less timber rights)
63-N	Provincial	Park, Class A
64-N	Provincial	Park, Class B
65-N	Provincial	Park, Class C, park board
66-N	Provincial	Park, Class C, no board
67-N	Provincial	Park, park reserve or equivalent (regional parks, Purcell Wilderness Conservancy, recreation areas, provincial heritage sites, wildlife management reserves)
68-N	Provincial	Wilderness areas within provincial forests
<u>69-C/N</u>	Provincial	Miscellaneous reserves (B.C.F.S. recreation reserve or corridor, B.C. Hydro reserve, B.C. Railway reserve, <u>watershed reserve</u> , industrial reserve, islands reserve, <u>map reserve</u> , greenbelt land, multiple-use fish and wildlife reserve)
70-N	Provincial	Timber license in a TSA
70-C	Provincial	Timber license in a TFL
71-C	Provincial	Timber license in a TFL
72-B	Provincial	Schedule ‘B’ land in a TFL
<u>74-N</u>	Private & Provincial	<u>Timber alienated in a watershed (Greater Vancouver Regional District, Greater Victoria Water District)</u>
75-N	Provincial	Christmas Tree permit
76-N	Private & Provincial	Ownership status unreported in a TFL
77-N	Provincial	Woodlot license, Crown land portion. Private portion is 40-N.
78-N	Provincial	Community pasture in the Prince George Special Sale Area (SSA)
79-N	Provincial	Provincial forest exclusions in the Prince George SSA
81-N	Private & Provincial	Lands under municipal administration. See 40. Not in use.
90-C	Provincial	Grazing lease
91-C	Provincial	Hay lease
92-N	Provincial	Foreshore lease
93-C	Provincial	Coal lease and placer lease
95-C	Provincial	Hay cutting permit
96-C	Provincial	Special purpose lease
99-C/N	Provincial	Misc. leases (fairgrounds, rod and gun club sites, recreational cottage site leases, and community organizational leases)

Creeks' Integrated Watershed Management Plan process, residents from the Sunshine Coast Regional District began making inquiries with government in 1992 into Land Ownership Code 69. On October 20, 1992, Andrea Lang, the Timber Supply Analyst with the Vancouver Forest Region, replied in a letter that someone in the Ministry of Forests had "changed" the "ownership code for the Chapman Creek Watershed" Reserve from 69-N "to 69-C" sometime in 1990.

The September 1994 Ministry of Forests publication, *Arrow TSA Timber Supply Analysis*, provided Table information on Land Ownership Code data for the Arrow Timber Supply Area, the TSA in which the Glade Creek Watershed Reserve is located. The information was provided in Appendix A.3, called *Definition of the Timber Harvesting Land Base*.

A.3 Definition of the Timber Harvesting Land Base

Tree farm licence (TFL) areas are managed — and have their AAC determined — separately for TSAs. Their area is not normally included in the TSA inventory. However, sometimes when the ownership of land is unreported, it is included in the TSA inventory. This land is managed as part of the TFL, and does not form part of the TSA harvesting land base.

All areas with ownership codes (OWNER,OWNRCHAR) other than 62C or 69C are excluded from the timber harvesting land base for this analysis. Table A-4. outlines the total area in each ownership category for the Arrow TSA.

Table A-4. Total area in each ownership category, Arrow TSA

Description	Ownership code	Area	
		Hectares	Per cent of Total
Private Crown grant	40-N ¹	116 577.9	15.5
Federal, federal reserve	50-N	35.7	0.0
Provincial, UREP ³	61-C ²	886.3	0.1
Provincial, UREP	61-N	1 352.5	0.2
Provincial, forest management unit (Crown)	62-C	528 322.2	70.0
Provincial, timber agreement land (C -rights)	62-N	63.9	0.0
Provincial, provincial park - class A	63-N	1 187.1	0.2
Provincial, provincial park - class C	65-N	10.7	0.0
Provincial, provincial park - special or reserve	67-N	34.8	0.0
Provincial, Crown or government reserve	69-C	102 244.9	13.5
Provincial, Crown or government reserve	69-N	1 925.2	0.2
Provincial, timber licence in a TFL	70-N	1 125.8	0.1
Provincial, TFL unreported ownership	76-C	143.2	0.0
Provincial, TFL unreported ownership	76-N	20.4	0.0
Provincial, woodlot licence, Crown land portion	77-N	2 148.0	0.3
Total		754 078.6	100.0

¹N= Land not available for long-term integrated resource management.

²C = Land available for long-term integrated resource management.

³UREP = Use for recreation and enjoyment of the public.

The 1994 document stated (see above) that there were 102,245 hectares (13.5% of the Arrow TSA) of unidentified, Miscellaneous Reserve lands under the Ownership Code of 69-C which were "available for long-term integrated resource management." Only a tiny fraction of these unidentified Miscellaneous Reserves, 1,925 hectares of which, were assigned to 69-N.

A six-volume set of Ministry of Forests' documents, *Summary of British Columbia Forest Inventory Statistics by Land Administration Class*, published in October 1995 by the Ministry's Inventory Branch, with contributions by the Ministry's Research Branch, also included numerous Land Ownership Code Tables for all of BC's Forest Regions and Timber Supply Areas, including the Arrow TSA. Some of that data, found in Volume 3, *Nelson Forest Region*, provided status information regarding Ownership Code 69 for the Arrow Timber Supply Area. **The data contradicted** the Ownership Code status information published in the September 1994 *Arrow TSA Timber Supply Analysis*. What is also interesting, is that both reports were written about the same time, and both relied on the same 1994 Crown land Reserve tenure data.¹¹⁶

In Volume 3, *Nelson Forest Region*, in a Table called *Arrow Timber Supply Area: Administration of Land Base*, it states that all of the Miscellaneous Reserves, **102,095 hectares**, were of the **69-N** category, Reserves not available for the timber harvesting land base. **There was no 69-C category referenced, only 69-N!**

Another difference between the two documents is that there is slightly more hectares of the combined 69-N and 69-C categories in the September 1994 *Analysis* report, than the Volume 3, *Nelson Forest Region* report.

The stark contrast between the two documents, written by the same Ministry, provides a critical revelation on how some administrators were unlawfully manipulating the tenure data to include the Community Watershed Reserves into the Working Forest, while others were not manipulating the *Land Act* Order-in-Council and Map Reserve tenure data.

Arrow Timber Supply Area		
In the Nelson Forest Region (TSA 1) Physical Land Base and Administration Area (ha)		
Administration of Land Base		Area Totals
Land under Private Administration		
Crown Granted		116,443
Land under Provincial Administration		
Area in a Timber Supply Area (62C)		
In a Provincial Forest	465,027	
Not in a Provincial Forest	63,623	528,650
Miscellaneous reserves (69N)		
In a Provincial Forest	101,921	
Not in a Provincial Forest	175	102,095
Woodlots		
Private land	192	
Provincial Crown land	2,148	2,340
UREP Reserves: Use, Recreation, and Enjoyment of the Public		2,230
Active Timber Licence in a Timber Supply Area		1,274
Regional Parks		
582 Appiedale Regional Park		4
672 Pass Creek Regional Park		18
class A Provincial Parks		
1057 McDonald Creek Provincial Park		270
708 Syringa Creek Provincial Park		223
707 Nancy Greene Provincial Park		208
575 King George VI Provincial Park		167
705 Beaver Creek Provincial Park		56
709 Arrow Lakes Provincial Park (Sites B;Burton,C;Fauquier)		40
614 Rosebery Provincial Park		22
706 Erie Creek Provincial Park		11
718 Inonoklin Provincial Park		6
class C provincial park with a park board		
1113 Summit Lake Provincial Park		7 637,621
Land under Federal Administration		
Federal Reserves		36
Total for the Arrow Timber Supply Area		754,100

¹¹⁶ The *Nelson Forest Region* Volume 3 data for the Arrow Timber Supply Area was dated "March 1994."

11. BC's Professional Foresters and the Implementation of ... Professional Reliance

Forest Professionals therefore: ... actively engage in dialogue with interested parties to build trust and understanding. (Definition of Professional Reliance, Association of BC Forest Professionals, Council, September 2004)

Due to the implementation of professional reliance, the ABCFP is seeing more complaints than ever before. In the past, the majority of complaints were not serious and didn't require an investigation. Today, the complaints are serious concerns about the practice of forestry and many require detailed investigations. (Source: BC Forest Professional Magazine, May – June, 2010)

Registered Professional Foresters (RPFs) belong to the Association of BC Forest Professionals (ABCFP), formerly called the Association of BC Professional Foresters (ABCPF). The ABCFP operates under BC legislation, the *BC Foresters Act* (revised in 2003).

All ABCFP members are bound by a developed Code of Ethics, which guides how ABCFP members must be professionally diligent and upright in their conduct with their employers, with government, and in their dealings with the Public. I.e.,

Professionals apply good judgement and act in the interest of the public and the environment. Professional regulatory bodies hold their member accountable for matters of conduct and competency and serve to protect the public interest. (BC Forest Professional Magazine, July-August, 2010)

Atco's Forestry Manager, and Registered Professional Forester Ron K. Ozanne, along with Alex Saumure, a Registered Forest Technologist, summarized their professional roles and duties in a February 4, 2016 letter addressed to the Regional District of Central Kootenay elected Area Representative Andy Davidoff. The letter was stamped with their professional seals:

Forest professionals such as ourselves are part of the Association of B.C. Forest Professionals, are bounded by the Foresters Act of B.C. and by a Code of Ethics which clearly states the responsibility of a member to the public. A Forest Professional is professionally responsible and accountable for their work. The professional association demands practicing due diligence and good stewardship of forest land. Finally, Atco is committed to follow all due processes (legislated and approved procedures).

Linked with the release of the *Forest and Range Practices Act* (FRPA) in 2004, the ABCFP's foresters now operate under a new deregulatory "Professional Reliance" framework and mandate. Since that time, the topic and transition applications of Professional Reliance for BC's foresters has often been featured, highlighted and debated in the Association's bi-monthly magazine, *BC Forest Professional*, formerly called *The Forum* (see Appendix D for the magazine references).

The BC Forest Practices Board published a critical assessment of this Professional Reliance framework in 2013, *Professional Reliance in BC Forests: Is it really the issue?* As summarized in that publication, BC's registered professional foresters, particularly those under contract by the private sector, are assumed to operate under additional or more weighted fiduciary responsibilities to the public.

FRPA shifted professional reliance considerably from professionals employed by government to those employed by licensees. In the process, the regulatory and planning support structures were pared down, reducing costs to both government and the industry. This shift in reliance was mainly through the significant reduction in plans that previously had to be submitted to government for review and approval. The Board often sees that the public has not recognized or accepted this shift, initially bringing their stewardship concerns to local government professionals, who now actually have limited ability to address them.

Government and the professional associations agree that the definition of professional reliance, in the context of forest management in BC, is "the practice of accepting and relying upon the decisions and advice of resource professionals who accept responsibility and can be held accountable for the decisions they make and the advice they give."

Confusion arises when discussing professional reliance because codes of ethics, developed by professional associations, require that professionals act in the public's interest, regardless of who their employer is.

In addition to understanding the complexities associated with forest management practices, Professional Foresters have also been trained to understand and be competent in all relevant provincial laws and legislation pertaining to forest land use practices in British Columbia. This applies to knowledge and applications of the *Land Act*, including how the prevalent establishment of various Reserve tenures, such as Community Watershed Map Reserves and Community Watershed Order-in-Council Reserves, protect Crown lands from dispositions.

How has the ABCFP sought to educate and discuss the lengthy history and government policy of BC's Community Watershed Reserves amongst its large membership? In a review of the ABCFP's newsletters, this topic seems to have gone under the radar.

VICTORIA CITY WATER SUPPLY DISTRICT

RITHLET Cr. SOOKE LAKE

GREATER VANCOUVER WATER DIST. REFER TIMBER SALE APPLICATIONS IN CAPITAL LETTERS TO HEALTH DIST. 01070748

RESERVE 0122336 Gaz. 22-10-36

LILLOOET 3-T-11 L 5292

CITY OF CRANBROOK WATER SUPPLY AREA

JULY CREEK WATERSHED RES.

WATERSHED RES. 0326759 STILLWATER W.W.D. No. 3 JEFFERD CREEK

LILLOOET

RESERVED APRIL 6th 1905 LAND RES. SEPT. 6th 1900 APRIL 26th 1926 GAME RES. AUG. 26th 1924

WATERSHED RES. 0320817

CITY OF SALMON ARM WATERSHED

HEALTH DIST. 0174225

GRAND FORKS

WATERSHED RESERVATION SEE X68545 Res. 12a 0326793

ARROW CREEK

No Timber Sales See F x 24959 GAME RESERVE LI 1357984

WATERSHED RESERVE 0324697

DOLAN CR. WATERSHED REFER T.S. APP. TO F. 0186493

REFER T.S. APP. TO 1687098 X34113

Water Res. No Timber Sales

Water Res. No Timber Sales

Water Res. No Timber Sales

HEALTH DISTRICT 0174225

Department of Lands

No Sales on this Watershed.

-Health District- 0174225-

Refer all Timber Sale applications to File. 0142867

WATERSHED NO SALES Airey Cr. 1267931 060016

WATERSHED RES. 0162917

Chapman Cr. Smoky Cr. Watershed Reserve

RES. 0324087 NO TIMBER SALES 0134406 Refer T.S. sale applications to L.O. Max 17th 19-41 F 060016

NO SALES 11894158 X3-7589

WATERSHED NO SALES

NO TIMBER SALES 1261871 060016

NO TIMBER SALES 0134406

NO TIMBER SALES (NO TIMBER SALES) Sales may be made to reach 1st 9/4 only

Collage poster of early BC Community Watershed Reserves. Source: *From Wisdom to Tyranny*, page 13.

12. Questions for the Association of BC Forest Professionals

Regarding the recorded statements made by Professional Foresters presented in this report, that is, in response to questions posed to each of them by residents in the communities of Glade and Deer Park in April 2016, are the following questions for the Association of BC Forest Professionals:

- How have Professional Foresters R. Ozanne and T. Hodgkinson complied with their Association’s Code of Ethics, and their Association’s Professional Reliance model, in making questionable public comments about BC’s Community Watershed Reserves, both claiming before public audiences that the establishment, function and identities of these Map and Order-in-Council Reserves by government as legitimate Crown land tenures were a “misnomer?”
- How, thereby, are Professional Foresters Ozanne and Hodgkinson to be held accountable to the public through their professional organization for misdirecting the public? Why were they faking it?

These questions become very important when one considers that the former responsibilities of government foresters to hold or facilitate public meetings – especially those designed for logging proposal forums in Community and Domestic Watersheds – have now been wholly transferred to the private sector.

Forest Act tenure applications and the forest management obligations in these [community watershed] areas are administered through the Forest and Range Practices Act (FRPA) and the associated Regulations (most specifically the Forest Planning and Practices Regulation). Under this law the most appropriate way to ensure new forest management applications consider issues associated with the watershed is to build the relationship with the Forest licensee operating in the watershed. In this case it is both Atco and Kalesnikoff.

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Who, then, becomes accountable for bringing all the correct information to the community table? In this respect, how have the Registered Professional Foresters been serving “the public’s interest?”

12.1. “Letter of Complaints” Filed with the ABCFP

The BC Tap Water Alliance sent a “Letter of Complaints” to the ABCFP, dated October 31, 2016. The letter relates the findings and concerns about professional foresters Ozanne and Hodgkinson stated and described in the Alliance’s August 30, 2016 Preliminary Report, *The Glade Creek Watershed Reserve: No “Misnomer” / Not “Just a Name.”* The following is an extract from the Alliance’s originating letter:

¹¹⁷ July 4, 2016 email from Rob McRory, Registered Professional Forester, Tenures Officer / Senior Lands Officer with the Selkirk Natural Resource District, Re: Tenure Inquiry for Glade Watershed.

“Both Mr. Ozanne and Mr. Hodgkinson are professional foresters employed by forest companies with forest tenures, or chart areas, in the Glade Creek Community Watershed Reserve.

As stated in our report, both foresters, in private correspondence and face to face at community meetings sponsored by each company, when asked by the public about the meaning and definition of a Community Watershed Reserve, provided “misleading and misdirecting claims”:

Why did these foresters not provide the public with honest and informative answers at these two community meetings as they were supposed to do under their Professional Seal and abiding Code of Ethics, with similar ethical obligations for public accountability under their Professional Reliance framework? What did these foresters not want to tell the public? Were these foresters hiding something, or some things? Their dismissive answers seem to suggest as much, that something was askew. (Page 12)

Professional Foresters Ozanne and Hodgkinson have a mandate and an obligation to inform the public about the facts, which may otherwise be referred to as “the truth,” which they both failed to do.

This mandate/obligation is much more so the case since the introduction of Professional Reliance, an added code of professional conduct examined and detailed in numerous bi-monthly publications of the ABCFP’s magazine (see Appendix 2 of my Glade report for most of the references). Such added responsibility is well known to Mr. Hodgkinson, who, as reported in the Wood Business magazine on October 16, 2013, “helped facilitate a professional reliance workshop for Association of British Columbia Forest Professionals members and participated with the Kettle River Watershed group.”

The ABCFP has a duty to investigate our complaints. We ask the ABCFP to ensure that both members cited in this complaint provide the public with a formal written apology, and therein to include the correct answers to the questions posed by the public at the two public meetings of April 2016 concerning Watershed Reserves.”

The Alliance’s complaint process with the ABCFP continues.

APPENDIX A: LAND ACT RESERVES LEGISLATION

(From Appendix A, [The Big Eddy](#) Report)

1. Land Act Reserve Legislation and Policy Manuals

Since 1888, the *Land Act* has defined the ability of government to Reserve (set apart) Crown (Public) lands in rather simple, overarching terms, as follows:

*The Lieutenant-Governor in Council may, from time to time, by notice in the British Columbia Gazette, reserve and set apart for the recreation and enjoyment of the public, for municipal purposes, or agricultural societies, or for cemetery purposes, or for the site of a church or place for divine worship, so much of the Crown lands as may be deemed necessary.*⁸¹

After 82 years in the Provincial Statutes, the BC Legislature amended/revised the *Land Act* on April 3, 1970, whereby Crown Land Reserve administrative instruments were elaborated upon. The Reserves were divided into three categories: Section 11 Order-In-Council Reserves; Section 12 Map Reserves; and Section 13 *Land Act* Designations. Previous to 1970, the *Land Act* provided only simple statements about the functions of the Reserve legislation, while definitions and descriptions of Reserve powers were documented in Land policy manuals and regulations.

Section 11 and Section 12 statutory Reserves provided the instrument, whereby the Lieutenant-Governor and the Lands Minister were authorized to “*withdraw Crown land from disposition.*”

The Interpretation Section of the 1970 *Land Act* defined “*disposition*” as

that which “*includes every act of the Crown whereby Crown lands or any right, title, interest, or estate therein are granted, disposed of, or affected, or by which the Crown divests itself of, or creates a right, title, interest, or estate in land or permits the use of land; and the words “dispose of” have a corresponding meaning.*” The same section defined “*reserved lands*” as “*Crown lands that have been withdrawn from disposition under this or any other Act.*”

The following year government passed the *Environment and Land Use Act* on April 2, 1971, which was hailed as the “*Magna Carta of the Ecology*” (Hansard, March 23, 1971). The Act established authority through an **Environment and Land Use Committee** “*consisting of a chairman and such other members of the Executive Council,*” which had the following duties:

Reserves.	11. (1) The Lieutenant-Governor in Council may, for any purpose that he considers advisable in the public interest, by notice signed by the minister and published in the Gazette, reserve Crown land from disposition under the provisions of this Act. (2) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, amend or cancel in whole or in part any reserve of Crown land established under this Act or any former Act.
Power of minister to withdraw Crown land from disposition.	12. The minister may, for any purpose that he considers advisable in the public interest, temporarily withdraw Crown land from disposition under this Act, and he may amend or cancel such withdrawal.
Power of minister to withdraw Crown land from disposition, except for designated use.	13. The minister may, if he considers it advisable in the public interest, designate the most desirable use of any area or portion of Crown land, and he may withdraw such area or portion of Crown land from disposition under this Act for any purpose other than the use so designated, and he may amend or cancel the withdrawal.

⁸¹ I.e., Chapter 113, *An Act to Amend and Consolidate the Law affecting Crown Lands*, Revised Statutes, 1897.

1. *Establish and recommend programmes designed to foster increased public concern and awareness of the environment;*
2. *Ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of such resources, and despoliation of the environment occasioned thereby;*
3. *If advisable, make recommendations to the Lieutenant-Governor in Council respecting any matter relating to the environment and the development and use of the land and other natural resources;*
4. *Inquire into and study any matter pertaining to the environment and, and or land use; and*
5. *Prepare reports, and, if advisable, make recommendations for submission to the Lieutenant-Governor in Council.*

Due to mounting public concerns about commercial and industrial incursions into Community and Irrigation District Watershed Reserves, the Environment and Land Use Committee Executive consisting of Deputy Ministers established a provincial inter-departmental Task Force on community watersheds in February 1972, which was active until late 1980. As a result of written recommendations from Task Force Chairman Ben Marr, in May 1973, the Environment and Land Use Committee Executive authorized the Task Force to establish statutory Community Watershed Map Reserves under Section 12 of the *Land Act* over all candidate community watersheds determined to be so by the Task Force. Task Force correspondence indicates that almost 300 Watershed Reserves were ordered to be established by the end of 1973. As stipulated in the *Land Act* legislation above, the Crown lands within these Reserves were withdrawn “*from disposition under this or any other Act.*” The statutory Watershed Reserves were formal Crown land tenures.

Following the enactment of the 1970 *Land Act*, the Lands Department / Ministry created policy manuals and drafted regulations on the administration of Crown Lands, which included a policy section on the interpretation and definition of Crown Land Reserves. Later, the new *Ministry of Lands and Housing* produced a Land Administration Manual (LAM), and later a Land Management Manual (LMM), which provided comprehensive policy interpretations for all the *Land Act* instruments and designations, including numerous Memorandums of Understanding and administrative protocols with other Ministries concerning land and resource use. The LAM and LMM went through numerous revisions, but continued to abide by the same definitions for Crown Reserves.

Following upon the final proceedings and subsequent findings of the Community Watersheds Task Force (1972-1980),⁸² the Ministry of Lands, Parks and Housing created a separate policy on September 1, 1980, published in the Lands, Parks and Housing Manual, under subsection 4.490, called ***Watersheds Used for Community Water Supplies***. That policy states that the Ministry of Environment had charge over BC’s community watersheds, specifically referring to the administration of all the *Land Act* Section 11 Order-in-Council Reserves and Section 12 Map Reserves that were officially registered with/under the October 1980 document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*. The September

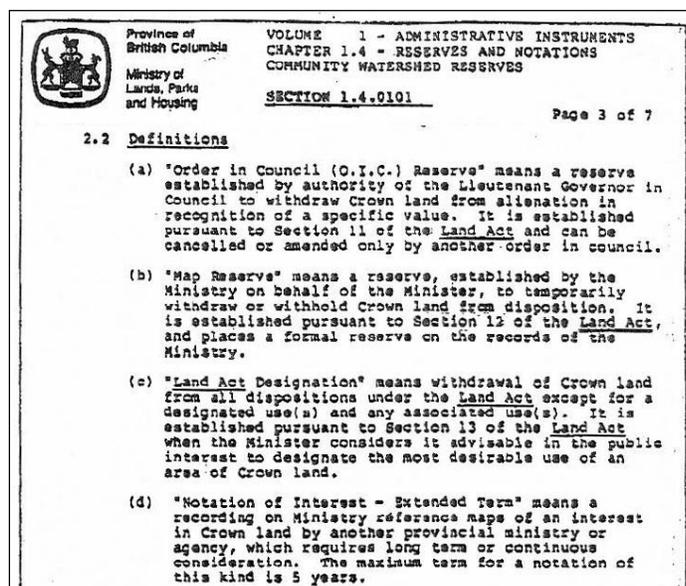
⁸² Refer to Chapter 4 for the narrative.

1980 policy document states that “**new dispositions,**” i.e., a Timber Sale, “*may be made where the activity is compatible with the intent of the Guidelines and not detrimental to the community water supplies and where the land is not affected by an Order-in-Council or Map Reserve* [bold/underline emphasis].”

As reported by the BC Tap Water Alliance in its 2006 book, *From Wisdom to Tyranny: A History of British Columbia’s Drinking Watershed Reserves*, somehow “new dispositions” were being approved in established Section 12 Community Watershed Map Reserves, and even perhaps in Section 11 Order-in-Council Watershed Reserves, despite the provincial government’s strict and straight-forward policy governing the statutory Reserves.

In the amended May 1, 1983 Reserve policy document, the Ministry of Lands, Parks and Housing “*reformatted*” the September 1, 1980 policy and renamed the policy as ***Community Watershed Reserves***. The amended policy document set forth definitions for Sections 11 through

13 of the *Land Act*, including a separate weaker instrument, a “*Notation of Interest,*” not classified as a Reserve under the *Land Act*:



(a) “*Order in Council (O.I.C.) Reserve*” means a reserve established by authority of the Lieutenant Governor in Council to withdraw Crown land from alienation in recognition of a specific value. It is established pursuant to Section 11 of the *Land Act* and can be cancelled or amended by another order in council.

(b) “*Map Reserve*” means a reserve, established by the Ministry on behalf of the Minister, to temporarily withdraw or

withhold Crown land from disposition. It is established pursuant to Section 12 of the Land Act, and places a formal reserve on the records of the Ministry.

(c) “*Land Act Designation*” means withdrawal of Crown land from all dispositions under the *Land Act* except for a designated use(s) and any associated use(s). It is established pursuant to Section 13 of the *Land Act* when the Minister considers it advisable in the public interest to designate the most desirable use of an area of Crown land.

(d) “*Notation of Interest – Extended Term*” means a recording on Ministry reference maps of an interest in Crown land by another provincial Ministry or agency, which requires long term or continuous consideration. The maximum term for a notation of this kind is 5 years.⁸³

⁸³ A February 16, 1987 LAM *Crown Land Policy Summary* policy document stated that a Notation of Interest “*is not a reserve, withdrawal or designation under the Land Act.*”

In conformity with the 1970 *Land Act* and the September 1980 Reserve policy about “*new dispositions*”, the May 1983 amended policy document states in section 3.3, under *Land Application Activities*, that “**applications are not accepted in watersheds which have been reserved from alienation under Section 11 or 12 of the Land Act.**”

According to an updated June 16, 1993 *Protocol on Crown Land Administration and Forestry Activity Between BC Forest Service and BC Lands*, both the terms “*applications*” and “*dispositions*” were defined as follows, including a definition of “*tenure*” as an alternate for the term “*disposition*”:

- **Application** – “*means a request received by BC Lands of the Ministry of Forests for a disposition or use of Crown land*”;
- **Disposition** – “*means the issuance of a tenure such as a permit, licence, lease, right-of-way or easement for the use of Crown land. It also includes sale of Crown land in fee simple (pursuant to the Land Act or the Ministry of Lands, Parks and Housing Act). It also includes cooperative arrangements between the Ministry of Forests and a public group or individual for the management of the recreational resource.*”
- **Tenure** – “*means a disposition granting permission under the Land Act, the Lands, Parks and Housing Act, the Forest Act, the Range Act, or the Ministry of Forests Act to enter upon the land for a given use and under certain conditions. Tenure contracts contain obligations on both parties.*”

On October 12, 1990, the BC government produced a Land Policy Branch agreement, *Crown Land for Environmental Management*. It was published in Volume One of *Administrative Instruments*, under Chapter 1.3, *Interagency Agreement*. As set out in the document, “*this agreement conforms with the Protocol between the Ministry of Environment and the Ministry of Crown Lands, respecting matters of mutual concern.*” Under the *Definitions* Section 2.0, both Section 11 and Section 12 *Land Act* Reserves were defined as lands “*withdrawn from disposition for a specified purpose.*” Under Appendix 1, *Options Under the Land Act for Securing Crown Land for Environmental Management*, it identified that for Map Reserves, “*This designation may be used as a temporary method to reserve land while preparing the appropriate documentation for Section 11 Reserve or Section 101 Transfer.*”

The May 1, 1983 Community Watershed Reserves policy document was amended on March 1, 1994 “*to reflect changes in manual format and recent Ministry reorganization.*” The 1994 policy continued to abide by the October 1980 Ministry of Environment document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, which was predicated upon and contained a long list of Section 11 and Section 12 *Land Act* Watershed Reserves. In Section 3.3 of the amended policy, it stated once again that “**Applications are not accepted in watersheds which have been reserved from alienation under section 11 or 12 of the Land Act.**” In Section 2.1 the policy document states that “*this policy applies to vacant Crown land and Crown land within Provincial Forests identified as being required for uses as community water supply areas.*”

In 1996, government revised the *Land Act* (*Revised Statutes, Chapter 245*), whereby the Reserves Sections were numerically reordered and advanced by four digits. This reordering

divided references about *Land Act* Reserves in government records into two separate time frames, pre-1996 and post-1996: i.e., the former Section 11 is now a Section 15 Order-in Council Reserve, etc.;

Reserves

- 15 (1) The Lieutenant Governor in Council may by order
- (a) for any purpose that the Lieutenant Governor in Council considers advisable in the public interest, reserve Crown land from disposition under this Act, and
 - (b) amend or cancel all or part of a reserve established under this or a former Act.

Withdrawal from Disposition

- 16 The minister may, for any purpose the minister considers advisable in the public interest
- (a) temporarily withdraw Crown land from disposition under this Act, and
 - (b) amend or cancel the withdrawal under paragraph (a).

Conditional Withdrawal

- 17 (1) The minister may, if the minister considers it advisable in the public interest, designate a portion of Crown land for a particular use or for the conservation of natural or heritage resources.
- (2) A portion of Crown land designated under subsection (1) is withdrawn from disposition under this Act for any purpose that is not, in the opinion of the minister, compatible with the purpose for which the land has been designated.
- (3) The minister may amend or cancel a designation made under subsection (1).

APPENDIX B:

The Implementation of Integrated Watershed Management Plans (IWMPs)

Text extracted from Part 2 of the BC Tap Water Alliance's 2006 book, *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*.

PART TWO

8. The Battle for Control: the “Lead Agency” Fiasco; Integrated Watershed Management Plans (IWMPs); the Protocol Agreements; the Forest Resources Commission; Crown Land Use Plans, Land and Resource Management Plans (and other Higher Use Plans); and the <i>Forest Practices Code Act</i>	
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8.2. The Implementation of Integrated Watershed Management Plans (IWMPs)

*Integrated resource use: a decision making process whereby all resources are identified, assessed and compared before land use or resource management decisions are made. The decisions themselves, whether to approve a plan or carry out an action on the ground, may be either multiple or **single use** [emphasis added] in a given area. The application of integrated resource management results in a regional mosaic of land uses and resource priorities which reflect the optimal allocation and scheduling of resource uses.*

Forest development plan: an operational plan guided by the principles of integrated resource management (the consideration of timber and non timber values), which details the logistics of timber development over a period of usually five years. Methods, schedules, and responsibilities for accessing, harvesting, renewing, and protecting the resource are set out to enable site-specific operations to proceed.

(Ministry of Forests, Glossary, December 2004)

8.2.1. The Trigger and the Chief Forester

A March 14, 1984, letter from the Slocan Valley Watershed Alliance was evidently responsible for triggering the release of an internal (i.e., secret) draft document about Integrated Watershed Management Plans (IWMPs). The document, a joint effort by the Ministry of Forests and the Ministry of Environment, was presented to the Environment and Land Use Technical Committee on April 6, 1984. The Watershed Alliance (formed in late 1981) had written advising government to immediately implement a moratorium on logging in the Slocan Valley—or else:

A major side issue which has arisen involves the Slocan Valley Watershed Alliance who are now rejecting the planning process developed for watersheds in the Slocan Valley on the basis that they refused to fully participate in its development. The Alliance is now proposing a moratorium be placed on all logging in the Valley in all licensed domestic watersheds until such time as a province-wide policy is adopted. The attached letter dated March 15, 1984, expands on their position.

Mr. [Bill] Young [Chief Forester] and I agreed to recommend that the implementation of the planning process in the Slocan Valley not be delayed while a province-wide policy is developed for more in-depth integrated planning for Crown land within community watersheds.

It is recommended that the Draft Policy which I provided in January and the associated submission be presented to the ELUTC at the next meeting. If accepted, this would clear the way for establishment of a policy that would avoid, in other areas of the Province, the conflict and large expenditure of time experienced in the Slocan Valley.

The first step would be **the preparation of a white paper** [emphasis added] which would facilitate public and agency input. This, in concert with the information on cost and staff requirements gained through the

application of what is essentially the same policy in the Slocan Valley, would form the basis for final province-wide policy and its application.

The question of cost and staff necessary for implementation of a policy is of major concern to Ministry of Environment. (P.M. Brady, Director, Water Management Branch, to B.E. Marr, Deputy Minister of Environment, March 22, 1984.)

This was the last straw. As clearly stated in a memo to Deputy Minister of Forests Mike Apsey, the Chief Forester decided to take the law into his own hands and defy and punish provincial water users, particularly those in the Nelson area:

I met with P.M. Brady, Director and Comptroller of Water Rights, on March 22 to review this draft document and to determine how to proceed from this point. It was also agreed that: (i) There is no need for a moratorium on logging and mining pending formal approval of a provincial Community Watershed Policy. . . . (iii) **The Ministry of Forests will implement the intent of this policy in the Nelson Region to the extent of its resources whether it receives formal approval or not** [emphasis added]. To do otherwise would likely lead to significant reductions in harvest rates, social disobedience or both; and (iv) The implementation of this policy will put increased demands on existing financial and human resources. (Bill Young, Chief Forester, to Mike Apsey, Deputy Minister of Forests, March 26, 1984.)

“If the provincial government should be unable to implement management solutions to the problem, the result will be continued unresolved land use conflicts and public pressure to allocate watersheds for total protection, thereby reducing land available for other uses.” (John P. Taylor, Deputy Minister, Ministry of Municipal Affairs, to Bill Young, Chief Forester, May 1, 1984.)

8.2.2. The White Paper Recommendation Gets Trashed

Brady's "White Paper" suggestion in his March 22, 1984, memo to Deputy Minister of Environment Ben Marr, which recommended a government and public review of the draft IWMP document, was quickly disabled by negative comments from both Marr and Deputy Minister of Forests Apsey at the ELUTC meeting on April 6, 1984:

Mr. Marr noted that while he was in agreement with the general thrust of the policy and the process, he anticipated that there could be problems with a white paper in that this involved a lot of time and it may not be possible to allocate enough staff hours to do it properly. He also noted that going this route tended to raise expectations perhaps more than could be fulfilled. Mr. Apsey suggested that the reference to the white paper be left out and that the first step in the process be started. (Meeting # 174, ELUTC minutes, April 6, 1984.)

The two deputy ministers in control of the IWMP document were steering government efforts away from "public participation" in the development of critical policy over public drinking water sources. In an ELUTC discussion about the financial and environmental impacts to communities, Deputy Minister Marr summarized:

Historically the water supply has been cheap but the resource management around that water supply has had some indirect costs. He noted that it is perhaps more common to treat water in order to preserve it and allow development near to the water supply. Now the conflict is becoming more apparent as some of the resource users are squeezed for land.

"The policy and associated procedures is being distributed as Appendix H ... The degree to which this policy and associated procedures will affect planning workload will vary from region to region. In order to assess the workload, each Region is requested to implement Condition 7.0 of the document [integrating and preparing Operational Plans, IWMPs, and Higher Level Plans] immediately by forwarding lists of candidate watersheds to the Resource Planning Section of the Planning and Inventory Branch by February 28, 1985."

(A.C. MacPherson, Deputy Minister of Forests, to all Regional Managers and Branch Directors, January 16, 1985.)

"Mr. Marr noted that historically the water supply has been cheap but the resource management around that water supply has had some indirect costs. He noted that it is perhaps more common to treat water in order to preserve it and allow development near to the water supply. Now the conflict is becoming more apparent as some of the resource users are squeezed for land."

8.2.3. The Order to Attack

After the draft policy document was introduced to ELUTC, the Ministry of Forests immediately began to implement a small number of government planning processes based on the draft Integrated Watershed Management Plans (IWMPs) on specified *Land Act* Watershed Reserves within the Nelson Forest Region. This was in accordance with Chief Forester Bill Young's orders (in his March 24, 1984, memo to Apsey) and was part of a bullying tactic aimed at the strongest defenders of protected drinking water. It would create a monumental strain on everyone involved and cause enormous emotional and economic hardship.

Some, but not all, of the IWMPs had in their terms of reference a condition stipulating that participants reach "consensus" when making decisions on management proposals within the various Watershed Reserves. For instance, the Duck/Arrow IWMP (see below) terms of reference stated: "The task force will work towards consensus on all decisions. If there is consensus, task force member organizations will become signatory to an Integrated Watershed Management Plan and by doing so groups will honor the plan unless the task force is reconvened to consider new circumstances." The problem for the government was that "consensus" was never reached by those advocating full protection, and in such cases as the Erickson Improvement District (formerly the East Creston Irrigation District) and the Sunshine Coast Regional District, the Ministry of Forests tried to impose its will over the water users. In other IWMPs, such as the one for Dolan Creek Watershed Reserve (see below), there was no reference to "consensual" decision-making. In other words, the IWMP processes were inconsistent when it came to this pivotal wording in the terms of reference. Even so, when such wording was applied the government had no intention to honor it.

In the 1990s—following the release of *Reaching Agreement: Volume I - Consensus Processes in British Columbia*, by the 1991 Dispute Resolution Core Group of the BC Round Table on the Environment and the Economy—the government began to rethink the notion of "consensus" in planning processes. It moved away from the goal of complete multi-party agreement. New definitions appeared in a 1993 document: *LRMP A Statement of Principles and Process* (Appendix 2, "Consensus in LRMP"). "Participants may define consensus as less than unanimous agreement if all participants agree," the report stated. "Consensus does not necessarily mean total concurrence on every aspect of a decision."

Mr. E.L. Scott
Forest Ranger
Revelstoke, B. C.

Box 25
Revelstoke, B. C.
November 4, 1950

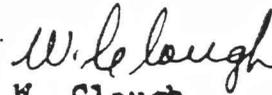
Dear Emory:

The Big Eddy Water Works District was incorporated in March, 1950 and we are using Dolan Creek which flows from the south into the Tonkawatla River approximately a mile from the Columbia River.

Would you kindly accept this as our application to the Forest Branch for a reserve of the timber in the valley of Dolan Creek as a watershed for our source of supply.

Trusting this will meet with your approval, I remain,

Yours truly,



W. Clough

Secretary to the Trustees of
The Big Eddy Water Works District

Exhibit 72. Letter of request for a Watershed Reserve from newly formed Big Eddy Water District.

8.2.3.a. The Big Eddy Water District Guinea Pig

On June 27, 1984, the Revelstoke Forest District office asked the trustees of the Big Eddy Waterworks District to meet with District foresters in downtown Big Eddy. There the trustees were notified that the government, through a formal public review process, was planning to log at Dolan Creek, a Category One *Land Act* Watershed Reserve. Ministry of Forests staff were expecting resistance from the Big Eddy Water District, which had steadfastly worked to protect its Watershed Reserve since 1950.

Records demonstrate that there may have been a vendetta to punish Big Eddy. Government headaches began in 1974 when BC Hydro proposed to punch a wide buffer for a transmission line corridor through Big Eddy's rather small Reserve, just above its water intake, in preparation for damming the Columbia River just north of Revelstoke to generate electricity. Despite strict directions given to BC Hydro by the Community Watersheds Task Force (a letter of December 17, 1974), the utility decided to disobey those instructions at Dolan Creek. Hydro was well aware that the Task Force required it to not propose transmission line corridors in community watersheds; in July 1974 Hydro

had been ordered to stay out of one of Chilliwack's water sources, the Dunville Creek Category One Watershed Reserve.

Dear Mrs. Southgate:

November 21, 1975

As indicated to you in a letter dated July 11, 1974 from Mr. B.E. Marr, Deputy Minister, Water Resources Service, the quality of water available from small community watersheds in the Province of British Columbia is of prime importance to the communities served by these sources. Therefore, it is the policy of the Water Resources Service to recommend against the alienation of crown lands in small community watersheds such as the Dunville Creek watershed, which has a drainage area of only 2.2 square miles measured upstream of the intake works.

We have reviewed the available information regarding your appeal and recommend that permission not be granted for the construction of the road and B.C. Hydro power line on crown land located within the Dunville Creek watershed.

I trust this clarifies our views in this matter.

Yours very truly



J.D. Watts, Chief
Planning & Surveys Division

Exhibit 73. Letter from Community Watersheds Task Force Chairman Watts to Chilliwack resident Viola Southgate, November 21, 1975.



Exhibit 74. Map showing Dolan Creek Reserve and reference to file number 0186493. Source: Forest Atlas map 82K/NW-W(one half) 82L/NE-E(one half), initiation date August 23, 1944.

The Department of Health came to Big Eddy's rescue in September 1975, and formal hearings over the issue were held in Revelstoke the following year. The Department of Health was nearing the end of its long mandate to monitor and protect BC's drinking water sources, a role that the Social Credit government eliminated at the end of 1976. Engineer McGrath, with the Vernon regional headquarters of the Department of Health's Environmental Health Engineering Division, wrote:

The Health Department would be deeply concerned if such a line were situated within the watershed of Dolan Creek. For all practical purposes, this would eliminate Dolan Creek as a source of domestic water. (Letter to Big Eddy trustees, September 30, 1975.)

Department of Health headquarters in Victoria then instructed BC Hydro that it had an obligation to properly deal with the issue.

In late September 1976, BC's Water Comptroller began formal water license hearings in Revelstoke. As a result of the public presentations, in which Big Eddy trustees were able to cross-examine BC Hydro representatives, Hydro coughed up over \$1.1 million for a temporary alternate groundwater source. Big Eddy announced that, after the transmission line clearing was completed, it intended to bring its Dolan Creek surface supply back online. A complex agreement was ironed out for transmission line clearing, which began in late 1980. Big

Eddy trustees kept careful watch over the logging and clearing operations, and very soon the contractor began to break the conditions of the agreement. Hydro was unwilling to fork over additional compensation, and Big Eddy took the matter to arbitration with the provincial government's Environmental Appeal Board in early 1983. In submissions to the Board, it appears that the Ministry of Health and BC Hydro provided questionable information about Dolan Creek's unreliability as a source of drinking water prior to 1975, which conflicted with a 1976 Hydro report on the creek's excellent history as an untreated public water supply. Medical Health Officer M.R. Smart, Director of the North Okanagan Health Unit, stated in a June 15, 1983, letter that beaver had frequented Dolan Creek in the past and polluted the water supply. This outraged Big Eddy trustees, particularly chairman Lloyd Good, who immediately and openly challenged Smart about his remarks at a public meeting. Good was certain there had never been any beaver in the area.

At the end of July 1983, the Environmental Appeal Board came up with four recommendations, the third of which raised the hackles of senior administrators with the ministries of Environment and Forests: **"That the watershed in future be closed and secured from public access by foot, horseback, and wheeled or tracked vehicle."** In the midst of public protests in the Nelson region, this legal ruling set a provincial precedent that had disturbing implications for government. Minister of Environment Anthony Brummet wrote the Big Eddy trustees:



Exhibit 75 (above). Photo of Dolan Creek Watershed Reserve as seen from the community of Big Eddy and City of Revelstoke. The watershed extends from the upper right of photo to lower left. The BC Hydro transmission line right-of-way is in middle of photo.



Exhibit 76 (left). Forest Atlas map 82L/16-W, dated December 21, 1973. It shows the Dolan Creek Watershed Reserve, Lands file number 0320842.

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.

“In the midst of public protests in the Nelson region, this legal ruling set a provincial precedent that had disturbing implications for government.”

process of estimating what volumes of timber are potentially harvestable within Dolan Creek watershed [emphasis added], and can make this information available shortly. (John R. Cuthbert, Regional Manager, Ministry of Forests, Nelson, to Regional Director of Environment, D. McDonald, Nelson, August 26, 1983. Copies were forwarded to the Chief Forester’s office and the Revelstoke District Forests Office Manager.)

“I would like to congratulate your District Manager Harvie and Regional 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 of another’s, but also it provides a coordinated response and reduces the opportunities for those who would try to play one Ministry against another.” (J.R. Cuthbert, Chief Forester, to D. Oswald, Acting Regional Forests Manager, Nelson, June 25, 1985, regarding the Ministry of Environment’s and Forests’ joint letter to the Big Eddy Waterworks District.)

The Big Eddy trustees remained tenacious in defending Dolan Creek. By 1988, after about four intensive years of negotiating and wrangling with the ministries of Environment and Forests, during which five long draft IWMP documents were produced, the matter ended in a triumphant stalemate: the logging plans were aborted. The trustees’ amusing euphemism for Appendix H, the IWMP guide’s core policy document, was “Preparation H,” an ointment used to heal troubling hemorrhoids. A comment in the local newspaper by the trustees’ outspoken chairman, Lloyd Good—that “logging in your watershed is as compatible as your horse next to a glue factory”—was reprinted by the paper in the mid-1990s as one of the best quotes by a local resident in the last ten years.

Water Comptroller Brady offered the following advice in an August 9, 1983, memo to two of his regional directors, Kootenay Director Dennis MacDonald and Nelson Director John Dyck:

During the initial phase of the Dolan/McPherson IWMP process, Big Eddy trustees penned the following in a five-page letter to the Ministry of Forests on March 27, 1985:

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** [emphasis added]. Please discuss this with other resource managers and provide me with your comments.

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

Technically, the recommendation was not “contrary to Government policy,” only contrary to a controversial, newly implemented internal policy that the Ministry of Forests was trying to get the other resource ministries to agree to. Two weeks later, Ministry of Forests Regional Manager John Cuthbert made the following strong comments against the Environmental Appeal Board’s ruling:

“The joint response is generally well received and does indicate that forest and water interests have sorted out difficulties on the government end and that agreement has been reached on approach. This certainly puts the MOF in better stand 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.... 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.” (D.L. Oswald, Acting Regional Manager, to Chief Forester Cuthbert, July 23, 1985.)

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**

legal implications of their plan entail, but we suspect that an individual found guilty of willfully 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.

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.

About a week later, on April 4, 1985, Big Eddy trustees sent copies of their five-page letter 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 MLA Cliff Michael and Provincial Water Comptroller P.M. Brady. The only support the trustees received was from the opposition party.

In late 1986, Stephen Rogers, the new Minister of Environment and Parks, provided the following reply to the Big Eddy trustees, who had still not given up their struggle to protect their water supply:

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

“During the next 5 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.”

(J.D. Crover, Inter-Ministry & Industry Liaison Forester, Planning & Inventory Branch, Ministry of Forests, May 14, 1985.)

In the space of ten years, the province’s ministries had put on a desperate and ugly new face. Any “friendly” aspects of government seemed to belong to a distant, almost forgotten past.

8.2.3.b. The Creston and Wynndel Irrigation District Guinea Pigs

On May 29, 1984, the Nelson regional headquarters for the ministries of Environment and Forests developed IWMP terms of reference for the Duck and Arrow Creek Category Two Watershed Reserves, which supplied water to greater Creston and Wynndel. This area was another stronghold of community resistance to logging, mining and cattle grazing in watersheds, one that had spanned six decades (documented in Will Koop’s January 2002 case history, *The Arrow Creek Community Watershed: Community Resistance to Logging and Mining in a Domestic Watershed*). Duck Creek had long been protected as a Watershed Reserve, and was re-established as a Reserve by the Community Watershed Task Force in late 1973. The same was true for Arrow Creek, which had been registered since 1941 on successive Forest Atlas maps as a Health District and Game Reserve, along with the notation ***NO TIMBER SALES*** marked in bold capital italicized letters (see Exhibit 78).

Arrow Creek is the water source for the now famous Kokanee Beer factory (which does not make its beer from glacier water, as its advertisements suggest). The public was not allowed to enter this Reserve. From 1984 to 1988 the communities of Wynndel and Creston, represented by irrigation district trustees, tenaciously resisted logging proposals in both Duck Creek and Arrow Creek Reserves. During a long IWMP review process, staff of the ministries of Forests and Environment prevented trustees from playing key advisory roles. But the irrigation district refused to submit, even after the Ministry of Forests announced in 1989 that logging would begin after the IWMP process was completed. The communities of Creston and Erickson collected over 1,200 protest signatures, which Erickson Improvement District Chairman Elvin Masuch personally delivered to Social Credit Minister of Forests Claude Richmond in December 1989. As a result, Richmond declared a five-year moratorium over logging in Arrow Creek, a *Land Act* Watershed Reserve that ironically had already been reserved from logging. (Richmond,

"I fully appreciate your concern for the protection of the domestic water resource in the Creston area. However, I must reiterate that my Ministry is committed to the government's policy of multiple use of resources, while at the same time giving full recognition to the vital nature of your local water supplies. Harvesting programs will be developed to protect water quality and supply.... We look forward to continuing cooperation and input from the Creston Public Advisory Committee." (J.P. Sedlack, District Manager, Kootenay Lake Forest District, to Elvin Masuch, Vice-Chairman, Creston Valley Water Districts Association, July 7, 1981.)

"Therefore be it resolved, that the members of the Creston Valley Water Districts Association, demand that no forestry activity be permitted which in any way affects the water supply of Duck and Arrow Creeks."

(Resolution sent to Forest District Manager John Sedlack, July 4, 1984. Copies sent to provincial ministers and senior managers.)

who was elected in the May 2001 provincial election, recently served the legislature as speaker.)

The communities' concerns were so prominent that in the summer of 1989 the New Democratic Party promised British Columbians that it would protect public drinking watersheds

through legislation should it be elected in the 1991 provincial election. The party's promise generally went by the wayside after it was elected, leaving citizens to fend for themselves. When the moratorium over the Arrow Creek Reserve was lifted in late 1994, NDP Minister of Forests David Zirnhelt announced that logging would proceed in 1995, which led to more public resistance. The Ministry of Forests bulldozed an illegal road into the Arrow Creek headwaters and, in 1997, the Creston Valley Forest Corporation was created and granted a volume-based forest license to log in three Watershed Reserves—Arrow Creek, Sullivan Creek and Camp Run Creek—as well as in the Lister watershed. The government wrongly rationalized this license with recommendations issued by the East Kootenay and West Kootenay/Boundary Land Use Plans that implemented a new concept of Special Resource Management Zones (see Chapter 8.4.4 for details).

Erickson Improvement District

July 8, 1982

Mr. J. P. Sedlack,
District Manager,
Kootenay Lake District,

MINISTRY OF FORESTS

JUL 20 1982

VICTORIA, B.C.

RECEIVED

JUL 20 1982 (31)

MINISTER OF FORESTS

At the District Annual Meeting the following resolution was presented and passed:

" Due to the fact that the Sullivan Creek Watershed has suffered extreme damage from conventional logging and road building, we, the members of the Erickson Improvement District, demand that the B. C. Forest Service refrain from any further proposals to harvest timber by conventional logging methods in the Sullivan and Arrow Creek watersheds" Yours truly,

L. D. Samuelson
(Mrs) L. D. Samuelson,
Secretary to the Trustees.

c.c. M. Isenor B.C.F.S., Creston, B.C.
Public Advisory Committee to B.C.F.S., Creston, B.C.

Water Management Branch, Ministry of Environment, Nelson,
Lorne Nicholson, MLA Nelson -Creston, Nelson, B.C.

Minister of Forests, Hon. T. Waterland, Victoria, B.C.

Deputy Minister of Forests, M. Apsey, Victoria, B.C.

Minister of Environment, Hon. S. Rogers, Victoria, B.C.

Exhibit 77. July, 1982 letter from the Erickson Improvement District to Kootenay Lake Forest District Manager.



Exhibit 78. Forest Atlas map, dated November 15, 1955, showing Arrow Creek Watershed Reserve, Game Reserve and Health District, with the standard disclaimer, *NO TIMBER SALES*. The curved-line marking the boundary of Arrow Creek is shown on the original canvas map in bold blue, the standard color used by the Forest Service to denote all Watershed Reserves. According to Elvin Masuch, the former long-standing chair of the Erickson Improvement District Trustees, the public had ever seen this map before, which was never shown in the 1984-1988 Integrated Watershed Management Plan and public process for the Duck-Arrow Creeks. Had it been provided, it would have created great and controversial interest by local water users. Source: 82G, SW-W1/2, 82F, SE-E1/2.

After a litany of unsubstantiated, distorted accusations by the Cranbrook Regional Health Agency, the provincial government dissolved the Erickson Improvement District (the licensed water user group for Arrow Creek since 1929) in January 2001. A government-appointed receiver was assigned to act on its behalf, its financial assets were frozen, and taxpayers were forced to pay for a \$15-million membrane filtration water treatment plant that the area never even needed. The new water treatment facility will apparently be used to justify the logging that is beginning to occur in the Arrow Creek Reserve by the Creston Valley Forest Corporation.

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

(T.H. Oxland, Nelson Regional Engineer, to Forest Service Creston Forest District Ranger, May 26, 1975.)

8.2.4. Appendix H

On November 30, 1984, P.M. Brady, the Ministry of Environment’s Water Management Branch director and Water Comptroller, released *Appendix H, Policy and Procedure for Community Watershed Planning*, to provincial water users. It was sent out three months before the Environment and Land Use Technical Committee formally approved it and about six months after it had been applied to selected water users in the Nelson Forest Region, who essentially acted as guinea pigs. *Appendix H* was included as a loose attachment to the Ministry of Environment’s October 1980 *Guidelines for Watershed Management of Crown Lands Used As Community Water Supplies*, along with other appendices issued in 1980. In his two-page accompanying letter of introduction, Brady wrote:

Over the years many complaints have been received by various Ministries of Government relative to the impairment of water quality within community water supply watersheds, due to resource use activities. This is inevitable since the Province, by necessity, is committed to a multiple use policy of the resources. . . . it was agreed by the Ministry of Forests and the Ministry of Environment that a policy and associated planning procedure should be developed to provide a documented framework for resource planning in community water supply watersheds.

Brady also referred to “the 280 watersheds involved in the study,” and described how they were broken down into Categories One, Two and Three. But there was no mention whatsoever of the words “Watershed Reserves” in his letter, nor anything describing their protective nature under the *Land Act*. No reference was made to the approximately 150 Category One Reserves destined to become Section 11 *Land Act* Order-in-Council Reserves.

Government revisionists stealthily substituted the words “Community Watersheds” for “Watershed Reserves,” as

indicated by the following quotes from *Appendix H* and its brief “Definitions” section:

This Policy was developed primarily for application in Community Watersheds as defined in this paper. However, it is recognized that there are many watersheds that do not have official Community Watershed status that are licenced for water use and may need planning of a similar intensity. It is, therefore, intended that this Policy would be equally applicable in watersheds other than Community Watersheds where both the Ministry of Environment and Forests deem an Integrated Watershed Planning process to be necessary.

Community Watersheds - those watersheds identified in the publication “*Guidelines for Watershed Management of Crown Lands used as Community Water Supplies.*”

The historic definition of a “community watershed,” in legal terms, was now altered. It can be argued that the *Forest Practices Code Act* of 1995 may have overlooked this definition of Watershed Reserves (see Chapter 9 for more).

Three years after Public Involvement Coordinator Dr. Bruce Fraser conjured the words, phrases and sentences for the first draft IWMP—and after several revisions by inter-ministry staff—the following “Purpose” was revealed in the final 1984 document:

Water quality and quantity are the primary concerns in Community Watersheds. On the other hand, the timber in these same watersheds is part of the supply needed to support a viable forest industry. Therefore, it is generally in the public interest that Community Watersheds be managed for the production of both water and timber as well as for other natural resources.

PLAN AREAS 1985 - 1986	MINISTRY OF ENVI- RONMENT PRIORITY	FOREST DISTRICT PRIORITY
Duck/Arrow (C)	1	K1
Nelson Watershed (C)	2	K2
Dolan/Mt. MacPherson (C)	3	R1
McMurdo Bench	4	I-1
Blueberry/China/Merry (C)	5	A5
Mark (C)	6	C4
Dayton (C)	7	A1
Matthew (C)	8	C1
Duhamel (C)	9	K6
Boivin (C)	10	C2
Galton Range (10 watersheds)	11	C3
Salisbury-Bulmer	12	K4
Giveout-Bulmer	13	K5
NEW PROJECTS 1985-86		
Wensley/Brouse (C)	1	A2
Silverton/Red Mountain	2	A3
Elliott/Christian/Brogon	3	A4
Springer/Ringrose (C)	4	A6
Cummings (C)	5	C5
Hospital Creek	6	G1
Kokanee Creek	7	K3
PLAN AREAS 1986-87		
Perry Ridge (rejuvenate old process)	1	A7
Sullivan (C)	2	K12
Smoky/Falls (C)	3	K9
Russell/Thompson (C)	4	K11
Trozzo/Winlaw	5	A8
Bjerkness (C)	6	K13
Redfish/Liard/Bradley/Queens	7	K8
Arrow (Goat) Mountain (C)	8	K7
Goldie (C)	9	I-2
Lizard (C)	10	C6
Crawford	11	K10
Greely Hamilton (C)	12	R2
PLAN AREAS 1987-89		
Eagle (C)	1	K14
Pass (C)	2	A9
Kindersley (C)	3	I-3
Gorge/Randall (C)	4	C8
Ha Ha	5	C7
PLAN AREAS 1990		
Davis (C)	1	K16
Harrop	2	K15

Forest Districts

A - Arrow
B - Boundary
C - Cranbrook
G - Golden
I - Invermere
K - Kootenay Lake
R - Revelstoke

(C) - denotes status of a watershed as a "Community Watershed"

Exhibit 80. Copy of November 20, 1985, Kootenay Region Watershed Planning Priority List, "prepared jointly by the Ministries of Environment and Forests". As part of Condition 7 of the *Policy and Procedures for Community Watershed Planning*, the "Regional staffs of the Ministry of Forests and Environment will by March 31 of each year, jointly prepare lists for Community Watershed planning covering the ensuing five-year period. This list will provide a basis for coordinating the various Ministry planning programs and budgets."

Under the “Policy Statement” the following self-contradictory sentence appeared: “All Crown land in Community Watersheds will be planned and managed on an integrated resource management basis with priority given to the protection of water supplies.”

In the “Conditions” section, under Point 2, was the following statement:

The process used to prepare an Integrated Watershed Management Plan must provide a basis for deciding the best use or combination of uses for lands within a Community Watershed and how best to manage for those identified uses. This may involve presenting alternative land use patterns that exclude one or more uses on all or a portion of the planning area. However, every attempt must be made to integrate resource uses through the implementation of appropriate management strategies and practices where this will increase net benefits.

8.2.5. Status of the IWMPs

According to an unofficial review of IWMPs in 2000, 16 years after they were implemented, a total of about 30 plans had either been completed or were in the process of being completed. This covers just over five percent of the province’s approximately 570 community watersheds (excluding about 100 community watersheds reliant on spring water sources). This list of IWMPs, which has not been verified, includes community watersheds reserved and not reserved under the *Land Act* (for a list of these

IWMPs and brief comments about their status, see **Appendix F** in this report).

Government’s promise of rigorous IWMP procedures for each *Land Act* Reserve and unreserved watershed has not been honored. According to comments by government staff, the IWMP directive was deliberately shelved in the 1990s and “pushed to the side” by the new *Forest Practices Code* (see Section 8.4 below), even though the policy was never rescinded. Promises made to provincial water users by the 1972-1980 Task Force regarding the creation, protection and public accountability of Watershed Reserves have been disregarded. As stipulated in the “Reserves” section of Volume 3 of the former *Land Management Manual*, overhauled in August 2004 (see Chapter 11.5), “the Guidelines are for the management of Crown lands—they in effect represent agreed policy between the Ministries” (C.J. Keenan, Planning Section, to J.D. Watts, Chief, Planning and Surveys Division, November 20, 1978).

The planning burden and reduced forest harvest associated with responsible drinking watershed management were politically discomfiting for the Social Credit provincial government. In the 1990s, when the New Democratic government came into power, it also began to sidestep intensive planning initiatives with provincial water users, as its predecessor had done. Water users, however, put up a sustained fight against multiple use and integrated resource use in their drinking watersheds, thus disrupting Ministry of Forests’ plans. The government, of course, was well aware of public intolerance over its mischievous plans in the 1980s, but it continued onward unabated, lunging headlong toward its goals.

8.3. The Protocol Agreements

The planning program of the Ministry of Lands, Parks and Housing has direct interface with the planning activities of the Ministry of Forests. The shared interest in the Crown land base is coordinated through integrated planning activities at the regional level and through protocol agreements at the senior policy level. (Section 7.1.1.2, Land-Use Planning, in Chapter 7.1, Ministry of Lands, Parks and Housing, from the Forest and Range Resource Technical Report, Ministry of Forests, March 1980.)

A limited perusal of Lands ministry records (1970s-1990s) reveals at least three apparent “protocol agreements” since the early 1980s between the ministries of Lands and Forests concerning *Land Act* Watershed Reserves. In general, the purpose of the agreements (also called “bilateral” or “inter-agency” agreements) was “to clarify the roles and responsibilities of agencies with regard to planning, administration and management of Crown land and resources” (“Inter-Agency Agreements—General,” *Ministry of Lands, Parks and Housing Manual*, Volume 1, Chapter 1.3, March 31, 1983).

Protocol agreements originated after the Forest Service separated itself from the Lands Department to become the stand-alone Ministry of Forests in 1976 (see Chapter 9.3.2 for the background discussion). This separation is critical

for understanding future ministry skirmishes over provincial Watershed Reserves. As stated in the *Ministry of Lands, Parks and Housing Annual Report* for 1978, the ministry made four initial protocol agreements with the Ministry of Forests to cover the following: “procedure for changeover from grazing leases to grazing licences; administration of Crown range; **planning and administering use of Crown land in Provincial Forests** [emphasis added]; administration of public outdoor recreation” (page 17, *Report for the year ended December 31, 1978*).

These agreements, in turn, had evolved from the May 1976 signing and implementation by four deputy ministers (S. Peterson, Agriculture; J.S. Stokes, Forests; Ben Marr, Environment; and L. Brooks, Recreation and Tourism) of a new resource policy strategy: *Procedures, Information and Organization Necessary*

APPENDIX C:

The Community Watershed Guidelines Committee and the *Forest Practices Code Act*

Text extracted from Part 2 of the BC Tap Water Alliance's 2006 book, *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*.

PART TWO

8. The Battle for Control: the "Lead Agency" Fiasco; Integrated Watershed Management Plans (IWMPs); the Protocol Agreements; the Forest Resources Commission; Crown Land Use Plans, Land and Resource Management Plans (and other Higher Use Plans); and the <i>Forest Practices Code Act</i>	
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8.4.5. The Community Watershed Guidelines Committee and the *Forest Practices Code Act*

A bitter deluge of complaints by BC water users in the late 1980s provoked intense discussions at the annual conferences of the Union of BC Municipalities, and the Union passed a number of resolutions to protect groundwater sources and public drinking watersheds on Crown and private lands. The Social Credit government became sufficiently concerned (again) that it formed an inter-governmental committee to conduct follow-up investigations and a general review. The Inter-Agency Community Watersheds Management Committee began to meet in earnest in early 1990 and broke up in late 1991. In the end, nothing was resolved regarding the concerns brought forward by the Union of BC Municipalities.

In March 1990, the Ministry of Environment provided a four-page, draft terms of reference for the committee, *Provincial Guidelines for Integrated Community Watershed Management*. Its purpose was to “update, revise and expand the 1980 document entitled *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*.” In a section called “Major Tasks,” recommendations were included to:

. . . update Appendix G List of Community Watersheds [the *Land Act* Watershed Reserves]; review all existing, new and proposed legislation (i.e. Environmental Management Act, Water Act) mandates, policies, programs, regulations, standards, controls and guidelines of Ministries involved in the management of land/resource activities in community watersheds; and to **clarify and outline administrative procedures for Crown Lands referral system and use of map reserves and notations** (emphasis added).

This document is intriguing in that formal government references to Watershed Reserves were rare indeed by this time. Also interesting was the reference to Appendix G.

“In preparation for the proposed Forest Practices Code Act, the Community Watershed Guidelines Committee established a new classification system for the provincial community watersheds. It assigned them a new numeric code, surreptitiously merging Land Act Watershed Reserves with unreserved community watersheds.”

With the defeat of Social Credit in the October 17, 1991, election, the New Democratic administration formed another multi-agency community watershed committee, the Technical Advisory Committee, which met in 1992 and 1993. Nothing was resolved there, either, but the new government did achieve some quite insidious accomplishments through this committee. The Technical Advisory Committee “was formed to develop new guidelines for protecting drinking water in community watersheds from the impacts of multiple resource use—logging, road building, recreation, agriculture, etc” (*Community*

Watershed Guidelines, fourth draft, August 2, 1994, page 1-1). It met about 30 times over the course of two years and also held a series of eight or so public meetings across BC in early 1993, when the Land Use Plans were underway. The *Land Act* Watershed Reserves, however, were not mentioned at all during these meetings. Government simply wanted them to vanish and the public to forget about them.

A Community Watershed Guidelines Committee was created through the Technical Advisory Committee and prepared a series of four draft reports, which circulated among government staff in 1993 and 1994. In this latest committee’s 220-page fourth draft report, *Community Watershed Guidelines* (August 4, 1994), it was stated that these new guidelines were to replace the October 1980 Ministry of Environment *Guidelines* specifically created for Watershed Reserves. However, there was no reference to Watershed Reserves anywhere in the August 1994 *Guidelines*. The substance of the final draft was boiled down and incorporated into a 120-page October 1996 *Community Watershed Guidelines Guidebook* under the new *Forest Practices Code Act* legislation. Once again there was no reference to Watershed Reserves. Although the two government committees did discuss the prospect of replacing the Ministry of Environment’s 1980 *Guidelines* for Watershed Reserves, the earlier document was never formally rescinded, just pushed to the side as government agencies conducted their own interpretive planning for reserves and unreserved community watersheds.

In preparation for the proposed *Forest Practices Code Act*, the Community Watershed Guidelines Committee established a new classification system for the provincial community watersheds. It assigned them a numeric code, surreptitiously merging *Land Act* Watershed Reserves with unreserved community watersheds. When they were created, all *Land Act* Reserves had already been provided with numeric codes, which were cross-referenced to Lands ministry files and recorded on BC Lands’ Legal Survey maps. This provision was recognized in the 1993 protocol agreement (see Chapter 8.3.2.), where *Land Act* Reserves were declared to be under the “administration” of BC Lands. This latest deception was necessary because government now wanted it to appear that all 676 community watersheds identified in the August 1994 draft *Community Watershed Guidelines* (see Appendix 1 of the draft, “List of Community Watersheds in British Columbia”) were under the authority of the *Forest Practices Code Act*.

The list of 676 community watersheds in Appendix 1 provided information on Ministry of Forests Region and District, newly assigned code number, name of watershed, area of watershed, GIS map number, water licensee, water licence date and name of ecoregion. No separate column, however, was provided to confirm which watersheds were designated as Reserves. In fact, the 16-page glossary made no reference to Reserves, even under the definition of “protected areas.” **The entire Guidelines document was a complete whitewash. Except for a handful of Sunshine Coast activists and a few scattered**

others, the public was completely fooled by this government maneuver.

The August 1994 *Guidelines* draft provided an interpretation of how provincial “community watersheds,” as opposed to “domestic watersheds,” should be defined and integrated by the new Land and Resource Management Plans (LRMPs). Community watersheds were to be designated as “landscape units” under new “strategic planning regulations,” the objectives of which were to be “consistent with the guiding principles, standards and guidelines for community watersheds as established under the [proposed] *Forest Practices Code*.” For each landscape unit the Ministry of Forests and Ministry of Environment, Lands and Parks were to coordinate a “total resource plan,” which the *Guidelines* defined as a “map-based planning process that designates sensitive and protected areas and designs appropriate long-term resource development within a watershed.” The Forests and Environment ministries’ Total Resource Planning Committee was developing the total resource plans at this time. As explained in the *Guidelines*, Total Resource Plans were to be conducted within “community watersheds” and could include road construction, logging, cattle grazing, mining, recreation, residential development, utility corridors and chemical applications.

The August 1994 *Guidelines* draft did offer some interesting statistics about the 676 community watersheds (though statistics on Greater Vancouver and Greater Victoria’s drinking watersheds were inexplicably excluded). These are presented here (Exhibit 86) from Table 2.1, “Summary of Community

“The Forest Practices Code, which applies to the vast majority of community watersheds, provides significant protection to watersheds. At the present time there are 675 community watersheds on Crown land that come under the Forest Practices Code. The Ministry of Environment, Lands and Parks is working closely with the Ministry of Forests and Forest Renewal BC in prescribing acceptable forestry practices, setting water quality objectives and monitoring water quality within these watersheds. The Community Watershed Guidebook, published in October 1996 by the Ministry of Forests, provides detailed guidance on how forestry activities, including rangeland activities, are to be carried out in community watersheds.”

Cathy McGregor, Minister of
Environment, Lands and Parks,
to Will Koop, Coordinator,
B.C. Tap Water Alliance, April 29, 1997.

Watersheds in BC,” and Table 2.2, “Drainage Areas of Community Watersheds in BC.”

The list of community watersheds in Appendix 1 of the August 1994 *Guidelines* is reproduced in **Appendix H** of this report.

TYPE	Creek/River	Lake	Spring	Swamp	TOTAL
Municipal and Other Waterworks	445	52	82	1	580
Water Users’ Communities	68	4	23	1	96
TOTAL	513	56	105	2	676

Community Watershed Drainage Area (sq.km)	Number of Watersheds	Percentage of Total	Cumulative Percentage
Less than 1	120	21	21.1
1-2	67	11.7	32.8
2-3	34	5.9	38.7
3-5	54	9.5	48.2
5-10	83	14.5	62.7
10-50	126	22.1	84.8
50-100	36	6.3	91.1
More than 100	50	8.8	100

Exhibit 86. Tables 2.1 (above) and 2.2 (below) with statistics on BC’s community watersheds (excluding “domestic” watersheds), from the Ministry of Environment’s *Community Watershed Guidelines* (4th Draft, August 2, 1994). The definition of a “domestic” watershed, in comparison to a “community” watershed, is based on a fewer number of water users for a given watershed. For information and definitions on the domestic watersheds, see the Domestic Watershed Committee’s April 21, 1997 internal report, *Managing Domestic Watersheds in British Columbia. Final Report: Issues and Recommendations*.



Province of
British Columbia

Ministry of
Forests



Notice of Public Review

PROPOSED CANCELLATION OF COMMUNITY WATERSHED

Notice is hereby given that the regional manager of the Cariboo Forest Region is considering cancellation of Michelle Creek in the Quesnel Forest District as a community watershed in accordance with the forest Practices Code of British Columbia Act.

The regional manager is granted authority under Section 41(11) of the Forest Practices Code of British Columbia Act to cancel an area's status as a community watershed.

Maps of the community watershed that is to be cancelled and the proposed order will be available for public review and comment at the Cariboo Forest Region and the Quesnel Forest District for a 60-day period commencing September 15, 1997, and ending November 13, 1997.

Please submit written comments on this proposal to:

Mike Carlson, R.P.F.
Regional Manager
Cariboo Forest Regional
200 640 Borland Street
Williams Lake, British Columbia
V2G 4T1

Written comments may also be mailed or hand delivered to the Quesnel Forest District:

Mike Carlson, R.P.F.
Regional Manager
Cariboo Forest Regional
c/o Quesnel Forest District
322 Johnston Avenue
Quesnel, British Columbia
V2J 3M5

Exhibit 87. Ministry of Forests' notice of cancellation for the Nazko Indian Band's Category Two Watershed Reserve, Michelle Creek, far west of the town of Quesnel. The cancellation order came two months after the Justice Paris *Judgment* regarding the court case concerning Watershed Reserves (see Chapters 9 and 11). Shortly after the cancellation, which allowed the area to be logged further, the Nazko Indian Band's new source of groundwater was found to be contaminated with arsenic. Note that there was no reference to the watershed as a *Land Act* Reserve in the Ministry of Forests' public cancellation notice. Incredibly, the entire Quesnel Water District possessed only three Watershed Reserves, including two Category One Reserves for the village of Wells. Readers should refer back to Exhibit 55, lower left hand corner, to the September 7, 1973, comments of Williams Lake District Forester E.W. Robinson: "Michelle Creek in the Narcosli is the only conflict of note to date. This was resolved by keeping [logging companies] Weirs and West Fraser out of the drainage at this time."

APPENDIX D: REFERENCES TO AND FEATURED ARTICLES ON PROFESSIONAL RELIANCE: BC FOREST PROFESSIONAL MAGAZINE

(Note: the 2008 magazine issues were not reviewed)

March – April, 2003:

Are We Really Ready for Professional Reliance? (By Judy Thomas)

July – August, 2003:

A Bad News, Good News Story (By Van Scoffield); *Professional Reliance Under a Results-Based Code* (By Candace Parsons); *One Step Closer to True Professional Reliance* (By Barry Dobbin); *Write Clear and Measurable Results* (By John Pennington); *Greater Professional Reliance Challenges Foresters' Credibility* (By George Hoberg)

September – October, 2003:

The Changing Face of the Association (By Jerome Marburg); *Professional Independence: An Essential Component of Forestry Practice* (By Peter Marshall)

November – December, 2003:

The Practice of Professional Forestry: How the Definition Has Changed (By Jerome Marburg); *New Continuing Competency Program Benefits the Public, the Profession and Members* (By Jean Sorensen); *Forestry Profession's Social Contract*

March – April, 2004:

Professionals in the Public Eye (By Kevin Hanson); *The Challenge for Professional Associations* (By Wayne Gibson)

May – June, 2004:

Looking to the Year Ahead (By Rick Sommer)

July – August, 2004:

Four Major Initiatives in the Works (By Rick Sommer); *The Forestry Team in a Results-Based World*; *Resolving Professional Differences of Opinion to Improve Professional Reliance* (By Brian Robinson); *It Comes Down to Trust* (By Guy Fried); *Stronger Forestry Team Benefits Public Trust* (By Will Sloan); *Interaction Between Professional Biologists and Forest Professionals* (By Warren Warttig)

September – October, 2004:

Pride in Our Profession and Our Professionalism (By Rick Sommer)

November – December, 2004:

Diverse Activities Help Association Fulfill Mandate (By Rick Sommer); *Voluntary Certification: Consultation Continues* (By Van Scoffield); *Code of Ethics: Time for a Review*

January – February, 2005:

Creating the Tools and Resources to Provide Professional Guidance (By Rick Sommer); *Business Fundamentals: Architecture for Good Forest Stewardship* (By Rick Slaco); *Good Stewardship Makes Business Sense* (By John Drew); *A Forest Professional's Role in Global Corporate Strategy* (By Rob Wood)

March – April, 2005:

The Tip of the Professional Reliance Iceberg (By Van Scoffield)

July – August, 2005:

Enhancing and Supporting Professionalism (By Randy Trerise)

November – December, 2005: *Forest Stewardship Plans – The Professionals' Perspective*; *Getting Your FSP Approved – Perspective of a Delegated Decision Maker* (By Rory Arnett)

January – February 2006:

Implementing an FSP: Where the Professional Reliance Rubber Hits the Road; The Implementer's Guide to the FSP (By Rick Brouwer); *FSP Implementation: Apollo's Approach* (By Darwyn Koch); *Implementing an FSP: Where do We Go from Here?* (By Bernie Banovic); *Professional Guidance to Help Implement FSPs* (By Brian Robinson); *Small-Scale Salvage and Professional Reliance*

March – April, 2006:

Adding Depth to the MOFR (By Bruce Markstrom); *RFTs Must Take Professional Reliance to Heart* (By Ian Emery)

May – June, 2006:

Targeting BC's Most Elusive Creature – Public Views; Assessing Public Views: Take Nothing for Granted (By Kim Menounos); *Changing Public Views* (By Shannon Janzen); *Public Views Creature Not Elusive* (By Mike Nash); *ABC FP Leadership Needs to Make Major Changes* (By W.E. Dumont); *Council Response to: ABC FP Leadership Needs to Make Major Changes* (By Bob Craven)

July – August, 2006:

Incorporating Professional Reliance into the Integrated Pest Management Act (By Colin Buss)

November – December, 2006. Magazine Feature: Unlocking Professional Reliance.

Trust Me! (Or, Why Should I Trust You, Bob?) (By Bob Craven); *Unlocking Professional Reliance; Professional Reliance: Consistently Good Decision-Making* (By Paul M. Wood); *Daily Practices You Can Develop to Be a Better Professional* (By Brian Robinson); *Professional Reliance – It's About the People!* (By Al Gorley); *Professional Reliance – APEGBC's Perspective* (By Peter Mitchell); *Professional Reliance Guidance Papers*

January – February, 2007:

Due Diligence Under the FPRA: Keeping it Real (By Jeff Waatainen)

March – April, 2007:

The Challenge of Expectations (By Ian Miller); *Professional Reliance and the Enforcement of Forest Practices* (By Jeff Waatainen)

July – August, 2007. Magazine Feature: Engaging the Public.

Trust, Risk and Professional Reliance (By Paul Knowles); *Engaging the Public; Public Engagement: Lessons from a BC Forest Capital Community; Engaging the Public: Reversing the Trend on the Ground* (By Frances Vyse); *Engaging the Public on a Larger Scale* (By Sharon L. Glover); *Forest Education in the Okanagan-Columbia* (By Debbie Sluggett)

January – February, 2009

March – April, 2009

January – February, 2010:

Are You Side-Stepping Professional Reliance? (By Michael Larock)

March – April, 2010

May – June, 2010

July – August, 2010:

Professional Reliance Isn't Free (By Brenda Martin)

September – October, 2010

November – December, 2010

January – February, 2011:

Planning 2011: Budget, Strategic Plan and Advancing Professional Reliance (By Sharon Glover)

March – April, 2011:

Making Professional Reliance a Priority (By Sharon Glover)

May – June 2011:

Promoting Professional Reliance (By Ian Emery)

November – December, 2012:

Failure is Not an Option when it Comes to Professional Reliance (By Steve Lorimer);
Perspectives on Professional Reliance (By Brenda Martin); *Cooperation and Common Sense: Professional Reliance in Mackenzie* (By Dave Francis); *What Forest Professionals Think: 2012 Professional Reliance Survey*.

January – February, 2013:

Learning Leadership: The Role of a Forest Professional in the Industry (By Greg Yeomans)

March – April, 2014:

New Professional Reliance Evaluation Tool for Members

May – June, 2014

July – August, 2014

July – August, 2015:

Professional Reliance Advice (By Sharon Glover)

January – February, 2016:

Professional Reliance (By Sharon Glover); *Forest Development Planning and Water in the Okanagan* (By Don Dobson); *How Does the ABCFP Achieve the Public's Trust?* (By Mark Larock and Megan Hanacek).

Documents Published by the ABCFP on Professional Reliance evolved following the establishment of a Professional Reliance Task Force, the establishment of Professional Reliance Regional and District Workshops, a Professional Reliance Steering Committee, and an online workshop: Advancing Professional Reliance in the Natural Resource Sector. According to the March-April 2010 magazine issue, Brian Robinson, RPF, was “the staff lead on all professional development and member relations activities.” The May-June 2010 issue: “Mike Larock, rpf, does all our professional practice and forest stewardship work. He and his committees deal with a huge number or practice issues brought about by the move to professional reliance.”

A number of the documents generated by the ABCFP:

- *Guideline: Definition of Professional Reliance*, September 2004
- *Professional Reliance: From Concept to Practice*, July 2006
- *Applying Professional Reliance Under FRPA*, April 2008
- *Standards of Professional Practice: Guidelines for Interpretation*, January 2010
- *Strategic Direction for Advancing Professional Reliance*, 2010
- *Applying the Principles of Forest Stewardship to FRPA & Professional Reliance*, 2012