

B.C. TAP WATER ALLIANCE

PRESENTATION IN PORT ALBERNI
CHERRY CREEK HALL

by Will Koop, Coordinator

March 24, 2007

For: Save Our Valley Alliance (SOVA)



A HISTORY OF DRINKING WATERSHED PROTECTION IN B.C. AND THE UNITED STATES WITH COMMENTS ON PRIVATE LAND LOGGING

[Note: The following is a brief summary of the 260 power point presentation slides.]



Google Satellite photo, looking southwards along Vancouver Island, with Port Alberni valley and Port Alberni Inlet shown in middle area, with Beaufort Range to the left.

OVERVIEW

Members of the Save Our Valley Alliance (SOVA), celebrating their first anniversary on March 24, 2007, invited the BC Tap Water Alliance (BCTWA) to provide information on drinking watershed protection at the meeting at the Cherry Creek Hall.

Prior to the meeting, members provided me with an informative, introductory tour of the valley, directly north of Port Alberni, where the private timberlands, from which some of the valley residents' drinking water sources are derived, are being managed by TimberWest and Island Timberlands companies.

For the presentation, the BCTWA presented new information on two topics:

- the history of drinking watershed protection in the United States,
- and a recent summary of concerns by BC residents, municipalities, and regional districts since the 1970s on private timberland logging and drinking water sources.

The following is a summary from the power point presentation of about 260 slides (my sincerest apologies for the long presentation).

1. ADVOCACY HISTORY

A summary of background information of the presenter (Will Koop) and his long involvement was provided concerning the struggle to re-protect the Greater Vancouver watershed from commercial logging. It was during this time, in the 1990s, that the presenter began investigating and researching the bigger picture, at both the BC, provincial level, and the North American context, in the United States. Examples of the many reports written about the Greater Vancouver watersheds, and reports for the BCTWA since its formation in 1997, were highlighted.

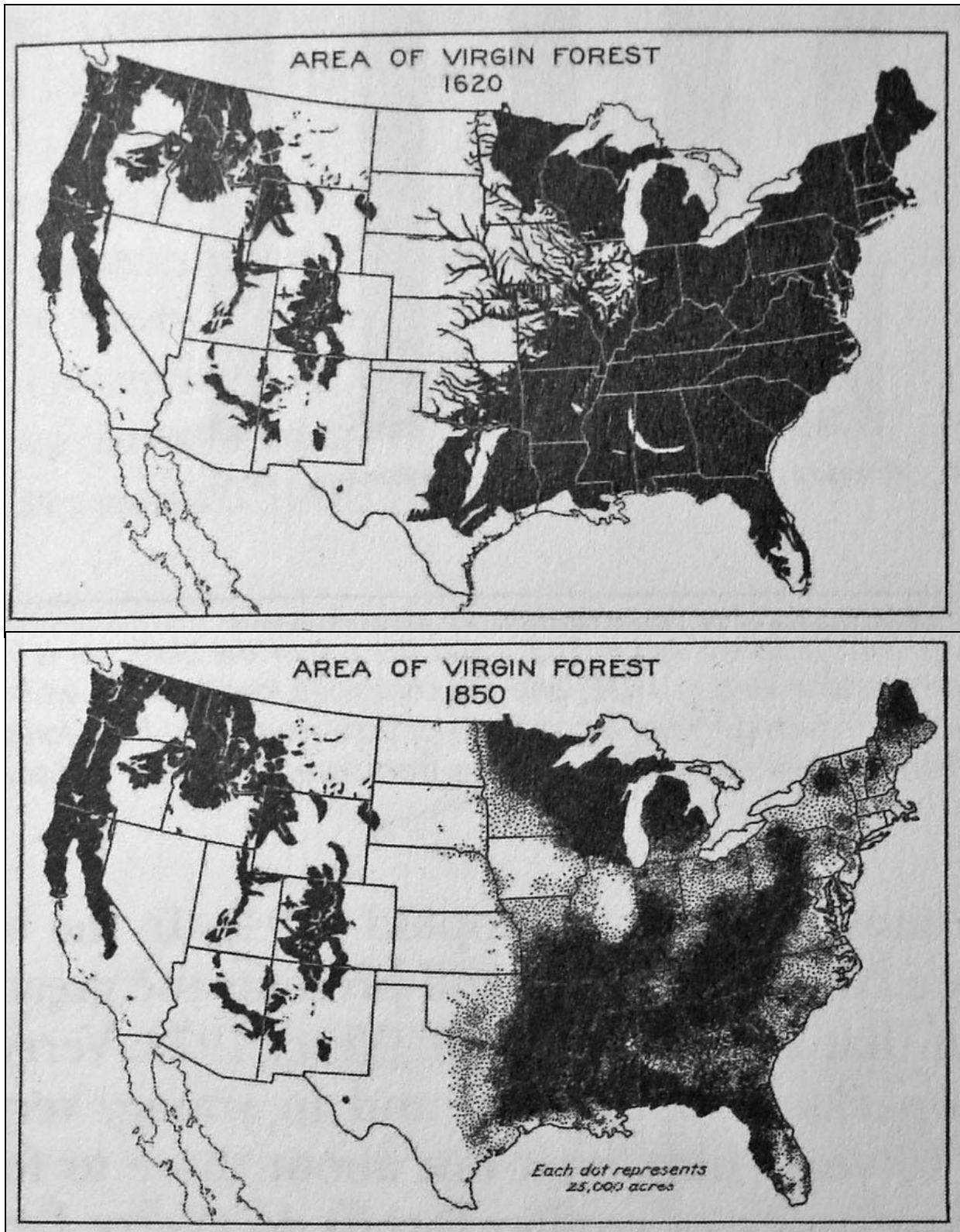
2. LOGGING AND DRINKING WATER PROTECTION HISTORY IN THE UNITED STATES

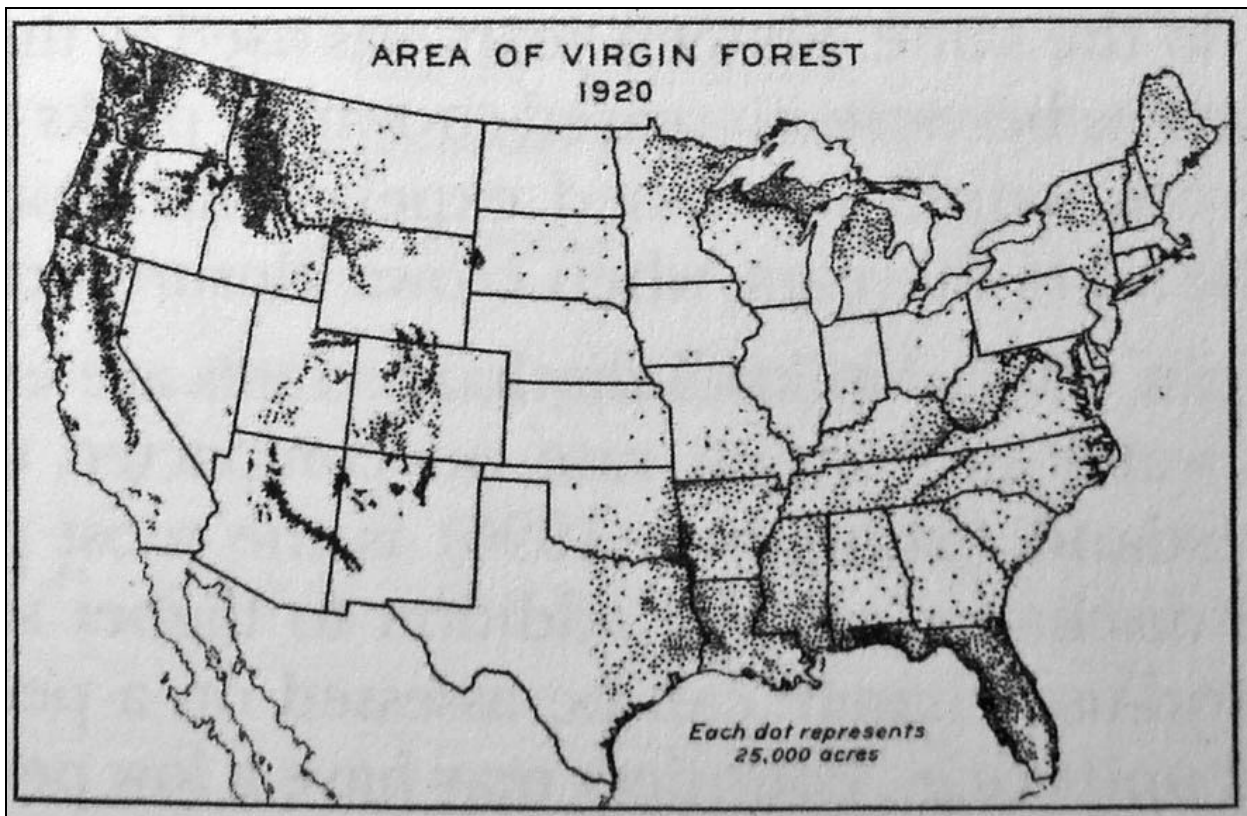
There are a number of books, reports and journals that describe the history of logging in the United States. Notably, the clearcut destructive logging practices, particularly from 1850 to the 1920s, particularly on newly acquired private lands (see pages 3-4 for maps showing this developing pattern). Until the late 1800s, and early 1900s, there were no, or little, federal or State regulations in place on management over private or public forest lands.

A revolution of sorts began as a result, prompted by citizens, academics and professionals to bring order and vision on the conservation of forests. The common theme throughout the US had to do with maintaining "forest cover" (or living forest canopy), with an emphasis on protecting headwater watershed areas (higher elevation, mountain areas), in order to regulate and maintain proper stream flows against flooding and erosion, and to protect public drinking watershed sources.

As Lawrence Rakestraw accurately identified in his 1955 thesis on *Forest Conservation in the Pacific Northwest (1891-1913)*, "**By 1890 the idea that there was an intricate and complex relationship between soils, water and forests was a matter of common knowledge among most of the American people.**"

In 1925, William B. Greeley, chief of the US Forest Service, “documented one of the largest land-use changes in the world when he published maps of virgin forest areas in the United States (1620) and remaining virgin forest areas in 1850 and 1920.”



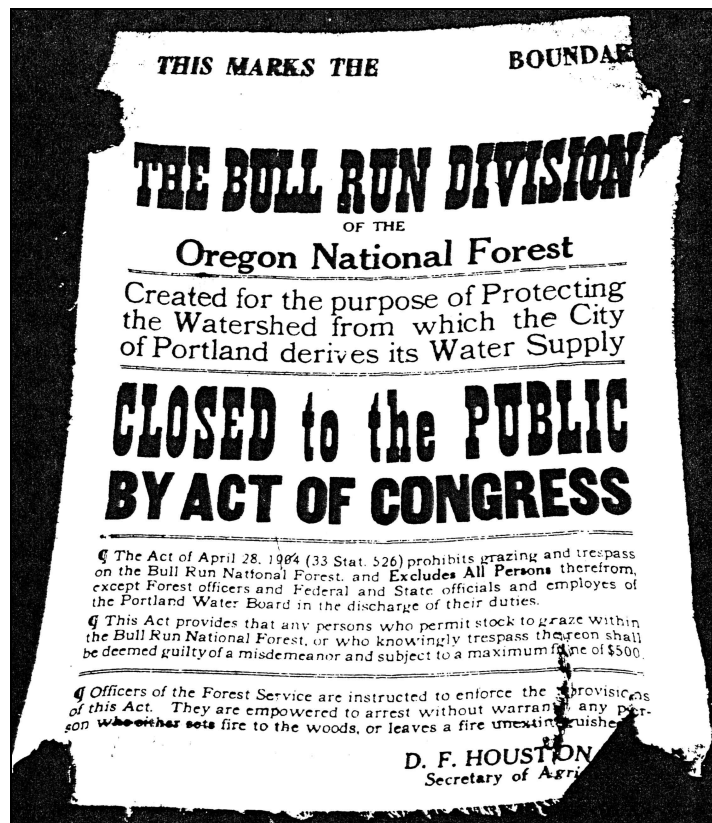
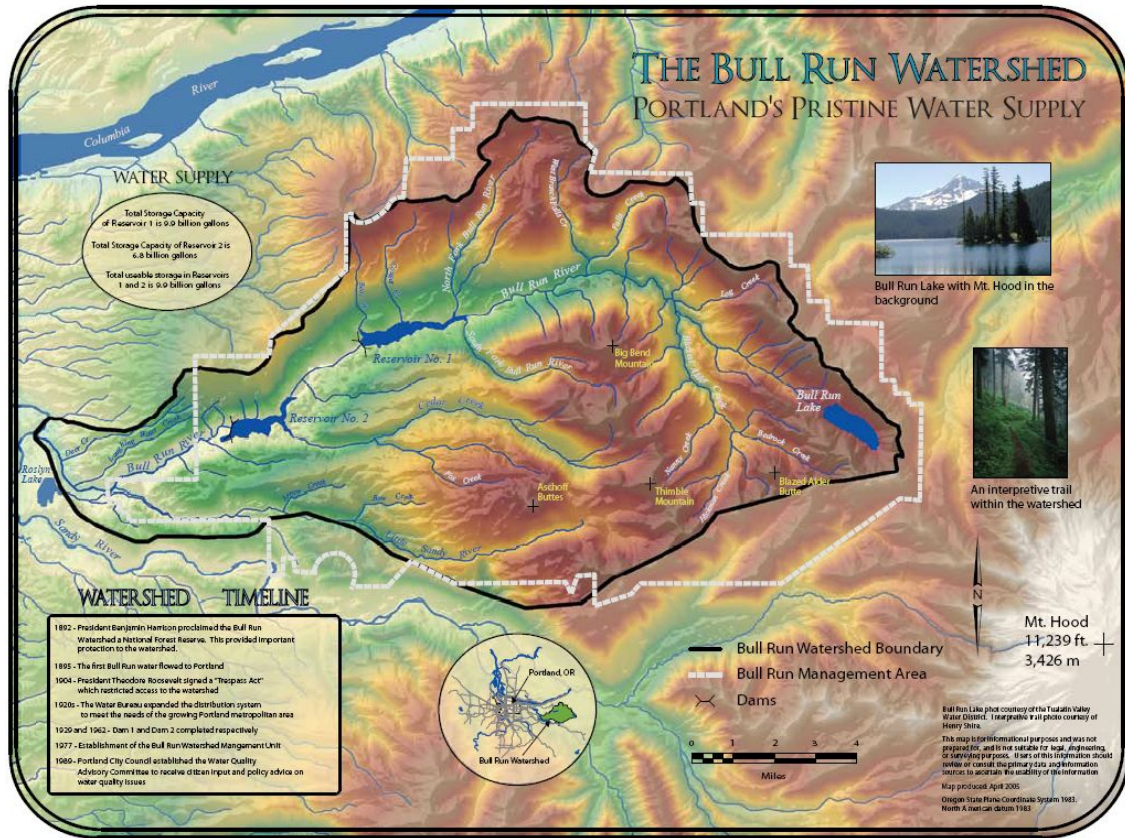


A now famous address on August 21, 1873, by Franklin B. Hough, at a meeting of the American Association for the Advancement of Science. The address called *On the Duty of Governments in the Preservation of Forests*, called for the adoption of new legislation by Congress. Through constant efforts over a period of 18 years, legislation was finally passed in 1891 to begin to address the situation. This first step, through the creation of National Forest Reserves (a name that was changed to National Forests), brought about large public forest land reserves, and later regulations (after 1905) to properly “conserve” forestlands through different programs of protection and careful selective logging.

Between 1891 and 1909, about 200 million acres of National Forestlands were created. And it was within these National Forests that numerous drinking watersheds, especially in the western US, were protected from logging and cattle/sheep husbandry: “With growing cities came the desire to protect the city water supplies against the axe of the woodsmen or the herds of the flockowner” (Rakestraw).

However, from the great many timberlands that were under private ownership in the eastern US, complaints and concerns abounded from cities and towns whose drinking watershed sources were being ruined. By the end of the 1900s, there were over a “1,000 or more forested, municipal watersheds in the Northeast.” At the beginning of the 1900s, municipalities saw the “continuation of extensive forest clearing, ruthless logging, and associated wildfires.... Overland flow and erosion early in the century gave way to protective forest floors with high infiltration. Warm, muddy streams gradually returned to clear, potable water” (Chapter 2, *A Century of Lessons about Water Resources in Northeastern Forests*, pages 19-23, in *A Century of Forest and Wildland Watershed Lessons*). The majority of these drinking sources were soon protected, as the newly replanted, or naturally regenerated, forests began to grow.

THE LEGISLATIVELY PROTECTED BULL RUN WATERSHED RESERVE FOR PORTLAND CITY, OREGON



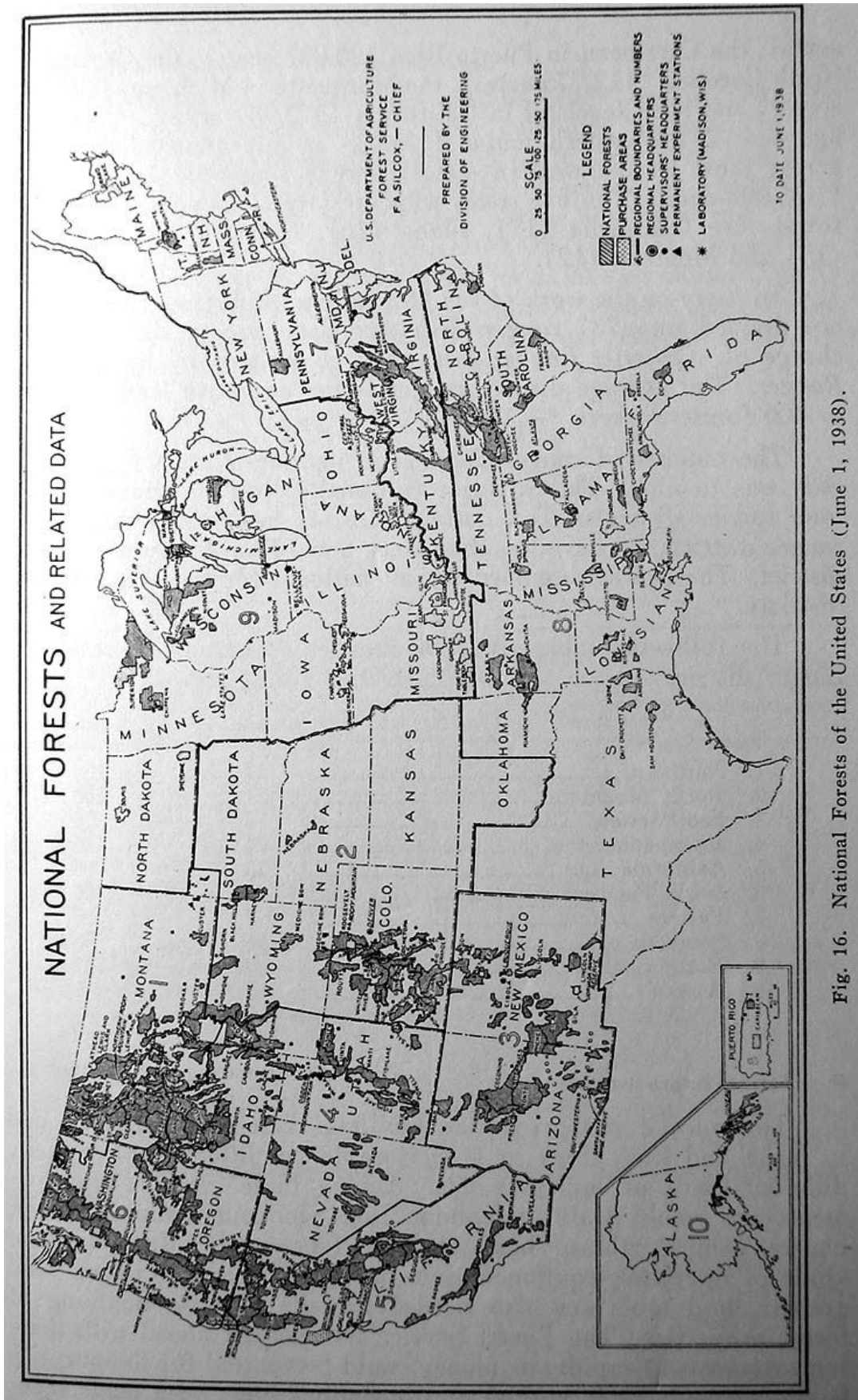


Fig. 16. National Forests of the United States (June 1, 1938).

Map of the National Forest Reserves created after 1891.

In Charles Richard Van Hise's 1910 book, *The Conservation of Natural Resources in the United States*, he states that domestic water supplies were considered the "highest use" of water:

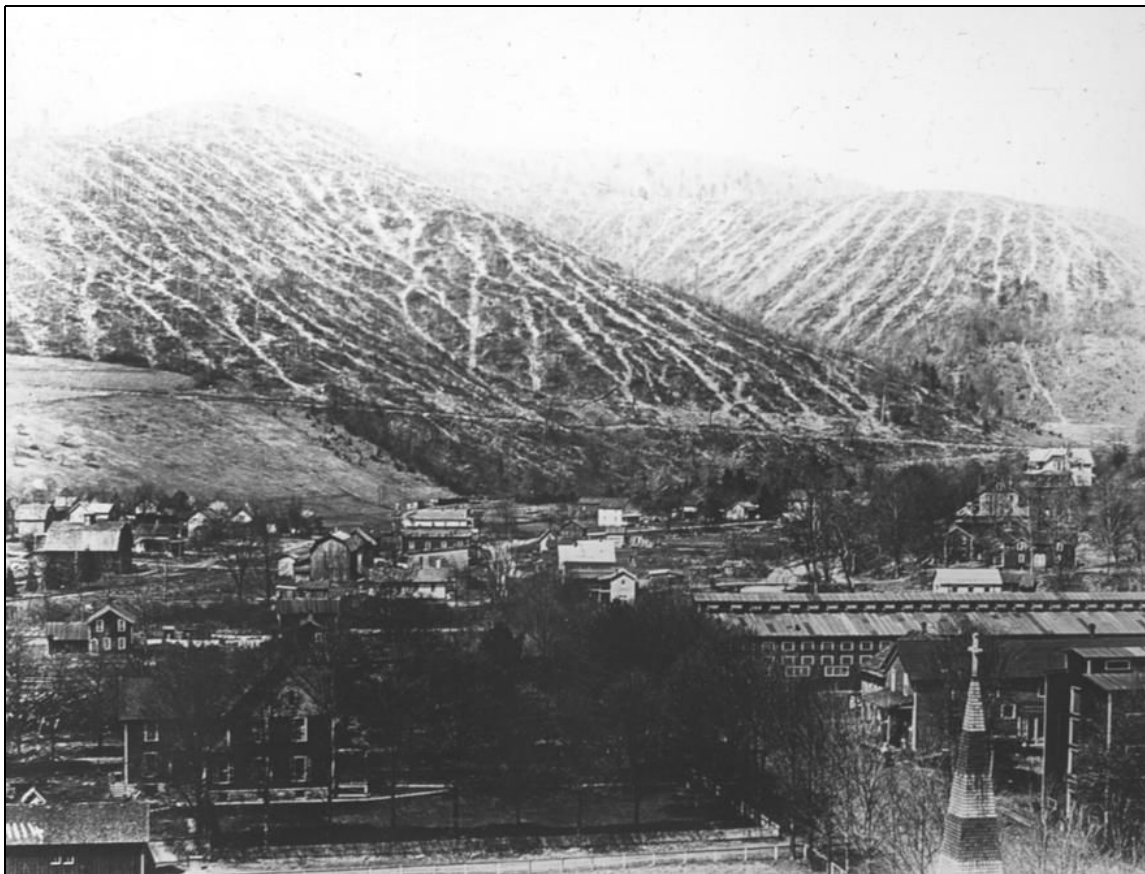
If there is a conflict between the use of water for water supply and any other use, water supply should take precedence.

A similar perspective was also recorded by the Department of Interior's United States Geological Survey (USGS) in all of their early national and state water supply reports:

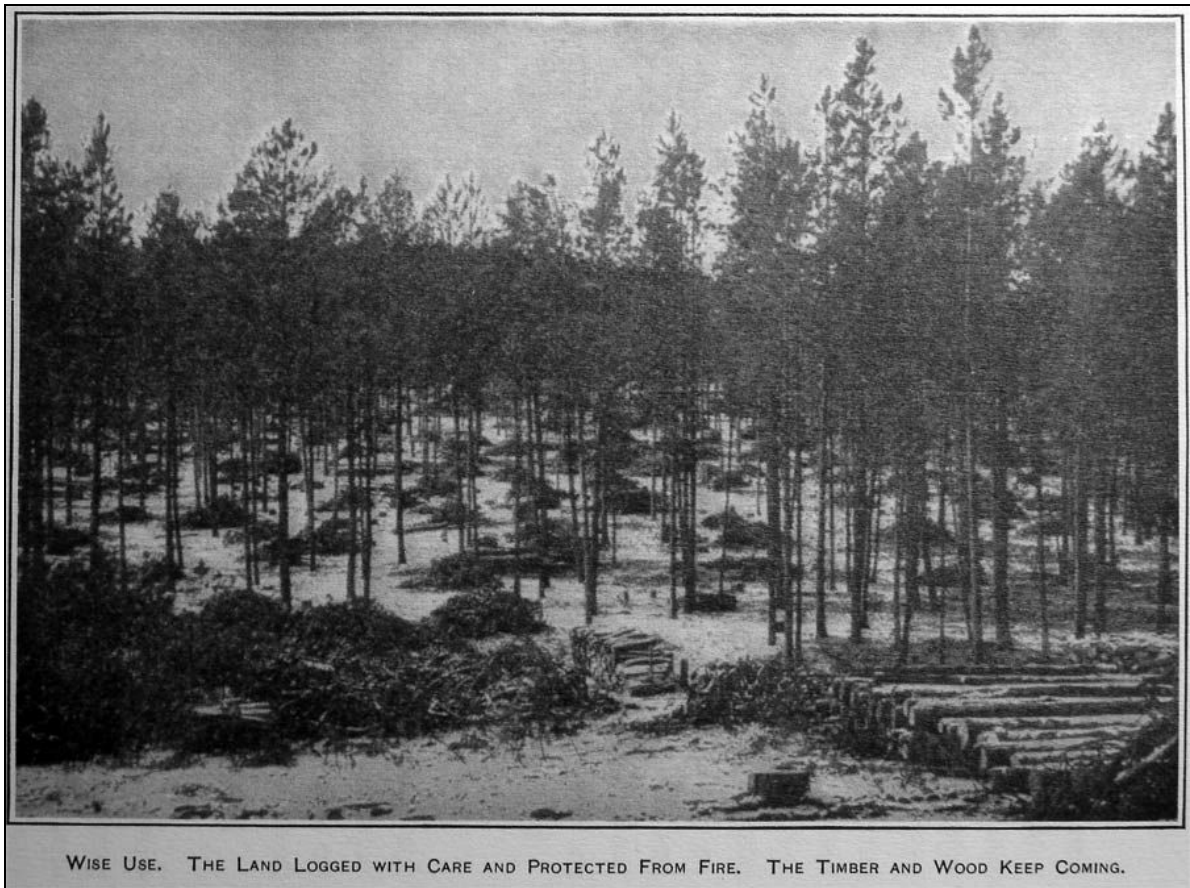
Domestic water supply - The highest use of water is that of domestic supply, and while the federal interest in this aspect of the matter is less direct than in the aspects already named, this use of water nevertheless has so broad a significance with respect to the general welfare that the Federal Government is ultimately concerned.

The USGS also stated, in general, that "water is the most abundant and most valuable mineral in nature."

While the federal government, through the advocacy of foresters in the newly created Forest Service (1905), began to bring law and order, or "scientific forest management", to the nation's forest lands, the majority of private landowners continued to recklessly log the old forests. The continual and strong criticisms by the federal government on private landowners created a long tension and retributive anger by the private landowners.



Widespread Erosion from Forest Harvesting Skidtrails – Pennsylvania (late 1800s)



Selective logging – dominant practice in the National Forests until the early 1950s (Photo from US Chief Forester Gifford Pinchot’s 1907 Handbook, *Use of the National Forests*)

COPELAND REPORT

By 1933, the federal government released what has to now to be considered the most important and objectively-worded report on forest management, a two-volume, 1,650-page document, commonly referred to as the Copeland Report. Its correct title is *A National Plan for American Forestry*.

The main findings of the inquiry made in compliance with the resolution are:

1. That practically all of the major problems of American forestry center in, or have grown out of, private ownership.
2. That one of the major problems of public ownership is that of unmanaged public lands.
3. That there has been a serious lack of balance in constructive efforts to solve the forest problem as between private and public ownership and between the relatively poor and the relatively good land.
4. That the forest problem ranks as one of our major national problems.

The main recommendations, as the only assured means of anything approaching a satisfactory solution of the forest problem, are for:

1. A large extension of public ownership of forest lands, and
2. More intensive management on all publicly owned lands.

THE NATIONAL FORESTS

The national forest enterprise has been the most conspicuous single effort in the development of American forestry.

The great significance of the national forest enterprise lies in the fact that it has been a trial on a grand scale of Federal public administration of a great natural resource in the public interest. This has been a radical departure from the traditional American policy of private ownership of natural resources and their exploitation for private profit.

Opposition to such a radical departure as the national-forest enterprise was inevitable. Violent to begin with and still sporadically recurrent, it is gradually decreasing. In general the national forest concept of Federal administration in the public interest of a great national resource under a policy of integrated sustained yield management has become an accepted fact in public opinion. Although facing many unsolved problems of administration, resource management, and protection, the national forests are an outstanding example of land administration and of public administration of any sort.

Entirely aside from the inherent time element of growing timber, or at least that of high quality, all progress so far made in American forestry has been time consuming.

It has required 42 years from the setting aside of the first national forest from the public domain to acquire and put under administration the 157 million acres from this source. It has required 22 years to purchase 4,727,680 acres of national forests.

The period subsequent to 1910 in public administration has largely been devoted to a consolidation of gains. Practically the entire area has been put under more or less intensive sustained-yield management plans for timber, ranges, watershed protection, recreational and other use, and protection against fire. Methods of administration have been developed and perfected. While the need for improvement in

Under many conditions the forest probably offers the best and cheapest method available for erosion control and stream-flow regulation. One half, or 308 million acres, of the total area of forest is classified as having a major influence on watershed protection and

CURRENT DIFFICULTIES ARE RESULT OF OUR FOREST HISTORY

The difficulties of today are in part the result of the entire history of public land laws and their administration, and of careless and unplanned practices of forest-land use. All the growing momentum of a long-continued and unplanned distribution and liquidation of American forest lands has culminated under the sudden pressure of economic distress, to produce the discouraging situation which the forest landowner and the public are now facing.

To attempt solution of the very real and pressing forest problems by assessing an exact measure of blame on some particular agency or group, or by arguing moral responsibility for improvement of the situation, seems futile. It is well to recognize clearly the steps which have led up to the problem that exists, so that past errors, now recognized, may not be perpetuated.

TO MEET THESE OBJECTIVES REQUIRES NATIONAL PLANNING

LAISSEZ-FAIRE POLICY OF PRIVATE OWNERSHIP HAS NOT SUCCEEDED

Laissez-faire private effort, upon which the United States has largely depended up to the present time and which is avowedly planless from the national standpoint, has seriously deteriorated or destroyed the basic resources of timber, forage, and land almost universally. It has not concerned itself with the public welfare in protection of watersheds. It has felt little or no responsibility for the renewal of the resources on which its own industries must depend for continued existence and much less for the economic and social benefits growing out of the perpetuity of resources and industry. Even in fire protection, its most conspicuous constructive action, the public has largely carried the financial burden.

Private ownership of forest or of agricultural land is responsible for practically all of the critical watershed problems of the East and a substantial part of those of the West. The result is unnecessarily destructive floods, causing damages running into scores of millions of dollars and the wasting away in a few years of the soil resource which will require centuries to replace.

Practically the entire cut on publicly owned forest land is now made with provision for the renewal of the forest (fig. 5), but probably less than 5 percent of that on privately owned land. The cut on privately owned land is more than 70 times larger.

Although the area of publicly owned commercial forest land is only one fourth that of private, 10 times as much public land is being managed under intensive sustained yield timber management plans and about 4 times as much with conscious effort to prolong productivity (figs. 8 and 9).

The combination of forest devastation and deterioration through unwise cutting and uncontrolled fire, excessive grazing of forest ranges, and the clearing and use of submarginal lands for agriculture, singly or in combination, has created critical watershed conditions in nearly every part of the United States. In all of this the lack of knowledge of the inevitable outcome has unquestionably been one factor.

ITS POSSIBILITIES AND LIMITATIONS

The possibilities and limitations of private effort must be judged in part from past results. These have already been outlined and need not be repeated. In general, however, they have been very seriously detrimental to the owners and the forest industries, to the productivity of the forest, and to the public interest. Constructive management is conspicuous largely by its absence, except in fire protection.

The results indicated are so universal that they raise the question if they are not almost inevitable in the system of private ownership particularly under American conditions and expectations for quick business turnover and large profits. The time element, uncertainties as to cost and markets, the absence of practical demonstrations, the lack of traditional knowledge, the general inertia or opposition to radical change in long-established ways of doing things, all contribute to the difficulties standing in the way of satisfactory private forestry.

Disastrous floods, silting of navigable channels, and destructive soil erosion gave impetus to the development of forest policies in numerous countries during the nineteenth century. It was readily recognized that these evils were greatly aggravated by denudation of forest lands in the mountains and along the streams. In Europe policies of alienating public forests, which had been adopted following the French Revolution, were halted. Instead, the public began to extend its ownership of forest lands, largely in the mountains, for the purpose of restoring and protecting the forest cover.

At the same time, governments began to impose restrictions upon the management of privately owned forests, where their preservation was deemed essential for protecting soil and water. As the years have passed, more and more countries have adopted such restrictions, until now the list includes practically all the countries of Europe, as well as Japan and a few others.

The scope of these restrictions varies widely, but in general the laws require that classified protection forests, regardless of ownership, be handled in such a manner that the forest cover will be maintained. Clearing of the land is usually prohibited, and timber cutting and grazing are generally subject to a greater or less degree of supervision by public authorities. The reforestation of denuded land and construction of engineering works to check or prevent erosion or control torrents are commonly provided for, partly or wholly at public expense.

It has been estimated that 1,000 years may be necessary to build up an inch of soil, an amount which often is removed by erosion in 1 year.

Observational studies have shown that destruction or deterioration of the forests is one of the major contributing causes of excessively rapid run-off and destructive floods, and that the presence of the forest retards the rate of run-off, puts the water into the soil and underground channels, reduces the height of floods, increases summer flow, and delivers water free from sediment.

But toward the end of the last century, as wholesale and heedless deforestation spread over more and more of the headwaters of streams used for navigation and for irrigation and domestic water, the accumulating evidence of direct observation forced recognition of the importance of forests in protecting many watersheds. The act of Congress

It is difficult to escape the conclusion that there is nothing in past experience or definitely in sight for the future which gives reason for hope that private ownership can be depended on for anything approaching the contribution to American forestry that has been expected of it during the past 20 years.

The public unquestionably has the right to compel private owners to desist from practices which will directly injure others or the public in general or will destroy or impair the efficiency of forests for watershed purposes. It also has the right to protect itself against waste and social loss resulting from forest devastation even where watersheds are not involved. The right to compel the maintenance of high productivity by means of desirable standards of silvicultural practice is less well established.

The need for higher standards than could probably be compelled is unquestionable.

COPELAND REPORT AND THE REPEATED EMPHASIS ON THE PROTECTION OF PUBLIC DRINKING WATERSHED SOURCES

Emphasis and explanation of "Single Use" or "Single Purpose": To protect drinking watersheds.

SINGLE-PURPOSE MANAGEMENT OF PUBLIC FORESTS

Another formula for the administration of public forest lands demands exclusive attention to a single objective. This concept is exemplified by the national parks, power withdrawals, and municipal watersheds. Reservations of public lands under the single-purpose formula are generally so rigid as to prevent periodic adaptation in management as public needs develop. If the public purpose in reserving and managing wild lands is to preserve, protect, and utilize all of the natural resources that go with the land, then clearly the multiple-purpose formula is best adapted to the vast majority of wild lands. The exclusive-reservation formula has a definite place in public-land management but applies only to areas of outstanding importance or quality where one use has overwhelming dominance. The multiple-purpose formula leaves room for exclusive reservation on limited areas where actually needed.

With some exceptions, such as municipal watersheds, other forest uses need not be excluded for the sake of the protective function.

markets for forest products. A definite aim is also to manage forest lands for values other than timber. Forestry is a coordinated technique, with many purposes and methods. These purposes cannot be attained through accident or through unplanned action. Only conscious, deliberate, and planned forestry can get the highest

FORESTS AND THE WATERSHEDS

Considering the importance to the northeastern States of their municipal water supplies, their water power, and their navigation, and the damages which they suffer periodically from floods and at all times from erosion, the condition of their watersheds with respect to control of run-off is obviously a matter of the greatest concern. The vegetative cover on these watersheds is the one factor in this condition which it appears to be within human power to control.

watershed value. It is particularly significant that many municipalities in this region own watershed forests. In every State communities have acquired part of the land from which they obtain water, and where these lands have required reforestation they have been planted. Some 350 communities in New York now possess municipal forests; New York City has the largest area on its Ashokan Reservoir drainage. Glens Falls has planted more than 2 million trees on the denuded land acquired as a city watershed. Cities and towns in Massachusetts own over 50,000 acres of watershed forests. Forty towns in Vermont possess municipal forests, largely for watershed protection. Newark,

tically all the smaller towns and cities obtain their water from forested watersheds. Most of these municipal watersheds are within national forests and have been set aside as special reserves on which other uses are restricted or entirely eliminated. The larger cities have developed water storage for dry periods. The pure, clear water from the heavily forested slopes is ideal for municipal use and for long life of storage reservoirs.

CANADA AND BRITISH COLUMBIA

The conservation forest policy in the United States, which included the protection of Municipal and Community drinking watersheds, and which was being worked out from the early 1890s to the early 1900s, had a strong influence on similar legislation and policies adopted and established in federal and provincial legislations, especially in British Columbia. Canadian legislators had close ties and meetings with US legislators during this time.

For instance, during the review process of BC's first Forest Resources Commission, 1909-1910, in 1909:

On the 26th, 27th and 28th days of August your Commissioners attended the National Congress on Conservation of Natural Resources in Seattle; at which they met Mr. Gifford Pinchot, the Chief Forester of the United States, and held discussion upon forest matters.

Other meetings, in November 1909, were held in Ottawa with federal legislators, in Toronto with former US Forest Service Chief Fernow, and in Washington D.C. with Forest Service Chief Pinchot and other Forest Service staff.

The BC government also hired the services of a US expert to help set up BC's forestry administration.

EXPERT ADVICE

Under the Hon. Gifford Pinchot, the practical organization of the United States forest service had been accomplished by Mr. Overton W. Price, now vice-president of the National Conservation Association. Mr. Price was recognized as one of the very foremost experts of the conservation movement, and the Government, after months of search for the best available talent, was glad to announce the engagement of Mr. Price in an advisory capacity as consultant forester to the Province. It was also a matter for congratulation that the Hon. Mr. Pinchot had taken so keen an interest in our forestry problems that he was coming to British Columbia on his own account to overlook the field with Mr. Price. Quoting from a letter

As with the United States legislators, the Commission also adopted the importance of protecting headwater sources – “the maintenance of forest cover, water supply, regulation of river flows, prevention of soil erosion and landslides.”

The permanence of the merchantable forest is, however, not the only question to be considered in the problem of re-forestation. Much future development in the Province will be directly due either to irrigation or to the utilization of water power. These in their turn will depend upon the maintenance of forest cover upon the mountain slopes,—the cover that holds up the snow and holds back the floods, sustaining a spongy soil for the storage of the water supply and the regulation of the flow of rivers. Your Commissioners are glad to observe that the dedication of permanent Forest Reserves at headwaters is already receiving attention from the Government. The protection from fire of these Reserves and also of all forest growth at high altitudes should be a serious duty of the Department of Forests, not only for the sake of the water supply but also for the prevention of soil erosion and of catastrophes, by land and snow slides, such as those that marked the spring of 1910.

These concerns, to protect forest cover, protected drinking watersheds, the prevention of soil erosion, were the responsibility of BC's Chief Forester:

It should be the duty of the Chief Forester to advise with, and act under, the Chief Commissioner of Lands and Forests in all matters affecting the forest interests of the Province. Under that Minister he should direct the Forest Department in the management of all Crown timber lands; in the control and development of methods of protecting forests from fire and other damage; in the regulation of the cutting of timber and the prevention of waste; in the care for, and maintenance of, forest cover and the prevention of soil erosion; in the preservation of the young growth that is the future timber supply; in the replenishing of depleted forest regions; in the maintenance of timber areas permanently dedicated for park or other purposes, and in all other work of the Department.

“Forest reserves constituted in the manner provided in this section shall be under the control and management of the Minister for the maintenance of the timber growing or which may hereafter grow thereon, **for the protection of the water-supply** [emphasis added], and for the prevention of trespass thereon.” (Provincial Statutes, 1912, *An Act respecting Forests and Crown Timber Lands, and the Conservation and Preservation of Standing Timber, and the Regulation of Commerce in Timber and Products of the Forest*, Section 12-2)

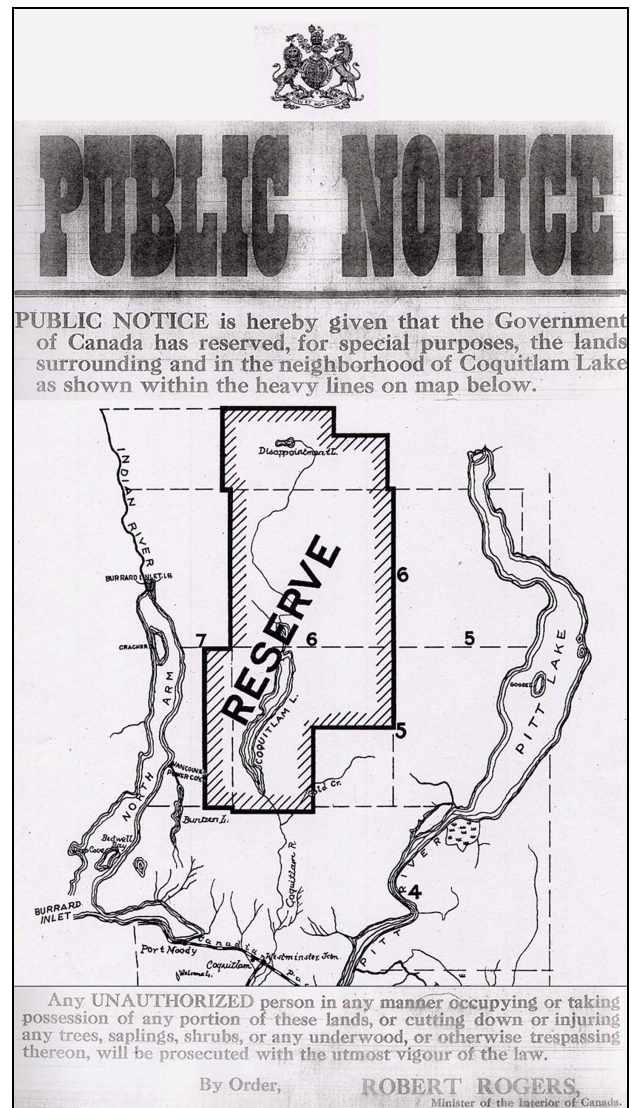
From the early 1900s, BC set up legislation under the *Land Act* to protect the public's drinking watershed sources. For instance:

- The establishment, through powers of the *Land Act*, of early Watershed Reserves in Greater Vancouver's watersheds, Capilano (1905) and Seymour (1906), preventing any licensing dispositions
- New provision in the *Land Act* of 1908 – to grant municipalities 999-year leases over Crown land watersheds for their long-term protection
- A 1910 Federal Order-In-Council for the protection of New Westminster City's water source, the Coquitlam Watershed

**Federal Order-in-Council P.C. 394
March 4, 1910**

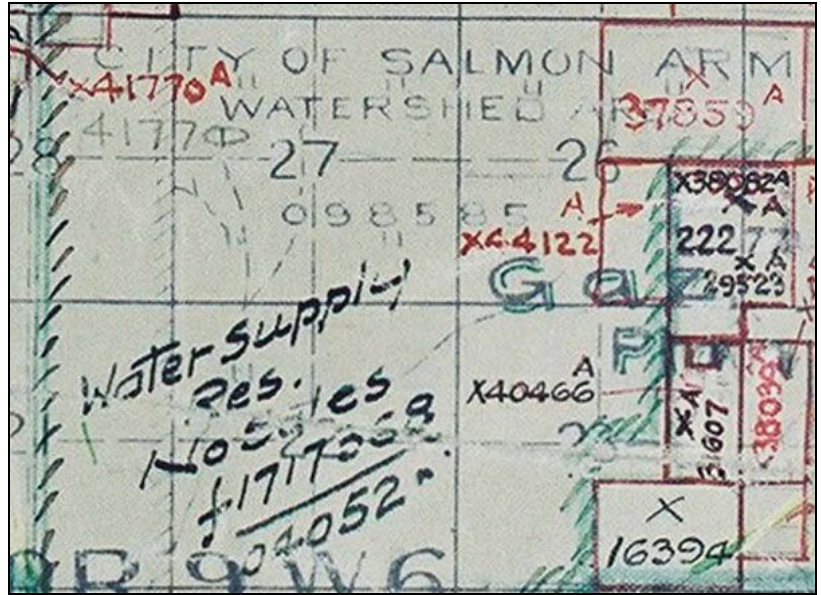
And Whereas an engineer of the Department of the Interior after a personal inspection, reports: The water supply of the City of New Westminster and the increasing requirements of the Vancouver Power Company for water for power purposes **renders necessary the conserving and protection of the forest cover on all land draining into Coquitlam lake in order that the run-off may by gradual and constant.**"

Therefore His Excellency in Council, in view of the Report made by the Departmental Engineer, in view of the necessity for the protection of the water supply of the City of New Westminster, and in view of the necessity for conserving and regulating the run-off of the said watershed is pleased to Order, and it is hereby Ordered, that the land described above, excepting thereout the land sold and to be sold and leased to the Vancouver Power Company for the purposes of its development, **shall be reserved from all settlement and occupation and the timber thereon shall be reserved from sale...."**



“It is needless for me to expatiate here upon the now well informed doctrine relating to the protection of municipal water supply.” (July 17, 1915, *Survey of Watershed of East Canoe Creek, in Connection with Salmon Arm Water Supply*, by E.M. Dann, federal hydrographic survey engineer.)

August 2, 1940 BC Forest Service Forest Atlas Map, showing the Watershed Reserve for Salmon Arm’s water supply, Canoe Creek. Note the **“No (timber) Sales”** proviso.



THE GREATER VANCOUVER WATERSHEDS PROTECTED IN 1927 THROUGH LAND ACT LEGISLATION GRANTING A 999 YEAR LEASE

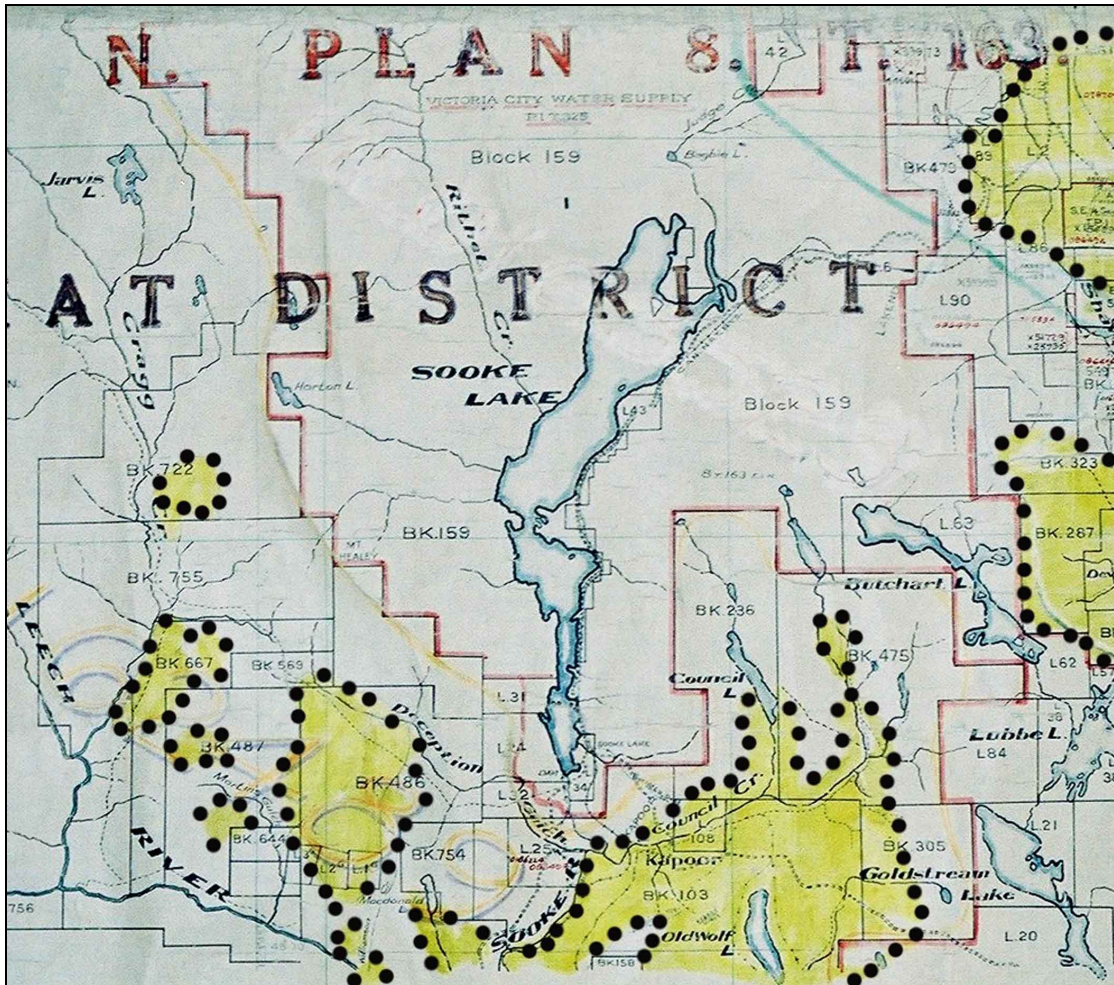


The District's policy is to preserve all the timber both commercially loggable and otherwise in the watersheds for the conservation of the run-off and to preserve the area from human occupation either temporary or permanent.

I would not attempt to set a value on the watershed lands in the Coquitlam, Seymour, and Capilano watersheds as they constitute an almost invaluable asset of the District permitting the complete and entire control of the purity of the water supply for all time so that neither now nor in the future will filtration or sterilization of the water be required.

The District is as completely protected as the laws of the Province will permit in the enjoyment of what amounts to exclusive rights to all the water.

(E.A. Cleveland, Greater Vancouver Water District Commissioner, correspondence, November 30, 1936)



Victoria City’s drinking Sooke Lake and adjoining watersheds were formerly unlogged and protected (the yellow shading shows the logging outside of the watershed – forest atlas map of 1949).

In June 1936, the City of Victoria’s Mayor and Council advertised 7,721 hectares of the Sooke watershed forests behind the City’s water intake for sale, conservatively estimated at 855,000 cubic metres of timber, to be removed under what the City presumptuously called “selective” logging over a period of ten short years. However, the City’s two legal advisors stated, that in order to sell the timber the City would have to seek legislative permission from the provincial government.

The principal reason as to why Victoria City’s 1936 proposal was rejected was because of **strong opposition testimony by the Victoria Lumbermen Association’s** president G.H. Walton and executive officer J.O. Cameron during preliminary hearings by the Private Bills Committee. The Victoria Lumbermen’s Association said it “was a wrong move on the part of the municipality to do anything that would endanger the water supply of Greater Victoria and that the contract proposed was not in the interest of the city.”

SEATTLE CITY CEDAR CREEK WATERSHED – THE INVASION BEGINS

A February 1944 report, commissioned through Seattle City's Water Department, announced that "sustained yield logging" in its Cedar River drinking watershed was injurious and beneficial to city residents. Previous to its release, politicians and residents were campaigning to protect the Cedar River drinking watershed from logging.

On February 4, 1944, the Commission released their 100 page report, *Report on the Water Supply and the Cedar River Watershed of the City of Seattle, Washington*, and made the following recommendations:

1. Quality of water furnished the City is generally excellent;
2. Logging operations have had no discernible effect upon precipitation, run-off, or quality of water;
3. Continued logging operations will not alter the volume, quality or character of Cedar River water. Future logging should be controlled upon sustained yield basis for benefit of maximum timber production.

The timing of the report's release in early February, combined with the prominent reputation of the report's authors, were responsible for curbing the proposed Seattle City referendum to stop logging in the upcoming March municipal election.

As a result, an agreement for sustained yield logging in Seattle's water supply was made the following year in 1945 with forest companies Weyerhaeuser, Anacortes Veneer, and Soundview Pulp.

Seattle's Water Department widely circulated the report in 1944 to public libraries, forestry schools, universities and forest companies in the United States and Canada, to U.S. Health Departments, the U.S. Department of Agriculture, engineering schools, forestry journals, Seattle clubs, municipalities, regional and church newspapers, institutions, judges, court houses, U.S. City Waterworks Departments, union organizations, and **even the Greater Vancouver Water District.**

The Cedar River Commission report even reached the attention of the Gordon Sloan Forestry Commission hearings in BC in early 1944, and became an energized focus of the local timber industry lobby group in Victoria **to support an initiative for a logging program in Victoria's protected municipal watersheds.** It was reported in the newspapers in 1949 "the successful Cedar River watershed project undertaken by Seattle will be a guide of considerable value" to "farm" Victoria's watershed forests, because to do so otherwise, "if left beyond maturity, becomes a wasted asset."

By 1948, under cooperation of the Washington State forest industry headquartered in Seattle and Tacoma, Seattle Water District's forester Allen E. Thompson, as the industry's messenger, began a public relations crusade that advocated "dual use" and "multiple use" in community water supplies over the following fifteen years.

Thompson composed many articles for magazines and forestry journals: such as *A City Guards its Water - Seattle Proves Forestry to be Good - and Profitable - Watershed Management*, for the American Forests Journal in June 1948, the magazine of the American Forestry Association; and again in November 1963, *Timber Management - Yes! and Recreation Management - No!*; and in the April 1960 American Journal of Forestry, *Timber and Water - Twin Harvest on Seattle's Cedar River*

Watershed. In 1958, *City Harvests Logs and Water - On Seattle's Cedar River Watershed*, was reproduced through courtesy of the Western Conservation Journal by the West Coast Lumberman's Association. He also wrote for the Timberman magazine, and for the Yale University Forestry News.

ALLEN THOMPSON RECEIVES TWO AWARDS

1. 1955 – 34th Washington State Forestry Conference – resolution

WHEREAS national attention has recently been focused upon the importance of water and timber resources throughout the country, and WHEREAS water and timber are vital to the economic welfare of this State, and the Cedar River Watershed is an **outstanding example of how water and timber can be jointly managed and harvested** for maximum production of both resources, NOW THEREFORE BE IT RESOLVED by the Washington State Forestry Conference here assembled, that the City Administration and the Seattle Water Department be commended for the excellent management of these resources on the Cedar River Watershed, and further, that the Washington State Forestry Conference particularly commends the forest management of your forester, Allen Thompson.

2. 1958 – American Forestry Association Distinguished Service Award

In 1958, the Seattle Water District, with letters of endorsement from professional foresters, nominated Allen E. Thompson for the American Forestry Association's *Distinguished Service Awards in Forest Conservation*. W.D. Hagerstein of Portland, a forest engineer and Managing Director of the Industrial Forestry Association, wrote: "**The Seattle Water Department has accomplished one of the outstanding jobs of multiple use forestry in the world.**"

THE GORDON SLOAN FOREST RESOURCES COMMISSION (1944-1945)

The 1944-1945 Sloan Commission on BC's Forest Resources, established by authority of the 1936 *Public Inquiries Act*, was guided by the Provincial Executive Council's Terms of Reference that included investigating the following mandates:

- (1) The extent, nature and value of the forest resources;
- (2) The conservation, management, and protection of these resources;
- (8) The relationship of the forest to soil conservation;
- (9) The maintenance of an adequate forest-cover with a view to the regulation of moisture run-off and the maintenance of the levels of lakes and streams.

The issue of fresh water sources and their interrelation with commercial logging methods was a central and persistent theme throughout the Hearings. They included domestic drinking water supply sources, irrigation water supply sources, impacts to salmon habitat, logging within drainages behind hydroelectric dams, and to collective impacts of commercial logging to river channels.

Given the nature and scope of the new directives for sustained yield forest management, along with previous forms of clear-cut logging, the issue of water runoff and consequential outcomes from forest management policies was therefore a central and significant issue, i.e.:

The inquiry by the Commissioner on Forest Policy has forcibly brought out the question as to the desirability or otherwise of the forests in the relation of water supply into the reservoirs which are used to provide water for irrigation."

DRINKING AND OTHER WATERSHED PROTECTIONS

“A tree may be of more real value in place in the forest than when converted into lumber.” (Sloan Commission on BC Forest Resources, 1945, page 147)



Working-circles created for the perpetuation of the forest-cover for purposes other than production of timber fall into a special category. I refer for instance to watershed protection and other multiple forest uses. A tree is a plant and to secure an economic return from the soil producing its growth the tree must be harvested. At the same time it must be kept in mind that a tree may be of more real value in place in the forest than when converted into lumber. The difficulty lies in striking a balance between these two values.

On a working-circle designed to produce wood for conversion into usable products a balance between cut and increment is the determinant factor. Such, however, should not be, for instance, the test for logging a watershed upon the run-off from which irrigation or other water systems are dependent for their water-supply. Logging of working-circles of this character, especially in the Interior, calls for special study and the application of logging methods best suited to the maintenance of the area for its paramount economic use and value.

THE AMERICAN WATER WORKS ASSOCIATION AND THE FOREST INDUSTRY

“In the development of past research, the service has not worked particularly closely with the water supply engineers and watershed managers... **the time has now arrived when the Forest Service and the Association should get together.**” (E.N. Munns, Chief of the Forest Influences Division, US Forest Service, May 1946 AWWA conference)

The American Water Works Association, through its Journal, helped promote the invasion of protected drinking watersheds in the United States. Foresters were able to gain foothold support from key Association engineers, who in turn began to influence the remaining engineers, who were administrators with State and Federal water works Departments. It began in a serious way in 1945, following a February 1944 controversial report on logging in Seattle City’s drinking source, the Cedar River watershed.

The issue of promoting “forest management” activities has continued since that time with the AWWA. Over the last few years, the AWWA has turned its attention to promoting SOURCE PROTECTION, but it has failed to define what side of the fence it is on.

Should Your City Have a Municipal Forest, an article in the AWWA Journal, July 1946, by George A. Duthie, Head of the Section of Community Forests, the Division of State Co-operation, U.S. Forest Service:

“Many American cities have land which they are holding for watershed protection or some other protective use on which the growing of timber will in no way interfere with the original purchase of ownership. Yet a large part of this land is not under forestry management. The owners spend what is necessary to protect the areas from fire or trespass but make no attempt to step up the quantity and quality of the tree growth. Here is a potential source of timber which should be developed in the national interest; it should also be done as a matter of developing a source of income to the community.

Now that the country is faced with the problems of procuring its timber requirements through regrowth of its forests, the share that municipal forest lands can contribute becomes a matter of major importance. If all this land were under careful forestry management, comparable to that accorded the municipal forests of Europe, there would be building up in this country valuable forestry properties with inventories of growing timber that would rival the world-famous European forests.

In this reconstruction period, there is beginning a new surge toward better forestry which has its objective better homes, better communities and better living. Those who have the responsibility for civic policies should consider well whether the time has not arrived to join their resources in this important movement.”

The outcome of the concentrated efforts that largely emerged from Washington State in the 1940s and 1950s by the timber industry and its AWWA supporters was the creation of new buzzwords and catch phrases such as “watershed management” and “watershed protection”, to promote the concepts and applications as congenial to find widespread approvals for logging within municipal and community watershed sources.

There was also a closely associated program initiated by the United States Timber Triangle to facilitate experiments and studies, i.e., the discipline of forest hydrology, to gain further support for this controversial subject, which was then dissipated and incorporated into other academic disciplines.



February 1952 - a small group of foresters at the Fifth Annual BC Natural Resources Conference, held in Victoria, BC, passed an infamous resolution.

H.J. Hodgins (far left) was the consulting forester in charge of preparing a controversial forest management plan for Victoria's formerly protected drinking watersheds.

Whereas the primary purpose of watershed areas, where surface water is impounded for domestic and industrial water supply, is the production of a continuous supply of water; and
Whereas controlled watershed use, **rather than the maintenance of full virgin forest canopy**, has the advantageous values for water supply development; and
Whereas the controls and protection required for the water supply against potential or actual sanitary and fire hazards and erosion are required, whether logging is or is not practiced; and
Whereas conservation means use and management of a resource and, in the perpetuation of the forest resources, places emphasis on forest management on a sustained yield basis; and
Whereas endorsement of the plan by those best qualified to judge, i.e. professional engineers and foresters and other technical men concerned with the resources of a watershed, is tantamount to guaranteeing that the plan provides for all the factors that govern proper use of land;
BE IT RESOLVED that this Conference endorses a programme of forest management on a sustained yield basis for watershed lands where surface water is impounded for domestic and industrial water supply. (Resolution No.9, proceedings of the Fifth Annual B.C. Natural Resources Conference, February 29, 1952, page 336)

BY THE EARLY 1960's IN THE UNITED STATES, THE INVASION IS ON FULL TILT

The quote below is from Robert S. Pierce, Project Leader, Watershed Management Research, Northeastern Forest Experiment Station, USDA Forest Service, Durham, New Hampshire. Quote from his written presentation, *Water-Quality Problems Related to Timber Culture and Harvesting*, for the Municipal Watershed Management Symposium, November 9-10, 1965, University of Massachusetts.

Until a few years ago the policy that dominated municipal watershed lands was one of protection—either reservation or preservation, exclusive of all other uses. Such policy prevailed because of the fear that other uses of the land might prove detrimental or disastrous to the production of high-quality water. Without information to the contrary, municipal landowners or their managers were reluctant to try management practices other than protection.

THE TRANSITION FROM SELECTIVE TO CLEARCUT LOGGING AND INCREASED ROAD CONSTRUCTION AND ACCESS IN US NATIONAL FORESTS

By 1953, with the election of Republican President Eisenhower, the private forest industry, through its lobbyists in Washington D.C., were able to significantly interfere and alter federal public policy on the administrative management of national forest lands. By doing so, federal administrators were no longer able to criticize private forest land managers who were still liquidating their forest lands and doing so with little foresight for water, wildlife and fish concerns. This history is well researched and articulated in Professor of History Paul Hirt's 1994 book, *A Conspiracy of Optimism*. The struggles between private land owners and public land owners is longstanding, still playing itself out.

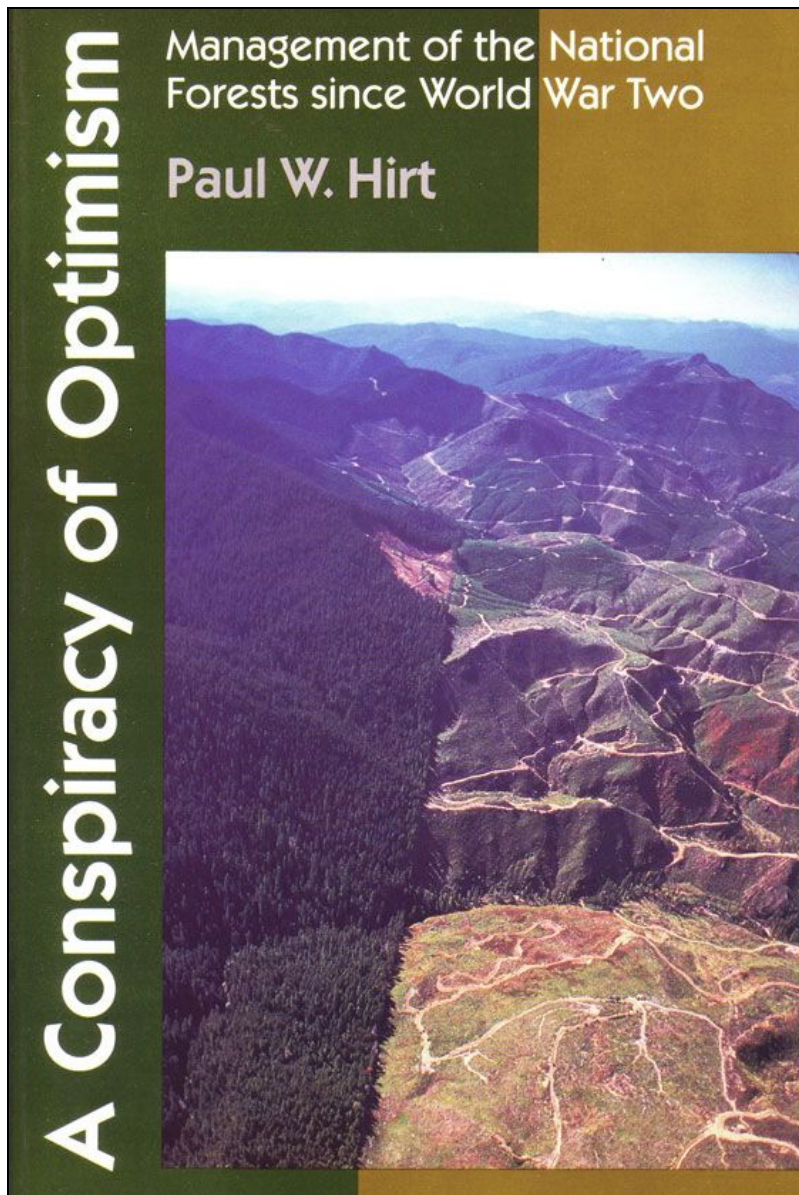


Photo on cover of Paul Hirt's book demonstrates the battle drama between private and public forestlands: Gifford Pinchot National Forest to the left, and private timber lands to right, Washington State. By the late 1980s, much of the Pinchot National Forest lands were logged.

In 1960, the Legislature (Social Credit Cabinet) changed the wording in Section 12 of the *Forest Act*

THE ORIGINAL VERSION WAS CHANGED

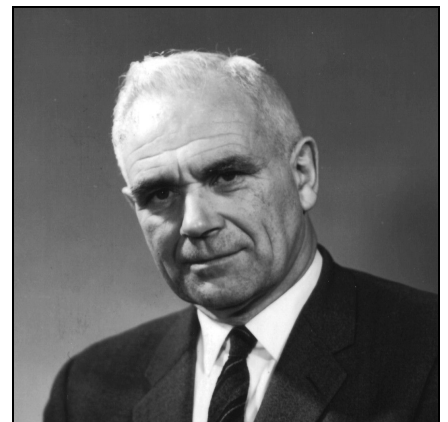
FROM THIS

“Forest reserves constituted in the manner provided in this section shall be under the control and management of the Minister [of Lands] for the maintenance of the timber growing or which may hereafter grow thereon, **for the protection of the water-supply**, and for the prevention of trespass thereon.”

TO THIS

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

At the end of 1960 - the same year that Section 12 of the *Forest Act* was revised in B.C. to allow tree farm licensees to freely access drinking watersheds within their permit boundaries - the assistant chief forester, L.F. Swannell, dispatched a memorandum to his district foresters announcing the launch of the **invasion into the Watershed Reserves**. **His instructions were to carry out a public deception**: water users were to be advised and persuaded that they had no inherent, traditional rights and thus prevented from seeking legislative protection over their drinking watersheds.



1964 - THE FAMOUS “INVADERS OF THE WATERSHEDS” QUOTE (NELSON FOREST REGION, SOUTHEAST BC)



Much of the remaining mature timber in the District is in the watersheds of creeks which are the source of somebody’s water supply. This can be an important source of conflicts of interest: between the interests of the industry and the water user. Two alternative solutions to the problem are possible: (1) keep operators out of watersheds altogether, or (2) permit harvesting of timber in watersheds, subject to stringent controls designed to protect the water supply. As you know, we have, within reason, settled on the second choice. **In many areas we will not be able to supply local industry’s needs unless we can invade the watersheds**. If, in doing this, we fail to protect the users’ interests, this timber reserve will not be available to us much longer. (Memorandum by District forester, J.R. Johnston, Nelson Forest Region, July 17, 1964.)

THE INVASION INTO DRINKING WATERSHEDS ANGERED BC RESIDENTS, HEALTH OFFICERS, AND ADMINISTRATORS

COMPLAINTS STARTED POURING IN ACROSS B.C.

PRESSURE WAS BUILDING,
ANOTHER PROVINCIAL ELECTION WAS LOOMING

THE SOCIAL CREDIT GOVERNMENT **CREATED A COMMUNITY WATERSHED TASK FORCE** IN FEBRUARY 1972

THE TASK FORCE HAD POWERS TRANSFERRED TO IT UNDER A NEW, POWERFUL *ENVIRONMENT LAND USE ACT*

THE TASK FORCE WAS GIVEN POWERS TO RE-CREATE AND CREATE **WATERSHED RESERVES** THROUGH THE PROVINCIAL *LAND ACT*

THE “INVASION” FORESTERS DIDN’T LIKE THIS

THE TASK FORCE ON BC COMMUNITY WATERSHEDS (1972 - 1980)

- The Inter-Departmental Task Force researched and investigated all aspects of the public’s drinking sources, primarily surface fed supplies
- It conducted a survey with more than 300 Water Users to solicit input
- It recreated, and created, over 300 Watershed Map Reserves. This legislation, under the *Land Act*, provided powers to protect them from all other uses
- By 1977, the Task Force issued its first draft of Watershed Guidelines, and by October 1980 the final Guidelines document was ready
- Little input on the operations of the Task Force was provided to Water Users

The Task Force identified at its second meeting on October 16, 1972, that logging, cattle grazing, agriculture and mining were inconsistent with high-quality drinking water sources, as provided in the following “List of Watershed Conflicts”:

Forestry: 1. Bacterial contamination from human or animal wastes. 2. Increase in turbidity and sediments. 3. Changes in taste, odour and colour. 4. Addition of toxic chemicals, oil, gasoline scum or objectionable solids. 5. Temperature changes to water and increase in nutrients.

Grazing: 1. Possible bacterial contamination. 2. Increase in turbidity and sediments. 3. Changes in taste and odour. 4. Changes in runoff patterns if vegetation destroyed.

Agriculture: 1. Bacterial contamination both by livestock and humans. 2. Increase in turbidity and

sediments. 3. Changes in taste and odour. 4. Addition of mineral solutes and toxic chemicals (includes pesticides and herbicides). 5. Temperature changes and increase in nutrients (includes fertilizers).

Mining: 1. Lowered water quality (a) by bacterial contamination from camp or mill wastes, (b) by addition of sediments from construction work or mill processes and (c) by altering taste, odour and colour. 2. Addition of mineral solutes to water with changes of acidity, or addition of possible toxic chemicals.

1974 – 1975 – GOVERNMENT FORESTERS DISOBEY ORDERS

According to internal memos, Government administrative foresters became renegades by ignoring direct orders dispatched to them by the Lands Department to register the Map Reserves on their Forest Management Atlas maps. The maps are used as formal, central reference documents for all Forest Service planning.

Government foresters directly ignored and stalled orders from the Task Force and were cognizant of the fact that they were wrongly issuing logging and other permits within a number of Watershed Reserves (the boundaries of which had been identified in the information memos sent them by the Lands Department).

Deputy Minister of Forests J.S. Stokes had to reluctantly step in, under scrutiny from his fellow deputy ministers on the Cabinet Environment and Land Use Technical Committee, almost two years after the Reserves were established by the Task Force, and ordered his foresters to register the Reserves on Forest Atlas Maps.

THE BULL RUN WATERSHED RESERVE COURT CASE, 1973 - 1976

In 1952, a top forest service Regional forester in Oregon State devised a **secret plan to invade Portland City's protected drinking watershed**, The Bull Run. The public never found out about this secret plan until the late 1980s.

In 1958, the Forest Service began roadbuilding and logging the pristine soils and forests in the Bull Run. In a few short years, they had many miles of logging roads and clearcutting operations.

In 1972, a local physician, Dr. Joe Miller Jr., and his wife Amy, found out about the logging, and started an investigation. By July 26, 1973, together with the Northwest Environmental Defense Center and the Oregon Environmental Council they launched a Class Action lawsuit against the US Forest Service for **Breach of Trust and illegal timber harvesting and trespass** in the Bull Run Reserve. It was the first such legal case in US history

The Plaintiffs argued that the **Forest Service contravened the 1904 Bull Run Trespass Act**, which was based on earlier 1892 federal legislation that formed the Reserve. The 1904 legislation ensured the watershed's complete legislative protection.

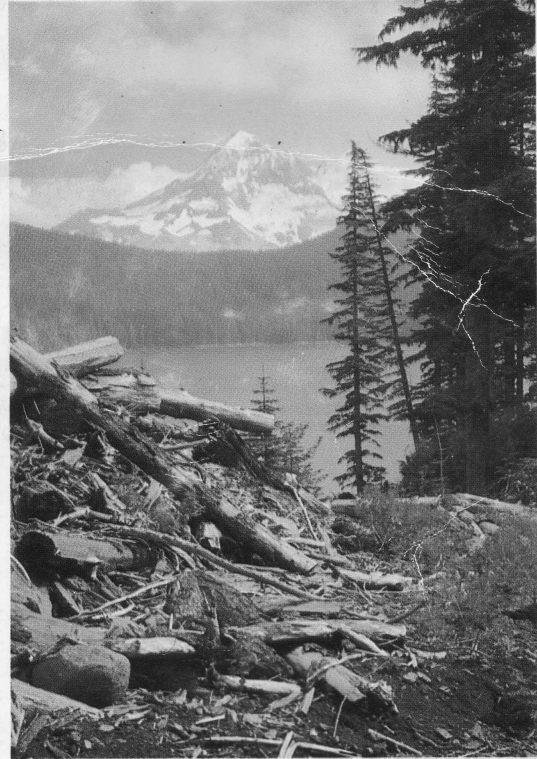
On March 5, 1976, Judge Burns ruled:

“The statute’s presumption is that no one should disturb Bull Run ... I conclude that the Regional Forester’s order was without authority in law. I have concluded, in summary, that the present logging program in the Bull Run Reserve does not protect the forest ... **the present logging program and recreation is illegal.**”

The ruling shocked the United States Attorney General’s Department, the Forest Service and the US timber industry.

What Good is Free Speech in a Closet?

**A Story of Cover-up in Planning for our
Grandchildren’s Drinking Water**



By Joseph L. Miller, Jr.

OVER 3,000 COMMUNITY WATERSHEDS IN FEDERAL FOREST LANDS

In response to the court ruling, Oregon Republican Congressman Bob Duncan, concerned about its national precedence, said in February 1977: **“There are 3,000 watersheds in this country that involve federal land. I don’t think we can have 3,000 entities dictating federal policy. And I don’t think we can consider Portland in a vacuum.”**

The Chief of the US Forest Service voiced similar concerns, “It would tempt users of federal land elsewhere to try to pre-empt federal authority”. (August 4, 1977)

W.D. Hagenstein, representative of the Industrial Forestry Association, said, “If we show a lack of confidence in the Forest Service in the Bull Run it will signal those in thousands of other communities whose water emanates from federal lands that the Forest Service cannot be trusted, despite its long record of excellent watershed performance.” (August 18, 1977)

After considerable pressure in Congress, on November 23, 1977, President Jimmy Carter repealed the Bull Run Watershed Reserve, replaced with authority for the Forest Service to allow logging.

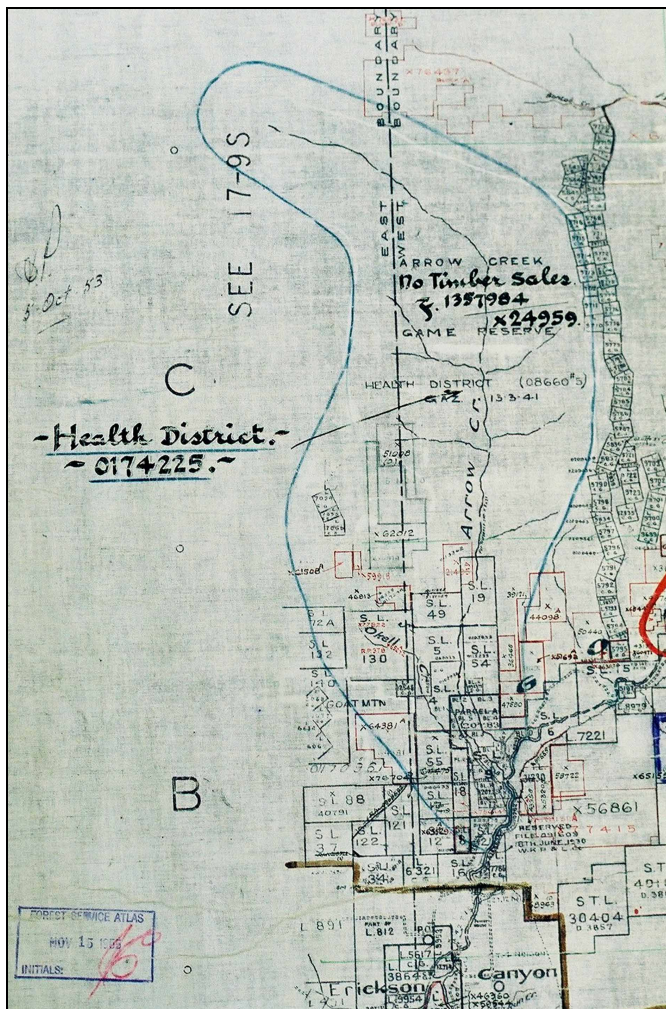
MEANWHILE ... BACK AT THE BC RANCH

After the Ministry of Forests was created in 1978-1979, and with the appointment of Mike Apsey (a former executive with the Council of Forest Industries) as Deputy Forests Minister (1978-1984), plans were underfoot to dedicate all the Watershed Reserves, and community and domestic drinking watersheds to the timber harvesting land base. This was done secretly, and in defiance of both the long held policy of single use, and by the recommendations of the Task Force on Community Watersheds.

By 1984, the Ministries of Forests and Environment began implementing a new planning process for the Watershed Reserves called **Integrated Watershed Management Plans**. The first two processes began with Creston, Erickson, and Wynndel's Watershed Reserves over Duck and Arrow Creeks. The other process was with the Big Eddy Waterworks District near Revelstoke, for its small Dolan Creek Watershed Reserve.

Both groups successfully resisted the government's intentions for logging, although the Ministry of Forests had already determined that logging should occur.

During the planning process, **the government failed to inform the Water Users about their Reserves, and their legislative significance.** In fact, orders were underfoot to not mention the name "Watershed Reserve".



During the IWMP processes, the government failed to show the Water Users and the public some important information, such as the older Forest Atlas Maps.

Left: The Arrow Creek Watershed Reserve for Greater Creston's drinking water. Forest Service mappers always outlined the Reserves in heavy blue lines.

DEMONSTRATION FOREST STRATEGY

Forest industry and government forester strategists recommended creating a number of demonstration forests in BC to combat the public's concerns about logging in drinking watersheds. Such a forum could help convince politicians and citizens that their concerns were unfounded.

Secret attempts to set one up in Nelson City's protected watershed failed, and it was transferred to the Blewett watershed south of Nelson. In 1984, the Regional Ministry of Forests attempts to lure the Big Eddy Water District's trustees for such a tour failed, after its Chairman investigated the issue.

In October, 1985, the Greater Vancouver Water District's foresters invited a number of guests to a clandestine meeting to set up a Demonstration Forest in the Seymour watershed. Council of Forest Industries president Mike Apsey, and former Chief Forester Bill Young showed up, and Young was elected as the Chairman of the newly formed Seymour Advisory Committee.

THE 1990s – PROVINCIAL LAND USE PLANS – THE SECRET AGENDA

In the late 1980s, the Social Credit Government began the first LRMP process (Land and Resource Management Plan) in the Kamloops Forest Region. By the early 1990s, the newly formed NDP government legislated and implemented the process provincially, Land Use Plans, and the sub-regional LRMPs.

Though all provincial and legal status information was to have been provided on all planning process tables, **the only thing that was not included was information on Watershed Reserves. They were omitted from each and every process. Nobody**, except citizens on the Sunshine Coast struggling with an IWMP over its two Watershed Reserves, had identified the oversight

THE FINAL ASSAULT – THE *FOREST PRACTICES CODE ACT*

After a government appointed internal committee finished reviewing the status and policy of community watersheds in 1994, recommendations went from there to government reviewers who were busy writing legislation for the new **Forest Practices Code Act**.

In that 1995 legislation, and in the following 1996 Community Watershed Guidelines document, there were no references provided to the numerous Watershed Reserves. They were being erased from memory, despite their existence, and were provided with new numeric codes, replacing their Lands Ministry designations, quietly conforming them into a uniform group with the other community watersheds which did not have legislative protection over them.

Contrary to oral promises to the public in pre-election campaigns, under the NDP government all drinking watershed sources were now open for logging.

THE 1997 JUSTICE PARIS DECISION – THE BC GOVERNMENT SHAFTS THE PUBLIC

- During the NDP administration, the Valhalla Wilderness Society took the government to court in June 1997 concerning logging proposals in two Watershed Reserves. It was the first such case in BC history.
 - According to information from an anonymous government employee, critical files related to the case were shredded by government staff.
 - Unfortunately, Justice Paris ruled that the Reserves never existed, even though they were clearly recorded in many government records and legal maps. As such, the Ministry of Forests could then legally allow Slocan Forest Products to conduct logging operations in it. Paris also stated, erringly, that even if the Reserves had existed, the Ministry of Forests still had jurisdiction. The ruling has become a bad precedent and interpretation by government and industry to log in Watershed Reserves.
 - By January 1998, the Ministry of Lands Legal Survey Maps administrators changed the old maps, and removed the Reserves.
-

THE HOT POTATOE - PRIVATE LAND OWNERSHIP - CONFLICTS IN COMMUNITY WATERSHEDS

THERE IS A WEALTH OF INFORMATION AND CONTROVERSY THROUGHOUT BC HISTORY ABOUT PRIVATE LAND LOGGING IN PUBLIC DRINKING WATER SOURCES

Conflicts concerning private land ownership in BC's community drinking watershed sources have been ongoing for over one hundred years. Many of these concerns originated in early provincial legislation that permitted indiscriminate alienation of large tracts of Crown lands, most of which discontinued after legislation passed in December 1907, but re-continued in minor various forms in following decades.

IT EVENTUALLY LED TO WEAK LEGISLATION OVER PRIVATE LAND LOGGING REGULATIONS INTRODUCED BY THE NDP IN 1994

By 1994-1995, BC's private land owner forest licensees banded together to form the **Private Forest Landowners Association (PFLA)** during the NDP government's intentions to legislate controls over their privately owned forestlands through harmonizing regulations under the *Forest Practices Code Act*. The PFLA was successful in limiting the legislation, and by May 2002 the BC Liberal Party with its majority control in the Legislature and with its strong financial and ideological ties to the forest industry removed the private land legislation introduced by the NDP in 1994. Of greater concern, the BC Liberals are still intent to develop privatization initiatives and legislation of Public forestlands.



Private lands on southeastern Vancouver Island, originating from the grant to the E&N Railway Co.

1972-1973 THE ESTABLISHMENT OF THE PROVINCIAL TASK FORCE ON COMMUNITY WATERSHEDS SENT A QUESTIONNAIRE TO OVER 300 WATER USERS TO ADDRESS THEIR CONCERNS

“**Forestry use conflicts**, indicated as the main problems for community water supply users, appear to be concentrated in the **Vancouver Island**, New Westminster, Vernon and Nelson Water Districts.”
(April 18, 1973 Task Force memo for the Environment and Land Use Technical Committee)

“**Re: Watershed Protection.** One of the responsibilities of the Regional District is that of bulk water supply to the communities of Courtenay and Comox. The larger part of the watersheds which generate our supply are **made up of privately held lands** primarily in the ownership of Crown Zellerbach and which are in course of being actively logged.” (J.E. Hiebert, Secretary-Treasurer, Regional District of Comox-Strathcona, to I.T. Cameron, Chief Forester, June 13, 1973.)

The Vancouver Island Comox-Strathcona District tabled resolution #52 in 1973, in order to ensure that the privately held lands along the eastern length of their region comply with health standards and proper protection:

WHEREAS it is desirable that watersheds forming water sources for community water supplies should be protected and regulated by competent authority to ensure that quality and quantity of water supply be continuously maintained;

AND WHEREAS major areas of watersheds are often in private ownership;

AND WHEREAS it has been ruled by the Department of Health the “Sanitary Regulations Governing Watersheds” issued pursuant to the Health Act are not applicable to privately held lands within such watersheds;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to establish standards for all community watershed areas; these standards to give the Health authorities a guideline which will enable them to determine any deterioration in water quality whatever the cause; and further that the Health authorities be authorized to enforce the required remedial action.

Due to the concerns about private land conflicts in community watersheds, Ben Marr, as Chairman of the Community Watersheds Task Force and the Associate Deputy Minister of Water Resources Service, instructed the Associate Deputy of Municipal Affairs, R.W. Prittie, in October 1974 to contact and arrange meetings with Regional Districts with the aim of providing strategic planning remedies and measures to address these concerns:

“The establishment of these map reserves by the Lands Service will enable decisions regarding Crown land use to take cognizance of the water supply function of these lands. **A similar control of proposed land use activities on privately-owned community watershed lands by Provincial authorities is not possible under existing legislation.** The regional districts and municipalities could control changes in the use of privately-owned community watershed areas on **official-regional plans and regulating the land use activities by means of zoning bylaws.** In discussions between officials of our departments, it has been agreed that a request should be made to the regional districts to show the community watersheds on their official regional plans.... It was also agreed that the request to the regional districts should emanate from your office. I would therefore request that this action be taken.” (Ben Marr, Associate Deputy Minister of Water Resources Service, to R.W. Prittie, Associate Deputy Minister of Municipal Affairs, October 7, 1974.)

According to the Agenda package prepared for the Community Watersheds Task Force meeting of August 16, 1976, it was stated that after almost two years “no action appears to have resulted from this [October 7, 1974] request for co-operation from Mr. B.E. Marr to the Department of Municipal Affairs [concerning private land logging].”

As a result of this review information, Municipal Affairs representative W.J. Larter promised that he “would look into the matter from the point of view of the Department of Municipal Affairs and report his findings to the Task Force at the next meeting:”

“Mr. Larter stated that the October 7, 1974 letter from Mr. B.E. Marr to Mr. R.W. Prittie, concerning a request to regional districts to indicate community watersheds on their official regional plans, would be acted upon. Mr. Larter noted that Municipal Affairs would only be advising the regional districts in this matter. **It would be up to the districts to institute land use controls on private lands in community watersheds** as they deem necessary. Mr. Harkness [Municipal Affairs] noted

that Municipal Affairs is in the process of defining the content of settlement plans. He stated that this may be enshrined in legislation by next year and that a priority concern would be that of community watersheds. Mr. Harkness indicated that he was hopeful that the importance of community watersheds will be recognized by the regional districts. If this proves to be true, then the matter could be handled internally rather than by legislative means. He noted that the proposed action by Municipal Affairs in advising the regional districts appeared eminently reasonable.” (Minutes of the August 31, 1976 meeting of the Community Watersheds Task Force.)

Memorandum of Understanding, August 18, 1976. It was presented to the Task Force on Community Watersheds on August 31, 1976. The MOU was initiated by a Resource Deputy Ministers’ Memorandum of May 18, 1976, “Information and Organization Necessary for the Management of Forest and Range Lands.”

I. PURPOSE. This Memorandum of Understanding establishes policy and general guidelines for use by the signatory agencies in coordinating certain of their activities in: (a.) developing and implementing management plans for renewable natural resources; (b) allocating the renewable resources on Crown lands; (c) working with representatives of resource-oriented local groups and industries, **private landowners**, and others in developing and implementing sound resource management and conservation programs.

Meeting minutes of members on the Task Force on Multiple Use of Watersheds of Community Water Supplies, September 24, 1976.

Mr. Harkness [G. Harkness, Ministry of Municipal Affairs] noted that the proposed pilot scheme would not include activities on private lands. After some discussion, it was concluded that zoning information on private lands could be provided by the Department of Municipal Affairs to the M.H.O. when the scheme gets underway.”

Both the affected Vancouver Island Regional Districts and the Community Watersheds Task Force were very concerned about the extensive private land holdings on Vancouver Island’s drinking watershed sources.

And both the draft June 1977 and the final October 1980 *Community Watersheds Guideline* document reflected this and provided a recommendation for Regional Districts to resolve the conflicts through existing legislative means:

“Due to the alienation in 1884 of a large track of land (1.9 million) acres on the South East coast of Vancouver Island, that is, the E&N Grant, there are 46 watersheds totally or partially within this area over which the Province has little land ownership control.... Where large areas of community watersheds are in private ownership, such as Vancouver Island, Regional Districts may be able to offset the lack of Crown control **by adopting zone by-laws to restrict future activities within watersheds which are likely to impair water quality**. Where this is done, Crown Lands within the by-law area can be managed to be compatible with overall land use goals.”

The 1979 resolution #100 at the UBCM annual meeting, a very strong and pointed comment on protection of water supply watersheds, was tabled by the City of Cranbrook in 1979, just when The Task Force was dotting the i's and crossing the t's on the Guidelines report:

BE IT RESOLVED that the Provincial Government be asked to place a freeze on sales and/or leases of any Crown land in any municipal watersheds to private individuals or companies;

AND BE IT FURTHER RESOLVED that the Provincial Government aid in reclaiming privately owned land in municipal watersheds in which domestic animals or other conditions could affect the purity of the water.

Provincial legislation and regulations never provided any control measures over the management of these community watershed private lands, and the Task Force on Community Watersheds provided the first formal recommendations to do so.

However, its recommendations were ignored by the returning Social Credit Party government (1976-1991), as was the case unfortunately repeated over subsequent decades despite renewed and re-invigorated recommendations by senior government ministerial managers.

During the internal senior level discussions on the implementation Integrated Watershed Management Plans (IWMPs) in the early 1980s, recognition was once again made in 1984 about the critical concerns related to private land logging:

“Furthermore, our successive provincial party governments have failed to provide strict management regulations for communities which derive their water supply from privately-held lands: 3. **A second major deficiency** of both policies [the Ministry of Forests’ and Ministry of Environment’s] as they now stand is **neither of them requires the integration of land use planning on private lands within watersheds**. In many cases, **the uncontrolled use of private lands in a watershed can totally destroy the benefits derived from integrated planning on the surrounding Crown lands**. Perhaps the Water Act should be amended and the Environment Management Act used to legally require private land owners to work through the planning arms of Regional Districts to insure the uses made of their lands is compatible with the land and water use objectives established for Crown lands in watersheds. It should be remembered the Water Act does not currently distinguish between Crown and privately owned lands so it is likely the best vehicle to accomplish this.” (Dennis McDonald, Nelson Ministry of Environment Regional Manager, to P. Brady, Director, Water Management Branch, Victoria, June 12, 1984, regarding *Policy for Integration of Forest and Water Management Planning on Crown land within Community Watersheds and related Ministry Policy concerning “Management of Community Watersheds on Crown Land.*)

In 1986, the Central Kootenay Regional District presented resolutions B31 and B36 regarding logging on private property and its effects to water supplies, and the other on compensation for damages to water users as a direct result of government approved resource use:

B31. LOGGING GUIDELINES. WHEREAS there is a growing concern amongst residents that the Province of British Columbia does not have regulations regarding commercial logging on private property; **AND WHEREAS** the Province of British Columbia does have regulations regarding

commercial logging on Crown Land and the said regulations encourage responsible logging practices to the extent of providing protection of community water systems, protection from soil erosion and protection from excessive fire hazards: **THEREFORE BE IT RESOLVED** that the Union of British Columbia Municipalities petition the Provincial Government to develop suitable guidelines that could be referred to by commercial loggers when logging on private property. **ENDORSED BY THE ASSOCIATION OF KOOTENAY & BOUNDARY MUNICIPALITIES.**

Within this framework, there must also be legislation passed which addresses the issue of land use activities on private lands, and in this sense, we must all cooperate to protect our drinking water. If there is to be a lead agency, then it must also be independent from the discretionary powers of provincial Cabinet and the premier, all for the protection of the most valuable asset we can have, pure, clean water.

Other resolutions adopted at the Union of BC Municipalities (UBCM) annual conferences from 1987-1989 targeted matters of provincial policies that allowed for logging in drinking watersheds and on related liability issues. In advance of the 1989 conference, the ministries of Forests and Environment were preparing themselves in anticipation of the issue of private land logging that was being persistently raised by the Regional District of Central Kootenay:

“I have followed up further on **the proposal to introduce legislation to control logging on private land**, which was initiated by Dennis MacDonald, of the Ministry of Environment, Kootenay Region. I have since spoken to Erik Karlsen of Municipal Affairs and Sandra Smith of Water Management Branch.... Amendment to the Water Act to provide powers to prepare Integrated Watershed Management Plans; A proposal to prepare a Forest Practices Act; Amendments to the Municipal Act, to broaden the existing powers regarding tree cutting permits. Sandra indicated that this reply also responds to Dennis McDonald’s proposal to his ADM in which he advances the case for the use of the Environment Management Act. He is being heavily pressured by the Central Kootenay Regional District for action. We should note that this same Regional District has brought issues forward at the UBCM [Union of B.C. Municipalities], and that the UBCM has recently written a letter to our Minister conveying **various resolutions advocating legislation to control logging on private land.**”

(Denis K O’Gorman, Manager, Resource Planning, Integrated Resources Branch, to John Cuthbert, Chief Forester, and J. Biickert, Director, Integrated Resources Branch, Ministry of Forests, July 6, 1989.)

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Immediately following the public uproar at the 1989 UBCM conference, once again a series of memos were dispatched and meetings set up within government to address the concerns. In particular, senior provincial administrators had prepared a document for Cabinet on February 1, 1990 on introducing legislation regarding the thorny issue of private lands in drinking watershed sources: **“Private land logging legislation proposal will go to Cabinet in two weeks.”** (Minutes, Inter-Agency Watershed Management Meeting, February 1, 1990.)

However, little came of the matter, once again. The Social Credit Party government lost the election in September 1991, and its successor, the New Democratic Party administration, was left in charge of reviewing the matter of private land logging in drinking watersheds.

Safe Drinking Water for British Columbia. Background Report, prepared by the BC Committee for Safe Drinking Water, (Associated Boards of Health of BC, BC Medical Association - Environmental Health Committee, BC Public Health Association, Canadian Bar Association - BC Branch - Environmental Law Section, Canadian Institute of Public Health Inspectors - BC Branch). October 4, 1991, 18 pages.

There is a pressing need to integrate watershed planning, improve the identification and management of watersheds, and establish meaningful long-term goals for the use of BC’s numerous watersheds. The public is concerned about uncontrolled access to watersheds, outbreaks of water-borne diseases and pollution of watersheds, and the existence of private lands within community watersheds.

In the early 1980s, the Ministry established Guidelines for Watershed Management. These guidelines are inadequate, because: * **They apply only to Crown lands, not to private lands.** * They do not address the use of groundwater. * They are not legally enforceable. * They do not sufficiently address public health concerns. The Ministry co-chairs a special Interagency Community Watershed Management Committee which it is hoped will address these and related problems. The Ministry of Health plays a secondary role on this committee.

“The public is very concerned and cynical about Government’s management of community watersheds; on average, 10 to 20 letters a day are received criticizing forest practices in watersheds.”

(Ministry of Forests Briefing Note, prepared for the Deputy Minister of Forests, Philip B. Halkett, For Decision, December 11, 1992)

“If you are really sincere in protecting the quantity and quality of water in community watersheds, there are two things in your discussion paper that have to be changed; one is the word guideline and two is the regulations of private land in community watersheds. It is our contention that if good quality drinking water is going to be protected, all private land in watersheds that provide Community drinking water, should be exchanged for Crown land elsewhere where the private land owners are willing and where cost to taxpayers are kept to a minimum. When private land owners do not wish to make an exchange, rules and regulations should be applied to protect water quantity and quality.”

(L.H. Good, Chairman of Trustees, Big Eddy Waterworks District, submission to the Technical Advisory Committee on Community Watersheds, Ministry of Environment, March 11, 1993.)

In 1995, B.C.'s largest private timber landowners, TimberWest and MacMillan Bloedel, were primarily responsible for the creation of a lobby organization, called the Private Forest Landowners Association (PFLA)

This occurred near the introduction of the new *Forest Practices Code Act* in the late Spring of 1995, and a year after the creation of the *Forest Land Reserve Act* on July 8, 1994, the establishment of a provincial Forest Land Reserve Commission

FOREST LAND RESERVE ACT (1994)

The Forest Land Reserve (FLR) is a provincial zone established in 1994 to retain forest lands for timber production and harvesting and to minimize the impact of urban development and rural settlement on these lands.

The Commission is responsible for private lands in the FLR with respect to inclusion and exclusion. In addition, is responsible for administration of the Private Land Forest Practices Regulation administration of the Managed Forest property tax assessment program, and ensuring FLR owners have the ability to pursue forest management activities relating to timber production and harvesting (i.e. right to harvest).

Land use, subdivision and forest management practices on Crown and Crown license lands in the FLR are governed by the Forest Act and the Forest Practices Code.

Local and regional governments through zoning and community plan bylaws, are responsible for subdivision and land use control of private land FLR areas within their jurisdiction.

The Forest Land Reserve Act sets the legislative framework for the establishment and administration of the forest land reserve program and the forest management requirements on private forest lands.

(Source: Provincial Agricultural Land Commission website)

THE *DRINKING WATER PROTECTION ACT* HEARINGS – JANUARY TO FEBRUARY 2001

In February 2001, there were two submissions presented to the government concerning private timber land logging in community watersheds

1. Submission #196, by the Private Forest Landowners Association (PFLA)
2. Submission #51, by TimberWest

The PFLA, in their letter of March 6, 2001, recommended to the former Ministry of Environment, Lands and Parks that:

It is our expectation that lands administered under the Private Land Forest Practices regulations will be exempt from additional requirements under this new initiative from government. This would mirror the current situation where private Managed Forest landowners are

exempt from the Fish Protection Act because there is recognition that the PLFP regulation protects fish habitat.

Likewise, **the drinking water initiative should avoid duplication** on matters related to water quality management. **Under the PLFP regulation, there are already standards in place to protect water quality and encourage forest owners and managers to dialogue with water purveyors and community interests** in the event that water quality is at risk. This process was developed in consideration of the unique circumstances facing owners who manage lands that could have an impact on water quality. Consequently, we have clear expectations and accountability for resolving such issues. Should problems arise, **the Ministry of Environment, Lands and Parks has the ultimate power to impose site-specific standards. In other words, the public is assured of protection.** We believe that mutual recognition is practical and fair for both fish and water protection.

Vice president and chief forester, Don McMullan, of TimberWest, a member of the PFLA, echoed similar advice in his two page letter of February 5, after representatives of his company monitored the first public forum on the DWPA held in Nanaimo:

TimberWest owns and manages private forest land in **over 50 watersheds** on Vancouver Island. Almost all of these are licenced domestic water supply areas and twelve of them are Community Watersheds.... TimberWest has major concerns with the introduction of further Regulations which **may negatively impact our freedom to manage private lands** with no net gain in the protection of drinking water quality.

The proposal suggests that where a “threat” to a water source has been identified, the issue would be referred to local authorities. This would open the door to those who disagree with some aspect of responsible use and will be used to do an end run around existing zoning. **We do not believe it would be appropriate for local water authorities to assume control over land use activities on either Crown or private lands within a domestic drinking watershed.** [emphasis]

Adequate controls are already delegated to appropriate provincial and federal agencies through existing legislation. If there is an issue around the application of existing controls, it should be addressed by way of ensuring that agencies are accountable for the thoroughness of delivery of their responsibilities, not by creating another level of bureaucracy. **Private property rights must be protected**, including the right to restrict access, while ensuring that the overriding objective of providing clean drinking water is delivered.

**B.C. TAP WATER ALLIANCE SUBMISSION TO THE
DRINKING WATER REVIEW PANEL,
NOVEMBER 12, 2001**

Within this framework, there must also be legislation passed which addresses the issue of land use activities on private lands, and in this sense, we must all cooperate to protect our drinking water. If there is to be a lead agency, then it must also be independent from the discretionary powers of provincial Cabinet and the premier, all for the protection of the most valuable asset we can have, pure, clean water.

7. THE ISSUE OF DOMESTIC WATERSHEDS ON PRIVATELY HELD LANDS AND THE CITY OF NANAIMO'S WATER SUPPLY

The issue of private land management is also critical, as a number of communities and municipalities draw their water supplies from private land. However, **the *Drinking Water Protection Act* contains little that specifically relates to the administration of private lands. As far as our organization is concerned, we believe there should be**

legislation enacted that protects domestic watersheds on privately held land. This will be of concern for many private landowners, for example in Nanaimo's privately held water supply catchment lands.

ONGOING, PERSISTENT PUBLIC RELATIONS BY THE FOREST INDUSTRY TO PROMOTE LOGGING, ETC., IN DRINKING WATER SOURCES

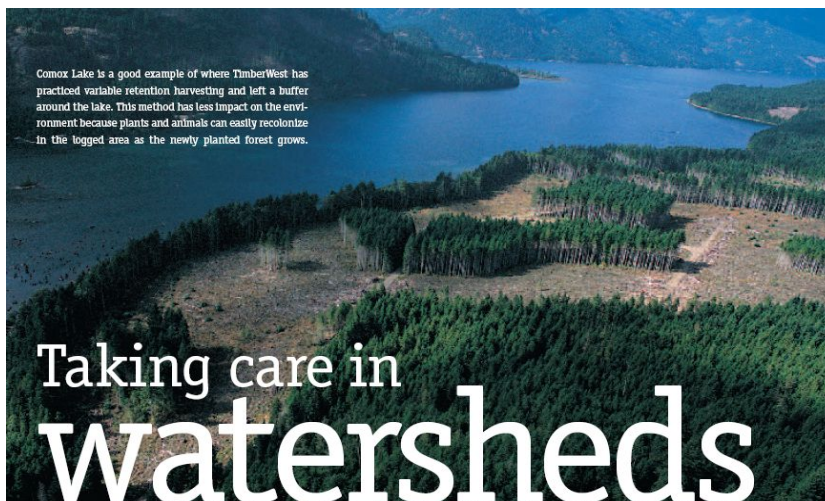
- The Capilano Timber Company, headquartered in Seattle, Washington, began the first public relations exercises around 1920. They failed.
- By the late 1940s, and ongoing ever since, public relations, and support through public institutions and professional associations, have permeated our society.
- Support through politicians, particularly at Municipal and Regional District level, is ongoing and evident. Our nine year long battle with politicians and administrators at the Greater Vancouver Regional District (1991-1999) is ample evidence of these concerns.

TIMBERWEST PUBLIC RELATIONS

Politicians take forest tour

TimberWest, Weyerhaeuser, Merrill and Ring and the Private Forest Landowners' Association (PFLA) hosted a group representing town councils, regional districts and chambers of commerce on a forest tour in March, as part of the Association of Vancouver Island Coastal Communities' AGM.

"It opened the eyes of these political leaders on how we manage things on private land, which is different from public land," said PFLA General Manager Blair Robertson. "They saw that we're good managers — it's not a free-for-all out there. The bottom line is that environmental values are protected."



WHAT CAN WE LEARN FROM RECENT HISTORY?

- The Chain of events, carefully promoted through the forest industry in the United States since the late 1940s, has been responsible for weakening and eliminating policies and regulations over the protection of public drinking watershed sources on both public and privately-held lands. The ongoing pressure within the provincial government by the forest industry and foresters have made it difficult for citizens to counter this trend.
- Though concerns were raised by the public, and through its local, municipal, and regional representatives for over forty years, provincial administrators have failed to implement appropriate changes, both concerning legislation and regulation over public and private lands. This is similar to groundwater concerns, where concerns raised since the mid-1950s were not addressed until only two years ago by the provincial government.
- In the 1980s, **the provincial government changed or shifted** the BURDEN OF RESPONSIBILITY to the Water Users for costs and management of the purity of water. Previously, this responsibility was aimed at those responsible for the mess, ie., logging companies, cattlemen, etc.
- If enough attention is raised by citizens and their local, municipal and regional representatives, change MAY happen.