

# **B. C. TAP WATER ALLIANCE**

**Caring for, Monitoring, and Protecting  
British Columbia's Community Water  
Supply Sources**

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## **THE WORKING FOREST: “END OF THE COMMONS”**

**THE NEW CORPORATE FOREST MANAGEMENT PLAN  
FOR BRITISH COLUMBIA**

**A RESPONSE TO  
THE PROVINCIAL GOVERNMENT'S RE-PROPOSAL,  
THROUGH THE MINISTRY OF  
SUSTAINABLE RESOURCE MANAGEMENT,  
FOR THE CREATION OF A “WORKING FOREST” RESERVE  
ON PUBLIC LANDS**

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April 30, 2003

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## THE B.C. TAP WATER ALLIANCE

The B.C. Tap Water Alliance (1996) advocates the protection of drinking watershed sources in British Columbia (B.C.). Historic legislation and the implementing policies clearly protected these sources. Similar policies and legislation regarding the protection of drinking watershed sources existed in Federal and provincial legislation, as well as in the United States.

Unfortunately, most of these legislative instruments are being ignored and have been quietly under assault in B.C. since the 1950s, when government foresters began to include these protected areas in the “harvestable” land base under the “sustained yield” logging mandate set out after the Gordon Sloan forest commission in 1945. Many district incorporations, Water Districts, Improvement Districts, and local citizens have struggled for decades, some successfully, most not, against government’s unaccountable multi-use policies. The origins of this assault in the 1950s correlates with organized efforts in the 1940s and 1950s, coordinated through forest industry and professional engineers in the United States, to influence and redirect the Nation’s various policies and legislation on the protection of drinking watershed sources.

Since the early 1980s, senior administrators in charge of Public land policy and administration have been responsible for wrongfully permitting commercial and agricultural activities in drinking watersheds. Shifting the burden of responsibility to provide high quality drinking water to the Water Users kept those administrators off the hook as they implemented the new, sympathetic to industry, multiple-use policies (integrated resource management). The simple act of shedding responsibility for water quality at the tap has enabled government administrators to implement, with impunity, policies dangerous to public health and well being; as summarized in recent public review documents and court cases.

In the coming months, we hope to publish a book on this intriguing subject. Very little investigative research has been conducted on drinking watershed sources. This is particularly odd, because it is the issue that has generated some of the strongest concerns from B.C.’s communities over the last one hundred years, and remains one of the most sensitive land-use issues. The detailed narrative is structured around a case history of a small community that struggled to protect its water source, almost successfully, over a fifty-year period, set in the context of provincial politics during the twentieth century. It is a story about dedicated and principled British Columbians opposing a government and commercial interests bent on the bottom line. It’s about their heroic efforts and unfaltering belief in the defence of protecting their drinking water source.

Our response submission to the Ministry of Sustainable Resource Management’s “Working Forest” discussion paper explores some of the details and complexities regarding the wider political context and origins of Public and private forestland issues in B.C. over the last twenty-five years. We remain opposed to the government’s inclusion of drinking watershed sources in the commercial forest land base, and call upon government to bring about legislative protection of these sources.

## OPENING QUOTATIONS

*“ [Peter] Pearse [Commissioner for the Royal Commission on Forest Resources, 1976] concluded that the public interest was best served by continued public ownership of unalienated forest lands.”*<sup>1</sup>

*“... the Crown land of this province, is a trust of the Crown and there is no individual ownership of the Crown. All the residents share an equal part of that vested interest.”*<sup>2</sup>

*“We are concerned that this government’s policy of continued privatization of public resources will reduce the power of government to act in the public interest in the future. No where is this more true than in the management of our most precious natural resource, our forests.”*

*“The essential change from volume based Forest licences to area based Tree Farm licences is from public to private control of our resources. Young Liberals strongly support free enterprise, but government must also be able to act in the public interest. B.C.’s forests are simply too important environmentally, economically, and socially to British Columbia to become completely privately controlled.”*<sup>3</sup>

*“The forest industry speaks with and through many voices. In general, though, the major tenure holders – those companies controlling the largest shares of harvesting rights – have also controlled the process by which the industry’s political positions are developed and articulated.”*<sup>4</sup>

*“Maybe now it is evident that “all other options have failed” in laying the groundwork for an economically strong, internationally competitive and environmentally sustainable forest industry in BC. Maybe now is the time to think the unthinkable and do the formerly undoable privatize the land base that will support the industry in the future. After all, the decision to stop privatizing forestland in BC was made almost a century ago, in 1906.... The world is rapidly moving to a plantation based timber economy.... the only course of action that will secure the future of BC’s forest sector is to privatize whatever area will comprise the land base for future timber supply.”*<sup>5</sup>

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<sup>1</sup> *A History of Forest Tenure Policy in British Columbia 1858-1978*, Forest Resources Commission Background Papers – Volume 3, October 1989, page 13.

<sup>2</sup> Alan Pasarell, Altin Member of the Legislative Assembly, New Democratic Party, Hansard, B.C. Legislative Debates, regarding an Amendment to the Land Act, July 12, 1979.

<sup>3</sup> Presentation by the B.C. Young Liberals to the Ministry of Forests Forest Licence Conversions to Tree Farm Licences, Public Information Session, Vancouver, March 8, 1989.

<sup>4</sup> *Talk and Log, Wilderness Politics in British Columbia*, by Jeremy Wilson, UBC Press, 1998, page 24.

<sup>5</sup> *With Nothing More to Lose, Is It Time to Try Change in BC?*, by Clark Binkley, in *Logging and Sawmilling Journal*.

*“Osberg (1981) defines economic power as that control, authority, or influence over others which arise from the ownership of property ... the concentration of public timber and land assets suggests an intimate relationship between corporate power and access to publicly-owned timber supplies.”*

*“The majority of the present timber tenures are arrangements in which private companies are licensed to act as exclusive agents of the Crown. In the Colonial days, this was referred to as privateering and may have been acceptable; today the prize is still captured by the most powerful but it is now termed privatization. While these timber tenures have promoted consumption and development of the province’s old-growth forests, they have not yet brought about forest conservation and management.”*<sup>6</sup>

*“All of the large companies are linked to others in forestry and in other sectors, in Canada and elsewhere, through joint ownerships, common groups of minority shareholders, history of transfers in formal ownership, and similar relationships. They also share members of boards, particularly members representing the banking establishments; and they share personnel in the sense that top executives not infrequently move from one company to another.”*<sup>7</sup>

*“... the 1960s generation was (for whatever reasons) highly skilled at seeing through “the golden age of bullshit”, to use Fred C. Dobbs’ down-home phrase. The fact that that age has hit platinum has much to do with the specific PR strategies adopted to meet the crisis in corporate boardrooms and governmental offices from the sixties onwards.”*<sup>8</sup>

*“The [Greater Vancouver Water] 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 preserve the area from human occupation either temporary or permanent ...I would not attempt to set a value on the watershed lands of 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.”*<sup>9</sup>

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<sup>6</sup> *Privateering in the Public Forest?* Summary Speech, William L. Wagner, Forest Geographer, June 16, 1987.

<sup>7</sup> *Green Gold: The Forest Industry in British Columbia*, by Patricia Marchak, UBC Press, 1993, page 107.

<sup>8</sup> Joyce Nelson, *Sultans of Sleaze – Public Relations and the Media*, page 53.

<sup>9</sup> E.A. Cleveland, Greater Vancouver Water District Commissioner, and former provincial Water Comptroller, outgoing correspondence, November 30, 1936.

# THE WORKING FOREST: “END OF THE COMMONS”

## (The New Corporate Forest Management Plan for British Columbia)

### A RESPONSE TO THE PROVINCIAL GOVERNMENT’S RE-PROPOSAL, THROUGH THE MINISTRY OF SUSTAINABLE RESOURCE MANAGEMENT, FOR THE CREATION OF A “WORKING FOREST” RESERVE ON PUBLIC LANDS

#### EXECUTIVE SUMMARY

It is difficult these days, even for civil servants, to keep track of the rushed and sweeping changes the present B.C. Liberal government is making to existing legislation and policies, including the renaming and removal of, alterations to, and drastic downsizing of provincial ministries and their regional and district offices.<sup>10</sup> Never have so many significant changes taken place over a relatively short period of time in B.C.’s history. Many more are expected under the present government.

Forests Minister De Jong recently characterized the changes to his Ministry as “the most profound”<sup>11</sup> in the last 50 years. Former Social Credit Forest Minister Tom Waterland made similar declaratory statements twenty-five years ago in 1978 when he introduced the new *Forest, Ministry of Forests*, and *Range Acts*. Waterland stated (in Hansard) that no significant changes had been made to the *Forest Act* since its inception in 1912, sixty-six years previous. The newly created Ministry of Forests, separated from its multi-purpose agency role with the Ministry of Lands, Forests and Water Resources, suddenly became a “dominant purpose agency”<sup>12</sup> under a newly organized Social Credit party administration that installed the Council of Forest Industry’s vice-president, Mike Apsey, as Deputy Minister of Forests on June 1, 1978. New legislation provided for the transfer, authority, and management of Crown lands directly to the Ministry of Forests, redefined and established through Provincial Forest boundaries. With the dismantling of the inter-ministerial relationships within Lands, Forests and Water Resources, the other Ministries’ mandates became more difficult to implement because the new restructuring gave an incredible amount of discretionary power and responsibility to the Forest Service. This led to an ongoing power struggle

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<sup>10</sup> For example, as of March 31, 2003, the government has already, or will, delete the following Ministry of Forests offices: 3 Regional offices - Prince Rupert (in Smithers), Cariboo (in Williams Lake), and Nelson (in Nelson); eleven District offices - Boundary (Grand Forks), Ft. St. John (Ft. St. John), Mid Coast (Hagensborg), Kispiox (Hazelton), Horsefly (Horsefly), McBride (McBride), Morice (Houston), Invermere (Invermere), Lillooet (Lillooet), Penticton (Penticton), Salmon Arm (Salmon Arm); 6 Field Offices - Clinton, Creston, Likely, Nakusp, Sechelt, Stewart.

<sup>11</sup> April 9, 2003, CBC radio; *Forest Policy Coming, De Jong Says*, by Gordon Hoekstra, in the Prince George Citizen, January 31, 2003, at the Western Silvicultural Contractors Association annual convention.

<sup>12</sup> *A Review of the British Columbia Crown Land Allocation and Management Planning Process*, October 1990, Forest Resources Commission – Background Papers, Volume 2. The study identified that after 1945, the management of Crown lands went through two phases leading up to 1979: “Multi-Purpose Agency” administration (1945-1969); and “Inter-Agency” administration (1971-1979). The evolution towards the “Dominant Purpose Agency” administration is testimony of a long political struggle to control and manipulate Crown land decision-making authority on two zones: Tree Farm Licences and Public Sustained Yield Units (changed to Timber Supply Areas post 1979).

and inter-ministerial wrangling within government. During the 1980s, this internal turmoil resulted in some of the greatest controversies in B.C.'s political history.

The circumstances and manner of today's changes, however, are significantly different than at any time in B.C.'s legislative history. These are attributed to the dominant representational power the B.C. Liberal government has (77 out of 79 seats), along with its "far right of centre" ideological platforms of mixed centralization and decentralization, deregulation, privatization, "seeming anti-unionism", <sup>13</sup> and "new era" commitments to its inseparable corporate and business sponsors. The government is apparently planning to place Crown or Public lands on the chopping block, and much of the newly introduced legislation is seemingly geared toward this inevitability. Without the advantage for the public of having more opposition party members in the Legislature providing effective checks and balances to the Campbell government, it is fair to assume, based on proceedings from Hansard so far (Fall of 2001 - Spring 2003), that this government has simply given itself "the green light" and is "getting away with it". This becomes even more dangerous to the public interest as MLAs, seemingly immune to the concerns of many British Columbians, do nothing to criticize their own party leadership under the grip of a tightly controlled Cabinet. Never has the potential for abuse of power been as serious a concern as right now.

One of the disturbing and disabling outcomes of the government's aggressive changes and dramatic ministry downsizing, in aid of curing the provincial debt (similarly executed by the Ontario Harris government), is the general state of chaos in civil service. In addition, given the media's attention to "911" and the recent "Attack On Iraq", issues related to wide-sweeping legislative change has not been properly investigated or analyzed in the mainstream, making it difficult for the public to comprehend what is at stake.

The many changes implemented by the Campbell government are occurring without meaningful public participation in decision-making processes, a flagrant abuse of democratic principles. This is very odd for a premier who has served as a long-term member of the Greater Vancouver Regional District, Greater Vancouver Water District Board, and planning committees that provide fairer and more accountable public planning processes.

On the issue of public accountability, the contrast between Regional government and provincial government administration is inconsistent and troubling, despite the government's declarations about "open" government. The recent introduction and rapid passage of *Bill 21*, the *Agricultural Land Commission Act*, in May 2002, by Minister of Sustainable Resource Management Stan Hagan is an example of this, as referenced in a West Coast Environmental Law letter: "We are very disappointed that you are repealing the key features of the forest land reserve without any public process" (see **Appendix A** for the letter).

The sudden passage of *Bill 21* and substantial changes to private forest land legislation is particularly troubling under the authority of a minister having the two largest private timber landowners in British Columbia, TimberWest Forest Products and Weyerhaeuser Canada Ltd., <sup>14</sup>

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<sup>13</sup> Comments from a representative of the BC Government Employees Union.

<sup>14</sup> In the September 1995 to 2002 period, total contributions from TimberWest were \$167,261.50. Note: The financial contributions from Weyerhaeuser and MacMillan Bloedel should be viewed as an integrated block as Weyerhaeuser purchased the assets of MacMillan Bloedel in 1999. This total comes to \$357,671.50, which becomes the largest direct donor company among all the forest industry groups for the period 1995-2002.

with large area timberlands in his riding of Comox Valley on eastern Vancouver Island. These companies are in the top eight of the largest forest company donators to the B.C. Liberals (see **Appendix D**).

With regard to the government's proposal for a newly designated "Working Forest", the findings elaborated in our submission indicate the following.

1. In a largely uninformative and vague document, the provincial government is re-proposing a "Working Forest" designation rejected by the public two years ago under the previous administration. The roots of that initiative arose in the late 1980s and early 1990s, when forest companies under the umbrella of the Council of Forest Industries strongly opposed public demands for: the protection of undisturbed watersheds; for proper old growth forest management; for meaningful public decision-making processes; for allowable annual cut reduction; for alternative forest management planning; and for the settlement of First Nations title.

With the recent formation of a new and increasingly powerful Ministry of Sustainable Resource Management, the super ministry responsible for reintroducing and coordinating the initiative, the parameters of the "Working Forest" have extended far beyond a mandate related to forest practices and forest tenures that the former government initiated under the direction of the Ministry of Forests in 2001.<sup>15</sup> According to the document, it now includes planning authority and oversight of commercial zoning for mining, oil and gas development, ranching, tourism, etc. The "Working Forest" title is misleading. Of great concern are proposals to hand over discretionary decision-making powers, under the Ministry of Sustainable Resource Management's *Land Act*, to Cabinet Ministers and senior administrators in the late Spring session of the Legislature. The reason for this shift in granting authority is to expedite the transfer of applications for Crown land privatization into the hands of a very few decision-makers.

2. Information on the significant financial relationship between the B.C. Liberal Party government and the private forest industry sector is a rerun of a similar situation in the late 1970s to 1980s with the Social Credit government. It is also a reminder of why the government is pursuing so many profound changes to provincial legislation related to Public lands and the forest industry.

The reasons for the rapid rate in which the government has proceeded to alter, redefine, create and weaken legislation regarding British Columbia's Public and private forest land base since June 2001, seem to be based to a great extent on "unfinished business" from the 1980s. This unfinished business clearly relates to arrangements between former Social Credit Premier Bill Bennett outlined in a July 1983 "confidential" document by the Council of Forest Industries. The document contained recommendations for many changes to the administration of public forestlands. These included: proposals for the dramatic "downsizing" of ministry agencies; for the creation of a new super ministry (perhaps the main inspiration for the recently formed Ministry of Sustainable

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<sup>15</sup> Sections 2 (inventory of lands and forests), 3 (assessment and potential), and 4 (forest land, wilderness assessment, etc.) under the administration and responsibility of the Ministry of Forests through the former *Forest Act* have been transferred, laterally, to the new Ministry of Sustainable Resource Management, with Section 5 (provincial forests) of the former *Forest Act* about to be transferred as well. Order-in-Councils regarding the *Constitution Act* were passed in June (OIC #565) and October (OIC #938) of 2001 (view at [www.qp.gov.bc.ca/statreg/oic/](http://www.qp.gov.bc.ca/statreg/oic/)), that divided up the new mandates of the Campbell government, making MRSM is the new power house for all land planning issues. Many administrators under various ministries were then transferred to MRSM.



Resource Management); for the relaxation of government monitoring, public scrutiny, enforcement programs and for industry self-regulation (see **Appendix K** for a list of submissions in November 2001 by the commercial/industry sector to the Red Tape Task Force); and the move towards privatization or securing the Public forest lands for private interests.

The public rejected these controversial changes in 1989, and demanded a review of forest practices. Following the demise of the Council of Forest Industries' proposal was the initiation of the 1990 Forest Resources Commission with numerous recommendations to change the manner in which decisions are made about forestry. This was followed by the defeat of the Social Credit Party and the initiation of reformist conservation and forest standards by the New Democratic Party, which derailed the Council of Forest Industries proposals to place almost 70% of Public lands into Tree Farm Licences.

3. The Ministry of Sustainable Resource Management has stated that it has the approval and the backing of the Union of B.C. Municipalities organization for the Working Forest proposal under a 1997 UBCM policy document. Upon closer scrutiny, the provincial government's recent plan to remove long-held appurtenancy requirements in forest licence agreements, thereby jeopardizing future job security in B.C. communities is a significant departure from the 1997 UBCM policy. Despite the UBCM's policy against the removal of the appurtenancy requirements agreed to at its September 2002 conference in Whistler, and despite emphasizing the same at a conference meeting with Forests Minister De Jong on February 6-7, 2002, the government has refused to listen.<sup>16</sup> The removal of the "social contracts" for mill processing from the legal structure of the tenure system on Public lands, combined with the Campbell government's provisions for increased raw log exports, is now being viewed with alarm by rural communities.<sup>17</sup> In other words, not all the cards were on the table when the UBCM engaged in supporting the initiative in 1997. This has resulted in the UBCM's recent strong and valid criticisms about the government's intentions and its private arrangements with forest companies. This is at variance with Mr. Hagan's claims in the Working Forest discussion document that they have the solid backing of the UBCM.

4. Public participation and oversight in Public land use planning and decision making is still not enshrined in provincial legislation, despite strong recommendations to do so under the Social Credit's 1990-1991 Forest Resources Commission. In addition, the failure of government to introduce and pass this legislation as recommended by Commissioner Stephen Owen in November 1994, *A Sustainability Act for British Columbia*, is testimony of government and forest industry position that public participation is akin to "interference". The removal of public scrutiny at the cutting permit and amendment level in Pre-Harvest Silviculture Prescriptions (PHSPs) in 1995-96, and the related removal of public advertisement of cutblock proposals and cutblock amendments, was a critical blow to public participation. The replacement provisions for public participation under the *Forest Practices Code Act*, post 1995, were ineffectual.

Ignoring public concerns, the Campbell government has recently begun to close a number of District and Regional Ministry of Forest offices, and has started transferring Public forestland

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<sup>16</sup> *Forest Policy*, October 2, 2002, from UBCM Executive: "6. Appurtenancy. UBCM is concerned about the removal of the appurtenancy clause as it will result in a further loss of control over where the wood is processed and in some cases, massive job loss."

<sup>17</sup> The issue of raw log exports has a long and controversial history. For instance, the enactment of the *Timber Manufacture Act* on March 12, 1906 forbade the export of raw logs and required that all Crown land timber be manufactured or used within B.C.

information and data management responsibilities formerly done by the Ministry of Forests, to forest industry licensees. This transfer of responsibilities effectively compromises the ability of the public to obtain “neutral” information and leaves what information is provided to the discretion of forest companies.

The government has also restricted the way in which management plans and amendments to cutting plans can be reviewed and commented upon by the public, to the obvious advantage of forest licensees. Companies, are no longer legally required to respond to public concerns, and do not even have to provide specific information on where they plan to log, leaving the public to guess about cutblock locations. This translates into the absence of a meaningful public role in forest management prescriptions and practices on a large range of issues. There will no longer be a neutral source to obtain mapped planning information and the public will be required to obtain the information from the licensee. There are no guarantees that the public will get the information needed to make informed comments.

For instance, there have been a number of instances where a member of the public, after reviewing the silvicultural prescription and inspecting the proposed cutblock with Ministry of Forests staff, has discovered the information in the prescription to be flawed, necessitating an amendment or removal of the cutblock. Where is the allowance to include valuable local public knowledge, input, and criticism in the development of logging plans, particularly when the government has effectively ruled it out?

“In an era of shrinking government budgets and reduced technical support, the public can offer information and expertise that the government does not have. In addition, public participation is the best source for important information about values and an estimate of the public will. This additional information and expertise can lead to a more adaptable, capable process producing better decisions.”<sup>18</sup>

5. It is of great concern that government continues to wrongly include drinking watershed sources in its “harvesting” land base, primarily through the Allowable Annual Cut determinations since the early 1990’s.

We take the opposite view of Chief Forester Larry Pedersen in his recent March 20, 2003 address, *Allowable Annual Cuts in British Columbia – The Agony and the Ecstasy*, where he states “the history of harvest regulation in the province” has “an honourable past that continues to influence allowable annual cut (AAC) policy and decisions today.” In terms of drinking watershed sources, it is our well-founded contention based on documentation that this history is particularly “dishonourable”. Drinking watershed sources were not intended to be in the harvestable land base, as referenced in 1981 by former Deputy Minister of Forests Mike Apsey:

“Mr. Apsey noted that his Ministry was becoming aware of growing public concern over other use of lands around [community and domestic] watersheds. He noted that there was the danger of losing flexibility and returning to a single use concept of land.”<sup>19</sup>

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<sup>18</sup> *An Evaluation of Public Participation in the British Columbia Ministry of Forests*, by Kim Brenneis, Forest Resources Commission – Background Papers, December 1990, page 10.

<sup>19</sup> Environment and Land Use Technical Committee, Minutes, March 9, 1981.

The establishment of Allowable Annual Cuts in drinking watershed sources is the result of internal political collusion specifically aimed at engineering the demise of provincial drinking watershed protection and policies.

Our position, on the protection of drinking water sources, is supported by numerous resolutions passed by the Union of B.C. Municipalities, Regional Districts, cities, towns, communities, community organizations, and environmental organizations since the 1970s. The 1990s saw significant shifts toward conservation and protection of drinking watershed sources, namely the Greater Victoria Regional District, the Greater Vancouver Regional and Water Districts, the Sunshine Coast Regional District, and the City of Nelson. Other significant policy changes are also occurring in other Canadian provincial jurisdictions and in the United States.

# THE WORKING FOREST: “END OF THE COMMONS” - (THE NEW CORPORATE FOREST MANAGEMENT PLAN FOR BRITISH COLUMBIA)

## 1.0. THE ROOTS OF THE “WORKING FOREST”

### 1.1. The “Working Forest” Proposal – 2001-2003

The New Democratic Party Forests Minister Gordon Wilson announced his government’s first legislative proposal for the Working Forest initiative to the public on February 12, 2001. The announcement came one week before the end of the public review process of the proposed *Drinking Water Protection Act*, a process that began about six weeks earlier. The B.C. Tap Water Alliance immediately voiced strong objections on the timing of the Minister’s announcement and intent of the Working Forest initiative through a February 19, 2001 press release (**Appendix B**), about how the proposed legislation conflicted with the public’s concerns about the protection of drinking watershed sources. About one thousand other submissions posted on the Ministry of Forests website also opposed the Working Forest proposal. As a result, the government immediately removed the initiative.

Two years later, the B.C. Liberal Party Cabinet has re-proposed a Working Forest initiative, but under new and expanded directives, including the repeal of 140 Provincial Forest Reserve boundaries individually created as early as 1923 through Orders-In-Council under the *Land Act* (provided in **Appendix C**). The Ministry of Sustainable Resource Management, which now administers the *Land Act*, intends to consolidate the boundaries of all the reserves under a single reserve boundary. In order to do this, the government apparently plans to almost double the “working forest” within this new boundary from 23 million hectares to 45 million hectares, by including currently non-commercial forests.

As shown in the following quotation, opposition leader Gordon Campbell had declared the concept of a “Working Forest” as a “New Era” election commitment by the B.C. Liberals in a speech to the B.C. Truck Loggers Association on January 12, 2001, three weeks before NDP Forests Minister Gordon Wilson actually announced the proposal to the public:

“We are now at the end of one of BC forestry’s most difficult decades. It’s been a decade in which our industry has been under constant attack. It’s been a decade of betrayal and broken promises. It’s been a dark decade for thousands of families that lost their jobs and for hundreds that have lost their homes.”

“Under a BC Liberal government, the Forests Minister will be an advocate for the industry not an apologist.”

“The first thing we must do is designate a working forest land base. That land base must be large enough to ensure that our social and economic objectives can reasonably be met. A BC Liberal government will determine and establish a working forest land base within our first 18 months.”

“I have advocated a working forest land base for years. I was pleased to hear that the Minister of Forests has heard about the idea. It’s time to act on it.”

“The extent of the working forest land base will be decided in public at an open Cabinet meeting. It is as critical a decision as any new park, and we will make both decisions in full public view.”

“We will open Cabinet up so land use decisions are made in public. The Truck Loggers Association, the IWA, and our resource communities will be part of discussions on our forests and our future. We will work with everyone – the environmental movement, communities and industry, forest workers and the public.”

“We believe that with good science and good intensive forestry practices, we can push our AAC back up and that is the BC Liberals’ goal. Some have suggested we could get back as high as 100 million cubic metres. The Premier says that I advocate that number. The Premier is not telling you the truth. As I said to the Truck Loggers Association last year, I don’t know if we can get that high but I do know that with good science, excellent management and innovative practices we can go a lot higher than the 60 million cubic metres that have been harvested this year.”

“Resource communities, the Union of BC Municipalities, companies, the Forest Alliance, the Council of Forest Industries and the Truck Loggers Association have all helped lead the way. But it’s the government’s responsibility to be the prime advocate for what is happening in BC.”<sup>20</sup>

Premier Campbell’s “new era” language echoed Social Credit’s Minister of Forests, Tom Waterland, 25 years ago when he introduced the new *Forest Act* on May 17, 1978:

“The Pearse report, the forest policy advisory committee and my ministry’s work through this year have resulted in the introduction into this House of three new bills last Friday: a new Forest Act, a new Range Act and a new ministry Act. These Acts will launch British Columbia into a new era of forest management.”<sup>21</sup>

According to the recently established Ministry of Sustainable Resource Management’s January 2003 discussion paper on the Working Forest, “The Union of BC Municipalities originally called for a working forest land base in 1997 and the Council of Forest Industries echoed that in 1999 when it suggested protecting “a sizeable and secure land base for the working forest.” The seeds of the Working Forest concept regarding a “secure” or “reserved” land-base on “Public” lands for the forest industry sector originated as early as 1992, and was sown with the Union of B.C. Municipalities (UBCM) in 1993, shortly after Gordon Campbell ended his term as the president of the UBCM on May 5, 1993. The Working Forest concept was subsequently delineated through Slocan Forest Products President and CEO Ike Barber’s Working Forest promotional initiative in 1994-1995.”<sup>22</sup>

The October 22, 1997 UBCM annual conference policy paper, *Towards a Communities and Resource Strategy*, was first introduced on September 24, 1993, and amended at annual conferences

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<sup>20</sup> Gordon Campbell, leader of the Liberal opposition party, address to the Truck Loggers Association, January 19, 2001.

<sup>21</sup> Hansard, May 17, 1978, page 1518.

<sup>22</sup> *The Working Forest of British Columbia – The Working Forest Project*. Published by Harbour Publishing for I.K. Barber, 1995.

on September 22, 1994 and September 18, 1996. Campbell, the former mayor of Vancouver (1986-1993), and Chairman of the Greater Vancouver Regional District (1991-1993), became a Director of the forest industry financed Forest Alliance of B.C. when it was formed in 1991. Campbell stepped down from the Forest Alliance in the latter half of 1993 when he announced his candidacy for leadership of the newly formed B.C. Liberal Party.

## **1.2 The Creation of the Forest Alliance of B.C.**

*“Industry must grab control and set the environmental agenda or it will fall victim to activists, the head of the world’s largest public firm says. “We must move to the pro-active stage. Business, if it is not a leader in the environmental movement, will be the victim and that’s not a position we can accept,” Thomas Bell, chief operating officer of Burson Marsteller, told delegates to the annual meeting of the Pacific Basin Economic Council.”*<sup>23</sup>

### **1.2.1. The Ongoing Liquidation of B.C.’s Old Growth Forests and the Rise of Public Concerns**

The history behind the Working Forest initiative, combined with recent related amendments and introductions of provincial legislations, is complicated, and is part of the “unfinished business” of forest industry schemes in the 1980s. It arose as part of a failed strategy by a coalition of influential forest industry companies to increase control from 29% to 67% of B.C.’s Public harvestable forest land-base for area-based tenures under Tree Farm Licences. It is also related to the forest industry alliance’s fear about the shift in public opinion in the late 1980s and early 1990s regarding the logging of B.C.’s Public forests and the subsequent public calls for protection of the remaining tracts of old growth forests in B.C. Significant public attention was being focused on corporate control of Public lands, on alternative forms of logging, on unsettled First Nations land title, and calls for an associated reduction of the provincial Allowable Annual Cut were being heard.

In the 1980s, Canadian media were beginning to investigate and feature the liquidation and clearcutting of North American forests, especially B.C.’s coastal temperate and interior forests. It was reported that the provincial government was responsible for allowing B.C. forest companies to clearcut more than half of all the provincial timber volume logged over a hundred year period in only 13 years, 1977-1989: “Half of all the timber logged between 1911-1989 in public forests has been cut in the past 13 years.”<sup>24</sup>

This sudden increase in logging rates and the accelerated liquidation of B.C.’s old-growth forests was directly related to the influential lobbying efforts by the Council of Forest Industries (COFI). The Social Credit government’s implementation of Annual Allowable Cuts for Tree Farm Licences and for the volume based licences in the Ministry of Forests’ ninety-odd sustained yield units were transformed into Timber Supply Areas. The Social Credit government also significantly downsized Ministry of Forests staff and eliminated monitoring and enforcement of the forest industry sector in the 1980s as a result of secret agreements with the COFI, under what was described as the “sympathetic administration” era.

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<sup>23</sup> *Industry urged to get eco-active*, May 27, 1992, Vancouver Sun.

<sup>24</sup> *Seeing the Forest Among the Trees*, by Herb Hammond, page 77.

Some of the issues that were being featured in the media included the accounts of excessive logging waste and the unbridled stripping of Graham<sup>25</sup> and Morseby Islands in Haida Gwaii (the Queen Charlotte Islands), and the road blockade by the Haida Nation on South Morseby; the Bowron Valley clearcuts that astronauts could detect from space; the continued decimation of Vancouver Island's old growth forests, in particular the 1987 illegal trespass through unpermitted road building by MacMillan Bloedel to log the intact Carmanah Valley in advance of public investigations regarding remaining intact coastal watersheds; University of B.C. botanist and father of B.C.'s ecological reserves Vladimir Krajina's campaign against logging the last stand of old growth Douglas Fir stand by Canadian Forest Products (Canfor) on the Nimpkish River south of Woss; the battle to protect Meares Island and the related First Nations court case and the well-known ruling by Justice Seaton; the Sulphur Passage logging road blockade in Clayoquot Sound; the efforts by First Nations and citizens to protect the Stein Valley; the logging of the Upper Nass, Meziadin, and Bell River areas on Tree Farm Licence No.1; logging the high elevation Tetrahedron headwaters of the Sunshine Coast's drinking water sources and the Caren Range near Sechelt; the logging of green timber and logging wastage in the beetle kill on the western Chilcotin Plateau; the identification of remaining intact watersheds on B.C.'s coast; drinking watershed conflicts in southeastern B.C.

Logging on private lands in B.C.'s Interior, eastern Vancouver Island, and Gulf Islands was also escalating. An investigation of the devastating impacts of extensive private land clearcut logging by major forest companies to fish habitat on the San Juan watershed on southern Vancouver Island caused the government to consider implementing constraints to private land logging, including a moratorium. Galiano, Salt Spring, and Lasqueti Islands residents were meeting with the government's Finance and Municipal Affairs Ministers who were calling for a moratorium on 13 of the Gulf Islands. A number of these operations were proceeding into drinking watershed sources. Even Peter Pearce, the University of B.C.'s resource economist, and former Commissioner of the 1975 Royal Commission on Forest Resources, said he "reluctantly" supports those who want a moratorium" regarding the Gulf Islands.<sup>26</sup>

### **1.2.2. The Forests Forever Public Relations Campaign and the Vancouver Sun**

The Council of Forest Industries (COFI) developed a public relations strategy in 1987, the *Forests Forever* campaign, to counter the increasing public disenchantment with the rate and method of old growth logging in B.C., both on public and private lands.<sup>27</sup> From 1987-1990, forest industry captains spent a minimum of one million dollars annually on the Forests Forever campaign before the COFI hired Burson-Marsteller for their public relations campaign in 1991. Forests Forever signs were erected along B.C.'s main highways, secondary roads, and logging roads, and campaign ads ran in B.C.'s newspapers. In early November 1988, CBC Television refused to run

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<sup>25</sup> *Police decide against laying MacBlo charge*, June 29, 1988, Vancouver Sun.

<sup>26</sup> *Province ponders controls for logging on private lands*, June 27, 1988, Vancouver Sun; *Logging of private land to get look*, August 25, 1989, Vancouver Sun; *Clear-Cut Probe Set – Minister targets unregulated logging of private land*, November 5, 1989, Vancouver Province; *Islanders pressure Couvelier for logging rules*, June 11, 1990, Vancouver Sun.

<sup>27</sup> *Forests: Fighting Forever? Business and preservationists wage a public relations war over the province's resources*, May 30, 1989, Vancouver Sun. The article describes who was involved in starting the Share movement in B.C., and its relationship to the forest industry.

the COFI's thirty-second television ad, because of complaints that the ads were misleading, an incident that resulted in national scrutiny of its PR campaign.<sup>28</sup>

As a consequence of growing public concerns and initiatives that documented B.C. logging practices, the mid to late 1980s witnessed the proliferation of community and environmental organizations. These organizations were concerned about the accelerated damage and long term repercussions to forest ecosystems from logging and road building practices. This was linked to a rapidly expanding global understanding of the science and conservation of ecological systems, and conversely it was also responsible, in some ways, for its growth. As this public movement gained momentum, journalists at the Vancouver Sun newspaper began to investigate issues related to the forest industry. The education of the public continued through successive articles in the Vancouver Sun concentrated during a four-year period (1987-1991), as well as numerous spin-off television and radio programs. First Nations, environmental, and fisheries reporters increased public awareness that led to criticisms about the state of B.C.'s forests, government management, unsettled First Nations land title, and the forest industry.

On October 2, 1989, in the midst of this, the front page of the Vancouver Sun announced a one week series on the environment, as the beginning of a "six-month effort by a team of Southam reporters and editors that also includes the publication of a special 24-page section on the environment to appear Saturday, Oct. 7." The front page also ran the findings of a national poll by Winnipeg-based Angus Reid, summarizing "this country is on the verge of a green revolution". The poll stated that Canadians were willing to pay higher taxes for tougher environmental legislations, that more wilderness areas should be spared from the chainsaw, that they wanted their garbage reduced and recycled, that they supported the banning of many chemicals, and that they were concerned about global warming, acid rain, ozone depletion and water pollution.

Many North Americans were justifiably concerned about the "right wing" politics and the relaxation and removal of environmental regulations in the United States and Canada under the administrations of Ronald Reagan and Brian Mulroney. For instance, in 1985, Brian Mulroney's Environment Minister Suzanne Blais-Grenier proposed logging and mining operations in Canada's National Parks. Four years later, the Canfor Corporation was logging in Wood Buffalo National Park.<sup>29</sup> Before Blais-Grenier was replaced by Tom McMillan, who distanced himself from his predecessor, she supervised massive cuts to Environment Canada, much like the B.C. Liberals have recently done with a number of provincial ministries. In 1987-88, Social Credit's Energy Minister Jack Davis almost approved of Chevron Canada's proposal for offshore oil drilling near South Moresby Island - the company's drilling rights were traded in the late 1990s for more lucrative areas in northeast B.C. The spectre of Free Trade was looming, with the Coalition Against Free Trade warning that Canadians were "risking" their right to protect their environment under the Mulroney government's negotiations with the United States. In September 1989, thousands of demonstrators walked the streets of downtown Vancouver against world pollution.

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<sup>28</sup> *Forest industry blasts CBC for pulling ads*, November 3, 1988, Vancouver Sun; *Environmental lobby demands CBC withdraw MacBlo ads*, November 7, 1988, Vancouver Sun.

<sup>29</sup> *Canfor shows what it thinks of a national park*, A13, December 19, 1990, Vancouver Sun; *Park logging: the Canfor defence*, A11, January 2, 1991, Vancouver Sun.



On October 6, 1989, reporter Glenn Bohn ran a story on *B.C.'s Environmental Hot Spots – The Stakes are high in B.C.*:

“No other province in Canada has its political agenda so dominated by natural resource and wilderness conflicts as British Columbia.

And no other province has so much at stake, because B.C. has the widest range of ecological zones and wildlife habitats in Canada.

Here, too, are massive mineral resources, some of the world’s richest salmon runs, a rapidly expanding tourism industry, vast untapped hydro-electric power, the nation’s largest winter population of birds, and the forests that produce half the timber logged in Canada.

Ours is the province that still has the luxury of deciding whether wilderness watersheds like Carmanah, Stein and Khutseymateen should be “developed” or “preserved”.

And it is home to a people with a deep love of nature, the province where Greenpeace, now a three-million-member, \$35 million-a-year international organization, was born.

Today, there are about 400 environmental groups in B.C. and the debate reverberates from the backwoods to the boardrooms, from native Indian villages to big-city suburbs. But this environmentally conscious population is losing its patience.

Sustaining the Living Land, a June 1989 report by a B.C. cabinet-appointed Task Force on the Environment and Economy, warned that the debate over natural resource decisions is leading to “frustration, cynicism and concern.”

It is an understatement in a province that has seen more than 200 demonstrators arrested in the past few years in South Morseby, Clayoquot Sound and Strathcona Park.

Today, the Vancouver Sun’s week-long series on the environment updates three major issues in B.C., and looks at the viability of sustainable development. And we give readers a chance to see where they fit in when it comes to 7 environmental profiles identified by a national poll.”

The extensive media coverage of public concerns about logging also led to the creation of the now defunct “Old Growth Strategy” by the provincial government in 1990, to help develop processes for identifying and protecting significant tracts of remaining old growth forests and wildlife refuges.<sup>30</sup> The Old Growth Strategy was later divided into two arenas by the New Democratic government after it was elected in late 1991: the Protected Areas Strategy and the Biodiversity Strategy. The Biodiversity Strategy was later set out in the Forest Practices Code Biodiversity Guidebook, which was later replaced with the weakened Landscape Unit Planning Guide. The societal goal to protect old growth forests on Public lands for numerous ecological and social values was mirrored in some ways through a vision statement for B.C.’s Public lands summarized by Gordon Sloan in his 1945 final Royal Commission report, a vision that was subsequently neglected by successive government administrations:

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<sup>30</sup> *Old-growth forests report sparks attack on ministry*, December 7, 1989, Vancouver Sun.

“A sustained yield policy, perpetuating our forest stands, will not only provide a continuity of wood supply essential to maintain our forest industries, primary and secondary, with consequent regional stability of employment, but will also ensure a continued forest cover adequate to perform the invaluable functions of watershed protection, stream flow and run-off control, the prevention of soil erosion, and of providing recreational and scenic areas, and a home for our wild bird and animal life.”<sup>31</sup>

Commissioner Sloan also provided recommendations on the protection of drinking watershed sources in his report:

“The perpetuation of the forest-cover for purposes other than the 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 value in place in the forest than when converted into lumber.”<sup>32</sup>

### 1.2.3. Corporate Boardroom Greenwash and the Trip to Reno

The rise of public concern about B.C.’s logging practices by forest companies under licences granted by provincial administrators, and the failed attempt by the Council of Forest Industries (COFI) to gain more control of Public forest lands in the late 1980s, led COFI to greatly increase its public relations efforts. At a conference meeting of about 300 forest industry executives in Prince George in early April 1989, Decima Research president Ian McKinnon stated that the forest industry was in dire need of better public relations. On April 20, 1989, Ian Donald, the president of Fletcher Challenge Canada Ltd., stated at an annual public shareholders meeting:

“A sudden but not totally unexpected change in public attitudes toward the environment poses a challenge to the continued prosperity of B.C.’s forest industry.... Only three years ago, less than one percent of Canadians identified ‘the environment’ as an unprompted, top-of-mind concern. Today, the environment is the number two issue Canadians most worry about.”<sup>33</sup>

Similar statements were made at MacMillan Bloedel’s annual shareholders meeting on March 30, 1989. Fletcher Challenge Canada hired Ronald Woznow, former Chief of Staff for federal environment minister Tom McMillan, as the company’s first “environment” vice president.<sup>34</sup> On April 24, 1989, Canfor Corporation president Peter Bentley similarly named Kirke MacMillan to the company’s new portfolio of vice president of environment.<sup>35</sup> It was, as the Report on Business Magazine captioned it, a public relations strategy on the so-called *Greening of the Boardroom*,<sup>36</sup> which was in turn related to similar strategies conducted by large resource corporations based in the United States.

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<sup>31</sup> *Report of the Commissioner Relating to the Forest Resources of B.C.*, by Gordon Sloan, 1945, page 128.

<sup>32</sup> *Ibid.*, page 147.

<sup>33</sup> *Environment seen key forestry issue*, April 21, 1989, Vancouver Sun.

<sup>34</sup> *Fletcher’s environment chief issues code of ethics challenge*, April 5, 1989, Vancouver Sun; *Forest company to release its own environmental code*, June 17, 1989, Vancouver Sun. On Noranda Forest Inc, *Chairman Adam on the environment*, May 20, 1989, Vancouver Sun.

<sup>35</sup> *Corporate cleanup hastened*, and *The friendlier face*, June 18, 1989, Vancouver Province.

<sup>36</sup> *The Greening of the Boardroom*, July 1989, Report on Business Magazine.

“In 1990 alone, US businesses spent an estimated \$500 million on hiring the services of anti-environmental PR professionals and on “greenwashing” their corporate image. O’Dwyer’s termed the environmental struggle, “the life and death PR battle of the 1990s.”

The object of this PR war is to change public perceptions about both the environment and its despoilers. PR battles are being waged on many fronts; on television, in the printed press, in grade school classrooms, in community meeting halls, on the board of directors of mainstream environmental groups, at journalism conferences, and on talk radio.”<sup>37</sup>

On May 12, 1989, the Canfor Corporation ran ads in the Vancouver Sun and Province newspapers, *Share The Forest*, with the declaration that:

“A working forest has many values that we can all share ... by sharing the forest, we keep it working and providing the greatest benefit for all rather than a select few.”

Vancouver Sun columnist Nicole Parton, who was later chastised in letters to the editor for her derogatory comments towards environmentalists, wrote a column on August 11, 1989 which featured Canfor Corporation’s CEO and chairman Peter Bentley’s July 19<sup>th</sup> letter to northern B.C. mayors. This letter asked them to support the objectives of the recently formed B.C. Environmental Information Institute, founded by Port McNeill mayor Gerry Furney, “a long-time friend of Bentley’s”. In July, Furney sent a brief and letter to all B.C. mayors, Regional Districts, MLAs, MPs, unions, business and science associations to present “the various pressures being faced by us all in the environmental-economic debate.” The so-called B.C. Environmental Information Institute was initially provided \$14,000 from Western Forest Products and MacMillan Bloedel, and directors of the Institute included Truck Loggers Association secretary-treasurer Graham Lea, the Share movement representative, and a managing director of the B.C. Yukon Chamber of Mines.

According to Ben Parfitt’s May 30, 1989 investigative article in the Vancouver Sun,<sup>38</sup> prominent political and industry representatives flew to Reno, Nevada in a MacMillan Bloedel Ltd. aircraft in August 1988 to participate in a conference hosted by the Wise Use movement. Another account stated that the number of these visitors were about 40 in total. The Wise Use movement, chaired by Ron Arnold, is an ultra right wing “multiple use” front group linked to U.S. corporate resource sectors and anti-labour organizations. It has been linked by U.S. newspaper reporters to the American Freedom Coalition, the political arm of the “Moonies”, the Unification Church of Revered Sun Myung Moon. The Canadian Library of Parliament conducted a 48-page study, *Share Groups in British Columbia*, published on December 10, 1991, detailing many of these strange facts.

The Parliamentary study states that Ron Arnold was a “consultant hired by pro-pesticide groups, the Ontario Forest Industries Association, and the Canadian Pulp and Paper Association.” It also reports Arnold advising B.C. forest executives that it was “hard for multinational corporations to be credible waging a media campaign against environmentalists, so they should fund other citizen’s groups to defend them, and “get the hell out of the way”.”

The Wise Use Movement was originally based in Bellevue, Washington State where it began in 1983 as the Centre for the Defence of Free Enterprise, and was funded by “timber firms Georgia

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<sup>37</sup> Joel Bleifuss, *Covering the Earth with “Green PR”*, PR Watch, Volume 2, Number 1, First Quarter 1995.

<sup>38</sup> *Forests: Fighting Forever?* Vancouver Sun, May 30, 1989.

Pacific, Louisiana-Pacific, Boise Cascade, Pacific Lumber and MacMillan Bloedel, along with companies like Exxon and Dupont”:

“Pro-industry citizen activist groups can do things the industry can’t,” explained Ron Arnold, the father of the anti-environmentalist “Wise Use” movement. In a candid talk to the Ontario Forest Industries Association, Arnold elaborated on the benefits of a citizens’ front group strategy: “It can form coalitions to build real political clout. It can be an effective and convincing advocate for your industry. It can evoke powerful archetypes such as the sanctity of the family, the virtue of the close-knit community, the natural wisdom of the rural dweller, and many others I’m sure you can think of. It can use the tactic of the intelligent attack against environmentalists and take the battle to them instead of forever responding to environmentalist initiatives. And it can turn the public against your enemies.”<sup>39</sup>

Ben Parfitt reported that former B.C. Forests Minister and then mining industry lobbyist Tom Waterland,<sup>40</sup> Council of Forest Industries vice president Tony Shebbeare, Port Alberni Mayor Gillian Trumper, and Port McNeil Mayor Gerry Furney were some of the attendees of the Reno conference. Following the visit, the “Share Our Forests” and “Share Our Resources” campaign began in forest resource industry towns in B.C. As Joel Bleifuss stated in his essay, *Covering The Earth With “Green PR”*:

“The public relations industry has been closely involved with Wise Use since its founding, according to Joyce Nelson, the author of *Sultans of Sleaze: Public Relations and the Media* (Common Courage Press). Nelson writes that 36 of the corporations that are known to fund the Wise Use movement in the United States were clients of the PR firm Burson-Marsteller in the 1980s, the period during which industry began to pour money into that movement.

The first Wise Use conference, held in 1988, was supported by a variety of special interests including Exxon and the National Rifle Association. The 1990 conference, funded by Chevron, Exxon, Shell Oil and Georgia Pacific, featured a talk by Reed Irvine, of Accuracy in Media and Accuracy in Academia. Titled “Red Into Green,” Irvine’s talk claimed that environmentalism is the latest incarnation of socialism. Irvine’s groups are funded by Dresser Industries, Chevron, Ciba-Geigy, Exxon, IBM, Kaiser Aluminium and Chemical, Union Carbide, Phillips Petroleum, Mobil Foundation, and Texaco Philanthropic Foundation, among others.”

“A Seattle Post-Intelligencer editorial put it this way: “To hire a press agent to cook up a campaign, pay all that campaign’s bills and then claim that the campaign ‘was founded by more than 100 prominent community leaders in Oregon, Washington and Northern California’ is too crafty by half.”

The seeds for the Share movement in B.C. had already been sown, to a great extent, by the actions of logger Robert Labonte Smith and the hundreds of volumes of his *Red Neck News* newsletter based in Sandspit, Queen Charlotte Islands. The newsletters began to roll out in 1982 and were funded by the Sandspit-based Beban Logging Company that was liquidating the old growth forests on Morseby Island. The week that Frank Beban died in 1987 is apparently when the newsletter went under. The newsletters were replete with diatribes, fear mongering, and smear

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<sup>39</sup> Joel Bleifuss, *Covering the Earth with “Green PR”*.

<sup>40</sup> Tom Waterland had to step down as Minister of Forests in January 1986 over “conflict-of-interest” allegations.

campaigns against “environmentalists”. For instance, in 1985 Smith began a campaign against the New Denver-based Valhalla Wilderness Society, and established a support base in the Slocan Valley through George Fitchett. Splinter groups were also established in other areas to “combat” conservation measures and groups regarding Public lands, such as the initiatives to protect the Stein Valley near Lytton, B.C.

Smith advocated that his goal was to ensure that “resource industries have access to all lands in B.C. “that includes parkland, rangeland, the forest land base and all land outside of private ownership by the Crown.”<sup>41</sup> According to excerpts from correspondence to Smith reprinted in his newsletters, a number of B.C. politicians were on side with the views established in the Red Neck News. Patrick Armstrong, a Queen Charlotte Islands resident, and director of “Our Land Society”, affiliated with the Wise Use Movement, was also responsible for setting up Share groups in B.C.

#### **1.2.4. The Council of Forest Industries Hires Burson-Marstellar**

In an excerpt from a speech by Vancouver Sun editor-in-chief Nicholas Mills to Ministry of Forests administrators, Mills stated in a December 5, 1989 editorial that Adam Zimmerman, chairman of Noranda Forest Inc. and director of the Southam newspaper company that owned the Vancouver Sun at that time, was complaining that the media “are giving the impression that the forest industry is laying waste to the land and in the process is poisoning the water, fouling the air, and creating mountains of waste”, and that the “industry has too much forest, makes too much money and should be substantially converted to tourism.”<sup>42</sup> On January 6, 1990, the Vancouver Sun stated that “the Social Credit government’s efforts to protect the environment and regulate B.C.’s forest industries got a failing grade from the majority of respondents to a province-wide Vancouver Sun poll released today.” In August 1990, the National Geographic magazine released international exposure of International Forest Products Ltd. operations’ on Mount Paxton on the western coast of Vancouver Island. The mountainside was stripped from top to bottom, criss-crossed with logging roads, similar to numerous coastal and interior strip-mining operations authorized by the Ministry of Forests.

The Pacific Logging Congress, a “western” logging industry organization, originally founded in 1909, representing logging interests in B.C., 12 western U.S. states, and New Zealand, published an eight-page newsletter, *Conflict: The Logger and the Media*, the theme of its 81<sup>st</sup> annual 1990 meeting held in Vancouver. The influence of the media was on the front burner. The newsletter stated:

“Major North American media have already devoted considerable time and space to examining the practice of forestry. So far, the picture painted has not been flattering. Many in the industry think the media’s approach to forestry is one-sided – that while the media is ever-diligent in shining the spotlight on loggers, it is far less interested in shining the spotlight on the industry’s critics, or on itself. There is a need to understand the role of the media.... In

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<sup>41</sup> Report – Robert L. Smith and George “Ted” Fitchett. DEFAMATORY LIBEL – Incitements to Hatred & Violence, Section II. Defamation, Slander, Smear-by-Association, Course of Conduct, Publications, 1984-1985, Volume One. Valhalla Wilderness Society, page 9. The 1100 page, three-volume account by the Valhalla Wilderness Society was provided to the government to change the criminal code about public defamation. The government interceded on the matter that was gaining prominence, and the legislation was left unaltered.

<sup>42</sup> *It’s time for voices of reason to be heard in forest debate*, December 5, 1989, Vancouver Sun.

B.C., the media's right to know (actually it's the public's right to know) is made stronger because most logging takes place on public land."

In January 1991, the captains of B.C.'s forest industry hired the services of an international public relations firm, Burson-Marsteller (BM), to counteract the tide of growing public resentment and concerns about the future of B.C. forests. In 1994, BM was credited as being the world's largest PR firm, with 63 offices in 32 countries and almost \$200 million in income".<sup>43</sup> According to numerous accounts, BM had a reputation with corporations and governments for designing public relations initiatives to counter particularly sensitive and problematic issues. These accounts also describe how BM amassed a litany of controversial contracts with governments and corporations to retrofit public confidence and image, ranging from issues such as the Exxon Valdez oil spill, Union Carbide's 1984 Bhopal disaster, Babcock & Wilcox's 1979 Three Mile Island nuclear fall-out, and Romanian despot Nicolae Ceaucescu's difficulties. It has also had contracts with the World Business Council for Sustainable Development. According to Vancouver Sun reporter Ben Parfitt, "BM's employee and Alliance consultant Ken Rietz played an important role in Richard Nixon's scandal-ridden 1972 re-election campaign and was a key figure in Ronald Reagan's presidential election."<sup>44</sup>

On the forest industry front, U.S.-based Louisiana-Pacific logging company, "famous for its union-busting, clear cutting of old growth forests and support for anti-environmental front groups", had BM persuade "its employees and the public that rural unemployment in North America is caused by environmental extremists and oppressive government regulation and not by unsustainable logging practices or the relocation of sawmills to low-wage countries like Mexico."<sup>45</sup> Information repositories on the internet document how tobacco giant Philip Morris hired BM in 1993 to form the now defunct National Smokers Alliance, which Philip Morris provided initial seed money of 4 million dollars: "these "grassroots" groups, with their facades of "independence" from the industry, allowed them to do and say things publicly that the tobacco companies could not."<sup>46</sup> Splinter groups were formed throughout the world.

Vancouver Sun forestry reporter Ben Parfitt's January 25, 1991 story explained that Hank Ketchum, president of Seattle-based West Fraser Timber Co. Ltd., chairman of the Council of Forest Industries and member of the Vancouver Club,<sup>47</sup> "spearheaded" the hiring of the international company to "enhance" the industry's image.<sup>48</sup> BM's office at 1100 Melville Street in downtown Vancouver was also the same building in which forest industry company client sponsors West Fraser Mills Ltd, Weyerhaeuser Canada Ltd, and Enso Forest Products Mills Ltd. had their offices. West Fraser,<sup>49</sup> an aggressive forest company, which managed to keep out of the public limelight for

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<sup>43</sup> *Burson-Marsteller: PR for the New World Order*, by Carmelo Ruiz, July 6, 1997.

<sup>44</sup> Ben Parfitt, *PR Giants, Presidents' Men, and B.C. Trees*, The Georgia Straight, February 1992.

<sup>45</sup> Ibid.

<sup>46</sup> <http://www5.who.int/tobacco/repository/stp84/64%20Map%2020%20Smokers%20rights.pdf>

<sup>47</sup> *The Last Bastion – The Club: Minority of members keeps women out*, April 9, 1994, Vancouver Sun.

<sup>48</sup> *Forestry firms seek to polish image*, January 25, 1991, Vancouver Sun.

<sup>49</sup> "Gross sales for all divisions in 1999 totalled \$2.2 billion, up from \$1.49 billion in 1995. Lumber manufacturing and retail home improvement retail sales were tow two revenue leaders, at \$811.4 million, and \$788.4 million, in 1999. At December 31, 1999, West Fraser employed a total of 8,800 persons in operations, including 900 in joint venture operations. Total pay to employees in 1999 was \$171 million. Approximately 36 percent of West Fraser's forest products employees are covered by collective agreements, according to company information." (Contents from a press release when West Fraser Mills obtained Plum Creek sawmills at Joyce, Louisiana and Huttig, Arkansas.)

many years, acquired two prominent and influential Directors within the span of two months later that year. David Radler, the president and CEO of newspaper chain Hollinger Inc joined West Fraser on December 10, 1991, and the newly arrived U.B.C. Dean of Forestry (September 1990) Clark Binkley became a Director on February 13, 1992. According to financial reports from Elections B.C., West Fraser, and its affiliate companies, contributed a minimum of \$284,000 in political donations to the B.C. Liberal Party between 1995-2001 (see **Appendix D**). Donations to B.C. political parties prior to September 1995 are unavailable for public scrutiny.

### 1.2.5. Capital, Contract, and Control

The association between David Radler's directorship on West Fraser's Board and the objectives of Burson-Marsteller regarding the influence of the media and public perceptions through its clients at the COFI, is intriguing, particularly since Conrad Black's Hollinger Inc. later gained control of Southam Inc. on May 24, 1996.<sup>50</sup> Radler became deputy chairman and associate CEO of Southam in 1996,<sup>51</sup> the company that owned the Vancouver Sun and Province dailies. According to an interview statement by Radler in 1997, he noted that over the last few years his newspapers "are far more supportive of free enterprise than they used to be."<sup>52</sup> By 1996, Hollinger owned 600 papers around the world, including 170 dailies. Allen E. Gottlieb, former Canadian Ambassador to the United States and director of Alcan Aluminum, whose wife became a columnist at the National Post, was a director of Hollinger Inc. and chairman of Burson-Marsteller Canada at that time. Hank Ketchum Jr. joined the Board of Hollinger Inc. in March 1996.

"A Report on Business study of major boards shows that many directors rub elbows with colleagues they see frequently at other board meetings, or who are friends and former colleagues. The most prominent directors in Canada are a tight group who travel in the same circles, making boards cosier than they might appear to shareholders."

"The ROB did a sweeping review of the boards and governance practices of 270 companies that comprised Canada's benchmark S&P/TSX index at Sept. 1. As part of the broad assessment of the companies' boards, the ROB reviewed the extent of some of the comfortable relationships that can work against functional independence.

The review looked for boards that have at least three directors who served together on another board. And it looked for CEOs (or very senior officers) who sit on each other's boards.

It found 12 CEOs in the S&P/TSX index who swap boards with another CEO, some of them from companies that are not in the index. They include Peter Godsoe of Bank of Nova Scotia and Paul Sobey of Empire Co.; Norman Keevil of Teck Cominco Ltd. and James Gill of Aur

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<sup>50</sup> See: *Hollinger heads back to Toronto base – Free-enterprise policies of Mike Harris' PC government agree with corporate outlook of global newspaper conglomerate*, in Vancouver Sun, May 4, 1986; *Rogers, Hollinger, Thomson in media scrum*, Vancouver Sun, May 8, 1996; *Hollinger doubles stake in Southam*, Vancouver Sun, May 25, 1996; *Ardell Leaves Southam – Conrad Black's grip tightens on publisher with CEO's departure*, Globe and Mail, August 9, 1996; and *Hollinger offers to buy out Southam*, Vancouver Sun, May 1, 1997.

<sup>51</sup> For additional information, see *Radler no joker when it comes to dealing with Newspapers*, May 18, 1996, Vancouver Sun.

<sup>52</sup> Maclean's, September 29, 1997, p. 58.

Resources Inc.; and Henry Ketchum of West Fraser Timber Co. and David Radler of Hollinger Inc.”<sup>53</sup>

According to numerous investigative accounts in the early 1990s, Burson-Marstellar’s communication specialists began two initiatives on behalf of its clients: to offset the Vancouver Sun’s investigative coverage of environmental resource issues, and to front a new forestry alliance of prominent B.C. citizens and politicians, instead of corporate representatives, who would provide a semblance of public credibility to the beleaguered forest industry:

“The most effective spokesperson for a subject is one with no obvious interest in it. Often, companies faced with crises rely too heavily in the public arena on their own scientists or experts, not realizing that these people have questionable public credibility because of their company affiliation ... In public crises, seek out third-party support and use it with the public. A university professor familiar with the product can be a much more effective spokesperson than company scientists.”<sup>54</sup>

The Vancouver Sun’s former coverage of provincial resource issues was eventually sidelined, and provincial coverage was restricted to focus primarily on Lower Mainland issues.

By the mid-1990s, B.C.’s newspaper chains and independent dailies were being acquired by large media chains, such as Conrad Black’s and David Radler’s Hollinger Inc. Criticisms of the takeovers were widely reported on, including the following summary comments by Hubert Beyer in 1996:

“There was a time when newspapers were run by newspaper people, who actually believed that the space between the ads counted for something. That’s gone the way of the dodo bird. Today newspapers are big business, I mean big.

What’s even more worrying, the power of the media in general and the press in particular, is concentrated in fewer and fewer hands.”

Canada’s own Conrad Black owns 43 per cent of the country’s newspaper circulation, read by more than half of Canada’s population. That, by any standards, gives him an extraordinary position of power.”

“I just don’t trust Black when he says we have nothing to fear from the concentration of newspaper ownership. If you take your newspapers seriously, you have everything to fear from Black and others like him.

With the majority of newspapers in fewer and fewer hands, bigger and bigger newspaper empires are catering more and more to profit and less to what they were intended for – informing the public.”<sup>55</sup>

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<sup>53</sup> *Directors Travel in Small World*, Janet McFarland, October 9, 2002, Report on Business.

<sup>54</sup> Interview statement by Wayne L. Pines, Head of Burson-Marstellar’s Washington DC’s office and former employee of the U.S. Food and Drug Administration, in *PR Giants, President’s Men, and B.C. Trees – Is the B.C. Forest Alliance the voice of independent moderation on land use?*, by Ben Parfitt, the Georgia Straight, February 21-28, 1992.

<sup>55</sup> *Newspapers aren’t what they used to be*, by Hubert Beyer, November 28, 1996, Williams Lake Tribune.



### 1.2.6 The Corporate “Citizen’s” Front Group

Burson-Marstellar’s forest industry financed Forest Alliance of B.C. organized a “Citizen’s Advisory Board” to run the new organization. Under significant criticism from B.C. IWA (International Woodworkers Association) local presidents, IWA president Jack Munro was wooed by Burson-Marstellar to become the chairman of the Citizen’s Board, with a rumoured annual salary of \$100,000. Former mayor of Vancouver and Chair of the Greater Vancouver Regional District Gordon Campbell (now Premier), former Lillooet mayor Joyce Harder, former Williams Lake mayor Ray Woods, former Port Alberni mayor Gillian Trumper (now B.C. Liberal MLA), former Nanaimo mayor Frank Ney, former Vernon mayor Anne Clarke, former Chetwynd mayor Charles Lasser, former president of B.C. Salmon Farmers Association and environmental consultant Patrick Moore, U.B.C. professor of forest ecology Hamish Kimmins, U.B.C. professor of forest policy Les Reed, former CKNW radio host Jack Webster, CEO Lignum Ltd. John Kerr, Chairman and CEO Weldwood Canada Ltd. Tom Buell, and MacMillan Bloedel Chairman Ray Smith were many of the original “citizen” Directors.

The Forest Alliance later attracted former downhill Olympic gold ski medallist Nancy Greene-Raine of NGR Resort Consultants, who publicly advocated against federal endangered species legislation in 1997, and advocated for commercial developments in provincial parks in February 2000.<sup>56</sup> Aside from Jack Munro, ex-Greenpeace activist turned corporate consultant Patrick Moore took a prominent role as spokesperson for the Alliance in media interviews and in public presentations. More recently, Moore has been hired by the Society for the Positive Awareness of Aquaculture to bring credibility to the fish farm industry that has come under strong public criticism regarding the infection of wild salmon stocks with sea lice, and the Campbell government’s objective to significantly expand the fish farm industry on B.C.’s coastline.

The Forest Alliance of B.C. published a newsletter, *Choices*, which was widely distributed and sometimes inserted in provincial newspapers. Ken Rietz of Burson-Marstellar, was the executive producer of a seven part television “news” series called *The Forest and the People*, hosted by former CBC radio host Fanny Kiefer, which ran in late 1991 and was rebroadcast over subsequent years. As of March 2003, with the provincial government friendly to the major forest companies, the Forest Alliance of B.C. has formally ended its operations.

“[Gary] Ley told me the [Forest] Alliance’s [of B.C.] main mission was to ensure that B.C.’s forest companies had enough land [with] which to carry out their operations and to see that a healthy forest environment was maintained. But Ley then qualified that by saying the Alliance would not deal with issues like automation in sawmills, high timber-cutting charges, or the corporate hold over public forestland in B.C. “The number-one concern is the threat to the forest industry [and] the economic benefits it brings to the province through land-use decisions

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<sup>56</sup> See Vancouver Sun, March 21, 1997, OpEd section, for Nancy Greene-Raine’s position on behalf of the Forest Alliance regarding endangered species. On February 18, 2000, Greene-Raine addressed the B.C. Tourism conference in Vancouver where she stated: “Many of our best places are locked up in parks. I think it is kind of nice that we save them in parks, but personally I think that parks should also be for people. We need to put lodges in these places. There is so much opportunity out there and this is where we, as an industry, have to lobby hard.” (Audio transcript)

stemming from environmental factors. The Alliance's role is on the forest land-use base. That's the end of the story," Ley said."<sup>57</sup>

### 1.2.7 Clark Binkley and the Push for Privatization of Public Lands

After arriving in Vancouver to assume the post of University of B.C.'s Dean of Forestry in September 1990, and becoming a Director of West Fraser Mills 5 months later in February 1991, Clark Binkley stated at a meeting with the B.C. Environmental Network during its annual meeting on a Sunday morning, March 10, 1991, that as a self-ascribed "deep ecologist" he surmised B.C.'s Allowable Annual Cut could be increased from extraordinary high rates of 92 million cubic meters in the late 1980s up to 200 million cubic meters at some point in the future.<sup>58</sup> Binkley apparently based his outlandish position on examples of intensive tree farming harvesting methods in the southern United States. Two years previously, the Science Council of B.C.<sup>59</sup> had released a controversial report, which stated that the allowable annual cut could be increased to 160 million cubic meters "by the end of the next rotation".<sup>60</sup> The Science Council's Forest Planning Committee, chaired by Council of Forest Industries president Mike Apsey, had many representatives from the timber triangle - forest industry, government and academia.<sup>61</sup>

A year after Binkley became a Director of West Fraser, the University of B.C.'s student newspaper, *The Ubyssy*, ran a full front page article questioning the appointments of forestry Dean Clark Binkley and UBC president David Strangway on private sector company boards, calling it a conflict-of-interest.

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<sup>57</sup> *PR Giants, President's Men, and B.C. Trees – Is the B.C. Forest Alliance the voice of independent moderation on land use?*, by Ben Parfitt, the Georgia Straight, February 21-28, 1992.

<sup>58</sup> The author of this report put two questions to Binkley at the meeting: what were his projections for the Allowable Annual Cut?; and what was his position on unsettled First Nations title and how did this relate to forest tenures and projections for the allowable annual cut on Public lands in B.C.?

<sup>59</sup> "The Science Council of British Columbia was created as a Crown Agency by an Act of the provincial legislature in 1978, to help give British Columbia the resources and the drive to succeed in the rapidly growing global marketplace. Since its creation, the Science Council has played an important role in the province's economic and social development, through the delivery of numerous science and technology programs." (Source: Science Council of B.C. website)

<sup>60</sup> Forest Planning Committee for the Science Council of B.C. *Forestry Research And Development In British Columbia - A Vision for the Future*, Strategic Planning for Applied Research and Knowledge (SPARK). Under the report's five objectives, Objective No.3 stated that harvesting rates on 30 million hectares would be increased to 120 million cubic meters by the year 2020.

<sup>61</sup> The Forest Planning Committee was chaired by Mike Apsey, President of the Council of Forest Industries. Members of the Committee: Dan Alexander (Northern Interior Lumber Sector, COFI), Ted Baker (Ministry of Forests Research Branch), John Barker (Western Forest Products), Tom Bird (DFO), John Borden (Simon Fraser University), Bill Bourgeois (MacMillan Bloedel Ltd.), Bob Dobbs (Forestry Canada), Ingrid Herin (FERIC – Western Division), Fred Hutchinson (Cariboo Lumber Manufacturing Assoc.), Charlie Johnson (Pacific Regeneration Technologies), Robert Kennedy (University of B.C. Faculty of Forestry), Graham Lea (Truck Loggers Association), Don McMullan (Fletcher Challenge Canada Limited), Jack Owens (University of Victoria, Dept. of Biology), Doug Rickson (Canadian Forest Products Ltd.), Roy Strang (BC Institute of Technology Renewable Resources), Steve Tolnai (Interior Lumber Manufacturers Assoc.), Phil Van Mol (Assoc. of B.C. Professional Foresters), Ilan Vertinsky (Univ. of B.C. Economic and Policy Analysis Project), Jim Walker (Ministry of Environment, Wildlife Branch). Committee consultants: Gerry Burch (Ewing and Associates Ltd.), and John Witt (Western Management Consultants).

“The motion [to amend UBC’s conflict-of-interest policy] doesn’t apply to professors; it puts the onus on people who represent the university. If a professor goes out and gets research funding, people don’t view that as badly as the dean of forestry sitting on the board of a forestry company.”

“When you go a step further and have the dean of forestry on a forestry company’s board you really begin to wonder whether it’s possible to have the kind of free range of discussion from issues of the environment to issues of short-term harvesting in a free and unencumbered atmosphere.”<sup>62</sup>

Binkley later became an advocate and the prime promoter of the privatization, or giveaway, of B.C.’s Crown lands to the forest industry beginning in 1997,<sup>63</sup> and more recently in his public lectures, press statements and articles. Binkley’s prestigious position as UBC’s Dean of Forestry helped to influence widespread discussion and support on the issue, as reflected in the Vancouver Sun’s front-page article on June 26, 1998:

“Virtually all aspects of the forest industry should be placed in the hands of the private sector, MacMillan Bloedel chief Tom Stephens has proposed.... In a 12-page discussion paper circulated to industry insiders, the president and chief executive officer of MacMillan Bloedel claims his proposal will solve the unending battle over softwood lumber exports to the U.S.”

“The MacBlo solution would put a significant portion of B.C.’s annual allowable cut up for unrestricted auction so that stumpage fees, the “rent” the province collects on each cubic metre of wood cut on Crown land, would be more clearly tied to a free market.”<sup>64</sup>

In a series of articles, *Tenures Around the World, Part 1: Australia and New Zealand*, posted on the Truck Loggers Association’s website, Binkley is quoted extensively about the virtues of privatization initiatives in New Zealand and Australia’s (Crown State) Public lands, and how a similar structure should be implemented in B.C. As in B.C., both the Commonwealth countries share similar state ownership codes regarding Crown or Public lands, where forest companies have aggressively lobbied governments to adopt privatization schemes. Since Binkley’s departure as UBC Dean of Forestry in 1998, he has taken various senior portfolios with Boston Massachusetts based Hancock Timber Resource Group, such as its Managing Director and Chief Investment Officer, and its vice-president. Hancock Timber owns and operates privatized lands in Australia’s state of Victoria. Other timber companies, with large operations in the United States and Canada, such as Weyerhaeuser Australia Pty Ltd.’s operations in Australia’s Tumut Region boasts having the largest softwood sawmill in the southern hemisphere. The article states:

“[In New Zealand] the CFLs [Crown Forest Licences] are an interesting tenure because you don’t actually own the land [says Binkley]. Instead, you get the right to grow trees on the land, and this right exists for several rotations. The exact period differs amongst the CFLs. The government chose this option because of the concern about selling the country’s patrimony, and, in the case of New Zealand, because of the Maori land claims.

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<sup>62</sup> *Conflict of interest at UBC: staving off the corporate giants*, Tuesday, October 20, 1992, The Ubyyssey.

<sup>63</sup> *Save B.C., sell the forests*, Terrance Corcoran, July 19, 1997, Globe and Mail.

<sup>64</sup> *Privatization of B.C. forests recommended*, June 26, 1998, Vancouver Sun.

“In Australia, the early story is pretty much the same. Basically the state governments control forestry in Australia. Some states have separated the plantation forests from the native forest management, and run one through a government entity and the other through a [corporate] entity.

“Victoria is the only state that has privatized its plantations so far. They did this in 1998, and we purchased the Victoria Plantation Corporation (VPC), which was the Crown Corporation that was privatized.

“The form of tenure in Australia is similar to New Zealand in the sense that they didn’t sell the land, but rather a “plantation licence” the right to grow trees. As in New Zealand, there was public concern about selling the patrimony. It was okay to sell the trees, and the right to grow trees, but not the land. You have the right to grow trees forever though, and the plantation licence is transferable and divisible. But plantation rights are only for growing trees, and activities that are appurtenant to growing trees. We could put a sawmill on the land, for example, but we couldn’t convert it to apartment buildings. It is locked into forestry use.”

Peter Gorman [Manager of Leases for Crown Forestry, in New Zealand’s Ministry of Agriculture and Forestry] reports that in New Zealand, “the majority of the forest resource (95 per cent) is privately owned, but the private ownership of forestry land is less than this because the Crown still owns most of the licence land and some of the leasehold land. But there is no government control of land rents or wood product prices,” he explains. “Deregulation has lowered costs, and privatization and private sector investment has created a market-driven sector that operates largely free of government intervention.... Rail costs have gone down since rail was privatized. It had no strong profit objective when it was in government hands. And road transport costs have always remained competitive. Labour costs per unit have also dropped because labour productivity increased via more flexible working hours, use of contract labour and less union influence.”

“The real advantage that they have in both Australia and New Zealand,” notes Binkley, “is that they established those forests on land that had initially been cleared for agriculture. In B.C. very little land was ever cleared for agriculture; some 10 million hectares have been logged, and this land is the logical place to start to define a working forest. The people of B.C. might want more of the land base than that in B.C.’s working forest if the objective is to sustain current harvest levels.... Clark Binkley warns B.C. policy makers, “Unless you zone the forest, and declare something working forest, you’re never going to have a working forest.”

Binkley is one of the key rallying promoters of a world forest industry based on privatized plantation forests. One of the largest obstacles facing the industry is Commonwealth Crown or Public land and United States National Forest entities. Binkley’s 1999 paper promoting the privatization of United States National Forests states:

“Finally, the national forests may have a unique opportunity to craft a sustainable version of the natural forest management paradigm, but major organizational and institutional changes would be required. Of specific concern is the need to maintain adequate resources for excellent stewardship in the absence of a large timber program. One approach would be to corporatize the national forests along the lines of the New Zealand Ministry of Forests (prior to privatization) or the US Postal Service. Governed by an elected Board of Directors, the “US National Forests Corporation” would be empowered to sell *all* the products of the forest, from

water to wood with a mandate to maximize the asset value of the land base under the constraint of annual, public stewardship audits.”<sup>65</sup>

### **1.3 The Forest Industry’s Attempt to Convert 67% of B.C.’s Public Forest Lands to Tree Farm Licences (1979-1989)**

Significantly, the timing of the extensive coverage of environmental and ecological issues in the late 1980s overlapped and influenced the Social Credit government’s initiative from 1987-1989 to “roll-over” or convert volume-based licences into area-based Tree Farm Licences under Forests Minister David Parker. The proposal, through re-introduced legislation in 1987 that would increase the provincial harvest control from 29% to 67% under Tree Farm Licences, would provide increased corporate control and concentration of the remaining harvestable Crown land forest base to the forest industry. It was what Parker referred to as being “close as possible to the private land situation”:<sup>66</sup>

“Industry has strongly supported the further expansion of Tree Farm Licences within the province. This mechanism has proven to be a cost effective form of tenure for government and the security provides an important and valued benefit to the licence holder. Policies will be established to support an expansion of Tree Farm Licences from the current level of 29% of the provincial allowable annual cut to as much as 67%. Individual applications for tenure will be judged in terms of company performance and public interest.”<sup>67</sup>

The expansion of Tree Farm Licences, according to New Democratic Party (NDP) Opposition-Forests critic Bob Skelly, was expedited through secret negotiations with the Council of Forest Industries (COFI) in May-July 1983. Skelly received an unmarked envelope from an unnamed government forester containing a “confidential” July 22, 1983 letter and an attached 12-page submission to Premier Bill Bennett, which Skelly distributed in a public news release on February 2, 1984. The July 1983 submission, *Forest Industry Proposals For Cost-Effective Forest Resource Management*, was backed by the COFI, the Cariboo Lumber Manufacturers Association, the Interior Lumber Manufacturers Association, and the Northern Interior Lumber Sector, and was accepted by the Premier.

According to the July 22<sup>nd</sup> letter, D.L. McInnes, Chairman of COFI’s Special Committee on Cost-Effective Administration, said that COFI met privately with the Premier on May 27<sup>th</sup>. In his letter, McInnes summarized COFI’s four key recommendation concepts for the government’s immediate adoption, the first of which was for the creation of a “new provincial Ministry of Renewable Resources, in which timber management should play a lead role within a broad multiple-resource management organization” (see **Appendix E** for COFI’s list of 21 recommendations).

The immediate formation of the new and uniquely powerful Ministry of Sustainable Resource Management in June 2001, after the B.C. Liberals were elected in May 2001, may be seen to have been inspired by COFI’s 1983 recommendation for such a ministry. The second recommendation was for the government to “decentralize the decision-making authority for forest management more

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<sup>65</sup> *Forestry in the Next Millenium: Challenges and Opportunities for the USDA Forest Service*, by Clark Binkley, January 1999.

<sup>66</sup> *Talk and Log: Wilderness Politics in British Columbia, 1965-1996*, by Jeremy Wilson, page 306.

<sup>67</sup> *Forest Policy Review – a Summary of Major Decisions*, Ministry of Forests and Lands, September 15, 1987.

effectively, and structure the Ministry to make it smaller and more cost-effective.” The third was to “delegate responsibility and accountability fully to licensees in line with their existing and suggested additional contractual obligations, subject to government audit of results.” The fourth, “to privatize log scaling, timber cruising, marine transport services, and components of the forest nursery programs.”

“The Forest Act was amended in 1982 to permit the replacement of Forest Licences or a combination of Licences with Tree Farm Licences. Further, on September 20, 1983, the Ministry of Forests released its “Forest Management Partnership Proposal – Tree Farms” which basically reduces Ministry surveillance on the Tree Farm Licences. The thrust of the “Partnership Proposal”, now termed subsidiary agreements, was to reduce the size of the Ministry by depending upon the professional forester, an employee of the licensee, for surveillance and control of forest practices on Tree Farm Licences. The Ministry’s “New Directions” policy is not “new”. The proposed establishment of new Tree Farm Licences is really a resurrection of a continuing policy direction interrupted by events leading up to the Forest and Ministry of Forest Act in 1979. The over-all picture is one of continuance with the end clearly in sight.”<sup>68</sup>

In his press release, Skelly accused the Social Credit government of being “little more than a subsidiary of the large forest companies in general, and of the Council of Forest Industries in particular.” Skelly also stated that “rather than opening public consultation and discussion of forest resource management, we have had secret policy-making by COFI through the Office of the Premier”, and that four key recommendations by the COFI “have been or are now being implemented”:

- “1. Important government management functions such as cruising and scaling of Crown timber are being transferred to forest companies holding Tree Farm Licences, and a discussion paper released by the Minister anticipates the end of all but random checks in Forest Licences.
2. Staff levels in the regional and district offices of the Ministry of Forests have been reduced drastically since July.
3. The regional offices are being rationalized in line with the policy of transferring management responsibilities to large forest companies.
4. The Ministry is engaged in the task of converting forest licences into Tree Farm Licences in the Interior, without benefit of impartial public review as called for by independent loggers.”

By August 31, 1984, the government had acquired a list of 44 Tree Farm Licence applications by B.C. forest company licensees (see **Appendix F**). The dates on the applications ranged from January 1978 to April 1984. In total, only two of the 44 Tree Farm Licence applications were approved, one to Canadian Forest Products (Canfor), and the other to West Fraser Mills:

“By January of 1985, the Minister of Forests had announced the replacement of Canadian Forest Products’ Limited Forest Licence near Chetwynd with a Tree Farm Licence (M.O.F., 1985). West Fraser Mills’ application for a Tree Farm Licence near Quesnel was approved in early 1985.”<sup>69</sup>

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<sup>68</sup> “New Directions” Are on a Familiar Track, William L. Wagner, Convention issue, Truck Logger, 1987.

<sup>69</sup> *Privateering in the Public Forest?* William L. Wagner, M.A. Thesis, Forest Geography, University of Victoria, 1987, pages 6-7. Shortly after being awarded its licence, West Fraser went public with the Stock Exchange (see *West Fraser goes public*, in Logging and Sawmilling Journal, May 1986).

In 1987-1988, newly arrived Fletcher Challenge Canada that acquired the assets of B.C. Forest Products and Crown Zellerbach (Crown Forest Industries), with 50% interests in Finlay Forest Products and Western Forest Products, immediately began to downsize its employees and infrastructure. It then applied for a six million hectare tree farm licence near the 1960s “instant” pulp mill town of MacKenzie under the new amendment to the *Forest Act*. The size of Fletcher Challenge’s rollover proposal was roughly twice the size of Vancouver Island’s land mass. The application was to provide the aggressive New Zealand-based company with the control of seven percent of B.C.’s land base, being merely one of fifteen bids by Fletcher Challenge alone (refer to **Appendix G** for the unpublished list). When the IWA, forestry independents, and the public found out about the secret negotiations for this controversial deal in November 1988, British Columbians vociferously demanded a public inquiry. According to the press, the government had received about 100 applications by forest companies, the list and map of which was never publicized.<sup>70</sup> Former Forests Minister Jack Kempf, who was replaced by Terrace MLA Dave Parker in 1987, joined the public’s opposition to the proposal saying that “the people of B.C. are starting to realize the privatization of their (forest) resource to offshore multinationals has to stop.”<sup>71</sup> The public hearings in early 1989 led to strong and unanimous opposition by First Nations, communities, the IWA, the Truck Loggers Association, academics, and environmental organizations that resulted in the resounding defeat of the “roll-over” initiative (see **Appendix H** for a list of 81 newspaper references).

Seven and a half years later, on Friday December 13, 1996, hundreds of forest industry representatives met at a conference at the Vancouver Hotel organized by the Fraser Institute and sponsored by Timber West Forest Ltd. (formerly Fletcher Challenge), the company that had the most Tree Farm licence applications in 1989. The conference was on the forest industry’s initiative to privatize B.C.’s Public land forests, six months after the B.C. Liberals gained the Legislature.<sup>72</sup> Since the May 2001 provincial election, forest industry companies, with eight successive years of financial contributions to the B.C. Liberals, are once again striving to gain “security” of Crown land forests through the most recent Working Forest initiative, and through recent extensive changes to provincial legislation and the relaxation of environmental standards.

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<sup>70</sup> *TLF Hearings Invalid Without Map*, News Release, March 8, 1989, Western Canada Wilderness Committee. “Forest Minister Dave Parker is keeping secret the crucial map showing the areas of B.C. that are being sought by companies for new tree farm licence tenures. He also continues to state that his proposal to create more of these tenures is just opposed by a vocal minority, despite the overwhelming public rejection evidenced so far at the TFL hearings he is chairing. ... Parker told Joe Foy on March 8, during the morning question period at the Vancouver public hearing, that the map would be available in one year and would not commit to it being available earlier.”

<sup>71</sup> *Controversy raised by delayed hearings*, November 19, 1988, Vancouver Sun.

<sup>72</sup> The Vancouver Sun did not report on the nature of the conference in its December 14<sup>th</sup> issue, announced by Fraser Institute Michael Walker for the forest industry to privatize B.C.’s Crown forestlands. Speakers from New Zealand, Sweden, and the United States encouraged the proposal. Other speakers berated environmentalists and were discouraged about the prolonged and unsettled nature of First Nation land title. At the end of the conference, Mike Apsey, president and CEO of the Council of Forest Industries, and former Deputy Minister of Forests, stated that after B.C. forests were privatized the allowable annual cut could eventually be raised to 120 million cubic meters. The author of this submission attended and audio-recorded the meeting.

## **2. The Union of B.C. Municipalities' discussion papers and the issue of "Sustainability" and "Public participation"**

The nine-page UBCM policy document, *Towards a Communities and Resource Strategy*, was approved at the UBCM annual convention on September 24, 1993. It interpreted how the recently elected New Democratic Party government's initiatives and implementation of Crown land planning processes, such as the Commission on Resources and Environment (CORE), the Timber Supply Review, the Protected Areas Strategy (PAS), Environmental Assessment legislation, and Aboriginal Treaty Negotiations and Joint Stewardship agreements, were putting constraints on "forest-dependent communities". Protests about the constraints were mainly organized through forest industry based campaigns such as the Share Groups and the Forest Alliance of B.C.

The policy paper also began to define the concept of "sustainability" that was being applied in countries throughout the world:

"Sustainability has been defined as "meeting the needs of the present without compromising the ability of future generations to meet their own needs", or "process or state that can be maintained indefinitely." The survival of resource-dependent communities will depend on their ability to become "sustainable".

Under the definition of sustainability, which included "preserving the environment, the resource and the community", the proposal for commercial forest land-base "certainty" was forwarded. Under a section called *The Resource and Resource Sector*, was the promotion of "A secure resource base (for community stability)", which was defined as a "protected resource base that is consistent with the needs of sustainability – socially, economically and environmentally." Of significance, under the subsection "Stewardship and Accountability", was the policy of encouraging "mechanisms that improve accountability to the public and communities for resource stewardship" and the inclusion of "a new Forest Practices Code." The 1993 document recommended that a Resource Community Committee be established to "assist in the further development and implementation of a Communities and Resources initiative."

### **2.1. The Brundtland Commission and its Global Influence on "Sustainability"**

The concept of "sustainability" achieved international recognition and adoption following the 1987 Brundtland Commission report, *Our Common Future*. The report defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This generalized concept of "sustainability" was adopted afterwards by many governments, non-governmental organizations, academic institutions, and industry. Global resource industries began to define the new buzzword to conform to their own goals. Academics and non-governmental organizations and groups carefully redefined the concept to include not only societies, but also natural ecosystems and wildlife habitat. Some governments were caught in the middle, defining the concept in order to bridge the gap somewhere between the positions of industry and environmental organizations. "Sustainability" began to revolutionize the international community.

In late November 1988, a conference held at the University of B.C. recommended that Canada needed a royal commission on the relationship between the environment and the economy, and that the "B.C. government should quickly institute an annual report on the state of the environment and a



provincial conservation strategy to promote environmentally sound economic growth and development.”<sup>73</sup> Other recommendations called for limits on resource use and for the passage of a freedom of information act, which was passed as legislation by the New Democratic Party in 1992.

In February 1992, thirteen forest industry CEOs in B.C. co-signed approval for a policy document, *Principles of Sustainable Forestry*, a title that emphasized “sustainable forestry” over “sustainable forests”. According to a Forest Alliance of B.C.’s 1996 newsletter, the Forest Alliance developed the 23 principles for the CEOs over a ten-month period prior to February 1992 through its own Forest Practices Committee. The document was then used to impress delegates at the June 1992 Earth Summit world conference in Rio de Janeiro, Brazil, the United Nations Conference on Environment and Development. There, the more than 100 international heads of state endorsed a set of *Forest Principles*, and signed the *Framework Convention on Climate Change and the Convention on Biological Diversity*. They also adopted a 300-page plan to achieve “sustainable development” in the twenty-first century. Conservation groups from B.C. also attended the Earth Summit where they informed the world media and the heads of state about the increasing problems in British Columbia’s forests. In December 1992, the United Nations created the *Commission on Sustainable Development* to follow up on the Earth Summit aims. The Canadian government signed the *Canada Forest Accord* in 1992 regarding forest conservation and sustainable forest management.

As a result of the topic of forest conservation at the Earth Summit, the *World Commission on Forests and Sustainable Development* was formed in mid-1994. At the September 30 – October 2, 1996 *North American Public Hearing* by the World Commission in Winnipeg, Manitoba, Mike Morton, the executive director of Share B.C., who is now (as of January 1998) Premier Gordon Campbell’s Press Secretary, emphasized to the Commission that “a dedicated land base for the forest sector is needed”.

## **2.2. The Sustainability Law and Participatory Democracy for British Columbians**

In January 1992, the British Columbia Round Table on the Environment and the Economy released an Executive Summary, *Towards a Strategy for Sustainability*. It was a fresh approach from the previous fifteen years of Social Credit politics, and identified a new land use vision for British Columbia, outlined as *A Vision of Sustainability*:

“If we were to look 50 years into the future, we might wish to see a society in British Columbia that is based on a set of ethics and values that recognize and limit the impact of human activity on the environment. The decisions we will make, both individually and collectively, will be based on consideration of the broader implications of our actions for the environment, the economy, and social well-being. A sustainable British Columbia will have as its objectives: the preservation of biodiversity; the protection of pure water, clean air and uncontaminated terrestrial, wetland, coastal and sea-bottom systems; the stabilization of global climactic conditions; the protection of natural beauty that we value aesthetically and spiritually; and a commitment to a new economic ethic based on making better use of what we have. A new style of “doing business” will have evolved to include:

- \* A new order of urban design that reduces the need for energy-intensive transportation, integrates green space, and enhances our sense of community.
- \* Forestry and agricultural practices that protect soil, water and nutrient cycles.

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<sup>73</sup> *UBC conference looks at need for sustainable development*, Vancouver Sun, December 2, 1988.

- \* Land-use planning that preserves prime agricultural and forestlands, and protects wilderness areas and wildlife habitat, while providing working capacity for development.
- \* A vibrant and dynamic economy, in which ingenuity is focused on qualitative - rather than quantitative, growth - and in which the full value of environmental assets and the impacts of human activities are considered.
- \* A new harmony with First Nations people in which aboriginal rights and self-determination have been resolved.
- \* Full and satisfying participation in decision-making, with local and individual empowerment.
- \* A social support structure that eliminates the fears of hunger, sickness, alienation and lack of opportunities for education and personal fulfillment.
- \* Health that is measured in degrees of wellness rather than sickness; a standard of living that is measured by quality of life rather than by level of consumption.

In summary, we will have realized our absolute dependence on planet earth and will have adopted the ethic of sustainability for our collective survival.”

Twelve recommendations, with descriptive summaries, were included in the Executive Summary.

Almost three years later, the Commission on Resources and Environment (CORE) introduced one of the more significant policy initiatives under the New Democratic Party government administration. On November 24, 1994, the Commission released a 53-page document, *A Sustainability Act for British Columbia*, along with three companion documents, *Planning for Sustainability*, *Community Participation*, and *Dispute Resolution*. Stephen Owen, the Head of the Commission, said in reflection “it is extraordinary that there is no strategic land use plan enshrined in law.”

“The four key aspects of Owen’s proposed law are: a legal framework to require coordination of government initiatives; public participation in decision-making; a dispute resolution system, and an independent body to watch over the process.

He said the government has long recognized a need for sustainable development, but it has shown weakness when faced with short-term considerations.

“There is a challenge here for government to bring all these ideas together in a single, powerful act to constrain it to follow these principles in the future,” Owen said.” <sup>74</sup>

In Stephen Owen’s preface to the *Sustainability Act* document, he summarized:

“In British Columbia’s recent past we have witnessed how government policies for sustainability and public participation can be weakened in the face of short-term trends. Yet sustainability requires a long-term social commitment and an institutional framework that spans economic and political cycles. Without this commitment, we can expect the ultimate loss of sustainability for future generations. We should also expect repeated and intensifying future conflict over land and resource use.

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<sup>74</sup> *Sustainable environmental law recommended for B.C.*, Vancouver Sun, November 25, 1994.

Much of the conflict of the past arose because there was no statutory guarantee that sustainability concerns would guide all resource decision-making, or that all interested parties, including workers, environmentalists, industry, communities, First Nations, all levels of government and others, would have their concerns heard and considered in a meaningful way. Many current government initiatives will help reduce the potential for conflict. But conflict itself - and this is true of all recent land use conflicts in British Columbia - is merely the symptom of a broader problem, the lack of sustainable jobs, environment and quality of life. The Sustainability Act will confirm and continue our success at moving beyond conflict to long-term sustainability and participatory democracy.

The Sustainability Act will clearly announce to the world that British Columbia intends to be a leader on the path to a sustainable common future. The obligations under the Sustainability Act

- to develop and comply with sustainability principles, goals and policies
- to develop balanced land and resource use plans
- to involve the diverse interests of society in decision-making
- to reach just settlements with First Nations, and
- to monitor and adapt our responses to achieve sustainability will signal this province's dedication to our international, national and local responsibilities.

Action on the provincial land use strategy and Sustainability Act is not a matter of more or less government, it is to ensure that government is directed and constrained to act responsibly now and in the future. More than 93% of the province is publicly owned land and it requires government leadership to ensure its sustainable use. We, as British Columbians, have the need, the chance and the responsibility to act now. We can consolidate the progress and secure the future direction by committing with determination and pride to a provincial land use strategy, set out in a Sustainability Act for British Columbia.”

The essence of Commissioner Owen's preface summary was later reflected in the 1995 *Forest Practices Code Preamble*, the vision statement for the administration of Public forestlands, which the Campbell government recently removed (B.C. Tap Water Alliance press release, **Appendix I**).

The recommended public participation process under Commissioner Owen's proposed *Sustainability Act* was based on the government's ongoing planning initiatives for the inter-agency Land and Resource Management Plans (LRMPs) under the CORE. Though aspects of the planning objectives and terms of reference may themselves be in question, these plans were nevertheless validated through public participatory processes, and were apparently “among the most highly participatory that have ever taken place in this province”.<sup>75</sup>

That assertion, however, is debatable. The first public participation process in B.C. for land use decisions was established for the Okanagan (Water) Basin Study between 1970 and 1973, an intensive and effective public process. It organized, under what was identified as the Sinclair model, the coordination of seven Okanagan inter-community public task forces over three Regional government Districts. The proceedings and details of this process were captured in a long technical report, *Public Involvement in the Planning Process*.<sup>76</sup> The provincial government never implemented the Sinclair model process again, most likely because it was effective, and public

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<sup>75</sup> Page 35, *A Sustainability Act for British Columbia*, November 1994.

<sup>76</sup> Technical Supplement XI, appended to *The Main Report of the Consultative Board*, March 1974.

policy reviewers later seemed to forget about it. Though the process was productive, the main task force (Task Force number 7) noted in its final recommendation report that the government-drafted Terms of Reference for the Study ignored including the review of forestry practices in the Okanagan Basin, in favour of water quantity planning decisions alone. As a result, the main task force recommended through consensus that in the future all government terms of references for public planning processes should never be finalized without public participation, a recommendation that went unheeded by successive provincial governments:

“It is the consensus of all those interested in the progress of the Okanagan Basin Study that the “interest-based planning model” (i.e. the Public Involvement Program Task Force process) has been a valuable experience and should be continued. In fact, if there are any shortcomings within the Public Involvement Program these relate to the fact that organized, structural participation by the citizenry in the Study did not begin with the commencement of the Agreement. Had the terms of reference under which the Study operated been developed following extensive discussion rather than being imposed at the outset, greater productivity towards achieving some of the valley’s goals in water management might have been realized from all the scientific resources utilized in the Study. Therefore, we recommend that:

In all future river basin planning studies full consideration be given to the effects of land-use, forest management and any other significantly related resource in the development and management of a comprehensive water resource plan.

Furthermore, we recommend that:

In all river basin planning studies, public involvement be an integral part of such a venture from the outset in order that the social, economic and environmental goals of the community will be a major influence and continuing component in the development and management of a comprehensive water resource plan.”<sup>77</sup>

The role of public participation in land use decisions was later established in a valuable background paper for the Forest Resources Commission’s proceedings (1990-1991). Kim Brenneis’, *An Evaluation of Public Participation in the British Columbia Ministry of Forests*,<sup>78</sup> recommended that:

“The public should participate at all stages of planning, especially during the early stages of the planning process, where the public has traditionally been absent. This is particularly true at the normative (value setting) and strategic (goal setting) levels of planning which occurs early in the planning process, involving the development of policy and guidelines. These overall values, goals and policies, traditionally developed with no public input, guide all subsequent operational or site specific planning. As noted earlier, the management of public resources should incorporate the public’s point of view and values. This is most easily accomplished by incorporating public participation directly into the upper levels of planning.”

During the CORE processes in the early 1990s, the Share Groups in B.C.’s Interior and on Vancouver Island began a public relations strategy aimed at weakening the CORE mandate, stating that B.C.’s Public forests planning processes were endangering working families and the “working

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<sup>77</sup> Ibid., pages 145-150.

<sup>78</sup> Natural Resource Management Program, Simon Fraser University, December 1990.

forests”. At the same time, some forest companies were threatening to shut down their mills. In the summer of 1994, forest industry demonstrators in Quesnel and Williams Lake went so far as to hang Commissioner Owen’s effigy from a noose.

Since coming into office, Stan Hagan, the Minister of Sustainable Resource Management, has repeatedly vowed to revisit the LRMP decisions that were ratified through long public processes, illustrating his willingness to remove land use protections and his apparent disdain for public participation processes. It also reflects the Campbell government’s sympathetic administration of forest companies and the industry. For instance, shortly after the Campbell government took office in June 2001, Hagan withdrew 14 areas proposed for protection, two First Nation land deferrals, two long term and two short term land deferrals, Special Management Zones, Grizzly Bear Recover Plan Commitments, and riparian and biodiversity areas from the Lillooet Forest District LRMP stakeholder consensus-based planning process, leaving only the South Chilcotins protected area for a proposed park that was being compromised through temporary logging and with recommendations for mining.

### **2.3. Public Planning Participation Legislation Sent into Hibernation**

*“The Ministry of Forests has been entrusted to manage the public forests. Until recently, this management has occurred with minimal public scrutiny. The public is now often confused and is questioning the forest management policies of the government. The activities of the forest industry in the public forests is no longer being accepted without the opportunity for public review and input.”*<sup>79</sup>

One of the key components in the 1994 *Sustainability Act* proposal, which was not passed, was for legislative empowerment of public participation. As stated in recommendations 9 and 10:

“9. That the Sustainability Act state the general right of members of the public to participate meaningfully in land use and related resource and environmental decision-making. Where such a decision may have a significant impact on a person’s interests, the provincial land use strategy, as a matter of fair administration, should ensure the right of public access to relevant information, notice, a fair hearing and reasons for decisions.

10. That the Sustainability Act empower cabinet to approve public participation Code of Conduct as a Schedule to the Act to serve as a self-regulating set of responsibilities expected of participants in public decision-making processes.”

The discretionary powers provided to Ministry of Forests district and regional managers, and to the provincial Chief Forester through the *Forest Act* legislation since 1979 have not resulted in balanced forest resource decision-making in B.C. Other resource ministries and their mandates have often been excluded from decision making, which is one of the primary reasons as to why so many unresolved conflicts have arisen. This has been particularly evident in the administration of drinking watershed sources, including the implementation of Integrated Watershed Management Plan processes for watershed reserves that began in 1984.

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<sup>79</sup> *A Summary of Technical Reviews of Forest Inventories and Allowable Annual Cut Determination in British Columbia*, page 1, September 1990, Forest Resources Commission Background Papers – Volume 7.

“Legislation that guides the Ministry of Forests includes the Forest Act, 1979, the Ministry of Forests Act, 1979, and the Range Act, 1979. Public participation is not specifically mandated by these acts.”<sup>80</sup>

In her background paper to the Forest Resources Commission, Brenneis summarized how democracies in the 20<sup>th</sup> century are slowly evolving from representational decision-making to “participatory democracy”, commenting on the historical absence of public participation in land use decisions controlled traditionally by civil servants and Cabinet. “Good government” is defined by legislative enabling and freedoms for functional public participation in land use decision-making, at all levels, which is still absent with the present Campbell government administration and its antiquated and ideologically bound approach to governance:

“The quality of the democratic government depends on an informed, captive citizenry ... it is the strong combination government and the participation of the individual that creates a good democracy ... public participation is viewed as vital to the stability of government in participatory democracy.”

“Good public participation opportunities allow those individuals with little economic power who typically do not have a strong voice in our market-driven society to influence the decision.”<sup>81</sup>

“Specialized interest groups such as industry may have political and economic influence which can hinder government attempts to manage natural resources in the best interests of the public.”

“The justification for public participation comes from a variety of sources and includes such issues as ethics, fairness, accountability and efficiency. An important factor to remember in the management of most natural resources is that these resources are publicly owned resources. The government acts as the structure or instrument of the democratic society. Therefore, it is the obligation of the Ministry of Forests as a government agency to ensure that these public resources are used in the public’s best interests, following the general public will and the best technical expertise available. The moral rationale for public participation is embodied in the simple rule “those affected by a decision should have input to that decision” (Smith 1984, 253).”<sup>82</sup>

Brenneis evaluated the 1980s as significant both in terms of cumulative and resounding “public frustrations” over the restrictions and disturbing inadequacies of public participation processes for land use decisions on Public lands under the Social Credit government, and in raising public awareness on the issue of public participation itself. Though the Ministry of Forests was forced to develop a separate policy for public involvement in the early 1980s because Public lands had been transferred to its authority in 1979, it was plagued by tokenism and by a lack of personnel to implement the processes. The 1987 Wilderness Advisory Committee proceedings and the 1989 public outcry about the roll-over of Tree Farm Licences led to the Forest Resources Commission mandating a comprehensive review and legal definition of public participation.

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<sup>80</sup> Brenneis, page 61.

<sup>81</sup> Ibid., pages 14 and 15.

<sup>82</sup> Ibid., page 8.

Brenneis stated that “one of the most important criteria of good public participation process is that the right to participate must be legislated,” because “the right to participate and the level of influence ultimately given to the public is often set in policy and left to the discretion of the minister or agency, which may mean that the public only acquires the opportunity to participate in participation, and not in the decision-making process itself”:

“Legislation should set rights, responsibilities and standards for ranges of permissible limits for public participation. This includes many of the components listed above, such as participation opportunities at all levels, intervener funding, access to information and the right to appeal. With a legislative foundation for responsibilities and requirements, the public is provided with a standard to measure the government’s performance. The government is also made formally accountable through legal avenues (the courts). A legal mandate for public participation can instil public confidence in the process and make the process more credible to participants.”<sup>83</sup>

After reviewing national and international legislation on public participation, Brenneis set out 19 recommendations for implementation (see **Appendix J**).

“The most important recommendation of the 19 made in this report is the need to legislate the public participation opportunities. A legally mandated public participation process ensures that the public has an opportunity to participate in the planning process, and clearly defines their rights and the responsibilities of government. In addition, the majority of the other components recommended must be set in legislation in order for them to be effective. The establishment of an appeal body is important to ensure a check to the decision-making process. The recommendation to require TFL licensees to undergo the same public planning process as TSA licensees may be very unpopular with holders of TFLs, but is necessary to ensure public participation in all public land planning.”<sup>84</sup>

Though Commissioner Stephen Owen eventually forwarded information and proposals for legislated public participation four years later in November 1994, the government and the opposition party declined to implement it or to discuss it in the Legislature.<sup>85</sup>

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<sup>83</sup> Ibid., pages 33-34.

<sup>84</sup> Ibid., pages 97-98.

<sup>85</sup> There is apparently no reference or discussion about public participation legislation in 1994/1995 Hansard.

### 3.0. “Working” Forests?

*“The Sunshine Coast Forest Coalition has been a strong proponent in protecting the Working Forest Landbase since its inception in 1992.”*<sup>86</sup>

#### 3.1. The Liquidation of the “First” Forests and the Next “Crop”

Ike Barber, the retired former president and CEO of Slocan Forest Products Ltd., and Slocan Group,<sup>87</sup> published his book, *The Working Forest of British Columbia*, in 1995. It was written to engage the public in the forest industry’s concepts about the establishment of a ‘working forest’ land base on B.C.’s Public lands.

Seeing Barber’s collection of photographs, expansive scenes comparing second growth and clearcut forest landscapes, reminded me of my first investigative field trip to the Queen Charlotte Islands in May 1988, at the height of the Social Credit Party’s “sympathetic administration era”. I talked to local people and scouted out the hinterland (now the Liberal’s “heartland”). I drove along the mainline and secondary logging roads on Graham Island from the mouth of the Yakoun River, at Port Clements, southward to Yakoun Lake. These were operations in former forest company giant MacMillan Bloedel’s Tree Farm Licence No. 39, now vested with timber giant Weyerhaeuser.

I was astonished and deeply saddened as I documented entire mountainsides stripped bare, with unimagined timber wastage resulting from the scandalous policy of “creaming” the best timber. Mountaintop to river-channel on either side of Yakoun River, an important salmon spawning river, was a uniform and barren brown landscape. I then understood why there were so many stumps with large root skeletons ripped from their foundations, which I photographed earlier, deposited and stranded along the delta of the Yakoun River at low tide. It was clear that catastrophic alterations to the forest hydrology had caused landslides, erosion of forest soils, fundamental alterations to stream and river channels, and scouring of these streambeds. Entire, complex ecological systems have been dismantled within one generation’s lifetime on an Island that had escaped the devastating glacial scouring of 10,000 years ago.

The “forests forever” signs, proudly erected along the logging roads, were a mockery. Barber’s photographic collection made me cringe as I began to understand what had occurred over time to the rest of the Province. Particularly damning is the evidence supplied to the Gordon Sloan Royal Forest Commission in 1944 by the Department of Fisheries and Oceans on fish habitat destruction. The federal agency under Albert Motherwell had been responsible for monitoring about 1400 rivers and streams since the 1920s, and documented the ruination of fish habitat by forest companies on the Queen Charlottes, Vancouver Island, and the Mainland coast.

I began asking questions about accountability, at all levels. How could a “professional forester”, with a university degree, approve and take pride in such simple-minded practices? How

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<sup>86</sup> Submission to the Sunshine Coast Regional District on the Working Forest White Paper, Kevin W. Davie, Chair, Sunshine Coast Forest Coalition, March 1, 2001.

<sup>87</sup> Prior to, and since Barber’s book launch, Slocan Forest Products was logging in drinking watershed sources in the Slocan Valley, including Category One *Land Act* Watershed Reserves that were to be provided “maximum” protection from provisions agreed to by an inter-ministerial Community Watersheds Task Force that met over a period of 8 years in the 1970s. While logging in these sources, residents were arrested and incarcerated to defend the protection of their drinking watersheds.



could a District Manager, a Regional Manager, a Chief Forester approve these practices on behalf of British Columbians? Who was responsible, who was in control? Was this the fifty cents on the dollar industry kept boasting about? The stripping of the forests occurred in the ancient territory of the Haida Nation, which I later referred to in my submission to the Forest Resources Commission in early 1990.<sup>88</sup> To make matters worse, the timber wasn't being processed on the Queen Charlotte Islands, but transported hundreds of miles on enormous barges to processing mills down the coast, even as far away as Vancouver, occasionally lost at sea during heavy windstorms. And, as I observed over the following years driving along thousands of kilometres of logging roads, this sort of timber mining had occurred in myriad other places throughout the province.

### **3.2. The Need for a Comprehensive Vision about Forest Lands**

Many sites, logged since the late 1800s, are located on areas that foresters identify as “productive” sites, frequently on valley bottomlands, with the best growth potential for successive rotations.

Many zones within these “productive” sites need to be reconsidered as areas re-dedicated to late seral stages, or old forest values, for landscape diversity, and for sensitive or alternative forms of logging. The concept of land base security for the forest industry cannot be considered without first properly identifying and conserving forest structure, biodiversity, wildlife habitat requirements, and forest hydrology through intensive planning, adequate public participation and well-informed decision-making. The value of mushroom harvesting, for human and non-human consumption, for instance, is lost in short rotation forests. Short timber crop rotations are not going to ‘work’ - on the majority of B.C.’s forestland base. The government’s wrongful inclusion of drinking watershed sources in the harvestable land base is another major problem with this latest ‘working forest’ hypothesis. The public needs a new and accountable vision of forestland management in B.C. that is not driven by the crude and ecologically baseless formulas used for determining Allowable Annual Cuts.

The latest version of the ‘working forest’ is almost twice as big an area as the current ‘timber harvesting land base’ as defined by Timber Supply Review. A large part of this new ‘working forest’ is currently classified as inoperable or economically inaccessible. In contrast to other commercial species, there are apparently no site (growth) indexes established for mountain hemlock and yellow cedar forests in B.C. These are mid- to high-elevation slow growing sites, with lower temperature regimes and higher snow accumulation levels than lower elevation sites. According to

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<sup>88</sup> *Toward a Wise and Just Forest Policy*, March 16, 1990. The submission focussed on government’s intransigence toward unsettled First Nations title and related timber harvesting practices. “The difficulties Aboriginal Nations have encountered with the timber industry are symptomatic of how the timber industry and the Ministry of Forests relates to the forests’ resources in the province in general. The conventional forestry practices such as extensive clearcutting, high-grading, leaving inadequate (and often no) buffer zones for creeks and rivers, slash-burning, the application of herbicides, improper and inadequate reforestation, careless construction of logging roads, all negatively impact the land upon which Aboriginal and non-Aboriginal people depend. Detailed and documented accounts of such practices have been made throughout the province ... Surely our provincial tourism office had no right to call this province “supernatural” B.C., when we have committed such gross immoral actions against those who understood and respected this land as truly supernatural ... The provincial government and the forest timber companies must begin to implement compassionate policies which, among other things, comprehensively and justly attend to the reality of Aboriginal title and land use. These policies must ensure that no timber extraction occur on Aboriginal territory without thorough negotiations and prior settlement.”

research at the University of B.C., commercial harvesting ages for these species may not be achieved until a minimum of about 180 or more years. Karel Klinka has stated that commercial ‘crops’ may take up to 300 years to become re-established in these higher elevation sites and yet they are being subjected to simple logging rotation formulas along with other forest species at lower elevations.

According to earlier Forest Service policies, mid to high elevation headwater forests were off limits, but those policies were ignored in the late 1960s and early 1970s and companies were granted permission to log in these areas. Great debates took place in the early 1970s, when forest ecologist Hamish Kimmins stated his concerns against the increasing trend: “high altitude logging as practiced by the forest industry in B.C. is damaging to forest lands,” and “building roads at high altitudes and clear cutting could lead to serious sedimentation and erosion problems and the lowering of the tree line.”<sup>89</sup>

The Forest Service’s 1957 *Continuous Forest Inventory of British Columbia* defined “land for which the best current use is to continue as watersheds and to preserve the far-back headwaters of river systems from erosion,” and “land that is potentially accessible and can be exploited to a limited extent only, because its estimated uses are for flood and stream regulation, snow protection on mountain slopes, or control of erosion,”<sup>90</sup> as “protection forests”. The ‘working forest’ will eradicate all such considerations.

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<sup>89</sup> Undated newspaper article from a government file in March 1973, regarding comments by Kimmins at a lecture at the Provincial Museum.

<sup>90</sup> Pages 42 and 189.

## 4.0. B.C.'s Drinking Watersheds

*“Where a stream or lake is used to provide a municipal water supply it is often advisable to reserve the entire water basin from settlement, as was done at Coquitlam Lake for the New Westminster water supply.”*<sup>91</sup>

*“This Department is prepared to place a statutory reserve upon the lands in conformity with provision of the Land Act.”*<sup>92</sup>

*“Our watershed reserve has been in existence since Sept 1937, with further letters from the Minister of Lands & Forests June 1954 and from the Dept. of Water Rights indicating that “the entire headwater area N.W. of the West Boundary of Lot 8643 K.D. is under a reserve established as a Watershed area” and also a letter from the Water Rights Branch dated Feby. 1960 indicating that Norns Creek area reserve is a “Map Reserve” and that a map reserve is as good as a Gazetted Land reserve. Therefore it is our considered opinion that NO timber should be cut except with our consent or permission.”*<sup>93</sup>

*“The Municipal Council has taken the position that domestic Watersheds in the Okanagan should be given the ultimate in protection from development.”*<sup>94</sup>

### 4.1 - The Past

The protection of drinking watershed sources has been enacted through legislation and policy in British Columbia since the late 1800s, and in federal legislation and policy previous to that. As the province began to be settled in the early 1900s, Royal Canadian Engineers under the federal Hydrographic Survey began a program in 1911, to systematically identify and survey watercourses and to measure water runoff in the federal Railway Belt, known as the “Forty-Mile Limit”, from the Rocky Mountains to Port Moody. The program soon extended beyond the Railway Belt lands to include all of B.C.’s watercourses. During and after this period, drinking watershed sources were identified for protection and “gazetted”. They were referred to as both “protection forests” and “watersheds” (or “water sheds”).

The enactment of New Westminster’s Coquitlam Watershed Reserve in March 1910 by way of a federal Order-in-Council for protection from commercial logging and the prevention of human trespass, remained a strong precedent for local, provincial, and federal governments for decades, and set the tone for administrative policies within the provincial Department of Health. Previous provincial Orders-In-Council in 1905 and 1906 prohibiting further alienations and commercial

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<sup>91</sup> *Report of the B.C. Hydrographic Survey for the Calendar Year 1913*, by R.G. Swan, Chief Engineer, Department of the Interior, Canada, Water Power Branch, Water Resources Paper No.8, page 25.

<sup>92</sup> Honourable Wells Gray, Minister of Lands, to Creston Board of Trade, November 20, 1940, regarding the legislative reservation of Crown lands for drinking watershed protection of the Arrow Creek watershed.

<sup>93</sup> Secretary of the Robson Irrigation District, to F. Dykeman, Director of Planning, Regional District of Central Kootenay, Nelson, May 30, 1980. In Chapter 2.1, the watershed reserve mentioned by the Nelson Forest District for the Robson Irrigation District is Pass Creek.

<sup>94</sup> R.G. Graham, Municipal Clerk, Township of Spallumcheen, Armstrong, B.C., to J.D. Watts, Community Watersheds Task Force chairman, April 20, 1979.

logging in Vancouver's two water supply sources, the Capilano and Seymour watersheds, were other early precedents.

However, later in the century drinking watershed sources were "invaded" by way of Timber Sales arranged by the Forest Service, accommodating the questionable, and internalized policy of the Chief Forester's office in the late 1950s. Water users strongly opposed these invasions into their drinking watersheds, as evidenced in many letters of concern to government in the 1950s and 1960s.

So concerned were British Columbians that the fourth-term Social Credit government formed an inter-ministerial Task Force<sup>95</sup> in February 1972, to address the issue, just six months before their defeat in August 1972. Under the authority of both Cabinet and Deputy Ministers with the Environment and Land Use Technical Committee, in late 1973 and 1974 the Community Watersheds Task Force established, and in many cases re-established, approximately 300 Watershed Reserves under the *Land Act* specifically for community watershed protection. As identified in numerous inter-ministry memos during the mandate of the Task Force, the establishment of the Watershed Reserves effectively placed a moratorium on all commercial activities within the boundaries of these reserves. This resulted in internal turf struggles and strong opposition to the Reserves from industry foresters. The cover-up began almost immediately.

Although the Ministry of Environment released its October 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies* in March 1981, the Ministry of Forests continued to allow logging in drinking watershed sources. This was contrary to specific recommendations contained in the Guidelines document. For instance, the registered 157 Category 1 *Land Act* Watershed Reserves listed in the Appendix of the Guidelines - were to be provided "maximum" protection but were simply ignored, instead.

B.C. water users demanded clean water when their watersheds were being degraded, stating that the government was responsible for degrading water quality. In response, government quietly shifted the "onus" or burden of providing clean water onto the consumer. Shamefully, this has been perpetuated by successive governments ever since.

The 1980 Guidelines document contains the phrase: "in law, the onus to deliver high quality water to the consumer rests with the water purveyor."<sup>96</sup> This controversial statement was inserted in the Guidelines document despite strong and well-founded objections of the Health Department Regional Engineer, almost three years before the Guidelines were published:

"It may be true in law that the water purveyor is charged with delivery of a potable product. However, I would like to see the legal precedent holding a purveyor responsible for upstream contamination by another individual after the purveyor began drawing water. It does not make sense to me that if an individual is contaminating the water, then someone else should be responsible for cleaning it up. This removes the responsibility from the polluter. My view would seem to be supported by Sections of the Water Act, Pollution Control Act, and Health Act."

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<sup>95</sup> The *Task Force on the Multiple Use of Watersheds of Community Water Supplies*, more appropriately named in this report as the Community Watersheds Task Force.

<sup>96</sup> *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, page 8.

“While the policy of the Ministry of Health is to require at least disinfection of new surface supplies there are many communities using surface supplies of excellent quality and have been doing so for some years. I do not agree that activities should be allowed in a watershed that suddenly makes treatment necessary. To me that is unacceptable degradation of the supply and the purveyor is certainly not responsible for it.”

“In summary, the Ministry of Health desires to maintain pristine quality of heretofore unaffected surface waters, and to upgrade adversely affected water to its previous raw quality. To achieve this, it would appear that watersheds, particularly those supplying domestic water, should be for the sole purpose of producing water.”<sup>97</sup>

About three weeks before this Kootenays Health Engineer sent these comments to the Task Force regarding the first draft (June 1977) Guidelines document, the Ministry of Forests’ Resource Planning Director in Victoria wrote to the Chairman of the Community Watersheds Task Force, “that recognition be given to the fact that it may be cheaper to treat surface water or provide wells rather than impose severe restrictions on logging or forego timber harvesting altogether.”<sup>98</sup>

By 1983, the Provincial Health Officer, under the influence of the Social Credit Party’s “sympathetic” administration of the forest industry and its Minister of Health, recapitulated the long established policies of the Ministry of Health:

“Ministry of Health recognizes that it is not in the business of water management and that the concept of multiple use of watersheds is a fact of life. However, the Ministry of Health is aware that the pristine quality of drinking water, so often accepted as a given by the public, often does not exist now, and will be increasingly threatened by such multiple use.

The Ministry of Health’s responsibility and interest is defined in the Health Act, and incidentally not referred to in this document, is in the quality of drinking water. As such, we cannot solely be interested in the current safety of potable water about to be or actually being distributed to the public, but must necessarily have concern for long term issues which will affect the availability of good quality drinking water. With this in mind, we are aware [of] the amount of treatment that is or will be required of water purveyors to achieve satisfactory drinking water will very much depend upon such issues as the multiple use of watersheds that are either being used or will be used for drinking water.

Having said this, it is the Ministry of Health’s position that the quality and safety of drinking water is the responsibility of the water purveyor and this Ministry’s responsibility to see that they carry out their obligations. For reason of necessity, and in the absence of any readily available credible alternative, the majority of actual testing for drinking water quality must continue to be done by the public health service. Over the long term, however, we would see more of this responsibility being taken over by the purveyor and other laboratories with the public health service laboratory being used to monitor this activity.”

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<sup>97</sup> D.G. Levang, Regional Engineer, Department of Health, Cranbrook, to the Assistant Director of Environmental Health Engineering, December 20, 1977. Levang was commenting on the June 1977 draft of the Community Watersheds Guidelines document.

<sup>98</sup> C.J. Highstead, Forester, Resource Planning Division, Ministry of Forests, to J.D. Watts, Chairman, Community Watersheds Task Force, December 2, 1977.

“In summary, health parameters are always involved in matters affecting drinking water just as in other areas of human endeavour, and as such, the Ministry does not seek to control all human activity but only to represent the health interests whenever significant projects are considered.... community watersheds can be managed for water and wood production, as well as other resource output, without significantly impairing water quality, and I would solicit your assistance in in-service education to our staff as to the techniques available to achieve this end. This can only help allay public fears surrounding this whole issue.”<sup>99</sup>

As related in summary statements by the Auditor General in his March 1999 report on Drinking Water Sources, local, regional, provincial and federal governments are now forced to cough up enormous sums of public tax-dollars to pay for expensive treatment of B.C.’s drinking water sources as a result of the provincial government’s failure to protect these sources. The imposed financial burden of these treatment systems can also be viewed as being direct subsidies to commercial interests. In other words, government allows private industry to degrade public water supplies, and then they force the public to pay the related health care and water treatment costs.

## 4.2 - The Present

The B.C. Tap Water Alliance began submitting letters and reports to the provincial government in the late 1990s about the history, legislation and policies of drinking watershed source protection, and has repeatedly requested that government re-invokes the legislation that provides for the protection of these sources.

It is our position that citizens of British Columbia have the right to clean water and protected water sources, as supported by over 100 years of legislation and regulation. Two recent Court cases appear to contradict our position. However, the Ministry of Forests and the Attorney General’s department have not provided the Courts with all the information necessary to make its decisions. Rather, there has been a systematic effort to cover up this past and defend industrial interests over those of the resources owners.

Our alarm about the policies of the present government were magnified when we discovered that one of the initial acts of the Campbell government was to strike the Red Tape Task Force for the repeal and elimination of legislative provisions regarding joint sign-off by a designated “Environment Official” for resource development plans in community/domestic watersheds. This Task Force operated in secret. The Drinking Water Review Panel, formed in September 2001, was kept in the dark about this matter. We expressed strong objections to the government’s intransigence in a press release in May 2002 (see **Appendix M**).

According to inter-ministry files and memos from the late 1970s and early 1980s, the Ministry of Environment was to have been provided with the administrative authority over the Watershed Reserves, as the Ministry of Forests lacked credibility as the lead decision making agency in the eyes of both the public and other ministries. The removal of the joint sign off provisions created in 1985 and 1993 provided, for us, an unmistakable signal from the government about its intentions regarding the protection of drinking watershed sources.

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<sup>99</sup> H.M. Richards, Provincial Health Officer, to P.M. Brady, Director, Water Rights, Water Management Branch, Ministry of Environment, March 30, 1983.

In our May 2002 report, *Doctoring Our Water: From a Policy of Protection to a Policy of Submission*, which detailed the policy history of the Ministry of Health as the long-held guardian and advocate for the protection of drinking watershed sources, we identified the transition as a “period of darkness”. As evidenced in recent provincial health reports and the newly introduced legislation, this period still prevails.

We note the recent remarks by Deputy Provincial Health officer, Sean Peck, during his presentation on drinking water standards at a water conference in Rossland, B.C.<sup>100</sup> The first questions put to him after his presentation on drinking water legislation and policy were related to his Ministry’s previous history as advocate for drinking water source protection, and why his Ministry was not still advocating that administrative policy against “multiple use”:

“I mentioned earlier where I talked about the big conflict between industrial activities and drinking water safety. The only trouble about advocating for the whole province for watersheds to be protected is in fact most of the Province is a watershed, and there are huge areas in where water is drained. Secondly, I think the evidence is that you can adequately protect the drinking water sources if you take the measures in these places, whether it is logging, or mining, or cattle grazing, or whatever. So I think there is an in-between thing, not the sort of black and white we’ve got to completely put an end to that around all watersheds. It is totally impractical, as far as I’m concerned, to be able to do that.... I know that the Tap Water Alliance has been extremely vocal on this.”

Peck’s assertion that the entire Province is a drinking watershed source is a remarkable and extremely simplistic exaggeration. The Ministry of Health and the Ministry of Water, Land and Air Protection have the data on provincial drinking watershed sources, their location, and the number of users. These sources in fact cover very little area of the province. Peck’s comment related to “evidence” was not supported by any examples during his reply. The “evidence” Peck does not refer to is the strong position the Ministry of Health previously maintained and how that was manipulated to conform to commercial interests. In this respect, the Ministry of Health has been reduced to playing second fiddle to the resource ministries and to the politics surrounding this issue, exemplified in Peck’s answer.

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<sup>100</sup> Monday, November 18, 2002 at the Uplander Hotel, Rossland, BC. The free public workshop, *Drinking Water: A Matter of Life or Death*, was sponsored by Kootenay Association for Science and Technology and Selkirk College partnering together to offer a workshop on the availability and quality of drinking water. The preamble to the invitation reads: “The water we drink is as essential to all of us as the air that we breathe. Thus, water quality is an issue many of us are concerned about. With the Walkerton, Ontario E. Coli water contamination episode, and British Columbia reporting the highest rate of intestinal illnesses in Canada from the consumption of contaminated water, learning more about our water has become a priority. BC citizens want more information about protecting sources for our water, how our drinking water is treated, and how the quality of our drinking water impacts on our health.”

### 4.3 - Directions for the Future

The numerous decades of difficulties experienced by communities regarding the protection of drinking watersheds relate to three critical issues:

- the failure of government to acknowledge the historic legislative framework and policies for the protection of drinking watershed sources, and its failure to continue protecting sources identified for community water supply;
- the failure of successive governments to listen to and honour those communities, while increasing the discretionary decision making powers of the Ministry of Forests District Managers, Regional Managers, and the Chief Forester;
- the absence of meaningful public participation and dispute resolution legislation necessary for the administration of Public and private land, as reflected in Kim Brenneis' recommendations (Appendix J) and the November 1994 proposed *Sustainability Act for British Columbia*.

We note, in particular, the lack of government will to honour the Sunshine Coast Regional District's referendum request (May 2, 1998 election results of 87.6% in favour) and a further public petition delivered by SCRD and First Nation representatives to MLA Harold Long (May 29, 2002 - see photo below, showing the meeting with Harold Long and presentation of the 5,000 signature petition) to protect the Chapman & Grey Creeks Watershed Reserves and to transfer authority management over these Public lands over to the Regional District (see **Appendix N**). The government has a public duty to honour the SCRD, and to initiate reforms on the legislative protection of the public's drinking watershed sources.



Good democracy, or good government, as identified by Kim Brenneis, is founded on public participation in shared government decision-making. This is a central reform issue for all levels of government, and is particularly critical when it comes to the issue of protecting the public's drinking watershed sources.

Premier Campbell on April 30, 2003 in the Legislature, proposed the public should take a leading role in shared decision-making on proposed legislation for Electoral Reform. We commend the Premier for his position, and also recommend that an interim public participation policy be



adopted and extended consistently throughout government. This would include a binding review of the government's recent legislative changes to Crown land agencies, which it did without meaningful public participation.

We are troubled about this government's inclination toward privatizing Public services and Public lands. As summarized under recommendations in our presentation to the Public Accounts Committee on November 18, 1999, during that Committee's review of the Auditor General's Report on Drinking Water Sources: "pending the threat that privatization of the provincial land base has from private corporations, that legislation be enacted to prevent the said drinking-water lands from falling under privatization legislation which may remove the said lands from the public's control."

The new "working forest" legislation, as proposed, would complete the cover up that has been countenanced by successive governments to the detriment of the health and well being of every British Columbian. We urge you to reconsider this ill-advised plan.

# **APPENDIXES A - N**

## **APPENDIX A: WEST COAST ENVIRONMENTAL LAW ASSN'S LETTER TO STAN HAGAN REGARDING BILL 21**

May 1, 2002

Hon. Stan Hagen  
Minister of Sustainable Resource Management  
East Annex  
Parliament Buildings  
Victoria, BC  
V8V 1X4

Dear Minister Hagen,

### **RE: Bill 21 Agricultural Land Commission Act**

We are writing to provide input regarding Bill 21. We are not aware that there was any public consultation on this new legislation prior to its introduction in the Legislature, despite the important issues of public policy it contains. We are nevertheless writing at this late stage in the hope that you are open to changes and will receive this as constructive to the legislative process.

As a general comment, although we recognize that the government is maintaining the essential elements of the agricultural land reserve protection regime, we believe the government is putting those protections at risk by authorizing delegated approval of subdivision and non-farm use without appropriate checks and balances. We are also very disappointed that you are repealing the key features of the forest land reserve without any public process.

Bill 22 introduces positive changes that improve the Agricultural Land Commission's enforcement capabilities, but it also raises the following important issues that we would like to bring to your attention.

#### **1. Section 26 . Concern with Overly Broad Delegation of Commission Powers**

We understand that you may be introducing an amendment to this section to remove the possibility of delegation of commission authority to "any person". We would support that amendment and your responsiveness to input received on that point. However, we have other concerns that arise with this section.

Delegation of commission decision-making authority to agents of the government, public bodies, or local governments, inevitably raises the possibility of conflicts of mandate. The mandates of these authorities are inevitably more broad than that of the commission regarding agricultural land, as set out in section 6. Some of these conflicts can be avoided perhaps through the terms of a delegation agreement, but there are no provisions in the draft legislation to provide legislative assurance. There are also no provisions to cancel delegation agreements if the purposes of the legislation are not being satisfactorily met.

As an example, we understand that one delegation authority under consideration by the commission is to the Oil and Gas Commission. The mandate of that commission in facilitating oil and gas development <sup>101</sup> is potentially in conflict with the purposes of the Agriculture Land Commission as set out in section 6. A similar situation could arise with local governments which do not have the same mandate as the commission. Any delegation of this nature is potentially fraught with risk that the purposes of the legislation will not be achieved.

One of the reasons that this concern arises is that the delegation powers are very broad. Delegating the authority to approve non-farm use or subdivision of agricultural land goes to the very purposes of the legislation. There is little comfort in the suggestion that the integrity of the agricultural land reserve will be maintained just because the commission cannot delegate its inclusion and exclusion decisions. That is a moot point when a delegated authority can decide to approve any non-farm uses or subdivision within the reserve and potentially defeat the purpose of the reserve.

Maybe the efficiencies achieved by moving to regionally based panels will diminish the need for delegation agreements. But it appears from the amendments that more are anticipated rather than fewer. We submit that at the very least the legislation should be amended to accomplish the following:

- More narrowly circumscribe the terms under which the commission may delegate its authority;
- More narrowly limit the types of powers that the commission may delegate to exclude decisions in which conflicting mandates may arise;
- Specifically address the potential for conflicting mandates by establishing a clear test for the exercise of the delegated authority that is consistent with section 6;
- Provide for the cancellation of delegation agreements where the purposes of the Act are not being satisfactorily met.

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<sup>101</sup> The purposes of the Oil and Gas Commission are set out in section 3 of the *Oil and Gas Commission Act* as follows:

3. The purposes of the commission are to

- (a) regulate oil and gas activities and pipelines in British Columbia in a manner that
  - (i) provides for the sound development of the oil and gas sector, by fostering a healthy environment, a sound economy and social well being,
  - (ii) (ii) conserves oil and gas resources in British Columbia,
  - (iii) (iii) ensures safe and efficient practices, and
  - (iv) (iv) assists owners of oil and gas resources to participate equitably in the production of shared pools of oil and gas;
- (b) provide for effective and efficient processes for the review of applications related to oil and gas activities or pipelines, and to ensure that applications that are approved are in the public interest having regard to environmental, economic and social effects;
- (c) encourage the participation of First Nations and aboriginal peoples in processes affecting them,
- (d) participate in planning processes; and
- (e) undertake programs of education and communication in order to advance safe and efficient practices and the other purposes of the commission.

## **2. Section 22. Delete Subsection 2 Giving ALC New Statutory Authority to Disallow Conservation Covenants**

Subsection 22(2) should be deleted. Conservation covenants are an increasingly important private sector, market place mechanism for protecting habitat on private land. The covenants commonly seek to maintain the natural state of land that happens to be situated in the reserve.

Conservation organizations and property owners who reach agreement on land use covenants should have some assurance that these agreements will be registrable in the Land Title Office. This subsection could have a significant impact on organizations in this business, yet we understand that they were not consulted on these amendments. We would like to know whether other agencies affected by these changes, such as the Ministry of Water, Land and Air Protection, have been consulted.

Subsection 22(2) gives the commission a new statutory power to refuse ecologically responsible covenants, even where the land owner and covenantee are merely seeking to maintain the natural state of the land. This could disallow protection for the natural state of the land even where it does not reduce the agricultural land base, solely on the premise, for example, that rare wetland habitat someday could be drained and converted to farming purposes.

This issue is especially significant in the context of your move to a much larger commission of 19 members operating by regional panels. While we do not criticize the intent behind this restructuring of the commission, it raises the possibility of inconsistent treatment of conservation covenants, among other issues.

While we considered whether there were ways to amend subsection 22(2) to make it less objectionable, we have concluded that it simply should be deleted. We would be pleased to discuss this issue with you in more detail.

## **3. Subsections 13(4) and 44(3) . Amend Ordering of Priorities to Allow Facilitators and Commissioners to Acknowledge Significant Environmental Values**

The introduction of the new section 13 provision for dispute resolution of community issues has merit. This provision is similar to section 44 by giving direction to the facilitator/mediator regarding the weighting of agricultural values as against environmental and other values. It seems odd that government would have one weighting policy for facilitators making recommendations under section 13 and a different weighting policy for boards making recommendations under section 44. Also, we submit that it makes little sense to legislate an ordering of priorities, and then cluster a set of four competing values into the same point in the hierarchy.

We appreciate that the primary objective of this act is to preserve agricultural land, premised upon its relative scarcity. However, it must also be acknowledged that some of the land in the agricultural land reserve is still in its natural state and has high, sometimes rare, conservation value.

This is true for rare grasslands ecosystems in the province, as well as for critical habitat for threatened and endangered species in areas such as the Okanagan. Important wetlands are also often found within the reserve. Given the historic loss of wetlands, some of these habitats are increasingly vital habitat for threatened or endangered species, especially in the Okanagan and Lower Mainland. Such habitat is more scarce than agricultural land itself. The present wording of sections 13 and 44 could lead to inadequate consideration of environmental values in these circumstances. Under the

present wording, a facilitator under s.13 or board under s.44 could not give that provincial rarity a priority ranking. We recommend a revision to allow the option of a priority ranking for rare environmental values where they arise. This could be achieved by a reordering within ss.13(4) and 44(3), or by new subsections as follows:

s.13 (7) Despite subsection (4), a facilitator must give priority weight to environmental values where they are more rare than the agricultural values. And: s.44 (7) Despite subsection (3), the board must give priority weight to environmental values where they are more rare than the agricultural values.

Another alternative might be to amend s.13(4)(a) and s.44(3)(a) by adding at the end of these paragraphs “unless environmental values are more rare.”

#### **4. Section 58 . Regulations**

Bill 22 expands the Legislature’s delegation of regulation-making on numerous matters that are integral to the purposes of the agricultural land reserve. These regulations will be critical to the use of agricultural land, and we urge you to use the regulations as an opportunity to consult broadly and support public discussions that will lead to stronger, more widely accepted public policy.

Please include WCEL in any consultation process.

#### **5. Sections 64 . 80: Forest Land Reserve Essentially Repealed**

The combined effect of these changes essentially repeals the fundamental purposes of the forest land reserve. The intent of the reserve was to provide a more open and accountable process for the conversion of managed forest land to urban/rural development, as a counter-balance to the generous property tax treatment that land receives under the *Assessment Act*. This was a major issue on the Gulf Islands and eastern Vancouver Island where forest companies were getting into the real estate development business and selling off large private holdings, without much in the way of public process, and thereby increasing their reliance on public land for the timber harvesting business.

We find that neither your comments when introducing Bill 21 to the Legislature, nor the Explanatory Notes to the bill, fairly represent the nature or impact of these amendments. We do not understand your statement that these changes represent “an important step in facilitating improved management of both our agricultural and private forest lands.”

We offer some specific comments as follows:

**Repeal of Key Purpose: Sections 64 & 69.** These sections repeal the key purpose of the forest land reserve by removing the reference in to “minimizing the impact of urban development and rural area settlement on the forest land base.”

**Removal of Crown Land from FLR: Section 66.** We support this provision because public forest land is better managed under other legislation such as the *Forest Act* and *Forest Practices Code of BC Act*. However, we would be very concerned if public forest land were to become governed by “working forest” legislation in a manner that precludes options for sound management of environmental values. We look forward to an opportunity for involvement in this initiative at the conceptual stages, before it is entrenched in law.

**Repeal of Tax Recapture Provisions: Section 72.** Managed forest land gets a significant break on property taxes. The purpose of the tax recapture provision was to provide some incentive to keeping private forest land in the reserve, as a counter balance to the tax concession benefits. The benefits remain, but the counter balance will be repealed with this bill.

**Repeal of Consultation with Local Governments: Sections 67 & 70.** This section repeals the requirements to consult local governments concerning applications to remove private land from the reserve. Presently they are required to be consulted over how these decisions impact official community plans, services, and growth issues. This change means that local governments, including the Islands Trust, will no longer have legislative certainty that they will be consulted.

**Repeal of Criteria for Removal of Land from FLR: Section 71.** This section removes criteria for removing land from the forest land reserve, removes the requirement to consider local government input, and the requirement to give reasons for removal decisions. Under the new provision, the commission can make these decisions whenever it considers it to be “in the public interest.” This change removes openness and accountability from the decision-making.

**Repeal of Opportunity for Public Involvement: Section 74.** This section takes away the authority of commission to provide notice to the public and to hold public meetings and hearings in relation to applications before the commission. This too represents a loss of openness and accountability.

We hope you will reconsider the provisions of Bill 21 that diminish openness and accountability on the part of government, the commission, or delegated authorities. We also hope you will consider amendments that will improve the balancing of environmental values with the legitimate agricultural purposes of the ALR. Finally, we would urge the government to consult with the interested B.C. public when introducing reforms of this magnitude.

Thank you in advance for considering our comments.  
Yours truly,

**WEST COAST ENVIRONMENTAL LAW**  
Mark Haddock  
Staff Counsel

cc: Hon. Joyce Murray, Minister of Water, Land and Air Protection  
Tom Syer, Ministerial Assistant  
Jon O’Riordan, Deputy Minister  
Kirk Miller, Land Reserve Commission  
Herb Barbolet, Farm Folk/City Folk  
Cheeying Ho, Smart Growth BC  
Carolyn Stewart, Islands Trust Fund  
Jan Garnet, Nature Conservancy of Canada  
Bill Turner, Land Conservancy of BC  
Les Bogdan, Ducks Unlimited Canada  
Tom Lester, Nature Trust of British Columbia  
Ann Hillyer, Barrister & Solicitor  
Joy MacPhail, Leader of the Opposition

## **APPENDIX B: FEBRUARY 19, 2001 PRESS RELEASE**

### **The B.C. Tap Water Alliance and the Society Promoting Environmental Conservation (SPEC) Press Release**

For Immediate Release: Feb. 19, 2001

#### **SPEC calls Forest Minister Wilson's plan for logging in watersheds - "stab in the back."**

*Vancouver* - On February 12, BC Forests Minister Gordon Wilson unveiled a discussion paper on legislation that would give Crown lands outside of provincial and national parks to the logging industry. The paper refers to these areas as the "Working Forest". Wilson made his announcement at the end of the government's consultation process on its draft plan to protect BC drinking water sources.

"The timing of Wilson's proposed Working Forest legislation, coming at the end of the public consultation process, really stinks," said Will Koop, SPEC Watershed Campaigner. "It's like he stuck a knife in our backs. First both the Premier and Environment Minister Ian Waddell promised to protect the hundreds of BC's drinking water sources which are threatened by logging. Now at the eleventh hour, Wilson wants to give away our drinking watersheds to the "Working Forest". Were these Ministers afraid of the public during the drinking water consultation process? Is that why we learned about Wilson's scheme just now?"

Wilson is facing opposition in his own riding from the Sunshine Coast Regional District (SCRD) following a public referendum that called for an end to logging and mining in the Chapman and Gray watersheds. The SCRD now wants the provincial government to give legislative control of the watersheds to the Regional District.

Wilson is scheduled to make a presentation in Kamloops to the annual meeting of the Association of B.C. Professional Foresters (ABCPF) this Friday (12:30-2pm, Minister's Luncheon Address, Best Western Hotel) where he is expected to bring up the proposed legislation for the Working Forest. There are about 4,000 registered professional foresters in BC, who are employed by government, university and the private sector.

"The ABCPF advocates industrial forestry practices in drinking watersheds, and some of their members have vested interests in doing just that," said Koop. "We have written to the president of the ABCPF and requested him to present a motion to their annual meeting to protect BC drinking watersheds from industrial activities. All of us in BC must help implement immediate measures to protect the future of our drinking water sources, and the most obvious body to do so is the Association of Professional Foresters."

## APPENDIX C: LIST OF PROVINCIAL FORESTS

The following data regarding B.C.'s 140 Provincial Forests was kindly provided by the Ministry of Forests. After the passage of the *Forest Act*, the *Ministry of Forests Act*, and the *Range Act* in 1979, the Ministry of Forests was given land management authority over almost all Crown or Public lands in B.C., designated under Provincial Forests.

PROVINCIAL FOREST NAME	ORDER- IN- COUNCIL NO.	DATED Yr/Mo/Day	GAZETTE DATE Yr/Mo/Day	AREA Hectares (Approx.)
<b>Adams</b>	3645	69-11-20	69-12-04	235,172
<b>Arrowhead</b>	1797 2818	72-05-10 72-07-25	72-08-18 72-08-10	196,581 65 Total - 196,646
<b>Ashnola</b>	2585	70-07-30	70-08-13	275,576
<b>Babine</b>	2718 1794	70-08-18 72-05-10	70-09-10 72-05-18	843,071 1,787 Total - 844,858
<b>Barriere</b>	3646	69-11-20	69-12-04	142,709
<b>Barton Hill</b>	1909 1804	66-06-29 71-05-21	66-07-07 71-06-03	63,455
<b>Bell-Irving</b>	2302 789	71-06-29 85-05-01	87-10-08	637,936 418,380 Total - 1,056,316
<b>Betty Wendle</b>	1424	82-07-28	82-08-19	60,437
<b>Big Bar</b>	2273 860	85-12-05 87-04-30	85-12-19 87-10-08	595,625 15,977 Total - 611,602
<b>Big Valley</b>	3647	69-11-20	69-12-04	166,019
<b>Blueberry</b>	1998 1254	83-12-14 87-06-25	83-12-19 87-12-03	1,100,354 97,651 Total - 1,198,005
<b>Blue Mountain</b>	519	63-03-08	63-08-12	4,403
<b>Botanie</b>	1381 797 1993	82-07-21 84-05-02 87-10-09	82-08-12 87-10-08 87-11-05	348,848 137,678 25,320 Total - 511,846
<b>Bowron</b>	2315	69-07-17	69-08-28	69,412
<b>Broughton</b>	1507	34-11-30		17,353
<b>Burns Lake</b>	2717	70-08-18	70-09-10	408,961
<b>Bute Inlet</b>	54	81-01-15	86-02-13	520,607
<b>Canoe</b>	2301 1634	71-06-29 87-08-20	71-07-15 87-10-08	356,384 9,367 Total - 365,751
<b>Carmi</b>	3488	71-09-28	71-10-21	31,857



<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Carp</b>	4030 2595 56	70-12-04 73-07-31 84-01-18	70-12-17 73-08-09 84-01-26	583,553 8,806 63,534 Total - 655,893
<b>Chilko</b>	1631 93	83-10-07 85-01-31	83-10-27 87-10-08	1,755,976 111,482 Total - 1,867,458
<b>Chilliwack</b>	1718 1522 1107 976	49-08-06 63-06-21 86-06-05 87-05-14	49-08-18 63-07-11 87-10-08 87-10-08	72,002 210 1,992 Total - 74,204
<b>Clayoquot</b>	2528	49-11-19	49-12-01	426,573
<b>Cottonwood</b>	3859 911	69-12-04 83-06-16	70-01-01 87-10-08	196,581 164 Total - 196,745
<b>Cowichan Lake</b>	564	29-04-16		194
<b>Cranbrook</b>	1426 2197	82-07-28 84-12-20	82-08-12 87-12-03	488,144 18,684 Total - 506,828
<b>Creston</b>	1372	82-07-21	82-08-05	269,941
<b>Crooked River</b>	1334 55	70-04-21 84-01-18	70-05-07 84-01-26	271,950 9,728 Total - 281,678
<b>Deadman</b>	523	81-02-06	81-07-30	149,441
<b>Dean</b>	1425 914	82-07-28 87-05-07	82-08-12 87-10-08	1,627,202 1,326 Total - 1,628,528
<b>Dease</b>	1373	82-07-21	82-08-05	2,931,086
<b>Dewdney</b>	1866	82-09-30	82-02-14	604,998
<b>Douglas</b>	150 316	33-02-08 86-02-20	87-10-08	180,264 7,794 Total - 188,058
<b>Dragon</b>	1088	87-06-07	87-06-25	196,100
<b>Eagle</b>	1474	72-04-18	72-05-04	146,853
<b>East Thurlow</b>	315 977	27-03-29 87-05-14	27-04-14 87-10-08	6,734 79 Total - 6,813
<b>Edgewood</b>	956	72-03-10	72-03-23	119,399
<b>Elk</b>	555 1141	33-04-27 85-06-05	33-05-04 87-10-08	628,333 105 Total - 628,438
<b>Finlay</b>	25	70-01-30	70-01-29	4,856,509

<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Flathead</b>	554 2243	33-04-28 87-11-13	87-12-03	158,249 10,190 Total - 168,439
<b>Fly Hill</b>	2868	72-07-27	33-02-16	14,504
<b>Fontas</b>	1999 1206	83-12-14 87-06-19	83-12-29 87-10-08	1,348,866 429,750 Total - 1,778,616
<b>Fort Nelson</b>	1378 1938	82-07-21 87-09-24	82-08-12 87-10-08	1,728,266 149,766 Total - 1,878,032
<b>Georgia Strait</b>	1633 1277 1435 1062	83-10-07 86-07-03 87-07-16 06/12/02	83-10-27 87-10-08 87-10-08 27/12/02	62,152 191 622 191 Total - 63,156
<b>Gilford</b>	1509	34-11-30		45,325
<b>Graham</b>	97 1276	42-01-23 86-07-03	42-01-29 87-10-08	332,296 25,322 Total - 357,618
<b>Granby</b>	3224	70-09-29	70-10-08	265,216
<b>Green Timbers</b>	1367	31-11-05	31-11-19	259
<b>Harbledown</b>	1505	34-11-30		28,231
<b>Hardwicke Island</b>	14	25-01-08	25-01-15	7,252
<b>Hecate</b>	1868	82-09-30	82-10-14	1,757,993
<b>Indian-Pitt</b>	1921 1247 790	81-09-03 84-07-13 85-05-01	81-10-01 87-10-08 87-10-08	86,588 944 311 Total - 87,843
<b>Inkaneep</b>	187	23-02-14	23-03-01	49,210
<b>Juan de Fuca</b>	1195	49-05-27	49-06-09	266,511
<b>Kamloops</b>	1371 57	82-07-21 84-01-18	82-08-05 84-01-26	139,957 81,222 Total - 221,179
<b>Kechika</b>	1869 1835	82-09-30 84-10-11	82-10-14 87-10-08	2,642,805 180,547 Total - 2,823,352
<b>Kettle</b>	3488	71-09-28	71-10-21	326,340
<b>Kinbasket</b>	1630	83-10-07	83-10-27	806,599
<b>Kingcome</b>	330	28-03-11		80,290
<b>Kitimat</b>	1634	83-10-07	83-10-27	21,926
<b>Kotcho</b>	1380 53	82-07-21 84-01-19	82-08-05 84-01-26	2,191,915 23,570 Total - 2,215,485
<b>Kwinageese</b>	1375	82-07-21	82-08-25	500,603

<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Kyuquot</b>	1665	50-07-28		483,034
<b>Lac La Hache</b>	2215	85-11-27	85-12-12	792,924
<b>Lardeau</b>	804	71-03-09	71-03-25	911,938
<b>Liard</b>	1376	82-07-21	82-08-05	3,010,571
<b>Longworth</b>	52 1635	81-01-15 87-08-20	81-07-30 87-11-05	478,683 12,442 Total - 491,125
<b>Loughborough</b>	660 808	34-05-29 86-04-16	34-05-31 87-10-08	242,165 14,819 256,984
<b>Lower Arrow</b>	956	72-03-10	72-03-23	109,557
<b>Martin Mountain</b>	1301	36-11-10	36-11-19	22,792
<b>Moberly</b>	2000 330 1636	83-12-14 85-02-28 87-08-20	83-12-29 87-10-08 87-10-08	872,620 3,975 82,723 Total - 959,318
<b>Monkman</b>	228	71-01-26	71-02-11	554,777
<b>Monte Hills</b>	1300 4288	36-11-10 71-11-25	36-11-19 71-12-16	80,808
<b>*Moresby</b>	79	40-01-23		344,728
<b>Morice</b>	2719	70-08-18	70-09-10	506,344
<b>Nakusp</b>	342	72-01-31	72-02-10	122,248
<b>Narcosli</b>	2317 1942	69-07-17 83-12-09	69-08-28	904,668
<b>Naver</b>	1743 54	69-05-31 84-01-18	69-06-19 87-01-26	129,241 163,117 Total - 292,358
<b>Nechako</b>	2715	70-08-18	70-09-10	843,044
<b>Nechako</b>	2198 861	84-12-20 87-04-30	87-10-08 87-10-08	4,999 35,085 Total - 883,128
<b>*Nehalliston</b>	1732	70-05-21	70-06-04	161,875
<b>Nicola</b>	822 3731	32-07-19 71-10-14	32-08-11 71-11-18	383,060
<b>Nimkish</b>	1993	70-06-17	70-07-02	386,427
<b>Niskonlith</b>	230	71-01-26	71-02-11	116,809
<b>North Kluskus</b>	1632	83-10-07	83-10-27	182,153
<b>North Nehalliston</b>	1914	71-05-27	71-07-17	83,139
<b>North Nicola</b>	2638 3269	66-09-16 68-10-23	66-09-28 No Gazette Date on File	32,893
<b>North Thompson</b>	2318	69-07-17	69-08-28	419,579

<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Okanagan</b>	4288 1486	71-11-25 85-07-25	71-12-16 87-10-08	259,000 129 Total - 259,129
<b>Ootsa</b>	2270 3255 1487 1361	70-08-18 72-08-29 85-07-25 00-10-05	70-10-10  87-10-08 23/01/01	1,014,761  10,625 1,025,441 Total - 2,050,827
<b>Parsnip</b>	229 2598	71-01-26 73-07-31	71-02-11	598,548
<b>Peace</b>	1379	82-07-21	82-08-05	606,653
<b>Powell</b>	731 957	70-03-06 85-05-16	70-03-26 87-10-08	197,099 2,516 Total - 199,615
<b>Purden</b>	2316 103	69-07-17 84-01-26	69-08-28 84-02-09	239,575 27,774 Total - 267,349
<b>Quatsino</b>	521	49-03-09		
<b>Quatsino</b>	1912 94	69-05-12 85-01-31	69-07-03 87-10-08	403,780 6,958 Total - 410,738
<b>Quesnel Lake</b>	1944 2200 1089	83-12-09 84-12-20 87-06-07	83-12-22 87-10-08 87-10-08	665,667 189,045 5,586 Total - 860,298
<b>Raft</b>	2991	69-09-23	69-10-09	247,345
<b>Redonda</b>	294 2076	28-03-24 85-11-06	 85-12-12	16,835 3,760 Total - 20,595
<b>Red Rock</b>	1915 951	71-05-27 80-05-01	71-06-17 87-10-08	2,331 35 Total - 2,366
<b>Rivers Inlet</b>	51	81-01-15	86-02-13	795,681
<b>Robson</b>	1382 1945 1637	82-07-28 83-12-09 87-08-20	82-08-12 87-12-03 87-12-03	508,860 17,614 5,040 Total - 531,514
<b>Salmo</b>	584	71-02-16	71-03-11	316,498
<b>Salmon Arm</b>	2868	72-07-27	72-08-24	92,981
<b>Sayward</b>	1992 978	70-06-17 87-05-14	70-07-02 87-10-08	168,091 227 Total - 168,318

<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Sechelt</b>	732 958	70-03-09 85-05-16	70-03-26 87-10-08	336,710 4,459 Total - 341,169
<b>Seymour</b>	1570	38-12-02		235,179
<b>Shuswap</b>	2867	72-07-27	72-08-24	303,039
<b>Sikanni</b>	1377	82-07-21	82-08-12	1,861,536
<b>Similkameen</b>	3395 2139	70-10-16 85-11-20	70-11-05 87-10-08	366,496 51 Total - 366,547
<b>Skagit</b>	1331	51-06-08	51-06-14	45,326
<b>Skeena</b>	805	71-03-09	71-03-25	1,018,647
<b>Slocan</b>	3242	71-09-10	71-11-10	196,322
<b>Smithers</b>	2716	70-08-18	70-10-10	534,835
<b>Sonora</b>	262	26-03-06		16,577
<b>Soo</b>	2188	82-12-02	82-12-16	592,668
<b>*South Kluskus</b>	1628 1461	83-10-07 86-08-08	83-10-27 87-10-08	210,966 126 Total - 211,092
<b>South Nehalliston</b>	1914	71-05-27	71-06-17	41,441
<b>Spallumcheen</b>	1473	72-04-18	72-05-04	409,220
<b>Stikine</b>	2242 796	82-12-09 01/06/89	82-12-23	3,846,740 810 Total - 3,847,550
<b>Stuart Lake</b>	1795 2202	72-05-10 84-12-20	72-05-18 87-12-03	626,281 24,164 Total - 650,445
<b>Stum</b>	1948 2077	83-12-09 85-11-06	83-12-22 87-10-08	1,522,559 1 Total - 1,522,560
<b>Surrey</b>	1332	70-04-21		194
<b>Sustut</b>	1374	82-07-21	82-08-05	1,015,179
<b>Takla</b>	1796	72-05-10	82-05-18	1,259,776
<b>Taku</b>	1867	82-09-30	82-10-14	4,339,108
<b>Toba</b>	733 1146	70-03-09 85-06-05	70-03-26 87-10-08	305,888 6,219 Total - 312,107
<b>Tranquille</b>	3308 1639	71-09-17 87-08-20	71-11-07 87-12-03	60,867 28,938 Total - 89,805
<b>Upper Arrow</b>	1797	72-05-10	72-05-18	326,081
<b>Upper Klinaklini</b>	53	81-01-15	86-02-13	282,041
<b>Upper Kootenay</b>	434 95	83-03-17 85-01-31	83-03-31 87-10-08	519,393 175 Total - 519,568

<b>PROVINCIAL FOREST NAME</b>	<b>ORDER- IN- COUNCIL NO.</b>	<b>DATED Yr/Mo/Day</b>	<b>GAZETTE DATE Yr/Mo/Day</b>	<b>AREA Hectares (Approx.)</b>
<b>Vancouver Island</b>	1802	44-11-18	44-11-30	38,330
	1646	57-07-08		3,845
	592	61-03-13		1,006
	3098	64-11-05		6,005
	4008	69-12-17	70-01-02	3,144
	761	73-03-07	87-10-08	991
	317	86-02-20	01-02-01	16,485
	1771	00-12-04		522
				Total - 70,328
<b>Wapiti</b>	2001	83-12-14	83-12-29	1,260,207
<b>*Westlake</b>	2272	69-07-15	69-07-21	245,791
	144	84-02-02	84-02-16	49,473
				Total - 295,264
<b>West Okanagan</b>	4288	71-11-25	72-12-16	78,995
<b>West Slokan</b>	3242	71-09-10	71-11-07	79,774
<b>West Thurlow</b>	135	25-02-06		7,770
<b>Williams Lake</b>	2082	85-11-06	85-12-12	363,840
<b>Willow River</b>	1742	69-05-31	69-06-19	132,608
	143	84-02-02	84-02-16	25,208
				157,816
<b>Windermere</b>	1629	83-10-07	83-10-27	375,272
	2055	83-12-21	87-10-08	1,775
				377,047
<b>Yahk</b>	183	24-02-12	24-03-06	198,659
	760	24-07-08	24-07-17	5,569
	1381	32-12-15		48,564
	915	87-05-07	87-1-08	191
				Total - 252,983
<b>Yalakom</b>	959	85-05-15	87-10-08	757,347
<b>TOTAL</b>				<b>80,241,776</b>

## APPENDIX D: FINANCIAL CONTRIBUTIONS BY THE FOREST INDUSTRY SECTOR TO THE B.C. LIBERALS, SEPTEMBER 1995 – DECEMBER 2002

### 1. Total Contributions to the B.C. Liberal Party

The following data, on financial contributions from corporate and individual donors to the B.C. (British Columbia) Liberal Party, September 1995 - December 2002, is from the audited reports of Elections B.C. For the first time in British Columbia's legislative history, the government on September 1, 1995 made mandatory through *Bill 28*, the *Election Act*, and through *Order-In-Council 1008/1995*, pursuant to Section 8.1 of the *Income Tax Act*, the public and transparent disclosure of political financial contributions to registered political parties. Prior to 1995, political donations and donors were undisclosed - the public was never provided critical information on the financial relationships between source contributors and political parties and their riding associations.

Total Corporate Donations	\$19,730,699
Total Individual * Donations	\$10,056,132
Total "Other" Donations	\$4,131,072
<b>All Contributions</b>	<b>\$33,917,903</b>

\* A large number of donations in the "Individual" category are directly related to directors and principals (in some cases family members) of corporations, and technically should not be relegated to the "Individual" category. Elections B.C. should fine-tune and not differentiate between the two categories under these circumstances, which would provide the public with a more accurate understanding of the total "Corporate" financial contributions connection.

Elections B.C. divides financial contributions into two major categories, those equal to and greater than \$250, and those under \$250, as provided in Table 1-1. (Note: Contributions prior to September, 1995 were not made mandatory under the legislation, and are therefore not included in the 1995 data, making the information incomplete for the 1995 calendar year.)

**TABLE 1-1: Financial contributions to the B.C. Liberals, 1995-2002**

Year	Corporations <\$250	Corporations >\$250	Individuals <\$250	Individuals >\$250	Corporations & Individuals Total	All Contributions To B.C. Liberals
Sept. 1995	55,740	571,894	22,305	366,812	1,016,751	1,597,982
1996	136,709	3,605,828	672,005	879,033	5,293,575	5,726,198
1997	39,258	712,459	204,034	216,064	1,171,815	1,294,518
1998	87,172	1,223,225	331,203	495,282	2,126,882	2,330,269
1999	125,703	1,987,262	635,787	619,165	3,367,917	3,598,322
2000	145,588	3,163,322	1,104,572	1,005,633	5,419,115	5,844,362
2001	191,045	5,073,148	856,417	1,567,118	7,687,728	8,428,304
2002	100,168	2,512,178	349,106	731,596	3,693,048	5,097,948
<b>Totals</b>	<b>\$881,383</b>	<b>\$18,849,316</b>	<b>\$4,175,429</b>	<b>\$5,880,703</b>	<b>\$29,786,831</b>	<b>\$33,917,903</b>

Note: For reasons of mere curiosity, there is an interesting mathematical ratio relationship between annual Corporate and Individual donations of “greater than” \$250 shown in Table 1-1(a). It suggests an almost consistent pattern/relationship between the two donor groups, based on Elections B.C. arbitrary division of \$250 donations.

**TABLE 1-1(a)**

<b>YEAR</b>	<b>RATIO BETWEEN CORPORATE DONATIONS AND INDIVIDUAL DONATIONS &gt;\$250 (3.45 average)</b>
1996	4.10
1997	3.30
1998	3.70
1999	3.21
2000	3.15
2001	3.24
2002	3.43

## **2. Forest Company Donations Data**

The forest industry sector has traditionally been the greatest employer in British Columbia, and therefore has wielded some of the greatest influence with local and provincial governments. Historically, as elaborated by research, civil servant and forest industry authors on forest policy history, the forest industry sector has had close and sometimes controversial ties, primarily with the Social Credit government (1952-1972; 1976-1991). Most notably are: the corruption scandals on the issuance of Tree Farm Licences in the 1950s; the major controversial amendments to the *Forest Act* in 1978; the related appointment of former Council of Forest Industries vice-president Mike Apsey as Deputy Minister of Forests by Forest Minister Tom Waterland in June 1978 and the resultant “sympathetic” or “velvet glove” administration of the Ministry of Forests in the 1980s; the failed attempt by the Council of Forest Industries to convert 27% of the forest harvestable Public land base to 70% in the late 1980s; and recent drastic overhaul changes to the *Forest* and *Forest Practices Code Acts*.

The recent appointment by the Campbell government (post May 2001) of forestry corporation CEOs and directors to government advisory boards, such as CanFor Corporation President and CEO Bill Emerson as chair of the B.C. Progress Board in July 2001 (refer to **Appendix L** for added information on the background of Emerson), is an indication of the close relationship with forest corporations. Also on the Progress Board are Donald Gould, CEO and president of The Pas Lumber Co., Ken Shields Director of TimberWest Forest Corp. and former director of Slocan Forest Products, and Jim Pattison, a major shareholder in CanFor and Slocan Forest Products. These appointments indicate a return of the “sympathetic” relationship between government and private inter-corporate interests. Directors of the B.C. Progress Board provided large donations to the B.C. Liberals, such as the CanFor Corporation, the companies under the directorship of Jim Pattison group, TimberWest, Westcoast Energy Inc. (director Michael Phelps), and Teck Cominco (director Norman Keevil).



Mergers, acquisitions, and offloading by large inter-corporate companies are now routinely changing the political landscape of the forest industry sector in B.C. Of particular note in this respect, are the recent investment strategies and positioning of British Columbia tycoon Jim Pattison in Canadian Forest Products/CanFor Corporation and the Slocan Group beginning before the May 2001 B.C. election, with merger rumours in December 2002 for Pattison to form a super forest company entity. The corporate aims of speculative and dominant forest industry sector investors for more Public (Crown) land tenure security has been complicated by the evolution of progressive legal and court precedents on unsettled First Nation title, as reflected in the Campbell government's recent initiatives to provide a minor percentage of the allowable annual cut as a temporary and controversial substitute incentive to cash-strapped First Nations. Back in the limelight under a sympathetic administration, are proposals, strongly rejected by the public in the 1980s, to privatize Public lands for forest companies (i.e., *Forest industry looks to Crown land*, Vancouver Sun newspaper, April 5, 2003).

Until the introduction of financial donation disclosure legislation in September 1995, the public could only speculate on the confidential financial linkage and influence between the forest industry sector and provincial government party administrations. For instance:

“Documentation of this point [“relationships between the industry and Social Credit governments”] is difficult, since the aforementioned barriers to an understanding of what goes in the subterranean zones of BC politics are not only fully in play here, but also magnified by other obstacles, such as the absence until recently of election finance legislation strong enough to force disclosure of the sources of political parties’ funds. To add to the circumstantial and direct evidence that will accumulate in Chapters 5 to 12, we can sample observations about forest industry connections to government, and about industry lobbying on issues outside of the forest land use arena.”<sup>102</sup>

The data from Table 2-3 on political contributions by small and large forest industry companies and affiliate associations is largely accurate. Accuracy of some of the data, however, may be in question, given the sometimes difficult rendering of some of the contribution numbers on the Elections B.C. website (calendar years 1999-2002) due to poor or blurry quality of information. Final confirmation of the data with original documents was too timely to confirm with Elections B.C. personnel, and donations figures were temporarily confirmed by adding up the donation figures to the right of the total figure in the data field. More accurate analysis of the September 1995 to 1998 data is still pending regarding mostly smaller company contributions. A survey of only 35 companies was done for this time period. Total data in Table 2-2 does not include donations under \$250.

Another difficulty in gaining a true donation perspective from forest companies is the fact that Elections B.C. separates “individual” and “corporate” donations, when “individual” donors are directly linked to “corporate” entities. This is an evident weakness and critical oversight in Elections B.C. policy. Federal and Provincial Income Tax standards should be altered to better integrate these separate donations into a single category. A few of the “individual” donors were recognized, and are included in the forest company data in Table 2-3.

Table 2-1. Total Top Fifteen Forest Company/Group Donations = \$2,464,852.40. This represents 13.1% of the total corporate donations of \$18,849,316 (greater than \$250). Total Top Eight

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<sup>102</sup> *Talk and Log*, by Jeremy Wilson, page 33.

Donations of \$2,058,176.85 represents 10.9% of the total corporate donations of \$18,849,316 (greater than \$250).

Table 2-2 shows (on the far right) total contributions \$250 and greater from small and large forest companies and affiliations. The category 1995-1998 is incomplete, and represents a minimum figure. The top “8” and “15” groupings, from information in the table below it, provide a relationship with total donor contributions, illustrating the dominant contributions from the majors.

Table 2-3 only lists corporations/individuals that have provided single annual contributions of \$2,500 and greater (September 1995-2002), which then includes lessor donations by that company of \$250 or greater. Current company groupings and inter-company structure information was taken from a University of B.C. Political Sciences website ([www.policy.forestry.ubc.ca/policyactors.html](http://www.policy.forestry.ubc.ca/policyactors.html), updated in January 2003) in order to properly assess inter-company entity donations, eg.: the Doman Group, includes Western Forest Products and Western Pulp Ltd. Partnership; Fibreco Export Inc., is included with Ainsworth Lumber Co. as it controls the largest individual percentage share assets of the other two ownership blocks. Other information sources describe International Forest Products as the new owner of Primex Forest Products since March 2001. There may have been more acquisitions the author is unaware of, which may alter the total company contributions column and top 15 grouping.

### TABLE 2-1. TOP FIFTEEN FOREST COMPANY DONORS

(Data from Table 2-3, indicated in bold in right hand column. Husby Forest Products and Mill & Timber Products Ltd. are the only 2 companies in the top 15 that are not corporate members with the Council of Forest Industries prior to 2002. Source: Council of Forest Industries Annual Reports, 1999-2001.)

<b>TOP 15 ORDER</b>	<b>COMPANY/GROUP</b>	<b>TOTAL DONATIONS 1995-2002</b>
1	Weyerhaeuser Canada Ltd./ MacMillan Bloedel	\$357,671.50
2	Canadian Forest Products/ Canfor Corp.	\$316,081.50
3	International Forest Products/ Sauder Industries Ltd./ Primex Forest Products	\$305,695
4	West Fraser Mills Ltd.	\$284,005
5	Weldwood of Canada Ltd.	\$260,166.50
6	Riverside Forest Products/ Tolko Industries/ Gilbert Smith Forest Products	\$201,067.60
7	Doman Group	\$168,608.25
8	TimberWest Forest Products	\$164,881.50
9	Lignum Ltd.	\$79,331.50
10	Husby Forest Products	\$70,900
11	Ainsworth Lumber Co. Ltd.	\$55,271.71
12	Mill & Timber Products Ltd.	\$54,175
13	Pope & Talbot	\$51,500
14	Slocan Group	\$48,886.50
15	Teal Jones Group	\$46,610.84
		<b>Total - \$2,464,852.40</b>

**TABLE 2-2. COMPARATIVE DATA FOR TOTAL CONTRIBUTIONS WITH  
TOTAL ANNUAL TOP “8” AND TOP “15” FOREST COMPANIES**

<b>YEAR</b>	<b>TOP 8 FORESTRY COMPANY GROUP DONORS GREATER THAN \$250</b>	<b>TOP 15 FORESTRY COMPANY GROUP DONORS GREATER THAN \$250</b>	<b>ALL FOREST COMPANIES AND AFFILIATES - DONATIONS GREATER THAN \$250</b>
1995- 1998	\$729,221.85 (84% of total)	\$835,531.56 (96% of total)	\$871,731.20
1999	\$286,175 (79% of total)	\$305,875.00 (85% of total)	\$360,420.63
2000	\$340,920 (68% of total)	\$395,520.00 (79% of total)	\$500,119.73
2001	\$542,290 (55% of total)	\$729,755.00 (74% of total)	\$987,581.00
2002	\$159,570 (61% of total)	\$198,170.84 (76% of total)	\$261,263.45
<b>TOTAL</b>	<b>\$2,058,176.85</b> <b>Average: 69% of total</b>	<b>\$2,464,852.40</b> <b>Average: 83% of total</b>	<b>\$2,981,116.01</b>

**TABLE 2-3. FOREST COMPANY AND ASSOCIATION DONATIONS  
SEPTEMBER 1995-2002 (\$2,500 or greater to register)**

<b>COMPANY/ ASSOCIATION</b>	<b>1995-1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>TOTAL</b>
Ainsworth Lumber Co Ltd / Allen Ainsworth / Fibreco Export Inc	5,346.71	11,000	17,500	12,030 1,000 4,650	2,675 1,070	<b>55,271.71</b>
Arrowhead Forest Products		13,000				13,000
Bell Pole Co Ltd		3,000				3,000
Brink Forest Products Ltd			6,599.73		2,750	9,349.73
Canadian Forest Products Ltd/ CanFor Corp/ Northwood Pulp & Timber	82,336.50 33,600	55,300 40,000	32,400	31,550 28,900	9,995 2,000	<b>316,081.50</b>
Cattermole Timber	20,000		3,700	6,000	5,200	34,900
COFI	250	2,700	3,000	5,050	4,375	15,375
Clifford Coulson / Coulson Forest Products	3,131.39		5,000 1,000	10,000		19,131.39

COMPANY/ ASSOCIATION	1995-1998	1999	2000	2001	2002	TOTAL
Delta Cedar Products Ltd	2,418.25		4,500	5,500	3,975	16,393.25
Doman Group of Companies/ Western Forest Products/ Western Pulp Ltd Partnership	16,658.25 41,500 36,000	4,634 3,933 3,333	7,483 8,334 10,833	31,300	3,100 1,500	<b>168,608.25</b>
Fraser Cedar Prod. Ltd			5,000			
Haida Forest Products				3,000		
Hayes Forest Services Ltd	4,000			13,000	1,500	18,500
Holbrook Dyson Logging Ltd			2,500		1,810	4,310
Husby Forest Products / Dawson Harbour Logging Ltd	31,000	3,100	5,000	31,400 400		<b>70,900</b>
International Forest Products / Sauder Industries Ltd / Primex Forest Products/ George Malpass	60,500 1,000 3,500	600 26,000	24,500 6,000	111,750 35,000 16,400 5,000	10,445 5,000	<b>305,695</b>
J&H Huscroft				3,000		
Jackpine Forest Products			5,600	9,400	5,800	
Jatco Forest Products Ltd				3,000		3,000
Lakeside Pacific Forest Prod. Ltd				10,000		10,000
Lemare Lake Logging Ltd			10,300	5,400	1,050	16,750
Lignum Ltd.	5,836.50	2,700	18,000	36,650	16,145	<b>79,331.50</b>
Louisiana Pacific Canada Ltd			5,500	10,000	2,000	17,500
Meaker Log & Timber *				17,850	1,000	18,850
Mill & Timber Products Ltd / Aspen Planers Ltd.	14,290	2,900	4,100	25,900 2,050	4,935	<b>54,175</b>
North Peace Timber Ltd				3,000		
Norske Skog Canada Ltd / Norske Canada Ltd				3,500	2,300 1,500	7,300
Pallan Timber				4,216	2,850	7,066

<b>COMPANY/ ASSOCIATION</b>	<b>1995-1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>TOTAL</b>
Pope & Talbot Ltd	19,000			32,500		<b>51,500</b>
Raven Forest Products			4,200		1,570	5,770
Riverside Forest Products	48,640	8,050	57,500	34,000	30,500	<b>201,068.60</b>
/ Tolko Industries /	7,577.60	2,950	3,050	5,000		
Gilbert Smith Forest Products		300	1,500	2,000		
S&R Sawmills				6,000	6,000	12,000
Selkirk Forest Products			5,000			5,000
Shawood Lumber Inc				10,000		10,000
Slocan Group	30,836.50			17,250	800	<b>48,886.50</b>
Sonora Logging				2,500		2,500
Terminal Forest Products	6,400	2,500	2,500	28,150		39,550
Teal-Jones Group			4,500	18,190	7,565	<b>46,610.84</b>
Teal Cedar Products/			5,500	3,500		
J.S. Jones Timber Co./				1,945	5,410.84	
Dick Jones						
TimberWest Forest Products	23,336.50	18,100	18,950	77,550	26,945	<b>164,881.50</b>
The Truck Loggers Association			3,500	2,500	5,025	11,025
Tyee Timber Prod.				3,000		3,000
Weldwood of Canada Ltd	114,836.50	37,975	60,320	38,360	8,675	<b>260,166.50</b>
West Chilcotin Forest Products				2,500		2,500
West Fraser Mills Ltd /	80,650	17,550	36,450	61,380	47,675	<b>284,005</b>
West Fraser Timber Co. /		12,000		3,000		
West Fraser Sawmills /				300		
West Fraser Captive Inc /		12,000				
West Fraser Properties Ltd/		12,000				
North Coast Timber		12,000		1,000		
Weyerhaeuser Canada Ltd/	58,336.50	5,500	73,600	59,800	13,735	<b>357,671.50</b>
MacMillan Bloedel	120,750	25,950				
<b>TOTALS</b>	<b>\$871,1731.20</b>	<b>\$327,076</b>	<b>\$463,419.73</b>	<b>\$896,321</b>	<b>\$245,065.84</b>	<b>\$2,803,613.77</b>

## **APPENDIX E: 21 CONFIDENTIAL RECOMMENDATIONS FROM THE COUNCIL OF FOREST INDUSTRIES, JULY 1983**

**Recommendation 1** - Form a new British Columbia Ministry of Renewable Resources with full responsibility and public accountability for all of the following management functions: forests, range, fish, wildlife, parks, marine resources, ecological reserves and lands. Although the forest management component should play a lead role, other resource interests and functions can be adequately represented by appropriate groupings within this new consolidated Ministry. Wherever practical, all overhead administrative functions, such as accounting and payrolls, should be consolidated into one Ministry activity.

**Recommendation 2** - Place all Ministry field resource management personnel on an equivalent working basis with their counterparts in industry.

**Recommendation 3** - Re-group headquarters staff into just three Divisions with responsibility for operations, planning, and administration respectively, and reduce the staff totals by delegating more responsibility and accountability to Regional and District staffs.

**Recommendation 4** - Rationalize the number of Regional offices, for example by merging the whole coast area into one consolidated Coast Region.

**Recommendation 5** - Assign full forest and range management decision-making responsibility and accountability to District offices, thereby significantly reducing the numbers of staff required in the remaining Regional offices.

**Recommendation 6** - Re-define the key roles of Regional offices as general auditors of District and industry performance, as centres of research and management specialists available to advise District staff on request, and as centralized administrative centres for payrolls, accounting, etc.

**Recommendation 7** - Appoint experienced generalist professional forest land managers at the District level, each with an assigned geographic area of responsibility, and supported by a limited number of specialist research or management professionals in Victoria or in the Regional offices. These field generalists to be held responsible and accountable for all decisions made in their specific zones, thereby significantly reducing the total numbers of staff required and the number of routine forms to be filled out and checked.

**Recommendation 8** - Remove all administrative boundary anomalies, thereby making overall administration simpler and more cost-effective.

**Recommendation 9** - Enhance the scope and role of research staff as specialists within a truly decentralized organization, with an increased emphasis on technology transfer to the Districts and to Industry.

**Recommendation 10** - Offer Forest Licence holders the option of considering defined areas for continuing forest management responsibility; including the opportunity to obtain the full harvesting benefits accruing from their intensive forest management activities.

**Recommendation 11** - Expedite the conversion of volume-based forest tenures to area-based tenures wherever such conversions are prudent.

**Recommendation 12** - On all Tree Farm Licences and Forest Licences, delegate full responsibility as provided for in the licence documents, subject to audits, reports and meaningful penalties for non-performance as deemed appropriate, with acceptance by government of a defined level of risk inherent in such a system of management-by-exception. Government personnel must adopt a level of trust in industry documents which carry the seal of a Registered Professional Forester.

**Recommendation 13** - Re-examine the need and scope of the Small Business Enterprise Program to meet the real needs of the local industry and community, and fully integrate all planning for this Program with overall forest management planning. Involve both Small Business operators and other established licensees in this local planning process. Any unused Small Business timber allocations should be released to established licensees in the area, on a pro rata basis.

**Recommendation 14** - Maintain and enhance insect detection and control programs in both the short term and long term.

**Recommendation 15** - The British Columbia government to adopt a positive policy of active assistance in the registration and approval process for new insecticides, herbicides and biological control agents.

**Recommendation 16** - Establish a joint government/industry committee to study all aspects of fire suppression management responsibility and cost-effectiveness.

**Recommendation 17** - Assign full log scaling responsibility to licensees, subject to government audit.

**Recommendation 18** - Assign full responsibility for timber cruising to the licensees where this is not already being done, subject to Ministry audit.

**Recommendation 19** - Amend the Ministry Policy to allow timber licensees to elect to construct and operate forest nurseries large enough to be cost-effective in the production of seedlings of the type and quality required.

**Recommendation 20** - Assign to licensees the responsibility to produce or purchase all seedlings to meet their needs at the lowest cost including contracting back to the Ministry.

**Recommendation 21** - Decentralize all marine services with provision for a local option to contract with the private sector for the provision of all marine transport services, as is already done for air transport services. Extend this services-privatization approach wherever possible, for example for automobile or truck fleets, or for mechanical services.

## APPENDIX F: TREE FARM LICENCE APPLICANTS, AUGUST 31, 1984

Note: The following list is from the Ministry of Forests' file 870-3.

AAC = Allowable Annual Cut

TSA = Timber Supply Area

DATE OF APPLICATION	APPLICANT	FOREST LICENCE AAC - CUBIC METERS	WITH TFL NO.
1983-12-22	MacMillan Bloedel Limited	91,030 – Kingcome TSA 129,390 – Quadra TSA 27,440 – Soo TSA 57,340 – Soo TSA	7, 20, 21, 39
1983-02-04	Balfour Forest Products Inc.	51,260 - Quesnel TSA	
1983-02-04	Balfour Forest Products Inc.	458,840 - Peace TSA 1,333,150 - Prince George TSA	
1980-03-25	Lignum Ltd.	108,890 - 100 Mile House TSA 348,860 - Williams Lake TSA	
1983-03-12	Slocan Forest Products Ltd.	256,300 - Quesnel TSA	(3, N)
Interest Expressed	Slocan Forest Products Ltd.	229,970 - Arrow TSA	3
1983-09-12	Weyerhaeuser Canada Ltd.	480,290 - Kamloops TSA 37,040 - Lillooet TSA 565,140 - Merritt TSA 417,140 - Okanagan TSA	15 & 35, K
1983-09-12	Weyerhaeuser Canada Ltd.	71,520 - Boundary TSA	15 & 35 K
1983-05-26	Weldwood of Canada Limited	441,470 - 100 Mile House TSA 468,650 - Quesnel TSA 531,160 - Williams Lake TSA	5, (& 10, & 38, V)
1983-05-26	Weldwood of Canada Ltd.	21,390 - Prince George TSA	
1979-03-12	Crown Forest Industries Limited	37,820 - Kamloops TSA 21,430 - Merritt TSA 579,850 - Okanagan TSA	9, 16, & 32
Interest Expressed	Crown Forest Industries Limited	37,600 – Nootka TSA	2, 12
1980 04 30	Aspen Planers Ltd.	129,870 - Merritt TSA	
1980-04-30	Aspen Planers Ltd.	-----	
1979 03 16	Balco Industries Ltd.	674,830 - Kamloops TSA 281,160 - Merritt TSA	
1979-01-16	Clearwater Timber Ltd.	283,830 - Kamloops TSA	18



<b>DATE OF APPLICATION</b>	<b>APPLICANT</b>	<b>FOREST LICENCE AAC - CUBIC METERS</b>	<b>WITH TFL NO.</b>
1984-02-22	British Columbia Forest Products Limited	79,460 - Mid Coast TSA	45, V
1982-12-23	B.C. Forest Products Ltd.	529,030 - Fraser TSA 233,340 - Kingcome TSA 191,070 - Nootka TSA 242,210 - Quadra TSA 66,020 - Soo TSA	45, 46
1980-04-15	Whonnock Industries Ltd.	242,100 – Fraser TSA 616,350 – Kingcome TSA 124,160 – Nootka TSA 302,450 – Quadra TSA 59,300 – Soo TSA 57,340 – Soo TSA	
1980-04-15	Whonnock Industries Ltd.	129,070 - Mid Coast TSA 232,690 - North Coast TSA	
1981-06-08	Whonnock Industries Limited and L.&K. Lumber Ltd.	116,500 – Quadra TSA 72,870 – Soo TSA	
1982-04-23	Riverside Forest Products Limited	306,830 - Okanagan TSA	
1982-04-23	Riverside Forest Products Limited	58,230 - Arrow TSA	
1981-06-17	Crestbrook Forest Industries Ltd.	700,760 - Cranbrook TSA 327,150 - Invermere TSA 148,540 - Kootenay Lake TSA	14
1979-08-22	Canadian Forest Products Ltd.	83,910 - Fraser TSA 151,010 - Nootka TSA 110,000 - Quadra TSA 58,820 - Soo TSA	37
1979-03-20	Doman Industries Ltd.	414,610 - Mid Coast TSA	
1979-03-20	Doman Industries Ltd.	137,490 – Nootka TSA	
1978-12-01	Drew Sawmills Ltd.	179,670 - Okanagan TSA	
1979-01-10	Gorman Bros. Lumber & Box Ltd.	237,170 - Okanagan TSA	
1979-05-23	Holding Lumber Company Ltd.	262,730 - Kamloops TSA	
1979-12-21	Lavington Planer Mills Ltd.	257,100 - Okanagan TSA	
1980-04-08	Lytton Lumber Ltd.	42,460 – Lillooet TSA	
1982-02-23	Atco Lumber Ltd.	155,070 – Arrow TSA	

<b>DATE OF APPLICATION</b>	<b>APPLICANT</b>	<b>FOREST LICENCE AAC - CUBIC METERS</b>	<b>WITH TFL NO.</b>
1980-10-29	Brisco Sawmills Ltd. (c/o Evans Products)	-----	
1981-03-04	Evans Products Company Limited	498,550 - Golden TSA	
1982-06-25	Galloway Lumber Company Ltd.	76,760 - Cranbrook TSA	13
1983-12-13	Salmo Workers Employment Society	-----	
1980-12-15	Apollo Forest Products Ltd.	232,560 - Prince George TSA	
1984-02-06	Carrier Lumber Ltd.	280,300 - Prince George TSA 82,310 - Prince George TSA (50% Cedar Hemlock)	
1983-09-26	Rustad Bros & Co. Ltd	467,530 - Prince George TSA	
1980-10-02	Stuart Lake Lumber Co. Ltd.	212,440 - Prince George TSA	
1983-05-27	The Pas Lumber Company Ltd.	645,430 - Prince George TSA	
1982-09-07	Coulson Prescott Logging Ltd.	54,240 - Nootka TSA	
1983-03-31	Tahsis Company Ltd.	450,850 – Nootka TSA	19
1984-03-07	Western Forest Products Limited	30,000 – Fraser TSA 90,650 – Kingcome TSA	6, 24, 25

## **APPENDIX G: UNPUBLISHED LIST OF FOREST INDUSTRY APPLICANTS FOR “ROLL-OVER” OF TREE FARM LICENCES, AS OF FEBRUARY, 1989**

1. Fletcher Challenge (foreign-controlled) – 15 applications
2. Weldwood (foreign-controlled) – 9 applications
3. International Forest Products (Interfor) – 7 applications
4. Canadian Forest Products (Canfor) – 7 applications
5. Slocan Forest Products – 6 applications
6. Canadian Pacific Forest Products – 5 applications
7. Weyerhaeuser (foreign-controlled) – 4 applications
8. West Fraser Timber (foreign-controlled) – 4 applications
9. Westar Timber – 3 applications
10. Tolko Industries – 3 applications
11. Crestbrook Forest Industries (foreign-controlled) – 3 applications
12. Enso and West Fraser Timber (foreign-controlled) – 3 applications
13. Doman Industries – 3 applications
14. Ainsworth Lumber – 2 applications
15. Lignum Ltd. – 2 applications
16. Riverside Forest Products – 2 applications
17. L&M – 2 applications
18. Northwood Forest Products – 2 applications
19. MacMillan Bloedel – 2 applications
20. Balfour Forest Products – 2 applications
21. Richmond Plywood – 2 applications
22. Terminal Forest Products – 2 applications
23. Jacobson Bros. – 1 application
24. Balco Industries – 1 application
25. Aspen Planners Ltd. – 1 application
26. Federated Cooperatives – 1 application
27. Gorman Bros. – 1 application
28. Pope and Talbot – 1 application
29. Galloway Lumber Co. – 1 application
30. Evans Forest Products – 1 application
31. J.H. Hushcroft Ltd. – 1 application
32. Tackama Forest Products – 1 application
33. Peace Wood Products – 1 application
34. Apollo Forest Products – 1 application
35. Carrier Lumber – 1 application
36. Lakeland Mills – 1 application
37. Rustad Brothers – 1 application
38. Stuart Lake – 1 application
39. The Pas Lumber Co. – 1 application
40. Skeena Cellulose – 1 application
41. Babine Forest Products – 1 application
42. Decker Lake Forest Products – 1 application
43. Wedeene River – 1 application
44. Coulson Forest Products – 1 application

- 45. Texada Logging – 1 application
- 46. Herman Sawmill – 1 application
- 47. Pretty's Timber Co. – 1 application
- 48. Mill and Timber – 1 application
- 49. Hecate Logging – 1 application
- 50. Hagman, Klein Van Anda – 1 application
- 51. Jackson Bros. Logging – 1 application
- 52. Western Forest Products – 1 application
- 53. Husby Forest Products – 1 application
- 54. Cattermole Timber – 1 application

## **APPENDIX H: NEWSPAPER ARTICLES REGARDING THE ROLLOVER OF TREE FARM LICENCES – 1988-1989**

### **Newspaper abbreviations**

AHN – Alaska Highway News (Ft. St. John)  
CDF – Comox District Free  
CRM – Campbell River Mirror  
KD – Kamloops Daily  
MM – Monday Magazine (Victoria)  
ND – Nelson Daily  
NaD – Nanaimo Daily  
PGC – Prince George Citizen  
PRD – Prince Rupert Daily News  
QCO – Quesnel Cariboo Observer  
S - Smithers  
VP – Vancouver Province  
VS – Vancouver Sun  
WLT – Williams Lake Tribune

VS - November 18, 1988 - Forests minister delays talks on bid for B.C.'s biggest trees permit  
VS – November 19, 1988 - Controversy raised by delayed hearings  
VS - January 7, 1989 - Victoria's tree farm policy to get first test next month  
QCO – January 18, 1989 – Giving away a piece of B.C. that is twice the size of Switzerland  
VS - January 20, 1989 - Tree farm move frustrates COFI  
VS - January 30, 1989 - Government schedules first of its TFL meeting for Smithers  
PGC – February 2, 1989 – Indians fight forest plans  
WLT – February 2, 1989 – Companies vie for timber licence  
PRD – February 6, 1989 – Parker defends tree farm licence policy  
PRD – February 8, 1989 – Mike Harcourt, Leader of the Opposition – Take Back Trees  
VS - February 8, 1989 - Forest Licence Conversions to Tree Farm Licences – Public Information Sessions, Ministry of Forests advertisement  
VS - February 11, 1989 - B.C. churches demand public forest inquiry  
VS - February 11, 1989 - Tree Forum to resurrect old rivalries  
PRD – February 14, 1989 – report by MLA Dan Miller on the TFLs  
WLT – February 14, 1989 – Retain control over our forests (letter to editor)  
VS - February 14, 1989 - Tree farm licences plan rapped  
PGC – February 15, 1989 – Tree farm licence meetings launched  
AHN – February 16, 1989 – Kempf urges caution in tree farm licensing  
AHN – February 16, 1989 – Parker asked to nix tree farm licences  
PGC – February 16, 1989 – Tree farm licences: The debate  
AHN – February 21, 1989 – Nothing wrong with tree inventory, Chamber told  
PGC – February 21, 1989 – Tree Farm Licence Hearing here – Forest use: an emotional debate  
CDF – February 22, 1989 – Timber policy plan 'smoke mirrors'  
QCO – February 22, 1989 - Parker probes TFL in Thursday hearing  
S – February 22, 1989 – TFL meeting packs in 200  
S – February 22, 1989 – Tenure vs. unprofitable values debated  
PRD – February 23, 1989 – Forest critic Miller slams tree-licence talks

VS - February 23, 1989 - Work on map sought by foes of TFLs halted  
 CDF – February 24, 1989 – Public inquiry sought on forestry  
 PRD – February 24, 1989 – Miller attacks TFL extension  
 KD – February 27, 1989 – Parker slams McCarthy  
 KD – February 28, 1989 – Parker refuses forests inquiry – Crowd raps changes in gov't. policy  
 WLT – February 28, 1989 – Forest Minister hears two sides to TFL issue  
 WLT – February 28, 1989 – Wildlife group seeks public inquiry  
 WLT – February 28, 1989 – Natives prefer broad-spectrum approach  
 CDF – March 1, 1989 – Politics dictates policy, says forest critic  
 CDF – March 1, 1989 – IWA calls for forest meeting increase  
 KD – March 1, 1989 – Protect forests from profiteers  
 ND – March 1, 1989 – TFL plan a threat to city watershed  
 QCO – March 1, 1989 – TFL favoured by industry – 26 submissions greet Parker in Laketown  
 WLT – March 2, 1989 – Address land claims before TFL  
 CDF – March 3, 1989 – Tree Farm Licences (letter to editor)  
 KD – March 3, 1989 – Forestry plan burns Thompson-Nicola Regional District  
 ND- March 6, 1989 – Hamilton calls for inquiry into forestry in B.C.  
 KD – March 7, 1989 – Sellout is at the root (letter to editor)  
 ND – March 7, 1989 – Parker's TFL plan gets critical local response  
 ND – March 7, 1989 – Parker scheme an insult (letter to editor)  
 VS - March 7, 1989 - Inquiry urged over transfers to TFLs  
 CRM – March 8, 1989 – Forests: who owns them?  
 ND – March 9, 1989 – Who is running the show? (letter to editor)  
 ND – March 9, 1989 – TFL a backward step (open letter to Dave Parker)  
 PRD - March 9, 1989 – Forest crisis  
 VP – March 9, 1989 – TFL plan knocked at meet  
 VS - March 9, 1989 - Forest inquiry called essential  
 WLT – March 9, 1989 – TFL plan a scam (letter to editor)  
 WLT – March 9, 1989 – Carrier opposes TFLs  
 NaD – March 10, 1989 – Time for royal commission on forestry  
 NaD – March 11, 1989 – Angry workers demand their jobs back – Parker, Fletcher on firing line  
 ND – March 13, 1989 – Arrogant toward electorate (open letter to Dave Parker)  
 ND – March 13, 1989 – Forest ministry's public sessions on TFLs cheat democracy (letter to editor)  
 NaD – March 13, 1989 – Parker dodges commission call  
 NaD – March 13, 1989 – Island forest workers out to save their jobs  
 PRD – March 13, 1989 – Miller raps decision  
 VS - March 13, 1989 - Parker says forest study not needed  
 ND – March 14, 1989 – Crestbrook Forest Industries eyes licensing changes  
 PRD – March 14, 1989 – MLA Dan Miller – Sustainable Development  
 CDF – March 15, 1989 – Minister won't seek commission  
 CRM – March 15, 1989 – Forest mismanagement PPWC's latest charge  
 ND – March 15, 1989 – Cartoon – Not to worry, good people – he's got a licence  
 ND – March 15, 1989 – TFL proposal pulled from bingo board (letter to editor)  
 WLT – March 16, 1989 – Backwoods comments by Sage Birchwater  
 VS - March 20, 1989 - Logging independents blast tree farm licences  
 ND – March 21, 1989 – Decision on TFLs delayed  
 ND – March 21, 1989 – Moving in wrong direction (letter to editor)

VS - March 22, 1989 - Heated response delays TFL move  
VP - March 22, 1989 - Forests minister snowed under  
PRD – March 23, 1989 – Some forest policy  
WLT – March 23, 1989 – TFL holders should post substantial bond  
WLT – March 30, 1989 – TFLs not an answer (letter to editor)  
VS - April 18, 1989 - Forests: potential for conflict of interest (letter to the editor)  
MM – July 20-26, 1989 – The Minister’s Last Job – the forester for the company charged  
with trashing a salmon stream later became the man responsible for forest policy across the province

## **APPENDIX I: B.C. TAP WATER ALLIANCE PRESS RELEASE, NOVEMBER 26, 2002**

November 26, 2002 – For Immediate Release (Backgrounder below)

### **B.C. LIBERALS STRIP KEY LEGAL PRINCIPLES FROM FOREST LAWS**

*Vancouver* - On November 20, the provincial Liberals passed *Bill 74*, the *Forest and Range Practices Act*, following third reading in the legislature. The new and controversial self-regulation legislation, which becomes law in the Spring of 2003, will replace the *Forest Practices Code Act* introduced in the Spring of 1994. During the debate of *Bill 74* on November 18, 2002, Forests Minister De Jong repeatedly dodged questions about why the *Preamble* was removed from the former *Forest Practices Code Act* and who was responsible for its removal (Hansard, pages 4488 ff.).

Without the *Preamble*, which establishes the spirit and intent of the legislation, actions and decisions taken under the authority of the Act cannot be evaluated. Since 1996, the *Preamble* has been cited in several major Forest Practices Board investigations, six Supreme Court judgements, and three Supreme Court appeal cases. The *Preamble* was invoked as a benchmark for evaluating decisions affecting biodiversity and First Nation's rights. In addition, the Liberals made significant changes to the *Forest Practices Code Act* in *Bill 74*.

During the debate on the *Preamble* in the Legislature on May 30, 1994, lawyer and Forests Minister Andrew Petter summarized his government's reasons for including the *Preamble's* five principles as "the desire of British Columbians to seek a more balanced use of forest resources -- one that responds to the entire spectrum of current needs without compromising the needs of future generations... and expressly links forest stewardship to an ethic of respect for the land". Petter went on to explain that the *Preamble* "is a framework that recognizes the importance of biological diversity, of preserving forest soils, wildlife habitat and riparian zones, and of respecting cultural heritage resources as key values. It's a framework that facilitates the protection of special and sensitive resource features and that ensures that operational planning is consistent with higher-level land use plans, thereby providing an opportunity for greater public review and accountability". Afterwards, Liberal party Forests critic Wilf Hurd complained in the legislature that the *Preamble* "priorities" were too "environmental".

"It is obvious that the government deliberately gutted the intent of the *Forest Practices Code Act* to weaken an already weak law and to introduce new provisions which are not compatible with the original intent. This is why Minister De Jong evaded the issue in the legislature. The death of the *Preamble* signals that the Liberals' intention is to protect forest industry profits at the expense of the environment and the people of this province," Will Koop, Coordinator of the B.C. Tap Water Alliance, said recently. "We have been stripped of our ability to measure the environmental performance of this government on public lands. The Tap Water Alliance is asking the Attorney General, Geoff Plant, to fully investigate this matter, to respond to these concerns and to explain, to British Columbians, the reasons for the *Preamble's* removal".



## **BACKGROUNDER FOR NOVEMBER 26, 2002 PRESS RELEASE: B.C. LIBERALS REMOVE KEY LEGAL PRINCIPLES FROM FOREST LAWS**

### **A. The Forest Practices Code Act Preamble five principles:**

WHEREAS British Columbians desire sustainable use of the forests they hold in trust for future generations;

AND WHEREAS sustainable use includes:

- (a) managing forests to meet present needs without compromising the needs of future generations,
- (b) providing stewardship of forests based on an ethic of respect for the land,
- (c) balancing economic, productive, spiritual, ecological and recreational values of forests to meet the economic, social and cultural needs of peoples and communities, including First Nations,
- (d) conserving biological diversity, soil, water, fish, wildlife, scenic diversity and other forest resources, and
- (e) restoring damaged ecologies;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

### **B. B.C. Supreme Court Decisions concerning the Preamble:**

1. Docket: A952584. Date: August 21, 1995. Registry: Vancouver.

Supreme Court of British Columbia: Between Gary Koopman (Petitioner), and; Peter Ostergaard, Paul Gevatkoff and Imperial Oil Resources Limited (Respondents), and; Chetwynd Environmental Society and Canadian Parks and Wilderness Society (Intervenors).

Transcript location: <http://www.canlii.org/bc/cas/bcsc/1995/1995bcsc11169.html>

2. Docket: A954191. Date: March 18, 1996. Registry: Vancouver.

Supreme Court of British Columbia: Between the Western Canada Wilderness Committee (Petitioner), and; the Chief Forester of British Columbia, Larry Pedersen (Respondent).

Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/sc/96/03/s96-0388.txt>

3. Docket: A963993. Date: June 24, 1997. Registry: Vancouver.

Supreme Court of British Columbia: Between Chief Bernie Metecheah and the Halfway River First Nation (Petitioners), and; the Ministry of Forests and Canadian Forest Products (Respondents).

Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/sc/97/09/s97-0935.txt>

4. Docket: CA021741. Date: April 8, 1998. Registry: Vancouver.

British Columbia Supreme Court of Appeal: Between Western Canada Wilderness Committee (Petitioner), and the Chief Forester for British Columbia, Larry Pedersen (Respondent).

Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/ca/98/02/c98-0206.txt>

5. Docket: A970934. Date: June 3, 1998. Registry: Vancouver.  
Supreme Court of British Columbia: Between International Forest Products Limited (Appellant), and; the Forest Appeals Commission (Respondent), and; the Forest Practices Board (Third Parties), and: Friends of Clayoquot Sound (Intervenors).  
Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/sc/98/08/s98-0838.txt>
6. Docket: CA023526, CA023539. Date: August 12, 1999. Registry: Vancouver.  
British Columbia Supreme Court of Appeal: Between Chief Bernie Metecheah and the Halfway River First Nation (Petitioners), and; the Ministry of Forests and Canadian Forest Products (Respondents).  
Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/ca/99/04/c99-0470.html>
7. Docket: 98-1858. Date: September 23, 1999. Registry: Victoria.  
Supreme Court of British Columbia: Between Thomas Paul (Petitioner), and; the Forest Appeals Commission, the Attorney General of British Columbia, and the Ministry of Forests (Respondents).  
Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/sc/99/14/s99-1443.txt>
8. Docket: CA026606. Date: February 28, 2001. Registry: Vancouver.  
Supreme Court of Appeal for British Columbia: Between Northwood Inc. (Appellant), and: the Forest Practices Board (Respondent).  
Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/ca/01/01/2001bcc0141.htm>
9. Docket: 31224. Date: June 25, 2002. Registry: Kamloops.  
Supreme Court of British Columbia: Between Rodney Gilbert and Linda Gilbert (Appellants), and: the Forest Appeals Commission and the Forest Practices Board (Respondents).  
Transcript location: <http://www.courts.gov.bc.ca/jdb-txt/sc/02/09/2002bcsc0950.htm>

## **C. Excerpts from Hansard - 1994**

### **C.1. May 16, 1994**

#### **FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT**

Hon. A. Petter presented a message from His Honour the Lieutenant-Governor: a bill entitled Forest Practices Code of British Columbia Act.

Hon. A. Petter: The Forest Practices Code of British Columbia Act provides the foundation for the province's first forest practices code, which will fundamentally change the way we manage our forests. The act sets a new framework of forest management. In particular, it establishes a clearer, more legally enforceable system of legislation, regulations and standards; stronger compliance and enforcement powers, including administrative penalties and offence provisions; a new, legislated forest planning framework; powers to regulate managed private forest lands and botanical forest products; administrative reforms, including the creation of a forest practices board; and greater public accountability. It will help ensure proper forest management.

Bill 40 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

**C.2. May 30, 1994**

## **FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT**

**Hon. A. Petter:** When this government took office nearly three years ago, it promised to significantly change the way we manage our forests, to improve stewardship of our most vital resource and to restore public confidence in the way that resource is managed. Years of neglect by previous governments meant that our forests were being taken for granted, creating a legacy of problems that compromise both their economic and environmental sustainability. These problems include overharvesting -- which in some regions has led to supply shortages and instability in forest communities -- and land use uncertainty driven by conflicting demands on the resource and changing public expectations. They include the failure to develop a long-term economic strategy to secure the future of the forest economy and forest communities, and a poor record of forest management, which undermines public confidence in forestry and the forest industry.

Since coming to office, this government has responded to these problems with a number of new initiatives. Firstly, the timber supply review is addressing the need for long-term sustainability of annual allowable cuts. Secondly, the Commission on Resources and Environment and the protected areas strategy are tackling issues of land use certainty. Thirdly, the forest renewal plan will ensure that more of the wealth generated by our forests goes back into the land and the forest community it supports.

A further challenge we face -- one of grave concern to most British Columbians -- is to transform the way we manage our forests, to improve forest practices by instituting higher standards and tougher enforcement measures. The world has changed dramatically since our seemingly limitless forests first began providing jobs and opportunities to British Columbians. Today it is clear beyond doubt that forest management has not kept pace with those changes. Forest management under previous governments has not adequately taken account of the growing intensity of forest use, the expanding range of forest values or the finite nature of the forest resource. As a result, both at home and abroad, government and industry are saddled with a reputation as poor stewards of our resources, and that in turn is hurting our economic prospects both at home and abroad. I recognize that many in industry have taken significant steps to correct that impression, but more needs to be done. In particular, government needs to demonstrate that it is prepared to act as a steward of the resource on behalf of the public interest. The Forest Practices Code of British Columbia Act is this government's response to the challenge of ensuring sustainable forest practices.

The preamble to this act speaks to the desire of British Columbians to seek a more balanced use of forest resources -- one that responds to the entire spectrum of current needs without compromising the needs of future generations. The preamble also identifies sustainable use with the conservation of resources, including biodiversity, and expressly links forest stewardship to an ethic of respect for the land.

This act provides the foundation for British Columbia's first Forest Practices Code, an entirely new framework for provincial forest management. The Forest Practices Code will replace a mishmash of statutes, regulations and guidelines, many of which were overlapping, contradictory or unenforceable, and which created costs and confusion for those who tried to live by them. Up until now the lack of a clear legal foundation and appropriate penalties for non-compliance have made effective forest management virtually impossible in this province. That will change with this

legislation and with the draft regulations and proposed standards that were released today. These regulations and standards are being circulated for public comment in the coming months and will be finalized later this year as part of the code structure. This in turn will continue this government's commitment to greater public involvement in the development of the code and in the stewardship of our precious natural resources.

Bill 40 embodies essentially five major principles. The first principle is that of legal certainty. As I said earlier, the act will replace the existing hodgepodge of statutes, regulations and guidelines with a clear, comprehensive, legally enforceable framework to regulate forest practices. It will eliminate many of the contradictions and gaps that exist within the current regime of enforcement. It is a framework that recognizes the importance of biological diversity, of preserving forest soils, wildlife habitat and riparian zones, and of respecting cultural heritage resources as key values. It's a framework that facilitates the protection of special and sensitive resource features and that ensures that operational planning is consistent with higher-level land use plans, thereby providing an opportunity for greater public review and accountability. It's also a framework which will greatly facilitate those in industry who, frankly, haven't known what rules they must live by because of the chaotic nature of the current regulatory regime.

### **C.3. July 5, 1994**

*On the preamble.*

**W. Hurd:** I am amazed that others didn't jump up with respect to the preamble, because there was a specific decision made at the beginning of this debate -- however long ago that may have been; it seems like just a distant memory now -- that we would deal with this preamble at the end. At the time we were trying to debate the preamble, considerable concern was expressed with respect to the terms of reference that the government had chosen as sort of a rationale for this act. A glaring omission from the preamble was any mention of maintaining harvest levels in each region of the province sufficient to support jobs, families, communities and the economies which rely on the forests for their existence. There is no mention of that in the preamble section, and that is somewhat unfortunate. Therefore, having listened to 80 amendments from the minister with respect to this act, I would now like to move one of my own. I suggest that paragraph (b) be amended to add "maintaining harvest levels in each region of the province sufficient to support the jobs, families, communities and economies which rely on forestry for their existence." I certainly hope that the minister would be willing to entertain this amendment at this time, or to at least offer some rationale for why, when we're dealing with a Forest Practices Code, the preamble -- which is sort of the philosophy of the bill -- makes no mention of maintaining harvest levels.

*On the amendment.*

**Hon. A. Petter:** I wouldn't mind looking at the wording of the amendment, but I think it misses two major points.

Interjection.

**Hon. A. Petter:** Maybe the member would like to hear what those two points are.

Obviously the question of maintaining harvest levels, employment and stability for forest-based communities is a major preoccupation of this government. It's why we pursued the forest renewal

plan, why we are pursuing land use planning and why we're pursuing a forest land reserve to have the stability on the land base. Indeed, because of the need to have sustainable use for both the present and the future, it's why we have a Forest Practices Code as well. In that sense, the proposed amendment is both too overinclusive and underinclusive. The commitment that the member refers to is not confined to the Forest Practices Code; it is a commitment that can only be realized through a much broader set of initiatives.

Regrettably, the member and his party voted against a number of those initiatives. Therefore, to try attaching a principle to this act that in fact speaks to a commitment that must go well beyond this act and requires the economic vision and strategy contained in the forest renewal plan, and the commitment to land use planning contained in the forest land reserve, is simply not appropriate or desirable, in my view.

Second, this act obviously deals with issues that go beyond simply forestry issues. It deals with grazing, mining roads, botanical forest products and other uses of the forests. Therefore, to refer in this preamble simply to one of the economic goals that is relevant here would not be appropriate.

I would suggest that the preamble does speak in general ways -- in those singing general terms that preambles are supposed to use to speak to issues. It does address these issues when it speaks of "managing forests to meet present needs without compromising the needs of future generations" and when it speaks of the need to balance "productive, spiritual, ecological and recreational values" of the forest to meet the economic needs of people and communities. I am aware that the member is trying -- no doubt, with some desperation -- by putting some rhetoric into a preamble, to have the people of British Columbia forgive his and his party's sins for not delivering on the substantive policies necessary to provide security to forest-based communities. I think it would be inappropriate to accept that kind of political posturing in this very lucid and, in my view, very appropriate preamble as it now stands.

**W. Hurd:** I think it's significant, really, that as we've debated this bill, we've talked about stand management, preharvest silvicultural prescriptions and five-year development plans. We've spoken to a whole range of planning requirements under this code, which at the end of the day are specifically designed to ultimately enhance timber supply. One would assume that the licensees are not filing plans just in order to be in compliance with the Forest Practices Code. They are also filing these plans in the hopes that they could grow more timber on the land base. That's clearly one of the intents.

For the minister to suggest that one specific mention of "economic" in paragraph (c) is enough to provide a broad preamble to a Forest Practices Code is unfortunate in the extreme. Clearly the omission of "a sustained level of harvest" in the preamble and "the protection of jobs and community stability" speaks to the priorities this government has for this code. The priorities are environmental. They are the reason why, I suppose, the minister proposed this particular bill and rushed it forward in a manner which I know the previous minister would not have been comfortable with -- the speed with which it was introduced and the politics that surround it. I think it's very unfortunate that we are going to pass a bill which makes no mention of a sustainable harvest for the province of British Columbia and no specific mention of the jobs and the communities that depend on that annual allowable harvest. Indeed, the first priority of this bill and of all the additional plans that will be required is merely to measure compliance with the code and not necessarily to protect jobs, the economy and the annual allowable harvest.

I respect the right and the ability of the government to oppose the amendment to the preamble. Undoubtedly the government will reject the amendment by sheer force of numbers -- I understand that -- but that glaring omission in the preamble was pointed out by people other than just those on this side of the House. It's an omission that was identified by many of the stakeholder groups that participated in the overall planning and in the public input on this act. They pointed out to this minister and this government that the preamble was narrow in the extreme and really spoke to the rather narrow philosophy of this Forest Practices Code. The government will undoubtedly stick with this narrow, heavily punitive, legal definition under the preamble, but it is a glaring omission. I know the minister won't accept that, but I wholeheartedly support the amendment standing on the order paper in my name.

## **APPENDIX J: 19 RECOMMENDATIONS FOR PUBLIC PARTICIPATION IN FOREST LAND USE DECISIONS, CONTAINED IN KIM BRENNEIS' EVALUATION OF PUBLIC PARTICIPATION IN THE BRITISH COLUMBIA MINISTRY OF FORESTS, BACKGROUND REPORT PREPARED FOR THE BRITISH COLUMBIA FOREST RESOURCES COMMISSION, DECEMBER 1990.**

1. The public's right to participate in the planning and management processes of the MoF should be legally mandated through an amendment to the Forest Act (1979). The rights and roles of the participants and MoF staff, and the structure of the public participation process should be explicitly set out in legislation or in regulations associated with the Forest Act (1979) and Ministry of Forests Act (1979).
2. A comprehensive description of both the planning and public participation processes should be available to the public in an easily understood format. This document should include a description of the planning process, identification of the decision-makers and an outline of the opportunities for the public to participate.
3. The public should participate in the development of the public participation process, including defining the opportunities, the permissible limits and ranges.
4. The decision-maker must always remain directly or indirectly democratically accountable.
5. An independent, permanent public advisory committee should be established to provide public input during policy development in the MoF. This body should be made up of public representatives, either elected directly by the public or appointed by the Minister from a list of individuals nominated by the public.
6. Public workshops should be used in conjunction with the advisory committee to allow the general public to review policy discussion papers.
7. Public participation should be required occur at all steps of the TSA planning process. In addition, a public advisory group should be formed for each individual TSA planning process to act as an additional sub-committee, or the planning team should include a representative of the public. The public sub-committee could provide public input to the Planning Committee and monitor the overall participation process.
8. The TFL Licensee should be required to follow the TSA planning process, to ensure full public participation and government monitoring of the planning process.
9. Public participation should be required during every local resource planning process. This includes membership on task forces or joint-planning teams and on follow-up (monitoring) committees.
10. The establishment of follow-up committees with public representation should be mandatory for each local resource plan.

11. The Forest Act (1979) should be amended to require full and adequate notification of all public participation opportunities.
12. A Freedom of Information Act for British Columbia should be enacted. This Act should contain an explicit description of the rights and restrictions for the access to information. In addition, the right to appeal any refusal of disclosure must be guaranteed.
13. Intervener funding should be available to ensure public participation in the planning process. This funding should be subject to certain restrictive conditions.
14. The MoF should be required to provide written reasons for the decision made, outlining the criteria used in the decision and responding to the public's questions and submissions. This requirement must be legislated.
15. The requirement for an annual report outlining the public participation activities of that year should be legislated.
16. An independent organization should be established to provide neutral facilitators and mediators to assist in negotiation and conflict resolution. The MoF should encourage the use of this service as a possible solution to conflict.
17. An independent appeal mechanism should be established for the MoF. The structure should include a two-step process, with an administrative appeal followed by a quasi-judicial appeal. Standing, reasons for allowing an appeal and powers of the appeal body must be clearly defined.
18. Commitment is best displayed by establishing a legally mandated public participation process with explicit requirements and responsibilities, and allocating sufficient resources and staff to conduct the public participation process.
19. The MoF should provide additional training for their staff and hire personnel trained in public participation.



## APPENDIX K: NOVEMBER 2001 RED TAPE TASK FORCE SUBMISSIONS

### Introduction

The following is a list of submissions presented to the provincial government's Red Tape Task Force in November 2001, for Kevin Falcon, Minister of State for Deregulation and Chair of the Red Tape Task Force, under the Ministry of Competition, Science, and Enterprise. Prior to the submissions, the Red Tape Task Force committee, mentioned below, convened twice, on November 29 and 30, 2001, with no minutes kept. There are inter-relationships between a number of committee members and submissions presented to the Task Force.

The Communications officer for the Minister of State for Deregulation stated on May 28, 2002 that the Task Force submissions, provided to the Task Force six months earlier, were not available for public viewing, as "they were being considered by Cabinet". Strangely, not even the "list" of the submissions was available to the public upon request, except through the Freedom of Information Act. It seems to have been the only "public" task force with such restrictions. For instance, all the submissions to the Drinking Water Review Panel task force became immediately available to the public on the government's website. Why would a ministry, dedicated to the removal of "red tape", be creating its own red tape and concealing information by not posting the information to the public? The list was acquired after a request for access was faxed on May 28<sup>th</sup>, and the list followed, arriving by post on June 7, 2002.

### RED TAPE REDUCTION TASK FORCE MEMBERS (reproduced from the provincial government's website)

**Kevin Falcon, Chair** - Kevin Falcon is minister of state for deregulation and MLA for Surrey-Cloverdale. He formed and served as the president of the Access Group, a corporate communications firm, before his election to the legislative assembly. Falcon has also worked in the real estate development and general insurance industries.

**Jock Finlayson** - Jock Finlayson is vice-president of policy with the Business Council of B.C., which represents more than 165 large and mid-sized companies from major sectors of the B.C. economy. He is past president of the Association of Professional Economists of B.C. and the Ottawa Economics Association and has a master's degree in management from Yale University.

**Abigail Fulton** - Abigail Fulton is vice-president of government relations for the B.C. Construction Association, which represents over 1,700 construction firms throughout B.C. She previously practised commercial/corporate and real property law in Manitoba, where she also served as chair of the mental health review board, and has specialized training in negotiation and conflict resolution.

**Kenneth O. Higginbotham** - Kenneth Higginbotham is vice-president, forestry and environment, of Canfor Corp. He has an extensive background in forestry and is a former assistant deputy minister with the Alberta Lands and Forest Services. He holds a master's in forestry from Utah State University and a PhD in plant ecology from Duke University.

**Philip Hochstein** - Philip Hochstein is executive vice-president of the Independent Contractors and Businesses Association of British Columbia. He is also an executive member of the Coalition of B.C. Businesses, which represents 50,000 small and medium-sized businesses in the province.

**Robert Holt** - Robert Holt is president of Applied Common Sense Solutions Inc. on Salt Spring Island. He has a B.Sc. in chemical engineering from Queen's University and an MBA from McMaster University. Holt is also a director of the Export Development Corp. in Ottawa.

**Laurie Kerr** - Laurie Kerr, of Prince George, is a manager of community economic development with the Community Futures Development Corp. In 1999-2000, she served as chair of the B.C. Chamber of Commerce. Kerr was also manager of consulting services for the Business Development Bank of Canada and a development officer at the University of Northern British Columbia.

**Paul Landry** - Paul Landry is president of the British Columbia Trucking Association and vice-president of the Canadian Trucking Alliance. His background is in transportation and traffic safety, and he holds a master's degree in public administration from Queen's University.

**Roland Langset** - Roland Langset, an international business developer for more than 30 years, is the president and chief executive officer of Prima Developments Ltd. and the owner and manager of JL Associates. He created and hosts a focus on business program on CFUN 1410AM radio.

**Lindsay Olson** - Lindsay Olson is the vice-president, Pacific region, for the Insurance Bureau of Canada, and has worked in the B.C. insurance industry for over 20 years. Olson holds a fellowship at the Insurance Institute of Canada and taught at the institute's night school program in Vancouver.

**Suromitra Sanatani** - Suromitra Sanatani is vice-president of the Canadian Federation of Independent Business for B.C. and Yukon, and chair of the Coalition of B.C. Businesses. She is also vice-chair of the employers' forum on the Workers' Compensation Board.

**Stephen Thomson** - Stephen Thomson, of Kelowna, is executive director of the B.C. Agriculture Council. He has an extensive background in the agricultural industry in British Columbia. Thomson is also the second vice-chair of the B.C. Chamber of Commerce.

**Gary Tymoschuk** - Gary Tymoschuk is a councillor for the City of Surrey and owner of Frosty Vending. He is the past regional vice-president of the Credit Bureau of Vancouver, and a current board member of the Credit Counselling Society of B.C.

**Mike Waberski** - Mike Waberski, of Fort St. John, is a professional land surveyor. He is the president of Waberski Darrow Survey Group Ltd., which provides survey services for projects throughout Western Canada, and EBA Waberski Darrow Consulting Ltd., which offers environmental and land management consulting to the oil and gas industry in north-eastern British Columbia.

## NOVEMBER 2001 RED TAPE TASK FORCE SUBMISSIONS

The following list of 119 submissions is reassembled, thematically, from the list provided through Freedom of Information. Entries marked "section 22", are names, addresses, etc., stricken under privacy considerations with the FOI Act manual.

ASSOCIATION	SUBMITTER'S NAME	ADDRESS/LOCATION
Business Council of BC	Jerry Lampert, President and CEO	Suite 810-1050 West Pender St., Vancouver, B.C. V6E-3S7
	Stan Hagan, MLA, Comox Valley	Constituency Office, 437 Fifth St., Courtenay B.C. V9N-1J7
Aggregate Producers Association of B.C.	Ted Carlson, President	259-12899 76 <sup>th</sup> Avenue, Surrey, B.C. V3W-1E6
B.C. Salmon Farmers Association	Odd Grydeland, President	PO Box 908, Campbell River, B.C. V9W-6Y4
Northern Forest Products Association	Section 22	400-1488 Fourth Ave., Prince George, B.C. V2L-4Y2
Western Pulp Limited Partnership, Squamish Operation	Steve Sutherland, Manager, Environmental and Technical Services	Box 5000, Squamish, B.C. V0N-3G0
Western Pulp Limited Partnership, Squamish Operation	Section 22	Box 5000, Squamish, B.C. V0N-3G0
Coast Forest & Lumber Association	Brian Zak, President	Suite 1100, Bentall Tower 2, Vancouver, B.C. V7X-1S7
Coast Forest & Lumber Association	Les Kiss, General Manager, Forestry	Suite 1100, Bentall Tower 2, Vancouver, B.C. V7X-1S7
West Fraser Timber Co. Ltd.	Hank Ketcham, Chairman, President and CEO	1000-1100 Melville St., Vancouver, B.C. V6E-4A6
Chair, Polyco at Recycling Alliance	Dave Larsen, Vice President, Weyerhaeuser Co.	C/o 7279 Bethany Place, Sooke, B.C. V0S-1N0
Interfor Coastal Woodlands	Otto Schulte, Vice President	311-1180 Ironwood Road, Campbell River, B.C. V9W-5P7
Mike Hamilton Logging Ltd.	Mike D. Hamilton	1085 Comox Road, Courtenay, B.C. V9N-3P7
Atco Lumber Ltd.	Mark Semeniuk, Chief Operating Officer	Box 369 Fruitvale, B.C. V0G-1L0
Cariboo Mining Association	Stan Bergunder, President	Box 4148, Quesnel, B.C. V2J-3J3
Mining Association of B.C.	Gary K. Livingstone, President and CEO	840 West Hastings St., Vancouver, B.C. V6C-1C8
East Kootenay Chamber of Mines	Rick Walker, President	656 Brookview Crescent, Cranbrook, B.C. V1C-4R5
Canadian Chemical Producers' Association, B.C. Regional Office	Brian Lockhart, Regional Director, B.C.	1268 Marine Drive, Box 34517, North Vancouver, B.C. V7P-1T2
Williams Energy Services (Canada) Inc.	Steff Stephansson, Senior Manager Health, Safety, Environment and Regulatory	2800, 237-4 <sup>th</sup> Avenue SW, Calgary, Alberta T2P-4K3

<b>ASSOCIATION</b>	<b>SUBMITTER'S NAME</b>	<b>ADDRESS/LOCATION</b>
Canadian Association of Petroleum Producers	Section 22	2100, 350-7 <sup>th</sup> Avenue SW, Calgary, Alberta T2P-3N9
Canadian Petroleum Products Institute – Western Division	Bill Levy, Vice President	Suite 1610-Box Valley Square 1, 202-6 <sup>th</sup> Avenue SW, Calgary, Alberta T2P-2R9
Rutherford Creek Power Ltd.	David Andrews, President	Suite 301-1600 Hornby St., Vancouver, B.C. V6Z-1W5
Enviroc Energy Recovery Ltd.	Section 22	502-283 Davie St., Vancouver, B.C. V6B-5T6
Enviroc Energy Recovery Ltd.	Section 22	502-283 Davie St., Vancouver, B.C. V6B-5T6
UtiliCorp Networks Canada	Mike Bradshaw, Director, Stakeholder Relations	Suite 200-1626 Richter Street, Kelowna, B.C. V1Y-2M3
Canadian Pacific Railway	David MacMartin, Director, Government Affairs	Suite 500, Gulf Canada Square, 401-9 <sup>th</sup> Avenue SW, Calgary, Alba, T2P-4Z4
B.C. and Yukon Canadian Federation of Independent Business	Suromitra Sanatani, Vice President	Suite 1430-625 Howe St., Vancouver, B.C. V6C-2T6
Canadian Bankers Association	Paul Griffin, Director, Western Region Provincial and Community Affairs	Suite 521, 625 Howe St., Vancouver, B.C. V6C-2T6
Association of Canadian Financial Corporations	Section 22	50 Burnhamthorpe Road West, Suite 401, Mississauga, Ontario L5B-3C2
Tax Executives Institute, Inc. – Vancouver Chapter	Rick Parsons, Chair, “Red Tape” Reduction Committee	c/o BC Gas Inc. 1111 West Georgia St., Vancouver, B.C. V6E-4M4
Investment Dealers Association of Canada	Warren Funt, Vice President, Western Canada Member, Regulation	Suite 1325, 650 West Georgia St., Vancouver, B.C. V6B- 4N9
Canada’s Research-Based Pharmaceutical Companies RX&D	Heather Bev Lever, Vice President, Provincial Government Relations	55 Metcalfe Street, Suite 1220 Ottawa, Ontario, K1P-6L5
Independent Power Association	Steve Davis, President	c/o Suite 1000, 1066 West Hastings St., Vancouver, B.C. V6E-3X1
Global Public Affairs	Section 22	401-707 Fort St., Victoria, B.C. V8W-3G3
Credit Union of Central B.C.	Wayne Nygren, President and CEO	1441 Creekside Drive, Vancouver, B.C. V6J-4S7
Credit Union Central of B.C.	Richard J. Thomas, Vice President, Government Relations	1441 Creekside Drive, Vancouver, B.C. V6J-4S7
Credit Union Insurance Services Association	Jim Sigurdson, Executive Director	1441 Creekside Drive, Vancouver, B.C. V6J-4S7
Institute of Chartered Accountants of B.C.	Craig Fitzsimmons, Manager, Public Affairs	6th Floor, 1133 Melville St., Vancouver, B.C. V6E-4E5
Insurance Bureau of Canada	Lindsay Olson, Vice President, Pacific Region	Suite 550-409 Granville St., Vancouver, B.C. V6C-1W9

<b>ASSOCIATION</b>	<b>SUBMITTER'S NAME</b>	<b>ADDRESS/LOCATION</b>
Canadian Association of Direct Response Insurers	Andrew Rogacki, President	250 Consumers Road, Suite 301, Willowdale, Ontario, M2J-4V6
Canadian Association of Insurance and Financial Advisors	David Thibaudeau, President	350 Bloor Street East, 2 <sup>nd</sup> Floor, Toronto, Ontario M4W-3W8
Canadian Association of Insurance and Financial Advisors	Ed Rothberg, General Counsel	350 Bloor Street East, 2 <sup>nd</sup> Floor, Toronto Ontario M4W-3W8
Canadian Life and Health Insurance Association Inc.	J.P. Bernier, Vice President and General Counsel	1 Queen Street East – Suite 1700, Toronto, Ontario M5C-2X9
BC Automobile Dealers Association	Glen Ringdal, president, CEO	10551 Shellbridge Way, Unit #70, Richmond B.C., V6X-2R9
Association of International Automobile Manufacturers of Canada	Bob Armstrong, President	438 University Avenue – Suite 1618, Toronto, Ontario, M5G-2K8
Canadian Vehicle Manufacturers' Association	Mark A. Nantais, President	400-170 Attwell Drive, Toronto, Ontario M9W-5Z5
BC Trucking Association	Paul Landry, president, CEO	#1-20111 93A Ave., Langley, B.C. V1M-4A9
B.C. Trucking Association	Section 22	Langley, B.C.
Automotive Retailers Association	D. Robert Clarke, Executive Director	Unit #1 – 8980 Fraser Wood Court, Burnaby, B.C. V5J-5H7
Recreation Vehicle Dealers Association	Janet Marwick, Executive Director	Suite 2243-20800 Westminster Hwy, Richmond, B.C. V6V-2W3
BC Real Estate Association	Robert Laing, Director of Government Relations	Suite 309-1155 West Pender St., Vancouver, B.C. V6E-2P4
British Columbia Real Estate Association	Liz Tutt, President	Suite 309-1155 West Pender St., Vancouver, B.C. V6E-2P4
Real Estate Council of B.C.	Robert O. Fawcett, Executive Officer	Suite 900-750 West Pender St., Vancouver, B.C. V6C-2T8
British Pacific Properties Limited	James D. McLean, President	Suite 1001, Kapilano 100, 100 Park Royal, West Vancouver, B.C. V7T-1A2
Building Owners and Managers Association	Don Weber, President	Suite 556-409 Granville St., Vancouver, B.C. V6C-1TZ
Urban Development Institute	Maureen B. Enser, Executive Director	3 <sup>rd</sup> Floor, 717 West Pender Street, Vancouver, B.C. V6C-1G9
The Beedie Group Development Ltd.	Keith R. Beedie, Chairman and CEO	5367 Kingsway, Burnaby, B.C. V5H-2G1
BC Apartment Owners and Managers Association	Lynda Pasacreta, Executive Director	203-1847 West Broadway, Vancouver, B.C. V6J-1Y6
Independent Contractors and Business Association of B.C.	Philip Hochstein, Executive Vice President	211-3823 Henning Drive, Burnaby, B.C. V5C-6P3

<b>ASSOCIATION</b>	<b>SUBMITTER'S NAME</b>	<b>ADDRESS/LOCATION</b>
B.C. Council of Construction Trade Associations	Section 22	3636 East 4 <sup>th</sup> Avenue, Vancouver, B.C. V5M-1M3
Construction Labour Relations Association of BC	R.L. Morrison, President	97-6 <sup>th</sup> Street, PO Box 820, New Westminster, B.C. V3L-4Z8
B.C. Construction Association	Section 22	Suite 210, 174 Wilson St., Victoria, B.C. V9A-7N6
B.C. Construction Association	Murray MacLeay, President	Suite 210, 174 Wilson St., Victoria, B.C. V9A-7N6
REM Contracting 550777 BC Ltd.	Tim Seppanen, Owner	PO Box 501, Campbell River, B.C. V9W-5C1
Cucheran & Associates – Project Administration & Management Consulting	John Cucheran	#202-2760 Cliff Ave., Courtenay, B.C. V9N-2L6
BC Golf Association	Kris Jonasson, Executive Director	101-7382 Winston St., Burnaby, B.C. V5A-2G9
BC Golf Association	Kris Jonasson, Executive Director	101-7382 Winston St., Burnaby, B.C. V5A-2G9
Retail Council of Canada	Kevin Evans, B.C. Vice President	3125 William Avenue, North Vancouver, B.C. V7K-1Z7
Retail BC	Mark Startup, President and CEO	1785 West 8 <sup>th</sup> Ave., Vancouver, B.C. V6C-1V6
BC Liquor Licensee & Retailers Association	Marian Fiddler, Executive Director	#109-14914 104 <sup>th</sup> Ave., Surrey, B.C. V3R-1M7
BC Structural Movers Association	Jeremy Nickel, Director	2060 Mills Road, Sidney, B.C. V8L-5X4
Mechanical Contractors Association of BC	Dana M. Taylor, Executive Vice President	223-3989 Henning Drive, Burnaby, B.C. V5C-5N5
United Auto Glass & Collision Association of BC	George Hancock, Vice President	13771-72 Ave., Surrey, B.C. V3W-2P2
Canadian Restaurant and Food Services Association	Mark von Schellwitz, Vice President, Western Canada	1500-701 West Georgia St., Vancouver, B.C. V7Y-1C6
Council of Tourism Associations of B.C.	Section 22	100-535 Thurlow Street, Vancouver, B.C. V6E-3L2
Edgewater Concepts Inc	Desmond Reid, president	106C-698 Aspen Rd., Comox, B.C. V9N-3S9
Parkland Ventures	Section 22	3295 Sunnyside Road, Anmore, B.C. V3H-4Z4
Heenan Blaikie	Section 22	2602-1111 Beach Ave., Vancouver, B.C. V6E-2E9
Don K. Bowins & Associates	Don K. Bowins	8955 Emiry St., Mission, B.C. V4S-1A6
Claus Engineering (1986) Ltd.	Section 22	6620-248 <sup>th</sup> St., Langley, B.C. V4W-1C1
Green max Resources	Section 22	RR3 Suite 314, C-6, Port Alberni, B.C. V9Y-7L7
Armttec	Section 22	2001 Industrial Way, Prince George, B.C. V2N-5S6
Haynes Consulting Inc.	Katherine Haynes, President	1991 Balaclava St., Vancouver, B.C. V6K-1R6

<b>ASSOCIATION</b>	<b>SUBMITTER'S NAME</b>	<b>ADDRESS/LOCATION</b>
B.C. Pricare	Ed Helfrich, CEO	205-1682 West 7 <sup>th</sup> Avenue, Vancouver, B.C. V6J-4S6
BTY Group	Joe Rekab, Principal	700-1401 West Broadway, Vancouver, B.C. V6H-1H6
GJP Consulting Services, Inc.	Gareth J. Pugh	15319-80A Avenue, Surrey, B.C. V3S-8N7
Priority Ventures Ltd.	Section 22	710 Back Road, Courtenay, B.C. V9N-3X2
K.R. Johnston Human Resource Services Inc.	Ken Johnston	1784 Duncan Avenue East, Penticton, B.C. V2A-7E7
Organix Waste Solutions Inc.	Keith Gagne, Vice President	#1200-1185 West Georgia St., Vancouver, B.C. V6E-4E6
Cowichan Marine Development Board	Ron Canty, Chair	135 3 <sup>rd</sup> St., Duncan, B.C. V9L-1R9
Peace Country Bison Assoc.	Ernie Stagg, Director	Hudson's Hope, B.C.
Rainforest Roofing Ltd.	Section 22	Surrey, B.C. V3R-3N2
Cemetary & Crematorium Association of British Columbia	Stephen Olson, president	4763 Falaise Drive, Victoria, B.C. V8Y-1B4
Shaw Cable Systems, G.P.	Chris Ewasiuk, Manager, Government and Regulatory Affairs	861 Cloverdale Avenue, Victoria, B.C. V8X-4S7
Western Brewers Association	Greg D'Avignon, Executive Director	1106-750 West Pender Street, Vancouver, B.C. V6C-2T8
Professional Engineers and Geoscientists	Peter R. Mitchell, Deputy Director, Professional Practice	200-4010 Regent St., Burnaby, B.C. V5C-6N2
Home Biz News	Lorne Peasland, Publisher	4124 Embassy Place, Victoria, B.C. V8X-2M4
District of Logan Lake	Doug Fleming, Corporate Administrator	PO Box 190, Logan Lake, B.C. V0K-1W0
Capital Regional District	Christopher M. Causton, Chairman of the Board	524 Yates St., Poo Box 1000, Victoria, B.C. V8W-2S6
City of Surrey	Doug McCallum, Mayor	14245-56 <sup>th</sup> Ave., Surrey, B.C. V3X-3A2
Architectural Institute of B.C.	Michael Burton-Browne, President	Suite 100-440 Cambie St., Vancouver, B.C. V6B-2N5
Silva Bay Shipyard School	Fred Apstein, General Manager	Site 14, Comp 79, Gabriola, B.C. V0R-1X0
United Injured & Disabled Workers Association of B.C. (1979)	Barrie Alden, President	PO Box 372, Abbotsford, B.C. V2S-4N9
Island Mental Health Support Team	Section 22	Victoria, B.C.
College Institute Educators' Association of BC	Maureen Shaw, President	301-555 West 8 <sup>th</sup> Ave., Vancouver, B.C. V5Z-1C6
BC Career Colleges Association	Rosanne Mitchell, Executive Director	11016 Scarborough Drive, Delta, B.C. V4C-7S5
West Coast Environmental Law	Section 22	1001-207 West Hastings St. Vancouver, B.C. V6B-1H7
David Suzuki Foundation	Gerry Scott, Climate Change	2211 West 4 <sup>th</sup> Ave., Suite 219,

<b>ASSOCIATION</b>	<b>SUBMITTER'S NAME</b>	<b>ADDRESS/LOCATION</b>
	Project Director	Vancouver, B.C. V6K-4S2
Consulting Geographer & Community Planner	Section 22	West Vancouver, B.C. V7T-1Y1
Evergreen Baptist Care Society	Linda Ingham, Administrator	1550 Oxford St., White Rock, B.C. V4B-3R5
	Section 22	Quesnel, BC
	Section 22	Vancouver, B.C.
	Section 22	Sardis, B.C.
	Section 22	B.C.
	Section 22	West Vancouver, B.C.
	Section 22	Kamloops, B.C.
	Section 22	Vernon, B.C.
	Section 22	Vancouver, B.C.
	Section 22	Victoria, B.C.



## **APPENDIX L: GEORGIA STRAIGHT ARTICLE ON GORDON CAMPBELL ADVISORS AND PRIVATIZATION ADVOCATES**

Straight Talk, by Charlie Smith. May 25, 1995

[Note: Dr. David Emerson has since become a director of B.C. Gas, president and CEO Canadian Forest Products (CanFor), and Chairman of the B.C. Progress Board that was immediately established by the Campbell government in July 2001, as referenced in **Appendix D.**]

DURING THE SOCREd years, David Emerson and Bob Plecas were perhaps the two most powerful civil servants in government. Now they're offering advice to B.C. Liberal leader Gordon Campbell as he develops his plans for downsizing the provincial government, according to Liberal communications director Ian Jessop. Campbell has promised to reduce the number of cabinet ministers from 19 to 12, slash government spending, and examine the privatization of numerous Crown corporations.

"Gordon has reached out to a lot of people, seeking their advice on government and how to make government more efficient," Jessop told the Straight. "Of course, Bob [Plecas] ran for the Liberals in the late '60s."

Plecas, who spent two decades in the public service, was in charge of former premier Bill Vander Zalm's privatization program in the late 1980s. Plecas also headed the government personnel-services division, where he earned a reputation as a hard-nosed negotiator with the B.C. Government Employees' Union (now known as the B.C. Government and Service Employees' Union).

Emerson, now president and CEO of the Vancouver International Airport Authority, was deputy finance minister and, later, deputy minister to Bill Vander Zalm. Emerson was unavailable for comment; Plecas told the Straight he wasn't interested in being interviewed.

While the NDP was in opposition, it created a transition team that developed a framework for organizing the government after the election; Jessop said the Liberals haven't gone that far yet. BCGEU president John Shields had lots to say about the possible return of Emerson and Plecas to the public service in a Campbell-led regime, claiming that the two veteran mandarins were "most identified with the Reagan-Thatcher-Mulroney agenda" in the B.C. government in the 1980s.

"This is old-style politics just being headed up by a new leader," Shields said. "The principal agenda that the Vander Zalm government had was to turn all public services over to the private sector for profit. That's the role that Plecas headed up for Vander Zalm." Shields noted that an independent audit conducted for the B.C. government last year showed that Vander Zalm's privatization of highway and bridge maintenance in B.C. has resulted in \$100 million in extra costs for the government.

## **APPENDIX M: B.C. TAP WATER ALLIANCE PRESS RELEASE, May 22, 2002**

### **CAMPBELL GOVERNMENT CUTS DRINKING WATER “WATCHDOG” WITH BILL 35 - CALLING IT “RED TAPE”**

*Vancouver* – With the final reading of *Bill 35* on May 8, 2002, the provincial government provided exclusive powers to the Ministry of Forests (MoF) by revoking the 17 year-old protocol agreement between it and the Ministry of Land, Water and Air Protection on management of drinking water sources. Government files document how the protocol, approved by the Social Credit government in 1985, resulted from years of internal resistance by senior government officials who advised against the MoF as lead agency for drinking water sources, because it lacked “sufficient public credibility” (February 1982). When the MoF became a separate agency in 1979, it had quickly gained notoriety by ignoring public processes and overriding the “Lands”, “Environment” and “Health” ministries’ protective policies concerning drinking water sources. Furthermore, a subsequent protocol agreement signed in 1994, prior to the enabling of the *Forest Practices Code Act*, clearly assigned administrative authority of Section 12 Reserves under the *Land Act* to the Ministry of Environment, which included the almost 300 Community Watershed Reserves throughout British Columbia.

“Not only is government discarding what little public accountability remains since these community water sources were invaded in the 1960s, but it is also short circuiting public processes and ignoring its own Drinking Water Review Panel’s recommendations about future drinking water protection,” observed Will Koop, Coordinator of the B.C. Tap Water Alliance. “We are completely opposed to any measures that provide Ministry of Forest managers with exclusive discretionary powers. The government is abusing its powers by removing watchdog agencies and systematically removing environmental legislation and policy. On a sensitive issue that warrants extreme caution and meaningful public consultation, these changes are completely irresponsible.”

*Bill 35*, repeals Sections 13, 24, 28(2), 32, 40(2), 41(6, 6.1, 7), 42(3), 43(2), 72, and amends parts of Sections 22 (7-c), 96(1), and 143(3) of the *Forest Practices Code Act*, removing all references to, and intercessory powers of, the designated “environment official”. These changes were executed through the new Ministry of Deregulation. The April 16th legislative transcripts state that Deregulation Minister Kevin Falcon concluded that the Environment Ministry’s role in community watersheds was “nonessential”, “red tape”, and an “unnecessary requirement”. He argued that an environment agency “diminishes the province’s economic competitiveness and stands in the way of job creation or wastes taxpayers’ time and money” and blamed the 1985 Social Credit protocol agreement on “NDP Socialism”. By removing the ministry accountable for environmental protection, Falcon felt the changes would “protect the important values of public health, safety and the environment.” Falcon also promised government would be “consulting with interested stakeholders”.

When the Campbell government took office in May 2001, it immediately severed the functions of the former Ministry of Environment, Lands and Parks into two ministries. Instead of sanctioning community watersheds under Joyce Murray’s new Ministry of Water, Land and Air Protection, the management of drinking watersheds was quietly transferred to Stan Hagen’s new Ministry of Sustainable Resource Management, whose mandate is exploitation of Crown land resources. This

manoeuvre, which occurred months before the second public review of the Drinking Water Protection Act in September 2001, circumvented the Drinking Water Review Panel's recommendations for the protection of drinking water sources, and led to the final cuts in *Bill 35*. In fact, when the B.C. Tap Water Alliance sought clarification from senior administrators in the late summer of 2001, they were "unable" to tell us to which Ministry the authority for drinking watersheds had been transferred to. By axing the protocol agreements on joint sign-off and authority over public planning processes, the government is evidently censoring internal debate and ministerial dissent about future logging developments and cattle farming in drinking water sources.

"The actions of this government on the issue of drinking water source protection are utterly disgraceful. We now have a clear picture of why the government stalled legislating the Drinking Water Protection Act. Forestry activity in drinking watersheds, and who knows what else, can now proceed without interference. With the removal of former legislative provisions by *Bill 35*, this government has made it clear they are not interested in protecting drinking watersheds, and are catering to the special interest lobby associated with the forest industry", says Koop. "Premier Campbell and 16 of his 27 Cabinet ministers represent Greater Vancouver and Victoria residents whose drinking watersheds are now protected. They do not have a mandate in their own ridings to degrade drinking watersheds. So why are they discriminating against the remainder of B.C.'s residents?"

## **APPENDIX N: B.C. TAP WATER ALLIANCE PRESS RELEASE, MAY 28, 2002**

### **ALLIANCE URGES CAMPBELL GOV'T TO HONOUR SUNSHINE COAST REFERENDUM AND PETITION FOR COMMUNITY CONTROL OF DRINKING WATER SOURCES**

*Vancouver* – Since 1973, the provincial government has repeatedly denied the Sunshine Coast Regional District's (SCRD's) requests for legislated community control of its drinking water sources, the Chapman and Gray Creek Watershed Reserves. Instead, the government has permitted the SCR D's watershed forests to be roaded and then liquidated. The resulting destruction of the watersheds' soils and stream channels is directly responsible for the poor quality water currently coming out of resident's taps. Despite a 1992 Supreme Court challenge by the SCR D to end the logging, and despite a May 2, 1998 SCR D referendum, wherein 87.6% of the voters rejected future logging and mining proposals, the government has refused to acknowledge the SCR D's wishes. Most recently, citizens delivered a petition to the SCR D containing over 5,000 signatures, collected during a one-month period, opposed to industrial uses, such as logging and mining, in the Watersheds. In turn, on Wednesday morning, May 29th, the SCR D, the Sishalh First Nation, and members of a community watershed coalition will present the petition to MLA Harold Long at his office in Victoria, and will ask him to present the petition to the provincial legislature, which will be sitting for the remainder of this week. Local newspapers, however, cite Long as being opposed to community control and in support of logging, despite his pre-election promise to honour the community on this subject.

“Why are British Columbians consistently denied the right to clean water? Intact ecosystems are known to reliably deliver the highest quality drinking water. Community watersheds are critical public assets worthy of the highest respect from local, regional, and provincial governments. What these watersheds need are repairs to collapsing road networks, long term healing, and protection, not more logging!” stated Will Koop, Coordinator of the B.C. Tap Water Alliance. “Associate Chief Justice Dennis O'Connor's recent report on the tragedy in Walkerton warns that water must be properly protected from its source to the tap if it is to be kept safe.”

Many other communities and Regional Districts have also requested independent control of their watersheds, but to date, all have been denied. These communities have all pointed to the Greater Vancouver Regional District, which obtained control of its watersheds through long-term lease provisions under the provincial Land Act. The provisions prohibit logging, mining, and cattle grazing in the watersheds. Greater Victoria's watersheds are privately held lands that are now protected, and Nelson's watershed was recently protected under Park status. In the United States, President George Bush recently protected Portland's Little Sandy watershed from logging, the watershed adjacent to Portland's Bull Run watershed, protected in 1996 by President Clinton.