

THE *BIG* EDDY

Water District	Watershed Number*	Source	User	Reserve Area Requested**
Revelstoke	1a	Clachnacudainn Creek		15.3
"	1b	Greely Creek		20.3
"	1c	Hamilton Creek	City of Revelstoke	5.6
"	1d	Bridge Creek		1.7
"	1e	Napoleon Creek		1.2
"	2	Dolan Creek	Big Eddy W.W.D.***	1.7

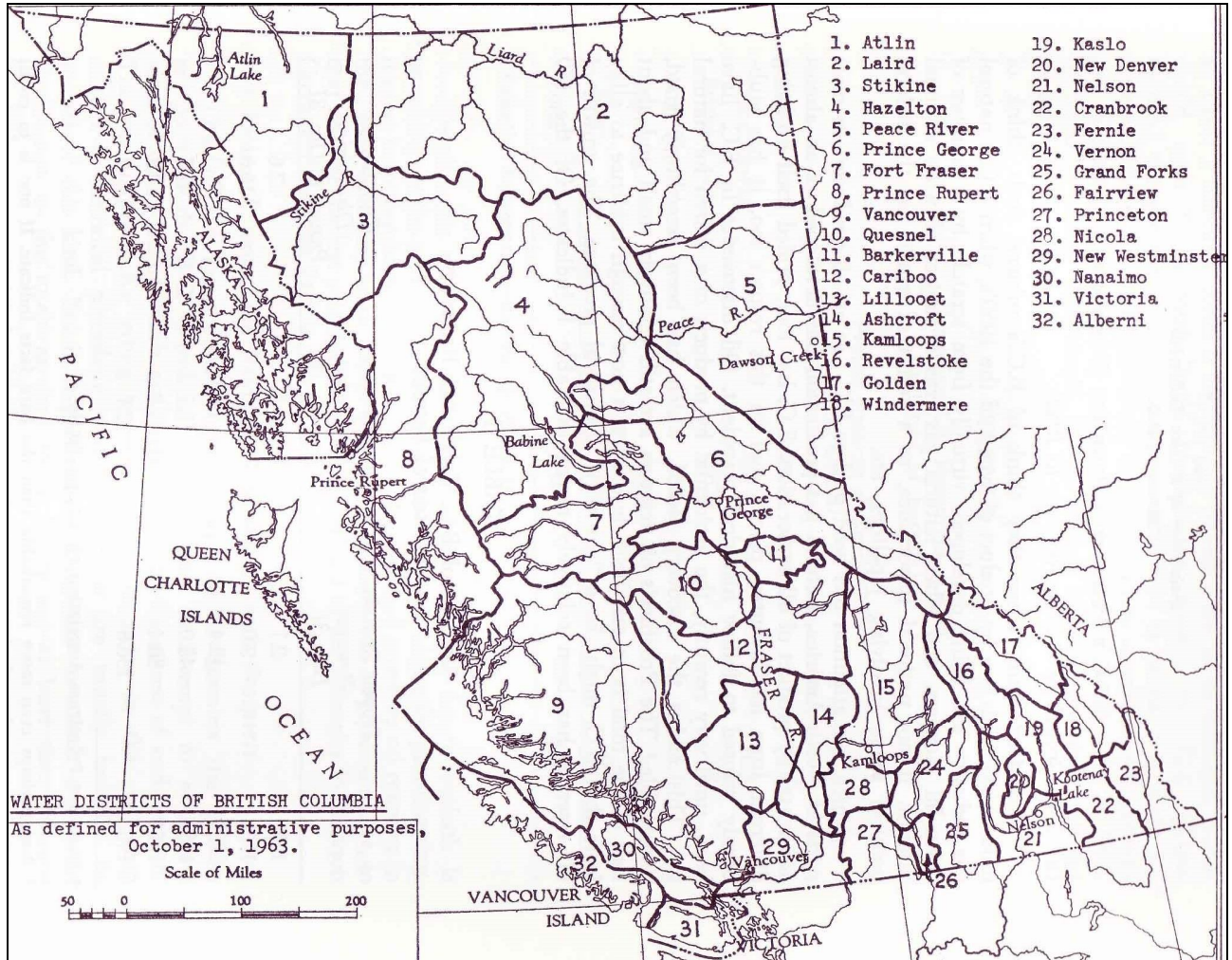


A History of the Big Eddy Waterworks District and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve



By Will Koop, September 30, 2013
B.C. Tap Water Alliance (<http://www.bctwa.org>)

For administrative purposes, the Province is divided into thirty-two water districts, whose boundaries so far as possible follow watershed boundaries. Local administration is decentralized to four district offices, each staffed by a District Engineer, an Assistant District Engineer, and a clerk-stenographer, and each is responsible for a group of water districts. The four district offices are located at Victoria, Kelowna, Nelson and Kamloops.



The granting of every licence involves a considerable amount of work. Every government Agent in one office in each water district, amongst his other manifold duties, is a Water Recorder, and an applicant for a water licence, after posting copies on the ground, has to file an application with the Recorder of for the district, who sees that it is properly filled out and forwards a copy to headquarters of the Branch in Victoria. Here the application is checked and stused, which involves considerable work, including entry into registers and onto maps. The applicant is then written to, requesting the payment of fees, proof of posting of the application, service thereof on all owners of the land that will be affected physically by the proposed works, and on all licensees whose points of diversion are at or below the applicant's proposed point of diversion, also of advertising if so ordered.... A further check on the application is made by referring it to the appropriate District Engineer for his report; this may or may not involve an examination on the ground. (Source: 1946 annual Report of the Lands, Surveys, and Water Rights Branches. Note: Water Districts were incorporated in 1908 as administrative planning units, even before the issuance of Forest District boundaries as planning units.)

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DEDICATION TO COLLEEN McCRORY

We have dedicated our report on the history of the Big Eddy to the late Colleen McCrory, (1950 - 2007).

I believe the first time I met Colleen was in February 1989 at the first Tin-Wis conference held in Tofino, on the West Coast of Vancouver Island, where a large and influential gathering of First Nations representatives, environmental activists, forestry labour workers, academics, ecumenical Church representatives, and interested parties met to discuss BC's decrepit and sorry state of forestry. That famous and influential conference was held when the Social Credit Party administration was pushing a highly controversial agenda on the "Roll-Over" of Tree Farm Licenses, controversies which directly led to the establishment of a provincial Commission on Forestry.



Following that first meeting, whenever I went on one of my big annual or bi-annual holiday/working tours throughout the Province of BC, I always tried to include the Slocan Valley in my travels to visit Colleen at her home in Silverton, and to visit the busy office of the Valhalla Wilderness Society. I was always warmly welcomed in her home, where many lively debates were had and strategies made about environmental and social justice issues, and where she would impart to me many of her interesting stories and adventures. It is also where I was introduced to many community and environmental issued citizens and activists.



Among Colleen's numerous achievements, initiatives and constant struggles as a passionate activist, campaigner, and spokesperson since the 1980s, recognized and known widely across Canada, she was one of the founding directors of the B.C. Tap Water Alliance when members met at the inaugural meeting held at North Vancouver's Lynn Canyon Ecology Centre on February 22, 1997, shown here in the meeting photo. (Colleen is sitting in top left of the photo.)

One of the immediate reasons and actions for our kick-starting the Alliance was Colleen's intimate concern to protect the untouched Bartlett and Mountain Chief drinking water supply sources located at her home town of Silverton, areas newly scheduled to be clear-cut logged by Slocan Forest Products in 1997. We were intrigued by our discovery in January 1997 that though the areas were supposedly protected because of their conflicting tenure status as *Land Act* community Watershed

Map Reserves, the government of the day was nevertheless planning to log them, and had failed to inform the public about their Reserve tenure status.

Shortly after the first Alliance meeting, I left on a long road trip to Silverton where Colleen copied my early, initial records on the Watershed Reserves, the Ministry of Environment's files on the operations of the first provincial Task Force on community watersheds (1972-1980) that I reviewed in late 1996. Those records and our preliminary understanding of the Reserves were the catalyst for the Valhalla Wilderness Society's legal action in June 1997 against the Ministry of Forests and Slokan Forest Products, the first court case on B.C.'s Watershed Reserves. The Petition Hearing was held at the Nelson City Supreme Court before Justice Paris.

Due to the likely threat of initiating a significant legal precedent, and on inherent dangers of revealing a wide network of provincial scandals on the mismanagement of BC's community Watershed Reserves, the provincial government allegedly shredded valuable documents on the establishment history of the two named Reserves, and then removed any references of the Reserves from its computer registry data files, and revised its central provincial planning maps accordingly.

In its argument before the Supreme Court, the government, through the Attorney General, simply denied the existence, and/or establishment, of the two Reserves, and the government subsequently and dishonestly used the case as a legal precedent to continue to permit forest harvesting in BC's Watershed Map Reserves. Though routinely touted as a precedent by the legal community, Justice Paris was never provided with sufficient arguments and evidence on the merits of Valhalla's case, as many relevant evidentiary documents have since been retrieved by the BC Tap Water Alliance.

Alongside Colleen, hundreds of local citizens from Silverton and New Denver gathered at the road entrance below the old standing intact forests in Bartlett and Mountain Chief Creeks to block the arrival of logging equipment, with many arrested by a large team of R.C.M.P. officers, a very troubling and sad day for British Columbia. A long banner, which was hung high behind the gathered citizenry, stated **May Be Legal: Definitely Unjust**. And shared along the upwardly-held hands of six citizens standing abreast at the front of the gathering was a second banner, **For Love Of Water** (FLOW), the motto coined in August 1984 by the initiation and conference of the BC Watershed Alliance.

Driven by a deep sense of concern and justice to protect BC's drinking watersheds, some four years later Colleen obtained funding to place a series of advertisements in provincial newspapers on Watershed Reserves during the NDP government's public hearings on the implementation of its controversial *Drinking Watershed Protection Act* in early 2001. Controversial, because the title of the *Act* was misleading, in that provincial community watersheds weren't going to be protected from resource uses as they once had been.

PROTECT THE SOURCE OF DRINKING WATER BY LEGISLATING WATERSHED RESERVES


Legislation for full protection of Watershed Reserves was in place for 50 years in BC, but it was extinguished to facilitate logging. Now the drinking water of numerous rural communities and municipalities is threatened by watershed logging. A new Water Act will soon be legislated, but as currently written, it will do nothing to protect watersheds. The petition below has been signed by organizations representing thousands of British Columbians from all walks of life. This may be the last opportunity to ensure protection of water sources in BC. We hope Premier Dossouh and the BC government have the wisdom to protect this invaluable resource.

Forests play an important role in the protection and replenishment of water, our most precious natural resource. Many of BC's sources of drinking water have been damaged by industrial development such as logging, road-building, mining and grazing. Many watersheds throughout BC are in crisis because of these activities and under existing legislation there is no protection for the source of water.

Health must come before profit. Water needs to be preserved, not treated after it has been compromised. The citizens of this province are demanding the kind of protection offered by more effective, less harmful non-chemical water treatment solutions. These solutions cannot be utilized in the absence of the high quality source water that intact forests provide.

We urge the BC government to protect the source of drinking water by legislating "Watershed Reserves". Watershed Reserves would be areas that have no logging, road-building, mining or grazing by specific legislative enactment prohibiting these uses in any form. Watershed Reserves would reduce the provincial Allowable Annual Cut by approximately 2%.

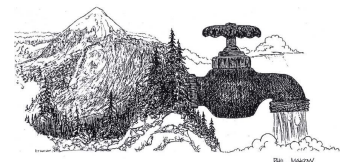
Water quality is one of the most important issues facing our communities. Every citizen in this province deserves to drink clean water. The most important way to provide clean water is to protect the source. Protecting water sources by legislating Watershed Reserves will leave one of nature's richest legacies for our communities, our children and future generations: clean water.



Garth Lenz

Colleen was a wonderful and longstanding friend. She is greatly missed.

Will Koop, Coordinator.



PREFACE AND ACKNOWLEDGEMENTS

It was in February 2001, that I first met two representatives from Big Eddy, a small community located adjacent to and immediately west of the City of Revelstoke, home to about one thousand residents. Lloyd Good and Peter Oosterhoff were earnest and eager Big Eddy participants attending a jam-packed public workshop and input forum held in Kelowna City. It was one of eight lively meeting forums held throughout British Columbia from late January to end of February 2001, concerning the New Democratic Party administration's proposed and preliminary implementation of the *Drinking Water Protection Act*,¹ passed in April 2001 a month before the provincial election. For a few minutes during a break between sessions, as we conversed about numerous topics and made casual pointed jokes and innuendos about yet more broken promises by yet another provincial administration to "protect" drinking watersheds, I promised the Big Eddy representatives that I would come out to visit them, about a seven hour drive from Vancouver.

Before our meeting in Kelowna, I had a few lengthy and lively introductory discussions with Lloyd Good (Big Eddy Waterworks District Trustee chairman) on the telephone about the many sordid tribulations the Big Eddy community had encountered with provincial agencies for over twenty-five years about its drinking water source, Dolan Creek, a small watershed located on the door step and just west of the community. Prior to our telephone discussion, I recalled scant bits of information about the Dolan from central government files on community watersheds that I had collected from 1996 to 1998. I immediately took an interest, because Dolan, as many other community watersheds, was registered by the Lands Ministry in 1973 as a *Land Act* Watershed Map Reserve, later assigned in the late 1970s to the watch, delegation and administration of the former Ministry of Environment. By the early 1980s, as the Ministry of Forests brazenly attempted to overtake the role of the Environment Ministry to implement commercial logging and livestock grazing licenses in provincial community watersheds, the tiny Dolan watershed seemed to have become the focus of great internal government concern in the few records that I had of it. Intrigued by these scant references, I wanted to find out more.

I made two initial visits to Big Eddy – once in 2001, and again in the late summer of 2002 – which included tours into the Dolan watershed, an inspection of the community's small holding reservoir and pump station, and a quick tour of Revelstoke City's water supply source intake area, Greeley Creek. It was during the second visit, which also included a short introductory meeting with former Waterworks District Chairman Clay Stacey, that I asked Good, the twenty-year long Chairman of the Big Eddy Waterworks District (elected in April, 1982), if I could have a peek at his District's files.



Photo of Lloyd Good, 2002: opening the door of the Big Eddy Waterworks District office for the world to see.

¹ The public forums were held a few months before the end of the NDP's ten-year long administration, 1991-2001. The legislation was prompted by a series of reviews, stemming from the Auditor General's March 1999 report on drinking water, *Protecting Drinking Water Sources*, and a legislative review committee that followed on the heels of that report.

After carefully reviewing the records stored in the District's small wooden office head quarters, Good had his secretary promptly photocopy a thick set of documents and reports that I had flagged. The records follow accounts over about a fifty year period, from 1949 to 2002, and feature the Trustees' repeated tribulations with provincial government authorities. The bulk of information presented in *The Big Eddy* report is based on records retrieved from the Big Eddy Waterworks District in 2002.

Their contents were so fascinating and compelling that I began writing a small report in October 2002, eleven years ago, about the Water District's experiences with provincial government agencies. I decided naming the report "The Big Eddy." The title had a simple yet powerful and appropriate ring to it, conjuring up a Jungian-like archetype, a tornado-shaped-like movement and energy of water trapping everything within a fixed eternal vortex, a symbolic spiral of trappings capturing, as it were, the many vigilant struggles by the public with the provincial government on the protection of drinking watersheds.

During my early drafts from 2002 to 2005, Peter Oosterhoff offered his own reflective interpretation, having left the following words on my telephone answering machine to help describe and give added weight to the metaphor: *Human beings, from the moment their journey of awareness was interrupted, have been caught in an eddy, so to speak, and are spinning around having the impression of moving with the current, yet remaining stationary.*

As the first draft took shape, the Big Eddy report essentially became a companion document to my hastily written work of January 2002, *The Arrow Creek Community Watershed: Community Resistance to Logging and Mining in a Domestic Watershed, A Case History.*, which will be re-written sometime in the future. It is an account of the Erickson Improvement District Trustees and their struggles, since 1929, to protect the Arrow Creek Watershed Reserve which supplies drinking and irrigation water to the greater Creston area, located in southeast BC near the southern tip of Kootenay Lake. What first interested me about the Arrow Creek watershed history was the fact that in government records I reviewed in late 1996, the watershed became a subject of primary concern by the provincial government, and was specifically cited in the February 1972 Terms of Reference for BC's first and only Task Force on community watersheds which convened over an eight year period.

The Big Eddy and Erickson/Creston community water purveyors had intriguing commonalities, forming a fascinating and compelling pattern. They were both located within the same regional administrative and resource planning boundaries of the former Ministries of Environment and Forests.² They both had long established accounts of strong, successful community resistance against local forest industry companies and the Ministry of Forest's³ unyielding and dishonest intentions to log their drinking sources, despite the ironic fact that each had been provided with special legislative Crown land tenure powers as Watershed Reserves to prohibit logging.

² The regional planning boundaries were recently changed by the BC liberals. Reportedly, attempts are underfoot to create one entire provincial planning boundary, and eliminate all former regional boundaries.

³ There is a distinction between two titles given to the provincial government's administration of Public forestlands. The "Forest Service" is the name generally used or referred to from 1912-1979, after which time the Department became a separate entity called the "Ministry of Forests" under the *Ministry of Forests Act*. Though the title "Forest Service" may be, and has been, used interchangeably for both time periods, it may be more correct to refer to each for each time period.

Due to the persistent intensity of community resistance against the Forest Service's schemes to introduce commercial logging and road access, and the consequential problematic influence on public perception invoked toward the powerful Ministry of Forests by each of the two water purveyors, in the 1980s senior government bureaucrats and regional administrators within the Nelson Regional Forest and Environment Ministries considered the two cases as highly sensitive and assigned each watershed source with high priority status. Internal orders were regimented to subdue the 'agitators' in order to prevent further embarrassing precedents against the Ministry of Forests' aggressive plans that were already under considerable public criticism.

Despite great pressures under a controversial and newly implemented "multiple-use" mandate that had been replaced by and morphed into the term "integrated-use", and despite the Ministry of Forests' and Environment Ministry's Integrated Watershed Management Plans (IWMPs) for proposed logging within both the Dolan and Arrow Creek Watershed Reserves in the mid to late 1980s, persistent objections and lobbying efforts by both the Big Eddy and Erickson Improvement District communities and their Trustees prevented their water supply sources from being logged.⁴

Things however took a tragic turn for the ever-vigilant Erickson Trustees and the supportive greater Creston community in their decades-long struggles to protect Arrow Creek. The New Democratic Party administration, which had promised to legislate the protection of drinking watershed sources in pre-election campaigns prior to being elected to office in late 1991, eventually provided a probationary Community Forest tenure licence in 1997 to the Creston Valley Forest Corporation to log the Arrow Creek Watershed Reserve (including three other community watersheds and Reserves). The "community" forestry corporation originally involved the strange alliance and bizarre twisted politics of a local branch of the East Kootenay Environmental Society (EKES), the Town of Creston, and the Regional District of Central Kootenay (the Regional District had for decades fought to protect drinking watersheds – a new political element was re-writing its policy).

The political manoeuvring in this "community" forest alliance was the direct outcome of new, yet underhanded, land use planning initiatives from CORE (Commission on Resources and Environment) meetings, responsible for the informational process developments of the East and West Kootenay Boundary regional Land Use Plans underway in the early 1990s. These intertwined CORE processes relegated community watersheds into new resource management criteria under the title of "Special Management Zones",⁵ whether community watersheds were or were not legislatively protected with conflicting Crown Land tenures as Watershed Reserves. While protected with legal tenures, nothing was imparted by provincial government staff to the public during the CORE meetings, nor in the Land Use report documents about their Reserve tenure status and history. As described in my book, *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*, and in the BC Tap Water Alliance letters to the former Minister of Forests and Range, the legal tenure status of many community watersheds as Watershed Reserves had been conveniently overlooked and ignored by provincial staff participating in and chairing the public planning tables at CORE, making those component outcomes and resource recommendations of the government's Land Use planning documents illegal!

⁴ Several Erickson Improvement District Trustees travelled to Victoria in late 1989 where they met and presented Minister of Forests Claude Richmond (Kamloops area MLA) with a large petition against logging, which resulted in Richmond ironically and strangely issuing a five-year logging moratorium in Arrow Creek, over a Watershed Map Reserve that was already protected from logging.

⁵ At the CORE Table in 1994 was a "Watershed Sector" sub-group of some thirty or more regional 'public' representatives that agreed to the new management proposals for 'consumptive use' watersheds.

By December 2002, the Big Eddy report draft began to take on larger perspectives and proportion, and undertook to reveal the provincial framework and historic periods through information I had compiled since 1991. The Big Eddy records were inter-connected with numerous other accounts related to public drinking watershed issues in BC over the last century. In turn, those accounts were contextualized with similar and interrelated accounts and intrigue that had taken place in the United States. By August 2003, the seventy-page report had expanded into an unwieldy six hundred page draft document. Out of this larger draft eventually came the book published in 2006, *From Wisdom to Tyranny*. However, the Big Eddy story and history took a back seat and became a mere speck or fragment within *From Wisdom to Tyranny*, because a more important story first needed to be narrated about the history of BC's Watershed Reserves. Though serving a very important purpose as the principal catalyst for the book, unfortunately an interim report dedicated to the Big Eddy history went unpublished.

Following the release of another report in May 2008, *The Community Forest Trojan Horse*, concerning the sordid machinations of a so-called "Community Forest" license in the Sunshine Coast Regional Districts' two Watershed Map Reserves, Chapman and Gray Creeks, is when I began to revisit the Big Eddy manuscript. After spending some serious time with the old material came the realization of renewed plans for yet another journey to Big Eddy and Revelstoke City to review additional archival records.

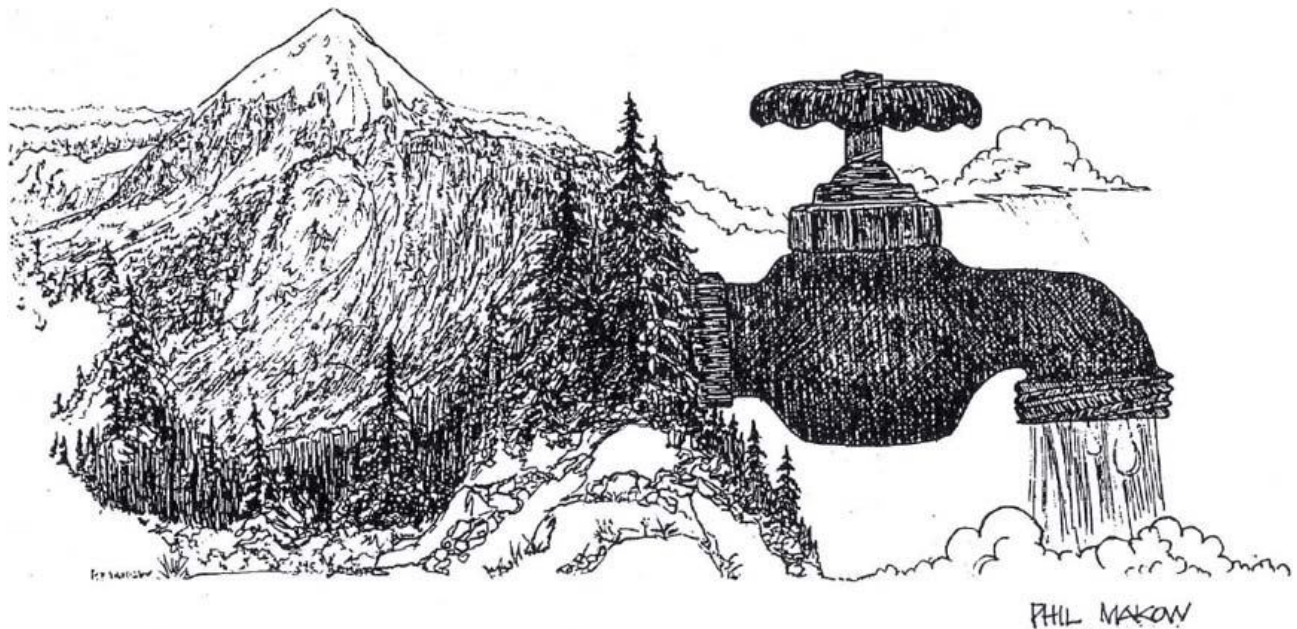
In late June 2008, fate took me on another one of my working 'vacations' into BC's Interior. A very interesting day was spent in the high mountain back road logging country on the southeast side of Okanagan Lake documenting and inspecting, once again, the Ministry of Forests' forest hydrology experimental site at the headwaters of Penticton Creek, a Watershed Reserve,⁶ the source of drinking water for Penticton City where American-based Weyerhaeuser was logging, and where domestic livestock cattle were freely grazing and defecating through the drinking water riparian zone under permit by the Ministry of Forests. After that, almost a week was spent in Rossland City investigating the land development controversy in one of the City's drinking watersheds, the Topping Creek Watershed Reserve, reserved by the government back in 1940 from all land use permit applications. On the final leg of my journey to Big Eddy, my vehicle's transmission broke down just south of the Town of New Denver in the Slocan Valley, and my vehicle ended up being towed some 180 kilometres north to Big Eddy where I had to stay put for almost two weeks to await a used transmission shipped from the Lower Mainland.

It was in my stay in Big Eddy that turned out to be a very important layover. Two matters were accomplished: writing an initial report on Rossland City's Topping Creek Reserve, and secondly, on finding critical early documents and newspaper accounts on the City of Revelstoke's drinking watershed Greeley Creek, and on Big Eddy's Dolan Creek. It was these additional documents that not only helped solve an important puzzle on the history of the Big Eddy Water District's protection of Dolan Creek, but also provided critical evidence on the early establishment of legislative Watershed Reserves in British Columbia.

My sincerest thanks go to the late Lloyd Good (who recently passed away) for all of his early assistance and support, to Clay Stacey for his recollections and advice, and to Peter Oosterhoff for

⁶ The Penticton Creek watershed had been protected by a series of three established Reserves (1936, 1964, and 1973). According to a government list of existing or active Watershed Reserves, Penticton Creek is not on that digital data list. No information or reasons have yet been found as to when and why this Reserve was taken off the list.

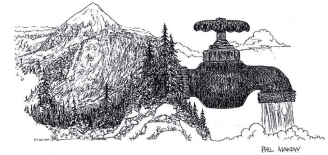
his kind and charitable support and a place of refuge (lots of cycling, great food, where we watched Loreena McKennitt's music video, *Nights from the Alhambra*, outside late at night under the stars – an unforgettably enchanting and inspiring evening!). Thanks also to the City of Revelstoke for access to old files and meeting minutes, to the Revelstoke Museum for review of archival records, and for the Revelstoke Daily newspaper in reviewing its hard-copy collection. Thanks to Linda Williams for her patience in listening to endless conversations and in editing sections of the report. Other than a minor financial contribution in early 2013, all of the research and writing of the report was self-funded.



THE BIG EDDY

A History of the Big Eddy Waterworks District and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve

By Will Koop, September 30, 2013
B.C. Tap Water Alliance (<http://www.bctwa.org>)



EXECUTIVE SUMMARY

The rural hamlet community of Big Eddy (named after a nearby and “big” half-circular whirlpool channel in the Columbia River) is located in the Province of British Columbia’s (BC’s) Interior rainforest, along the western bank of the Columbia River, and directly opposite the City of Revelstoke.

In 1949, a group of citizens from Big Eddy met to form a Waterworks District, and then became a government-certified incorporation responsible for the administration and distribution of fresh water for domestic purposes. Following the



March 1950 approval of the new Waterworks District heralded in the BC Gazette by the Lieutenant Governor, the Big Eddy Trustees did what many other communities, villages, towns and municipalities were accustomed to doing for some forty odd years at that time: they asked the government to protect their new drinking and domestic water source, the 440-hectare (1.7 square mile) Dolan Creek watershed, by way of a statutory tenure Reserve over Crown lands, which also included a small 10 hectare parcel of private lands.

Big Eddy’s big sister, the City of Revelstoke, had done likewise over thirty years previous: it had all of its drinking watersheds legislatively protected in 1917 as Watershed Reserves by the federal government.

Such land resource Reserves, freely available under both BC Provincial and Federal legislations, were created by conservation-minded governments in the late 1800s to wisely protect public interests, such as domestic and irrigation watershed source areas. The impetus for this conservation Reserve legislation and policy over community watersheds emanated from United States federal legislation in the late 1800s and quickly spilled over into the halls of Canadian Legislatures during a period of intense political land resource reformation. Strong laws and means were being forged to

protect and carefully manage the Nation's ('Public') forestlands against the unbridled and unprecedented destruction and clear-cut liquidation of forestlands by private landowners and timber barons underway at the time, the cumulative consequences of which had wreaked untold havoc on fresh water streams and rivers by way of flooding, erosion and pollution. Everywhere, water purveyors demanded protection.

Apparently the first Watershed Reserves established in BC were in 1905 and 1906 for the City of Vancouver, to protect the remaining Crown lands in the Capilano and Seymour River valley watersheds from further privatization and exploitation by American-based logging investment interests. Similar Reserves were then instituted by the federal government over intact watersheds – i.e., New Westminster City's Coquitlam watershed, the Town of Salmon Arm's East Canoe Creek, etc. – during its 1884-1930 administration of the Railway Belt through BC's Interior, a corridor belt of land extending some 800 kilometres in length and some 70 kilometres in width.

Early BC government public annual reports never tabulated or documented for the public how many community and irrigation Watershed Reserves were actually established and registered over the decades from 1905 to 1973, but according to Land Registry files there were a large number of them. And over three hundred Community Watershed Reserves were established in the decades following 1973.

For a period of time in the 1940s and 1950s, on its early Departmental Reference Atlas Maps the BC Forest Service inscribed the words **NO TIMBER SALES** directly overtop of the watersheds reserved for water purveyors under provisional instruments of the *Land Act*, areas usually identified within coloured circular or curved boundary lines. When referring to these maps, the bold-lettered words helped to remind resource administrators and planning foresters of the special protection status of these reserved watersheds, so that the public's land administrators would uphold their fiduciary and interest duty for BC's citizenry, Improvement Districts, and local governments.

Although the BC government's Crown Land Reserve legislation granted the Big Eddy protection of the Dolan Creek watershed from Timber Sales and other 'dispositions', this report investigates – based on internal records held by both the Big Eddy Waterworks District and the provincial government – a deep disturbing irony in how Big Eddy oddly and nevertheless had to fight to protect its protected Reserve, tooth and nail, for almost 50 years. In many ways, this report narrative about the Big Eddy Trustees' historic struggles represents the collective and often tragic and scandalous story inflicted upon the reserved watersheds assigned and administered by the government for BC's water purveyors.

Timber industry political lobby forces from both within and without government strategized and laboured to not only limit, counteract and ignore the legal tenure status of Big Eddy's Reserve, but all of the Watershed Reserves established for BC's water purveyors. The violations that occurred en masse in British Columbia regarding the public's Reserves were in no way an isolated incident: the violations were sourced from an organized assault since the 1940s on many hundreds of protected domestic watersheds situated on federal forest lands throughout the United States. In other words, while the Trustees fought to protect their legally protected watershed, the Big Eddy Waterworks District was unknowingly caught in a whirlpool, or gigantic eddy, of international intrigue.

Just before the creation of the Big Eddy Waterworks District, the BC government held its second and perhaps most significant Public Inquiry on Forest Resources (1944-1945). Narrated in Chapter Two, the Gordon Sloan Commission heard and received numerous testimonies and written

submissions on the resource protection of drinking water, irrigation water, and fresh water fish habitat. Both BC's Chief Forester (the top administrator in the BC Forest Service) and companies and lobby groups within the private forest industry sector urged the Commission to overturn and revise the government's policies that protected provincial parks and drinking and irrigation watersheds, and urged the Commission against adopting stringent measures recommended by Federal Fisheries inspectors and the fisheries industry to protect fish stream habitat with wide and lengthy intact forest buffer corridors.

After hundreds of Commission witness testimonies and written submissions were analyzed from thousands of transcript pages, Commissioner Gordon Sloan wrote a visionary and significant statement in his final report. Under the BC government's future proposed regime of "sustained yield logging" to be administered through both the establishment of Tree Farm License and Timber Supply Area agreements, Sloan proclaimed that the protection of drinking water was to be an "invaluable function," whereby "*a tree may be of more value in place in the forest than when converted into lumber:*"

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.

Sloan's visionary statement to protect irrigation and drinking watersheds – enforced through government policy and through provisions of protected Reserve tenures – was later opposed and ignored by government and industry professional foresters.

By the 1960s, most of British Columbia's public forestlands had been systematically converted and dedicated to "sustained-yield" logging objectives assigned within the establishment of new forest tenure boundaries (Public Sustained Yield Units and Tree Farm Licenses). During this time, BC's Chief Forester began to openly wage an invasion on BC's protected community and irrigation Watershed Reserves, condescendingly referring to this public policy as an irritating, forty-year old "*problem of protection.*" His Assistant Chief Forester helped to initiate this invasion when he wrote instructions to his Forest District foresters in December 1960, stating that whenever possible they should implement trickery and deceptions in their formal letters of referral with both BC water purveyors and administrators with BC's Water Rights Branch concerning Timber Sale proposals, in order for private industry to access the timber in these reserved, restricted and otherwise dedicated public forest tenured lands.

The collective deceptions and incursions to protected drinking and irrigation watersheds that began and prevailed indiscriminately in the 1960s provoked significant public and water purveyor protest. Eventually, the Social Credit Party administration was forced to establish an inter-Ministry Task Force on community and irrigation watersheds in February 1972, the ongoing activities of which continued until October 1980 (through three separate political party administrations). During these internal Task Force proceedings and review, apparently no summary information or investigative accounts were tabled about the numerous incursions since the early 1960s to BC's protected community and irrigation watersheds by way of corruption and trickery within the Forest Service.

What did surface in April 1973, was an intriguing memo which stated that the ‘majority’ of community and irrigation watersheds (which apparently included Big Eddy’s Reserve) had not been identified or registered on the Ministry of Lands’ Departmental Reference Maps. The assumption by the inter-Ministerial Task Force membership was that these missing watersheds were to have been protected as Crown Reserve tenures. As stated in Lands Department annual reports, the Departmental Reference Maps were used on a daily basis by government Crown land resource planners as critical reference clearance tools in determining if there were any land use conflicts when reviewing resource tenure proposals, permits, and applications, which included Timber Sale proposals. Without being registered on the government’s central Reference Maps, these critical public watersheds had and could suffer environmental and health threats.

Therefore in May 1973, the New Democratic Party administration’s Executive of Deputy Ministers (assigned to oversee and administer the 1971 *Environment and Land Use Act*) ordered that all of the community and irrigation watersheds identified by the Task Force in a long data list of water purveyors, and all subsequent candidate water purveyor watersheds, were to be immediately established and registered with the Department of Lands as Watershed Map Reserves under the new provisions of the 1970 *Land Act* legislation. According to government records, from June 26 to December 1973, waves of Community Watershed Map Reserves were ordered to be established in a series of separate ordered blocks totalling almost 300 Reserves in number. Orders were also dispatched to automatically convert a number of remaining community watersheds, and any new community watersheds, into Watershed Map Reserves.

Water District	Watershed Number*	Source	User	Reserve Area Requested**
Revelstoke	1a	Clachnacudainn Creek		15.3
"	1b	Greely Creek		20.3
"	1c	Hamilton Creek	City of Revelstoke	5.6
"	1d	Bridge Creek		1.7
"	1e	Napoleon Creek		1.2
"	2	Dolan Creek	Big Eddy W.W.D.***	1.7

Above: cut-out from a June 26, 1973 government memo list of community watersheds – under orders by the chair of the community watersheds Task Force – to be made Watershed Map Reserves. These Reserves had already been previously registered as Reserves.

Stated in Appendix A of the Big Eddy report, a *Land Act* Map Reserve is a simple and very powerful instrument of protection. It has been, and is still, used by government to protect a wide range of interests over Crown lands. Essentially, a Map Reserve is a mirror image of an Order-in-Council Reserve, with the distinction that a Map Reserve is an area of land kept in a legal state of protective waiting over a short or lengthy period of time (i.e., Community Watershed Map Reserves were all registered with an expiry year date of 9,999), and may then be transformed at any given moment to be permanently protected and baptized as an Order-in-Council Reserve. As defined by government interpretation policy, adhering to the legislation in the 1970 *Land Act*, all other possible interests on public lands are withheld in a Map Reserve – as they are in an Order-in-Council Reserve – while the reserved lands remain in a state of suspension from any and all “dispositions.” If the water supplies are to be completely protected from human industry or otherwise for the long term interests of BC’s water purveyors, then nothing should occur that would diminish or interfere with the land in its natural or given state. It’s quite simple and straight forward.

According to government records, the orders by the provincial government's Executive in May of 1973 – to establish community watershed Map Reserves, and that they be registered on all Departmental Reference Maps – were met with disdain and open rebellion by administrative government foresters who refused to both acknowledge the new Watershed Reserves and orders to officially register them on Forest Service Atlas Reference Maps. To quell this internal rebellion, the Deputy Minister of Forests was pressured by other members of the Land Use Technical Committee Executive to make his administrative foresters surrender and submit. While avoiding a public scandal or internal review over the corruption of the Forest Service with respect to the particulars of its dubious administration, the government's renewed and wholesale establishment of Watershed Reserves throughout BC was akin to refreshing both the Department of Lands' Central Registry or Register and its Map Referencing system, much like re-booting a computer's hard drive to update a critical software program.

By the end of the 1970s, top Social Credit Party administrators with the newly established and single-agency Ministry of Forests, influenced through lobbying efforts by the Council of Forest Industries, were distraught over the recent establishment of hundreds of Watershed Reserves by the previous political administration. In order to hide the existence and legal mandate of the Reserves from the public, unknown governmental parties therefore removed and edited out all numerous references and contextual descriptions made to the words "*Map Reserves*" that were initially included in the body of a 1977 draft Ministry of Environment document on the future management of BC's community Watershed Reserves. This fraud and deception perpetrated in the final October 1980 community watershed guidelines document (nicknamed the "Blue Book") accomplished two strategic outcomes: it brought utter confusion to government planning Ministries and administrators; and likewise left BC's water purveyors believing that their associated community and irrigation watersheds were unprotected sources and were seemingly subject to the forest management mandate of the revised 1978 *Forest Act*.

In the regular maintenance of this strategic deception, the Ministry of Forests subsequently and routinely 'concealed' the tenure status of the Reserves from public planning documents, and no definitions of these Reserves and their registered status histories were included in report and official Ministry glossaries. The deception, which the BC Tap Water Alliance has often referred to as being one of the most significant land resource scandals in BC's administrative history, was later further developed, re-shuffled and cemented by unknown parties in 1995 within the legislative implementation of the BC *Forest Practices Code Act*, whereby government administrators integrated BC's legally protected Watershed Reserves with un-reserved community and domestic watersheds in a new named and new numbered category of community watersheds, making it appear, once again, and now more officially under a legal fiction, that the unidentified Watershed Reserves were subject to new forest management objectives often called "Special Management Zones."

Clearly stated in the first September 1980 policy manual made specifically for BC's community watersheds and "approved by Executive Committee" – a policy document never disclosed to BC's water purveyors – land use activities and tenures in Watershed Map Reserves and Order-in-Council Reserves were strictly forbidden and restricted territory: "*New dispositions may be made where the activity is compatible with the intent of the [October 1980] Guidelines and not detrimental to the community water supplies and where the land is not affected by an Order-in-Council or Map Reserve.*" (Bold emphasis)

As narrated in the B.C. Tap Water Alliance's 2006 book, *From Wisdom to Tyranny: A History of British Columbia's Watershed Reserves*, contrary to legislation that mandated it to do so, the government's Land Use Coordinating Office (LUCO) had consistently failed to reveal the tenure status and function of Community Watershed Reserves in all of the government's Regional Land Use and Sub-Regional Land Use planning processes and final documents ongoing since 1989: i.e. the East and West Kootenay Land Use Plans, the Vancouver Island Land Use Plan, etc.

Despite the earlier cloud of confusion hanging over the Big Eddy Trustees about the legal function of a Watershed Reserve, Big Eddy's records clearly show that when the BC Forest Service's Kamloops and Nelson Forest District Office Managers tested and tricked Big Eddy with Timber Sale disposition proposals in the 1950s and 1960s, the Trustees vigilantly opposed each Sale through written return correspondence. Had the Trustees conditionally relented to any terms of the Timber Sale proposals, by either not responding or by agreeing to the proposals in writing, the Forest Service could have taken advantage of the Dolan Creek Watershed Reserve tenure status by arguing internally that the Trustees therefore were no longer interested in the Reserve tenure and its legal purpose.

As a result of the Big Eddy Trustees' firm and consistent position against Timber Sale proposals stated in correspondence records, and despite the Trustees inadvertent ignorance of the Reserve powers, after fourteen years of failed attempts the Nelson Region Forest District finally relented and acknowledged to the Big Eddy Trustees in writing in 1965 that the Dolan Creek water source was a Watershed Reserve, and therefore no further Timber Sales would be proposed. The matter, however, did not and would not end there.

In the early 1970s, BC Hydro & Power Authority, a powerful BC Crown corporation created in 1964, proposed to construct a large hydro electric dam on the Columbia River about six kilometres north of Big Eddy. The complex project application included a new, lengthy and wide stretch of right-of-way route for the electrical transmission lines. That proposed linear clear-cut would intersect the Dolan Watershed Reserve, the location of which was not physically far and directly upstream from Big Eddy's water intake reservoir. During the consistent fracas that resulted with Big Eddy about this proposal from 1974-1983, the government failed to inform Big Eddy and the BC Water Comptroller's legal hearing and proceedings in Revelstoke City about two matters: that the Dolan watershed was protected with a conflicting Map Reserve tenure; and that orders had been given to BC Hydro by the Task Force on community watersheds, along with corresponding orders by a Regional Resource Management Committee, for Hydro to avoid future right-of-way transmission routes in community watersheds that were protected through Reserve legislation.

In aid of Big Eddy's concerns, the BC Department of Health in Vernon (while not made cognisant of the Dolan's Reserve tenure status) wrote that BC Hydro's proposed route inside the small watershed would ruin and alter the quality of Big Eddy's water supply. During the BC Water Comptroller's legal hearings that took place in Revelstoke City about BC's Hydro Revelstoke Dam project, Big Eddy Trustees presented persuasive arguments on the protection of Dolan Creek. As a result, Hydro promised to compensate Big Eddy on all associated costs by creating an interim, alternative groundwater source, all combined costs amounting in the arrears of over \$1,100,000. The payment was perhaps the first such significant compensation precedent in the Province. Hydro was also ordered to abide by a detailed, legal Guidelines agreement created for the clearing and logging of the right-of-way forest lands, during which time the Big Eddy Trustees kept careful watch over the construction work and reported on a series of infractions by the logging contractor who violated the Guidelines agreement.

Because of additional related costs from the right-of-way construction activities to the Big Eddy Waterworks District which Hydro refused to comply with, Big Eddy launched a formal complaint with the BC Environmental Appeal Board in 1983. The Board not only ruled in Big Eddy's favour, it also declared that the Dolan watershed "*in future be closed and secured from public access by foot, horseback, and wheeled or tracked vehicle.*" The Appeal Board was made unaware that the Dolan was already protected by Reserve legislation and tenure under the *Land Act*, but nevertheless and appropriately advised for its future protection from both human and domestic livestock entry. Had the Appeal Board been notified of the conflicting tenure status of Dolan Creek, it would have investigated the implications and perhaps have given a more noteworthy finding, which in turn may have created a domino inquiry effect on the government's mismanagement of Watershed Reserves that had been seriously underway for some twenty or more years.

According to government records, the Environmental Appeal Board ruling to restrict public access in the Dolan watershed infuriated Social Credit Party top administrators in the Ministries of Forests and Environment. They were deeply troubled because the two Ministries were now consenting, corrupt partners in the midst of a provincial conspiracy, plotting a full assault against BC's water purveyors meant to compromise and subject their legally protected watershed sources to forest management and livestock grazing servitude.

Linked with this conspiratorial agenda, government records also show that BC's Chief Forester had wrongfully and knowingly consented to include the conflicting Dolan Community Watershed Map Reserve tenure lands into the provincial Annual Allowable Cut, an inclusion co-approved by administrative professional foresters in the Nelson Region Forest District. The principal method by which the Chief Forester (and those assigned to do so) could justify including the Dolan Reserve into the Ministry of Forests' forest management land base (determined by calculating 'netting down' procedures) was by having the Provincial Ownership Code books 'fudged' or 'cooked.'

For comprehensive and legal planning procedures, all lands in British Columbia are coded by government according to Land Ownership status. Such coding is critical for determining which lands are and are not subject to forest harvesting and range livestock resource management for the Ministry of Forests, or for other land permitting uses under the administration of other government agencies. For instance, by the early 1980s *Land Act* Order-in-Council Community Watershed Reserves and Community Watershed Map Reserves were numerically identified and coded by the government as part of group number "69," and were provided a corresponding "N" hyphen-linked with this number to denote these Reserves' independence or exclusion from the Provincial Timber Harvesting Land Base. By surreptitiously switching, altering and reformatting the Land Ownership Code from a "69-N" to a "69-C" status in the central computer bank files and print-out sheets was the only way of questionably including the Dolan into the domain of the Timber Harvesting Land Base. Of course, the same would have to be repeated for any or all of BC's Watershed Reserves that were targeted primarily by the Ministry of Forests. It was all strictly 'hush-hush.'

In the Spring of 1984, the now Orwellian-like Ministries of Forests and Environment sprung their secret plans to invade the Dolan Reserve on the unsuspecting Big Eddy Waterworks District. Both Big Eddy and two other water purveyors at and near the Town of Creston (with domestic water rights in the Duck and Arrow Creek Watershed Reserves) became the partnered Ministries' first guinea pigs when the Ministries introduced a new draft provincial planning process, the Integrated Watershed Management Plan (IWMP). Ironically, IWMPs were specifically designed by the two Ministries for BC's Community Watershed Reserves, a glaring oxymoron.

Leading into this IWMP process with Big Eddy, the Ministry of Forests Nelson Regional Forest District failed to sway and seduce the Big Eddy Trustees with an invitation to participate in an organized public relations “show-me” tour of the Blewett Demonstration Forest set up a few kilometres west of Nelson City. Narrated at length in Chapter 8, Demonstration Forests were an old forest industry tool and strategy meant to con and brainwash water purveyors and the public, in this instance by the Blewett water purveyors, a number of whom had been synergized by the Ministry of Forests and the forest industry to sanction logging in their domestic watersheds, two watersheds of which had been protected as tenured Watershed Map Reserves. However, the Big Eddy Trustees did their homework, found out about the track record of Crestbrook Forest Industries, the Cranbrook City-based licensee logging in the Blewett, and kept away from the brainwashing event.

Big Eddy Waterworks fights logging in watershed

Lloyd Good of the Big Eddy Waterworks presented City Council Monday with information on the problems of the Ministry of Forests plan for logging of the Dolan Creek watershed which provides water to Big Eddy.

Good said the watershed provides water to about 1000 people and at present the water does not need to be chlorinated.

In 1983 the ministry came up with a proposal to have Kozek Sawmills log 100 - 150 year old hemlock in the area. Although the hemlock has no commercial value, according to Good, the ministry wants to reseed

the area.

Also according to Good, Gordon Edwards wants to log his private property in that area. The Waterworks had earlier refused Edwards permission to come through the watershed. Now the ministry is allowing Edwards to build a logging road so he can truck out “40-50 truckloads of logs.” Good said that would cause a faster runoff and cause silt in the water, making chlorination “probably necessary.” It would also open up the area to snowmobiles, dirt bikers and cross country skiers. Good maintained costs of maintaining the watershed would increase.

Big Eddy Waterworks has requested the road permit be put on hold until a public meeting can be held.

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From late 1984 to early 1988 during a long series of meetings and IWMP scripts concerning Big Eddy, numerous revisions were made to the IWMP central document which continued to abide by a controversial management component: a network of road access and clearcutting on more than half of the small Dolan Reserve. In the end, in 1988 the Big Eddy Trustees stood their ground and prevailed against the IWMP document and its authors, rejecting over three years of taxpayer public relations-based attempts by the Ministries of Forests and Environment to change their position against logging, a position the Trustees consistently had held since 1950.

While the Big Eddy machinations were underway in the 1980s, BC’s water users, water purveyors and citizenry got politically organized to speak out and rally against the government’s collective incursions to community watersheds. Dozens of local community organizations were formed as a result, and in 1984 many banded together to form a central lobby group, the BC Watershed Alliance, after a provincial conference was held in August in the lower Slokan Valley called *For Love of Water*. The Alliance’s internal records and legal reviews of government legislations indicate that none of the lawyers, groups and organizations were cognizant of the existence and legal powers of Watershed Reserves. It was a very serious political knowledge gap pointing to the success of the Social Credit administration in having kept the Reserves more or less hidden from the public. Unfortunately, the first proper analysis of Watershed Reserves by BC citizenry seems to have occurred in 1992-1993 by the Tuwanek Ratepayers during a Ministries of Forest and Environment review of protection and logging issues in the Sunshine Coast Regional District’s Chapman and Gray Creek Watershed Reserves.

In their arguments and public meetings with the Ministries of Forests and Environment in the 1980s, the organized concerns of these groups, and those registered with the BC Watershed Alliance, which included the activities of Big Eddy, drew significant attention to the issues of public

liabilities and financial compensations to BC's water purveyors resulting from cumulative logging activities in community watersheds. According to internal government records, these concerns prompted the Ministry of Forests to have the BC Attorney General's legal staff conduct a thorough and ongoing internal analysis of liability, recorded through a long series of confidential memos, correspondence records and reports. Never before published, the *Big Eddy* report presents a summary of the government's internal legal documents and initiatives, and the government's onerous decision in 1989 about its liability responsibilities: it decided to simply abandon and ignore these rather daunting compensatory responsibilities.

The Big Eddy had an early, central role in these collective liability matters, because the Trustees had been responsible for establishing two important precedents: having BC Hydro dish out over \$1 million in compensation costs; and by the 1983 ruling of the Environmental Appeal Board.

Collectively, provincial water quality standards and objectives for BC's community watersheds were being systematically degraded in the 1980s, primarily by way of aggressive forest management activities and livestock grazing. So powerful were the integrated political interests to degrade them, that even when *The BC Committee for Safe Drinking Water*, comprised of BC Medical Association physicians, spoke out repeatedly against the government's policies in the early 1990s, nothing changed. When the NDP administration created the *Safe Drinking Water Regulation* in 1992 (linked to new federal regulations and directives on drinking water), the *Regulation* failed and ignored including a necessary and logical provision to physically protect drinking water sources, despite the fact that a large block of them were supposedly protected as tenured Watershed Reserves, and despite pre-election promises by the administration to protect drinking watersheds in general.

Because of the increasing sorry state of drinking water linked to the invasion of community watersheds, in the 1992 *Regulation* was a new mandate to 'chlorinate' all surface water sources, something that didn't sit very well with BC's water purveyors, who were now being told by the government that they themselves had bear the financial and treatment onus for what private commercial interests were largely responsible for by way of government policy.

The hamlet of Big Eddy and the City of Revelstoke immediately lashed out and merged to forcibly oppose the government's chlorination treatment mandate, because for many decades neither water purveyor had previously treated its water intake sources: forty years for Big Eddy; and sixty years for Revelstoke City. On December 2, 1992, over 500 people from Revelstoke City and Big Eddy crammed into a public school gymnasium to hear a lively public panel debate on the government's drinking water *Regulation*. At the event, panel speaker NDP elect Member of the Legislative Assembly (MLA), Jim Doyle, made a significant announcement. Due to the public furor about the chlorination mandate provision in the new *Safe Drinking Water Regulation* by many British Columbians, the Ministry of Health had just made an amendment, whereby: "*Revelstoke would not have their water treated if it does not need to. And I think that you, and most other people in the province, are now convinced of that, then Revelstoke water is just fine and leave it alone. I am here to say that your water will not be treated and I feel your water is as good as you say it is.*"

After a mysterious, minor drinking water contamination event in Revelstoke City's water distribution system in 1995, the government immediately ordered the City to treat its water, and an expensive water filtration plant was eventually built at the Greeley Creek intake. The Big Eddy Trustees continued on its own to oppose the chlorination treatment of its water supply system from the gravity-fed Dolan Creek. Because of Big Eddy's stubborn non-compliance with new

government regulations, in July 2002, Norman Clarkson, the manager of Health Protection with the Interior Health Authority in Vernon City, sent Big Eddy an official double-registered letter and ordered that it “*sever the pipe supply water from the Dolan Creek source in the pump house, and fill the ends of the pipe with concrete.*” Dolan Creek, the community’s water source since 1950, went into hibernation while Big Eddy was ordered to drink from and domestically use nearby electrically-pumped groundwater sources that were originally tapped during BC Hydro’s right-of-way construction in the early 1980s.

According to recent computer data records with the BC Ministry of Lands Regional office in Cranbrook (Front Counter), both Dolan Creek and Greeley Creek are, oddly, no longer status registered as Watershed Reserves. Apparently these computer data omissions seemed to have occurred sometime before late 1997, and apparently without government administrators notifying the Revelstoke City and Big Eddy water purveyors. After discovering the mystery, on June 4, 2013 the B.C. Tap Water Alliance notified the City of Revelstoke of the mystery status in a letter to Mayor and Council, and advised the City to contact the government immediately and have Greeley Creek reinstated as either a Map Reserve or an Order-in-Council Reserve in order to protect the City’s “*vital interests.*”

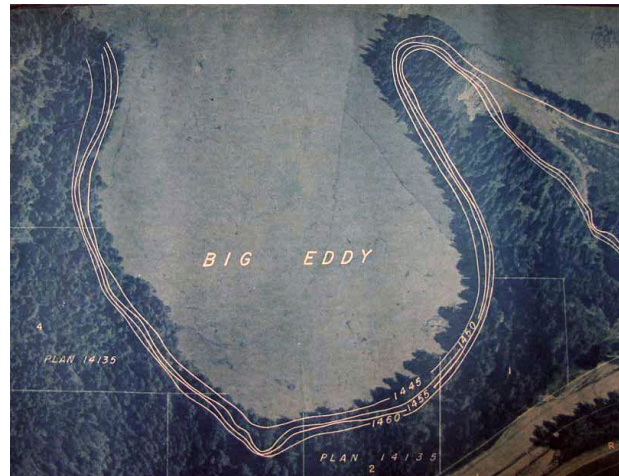
Alarming, the BC Tap Water Alliance discovered in March 2013 (announced in its March 21, 2013 press release) how the BC Liberal Party administration secretly demoted the protected tenure status of over sixty Community Watershed Map Reserves over a four and half year period from late 2008 to 2013, and allegedly did so without notifying each water purveyor to whom the Reserves were assigned for protection. Ever since the re-establishment of Watershed Reserves en masse in 1973 following, no administration has yet dared to do what this administration recently did. The Map Reserves were demoted from Section 16 Map Reserve status to the unprotected tenure status as Section 17 Land Act Designation Reserves.

These demoted Map Reserves were located within the operational boundaries of Ministry of Lands’ South Coast Region, a large Region extending from: the Lower Fraser River Mainland by Metro Vancouver eastward to the Town of Hope and northward up the Fraser River Canyon area; from the Howe Sound area by West Vancouver northward to the resort area of Whistler and the Town of Pemberton; and from the Sunshine Coast area northwest to the Powell River area. Unlike Map Reserves, Section 17 Reserve tenures exclude prohibition of dispositions, and provide government administrators with the Ministry of Environment discretionary powers and latitude to allow dispositions to be made by other resource Ministries (i.e., Timber Sales, etc.), if the dispositions are deemed “compatible” by the Ministry of Environment.


1. THE BIRTH OF THE BIG EDDY WATERWORKS DISTRICT

1.1. 1949-1950: Community Meetings

In the weeks and months of September to October 1949, several meetings were held in the living rooms and kitchens of the Big Eddy ratepayers, a small community organization situated just west and directly across the Columbia River from the City of Revelstoke. One meeting in particular was held in the Granstrom's home on October 3rd, where discussion led to a consideration to form a "Water District". Wilf Clough became secretary of the newly formed planning group.



On October 8th, A.F. Paget, the District Engineer for the Kelowna Regional Water Rights Branch,⁷ a Branch then under the Department of Lands and Forests, responded to the ratepayers' wishes, and

DEPARTMENT FILE NO.		OFFICE OF ENGINEER
LOCAL FILE NO. R 3034		435 Bernard Ave., Kelowna, B.C. November 25th, 1949....
WATER RIGHTS BRANCH DEPARTMENT OF LANDS AND FORESTS		
Re Proposed Big Eddy Waterworks District.		
<small>DO NOT WRITE ON MORE THAN ONE SUBJECT ON ONE PAGE.</small>		

enquired which water source the Big Eddy ratepayers desired to tap into with a "minimum of a 4 inch pipe". A reply was sent to Paget after another meeting in Sandy Hollingworth's home on October 23rd, regarding "a motion to the effect that "Dolan Creek", previously known as "Brickyard Creek", is to be used as our source of supply was passed."

The twenty or so families who wanted fresh creek water service to their homes also made alternative enquiries on November 1st with the City of Revelstoke, the "possibility of the City supplying our water needs." After a Revelstoke City Council meeting on November 8th, a reply was forwarded to Secretary Clough the following day relating the engineering difficulty of laying a metal transport pipe either across and underneath the Columbia River or adjoining the lengthy structure of the Columbia Bridge. Similar considerations against such a pipeline proposal to span the Columbia River had been made by City Council in 1910, when the much larger Jordan Creek watershed, located directly north of Big Eddy and on the west side of the Columbia River, was proposed as the City's future water supply. No more was made of the incorporation proposal by Big Eddy to join with Revelstoke City until it resurfaced again in the late 1970s during and following a Water Comptroller's Hearing regarding electrical transmission corridor concerns stemming from B.C. Hydro's construction of the Revelstoke Dam.⁸

⁷ The 1946 annual report of the provincial Water Rights Branch provided a map of Regional Water District boundaries, showing that the City of Revelstoke was in Area No. 2, with its own Water District office, governed by a Regional office in Kelowna.

⁸ The terms and conditions for this proposal were provided in a letter from the City of Revelstoke on October 25, 1979: "it was concluded that they would involve the District in substantial initial and recurring expenses, and that these would be such as to result in a bulk supply from the City being more expensive than either the surface or groundwater alternatives" (Big Eddy Water Supply Project Memorandum 1221/7, January 31, 1980).

WATER RIGHTS BRANCH

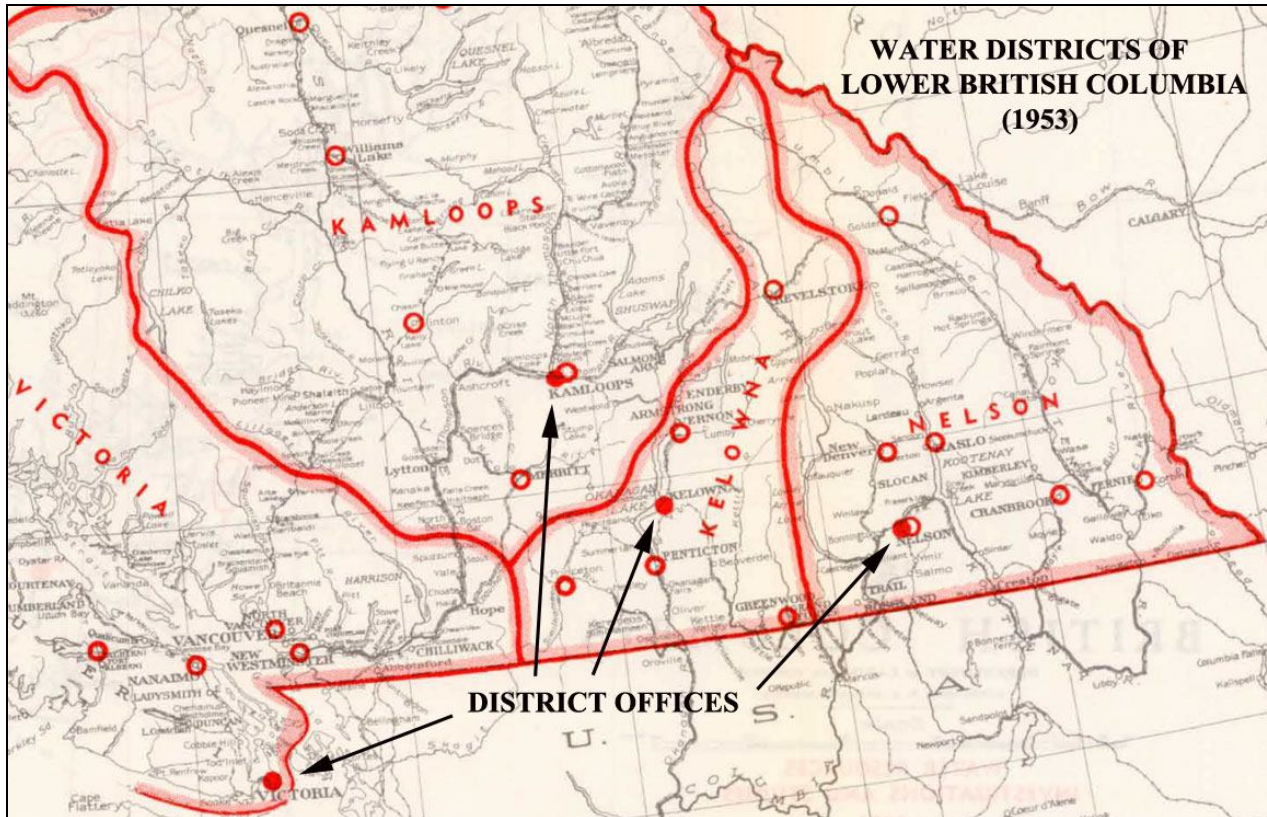
KELOWNA DISTRICT OFFICE

R. G. HARRIS, B.A.Sc., B.C.L.S., M.E.I.C., P.ENG., DISTRICT ENGINEER



The Kelowna office, administering an area of approximately 15,000 square miles, includes the Grand Forks, Fairview, Princeton, Vernon, and Revelstoke Water Districts. This area comprises the Kettle River, Similkameen, and Okanagan drainage-basins and, in addition, the Shuswap River drainage-basin from Sicamous to its source, and that part of the Columbia River drainage-basin from Boat Encampment, the northerly limit of the Columbia River, to a point about 15 miles south of Arrowhead on the Upper Arrow Lake.

Kelowna is centrally situated with regard to serving its administrative area, and most of the important centres are readily accessible within a few hours' drive.



On November 25th, 1949, W.A. Ker, assistant District Engineer with the Kelowna Water Rights Branch, advised the Big Eddy ratepayers to refrain from holding any more meetings until the “*actual incorporation of the District and the election of your Trustees,*” and then forwarded their petition to the Comptroller of Water Rights office in Victoria City, the Capital of British Columbia.

On December 14th, J.E. Lane, Deputy Comptroller of Water Rights, sent the following letter to the “*Secretary of the Organizing Committee of the proposed Big Eddy Waterworks District*” with information about the technicalities of becoming a registered Waterworks District:

Since a substantial majority of the land owners in the proposed district have not signed the petition either because they are non-resident owners or for some other reason, we are forwarding notices of incorporation which are to be posted in the Post Office and two other prominent locations. In order to carry out the first election of Trustees please forward the full name and address of a person to act as Returning Officer, preferably a person who would not be nominated as a Trustee. Also advise us whether you wish three or five Trustees to administer the District.

W. Clough wrote back to Engineer Paget in Kelowna on December 19, 1949 remarking that “*everything appears to be coming along in a most satisfactory manner and the residents of Big Eddy District appear to be enthusiastic over [the] idea of having a Water District formed.*” According to correspondence from the Deputy Comptroller of Water Rights on January 19, 1950, the Lieutenant Governor-in-Council required a certain amount of signatures from a community to enable the incorporation of a Water District.

On March 6, 1950, provincial Lieutenant-Governor C.A. Banks proclaimed the Big Eddy Waterworks District an Improvement District under section 50 of the *Water Act*, where it provided the Lieutenant Governor to “*incorporate a tract of land and the owners thereof as an improvement district.*”

On March 22, 1950, S. James, W. Clough, and B. Granstrom were elected as Trustees of the Big Eddy Improvement District. Having done so, the new Trustees had some homework to do about administrative governance, and on March 28th they

requested Kelowna engineer Paget for assistance, as “*we are really at a loss to know just what our next step is to be taken and believe you would understand our difficulties.*”

PROCLAMATION

[L.S.]

C. A. BANKS,
Lieutenant-Governor.

CANADA:

PROVINCE OF BRITISH COLUMBIA.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, KING, Defender of the Faith.

To all to whom these presents shall come—
GREETING.

E. T. KENNEY, { *Minister of Lands* } WHEREAS by section 50 of the “*Water and Forests Act*” it is provided that the Lieutenant-Governor in Council may incorporate a tract of land and the owners thereof into an improvement district:

And whereas the Lieutenant-Governor in Council has, by Order in Council made pursuant to the said Act, been pleased to order that the tract of land hereinafter described and the owners thereof be incorporated into an improvement district under the said Act, and has made further provision to the tenor and effect hereinafter appearing:

NOW KNOW YE that by these presents We do hereby order and proclaim:—

2. The said improvement district shall be known as the “*Big Eddy Waterworks District.*”

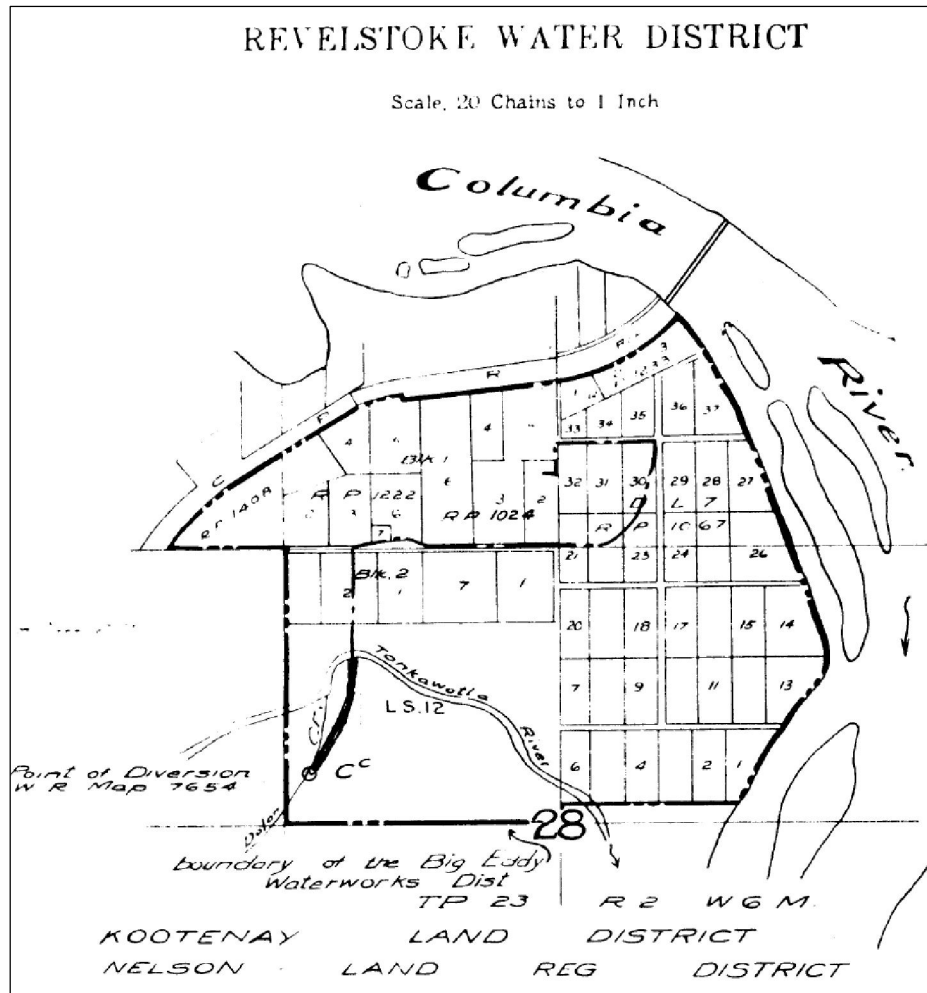
3. The objects of the said improvement district shall be the acquisition, maintenance, and operation of works for waterworks purpose and all matters incidental thereto:

4. There shall be three Trustees of the said improvement district.

On December 2, 1950, the Big Eddy Waterworks District received a letter of response from the Interior Contracting Company Ltd. It detailed the results of the water sample the District sent to the laboratory located at the Dominion Experimental Farm near Coquitlam City. J.C. Wilcox, who analyzed the water sample from Dolan Creek, gave the water sample a clean bill of health:



This water had a pH of 7.64 and a conductivity of 9. This means that it is moderately alkaline in reaction and has a low content of soluble salts. There is neither black alkali nor white alkali present. In so far as pH and salt content are concerned, this water is entirely suitable for either irrigation or domestic purposes.

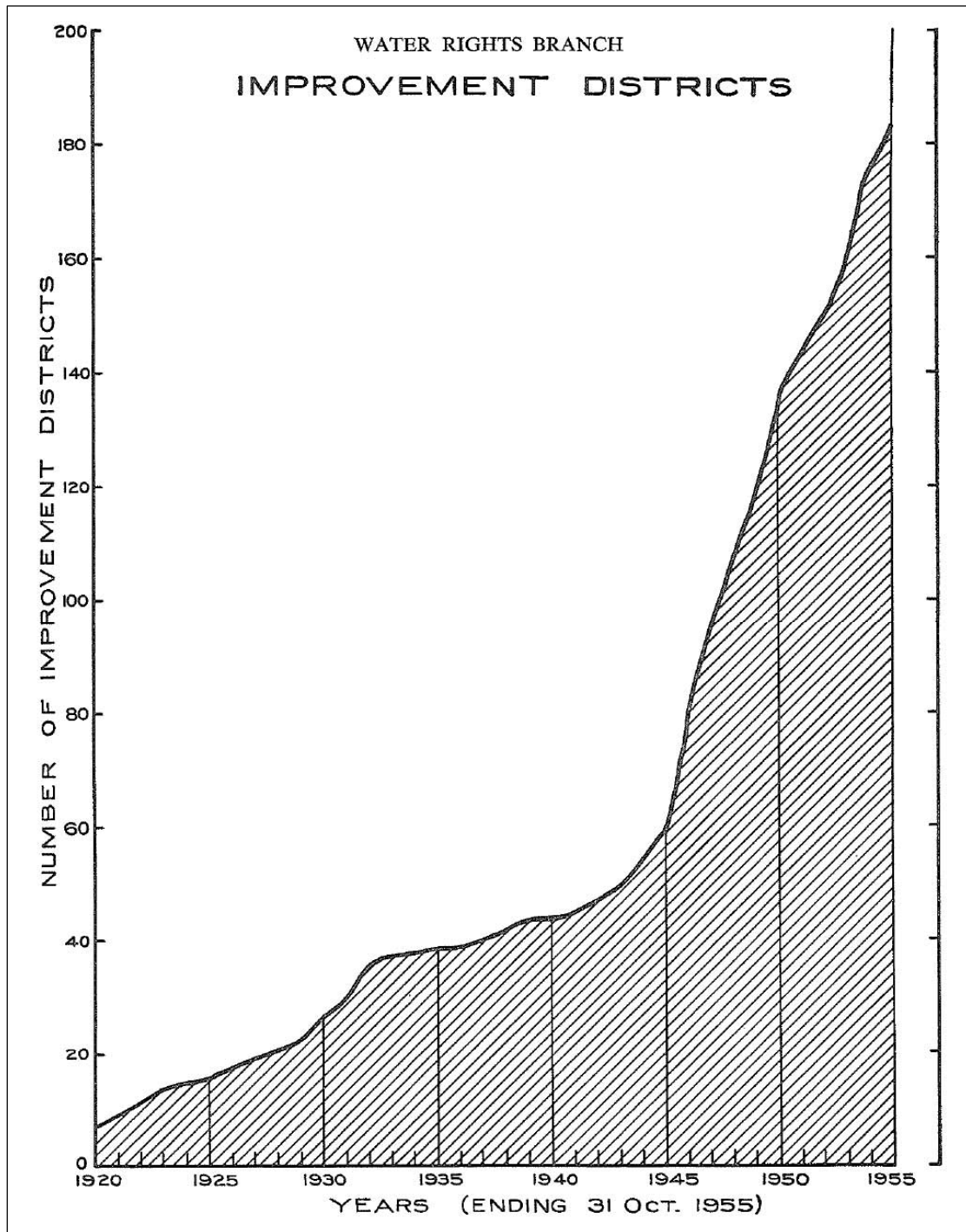


1.2. Legislation about Improvement and Water Districts

As explained in a 1948 article in the American Water Works Association Journal, the B.C. provincial government first created Water Works Districts in 1920:

In 1920 an important section, which might well have been a separate code, was added to the [Water Act of 1914]. This provided for the organization of so-called improvement districts. These were, in effect, municipalities with powers limited to the objects for which they were formed and corresponded to the public utility districts in the United States. Though originally designed to provide for the rehabilitation of the irrigated areas of the province, they were

quickly used for the organization of water works districts to construct and occasionally take over water works systems. There are now about 30 water works districts in the province, all functioning very successfully. It may be of interest to note that the formation of a district does not depend on the approval of the holders of water rights in it. The decision is at the discretion of the Lieutenant-Governor in Council, who considers the recommendation of the comptroller as it affects the policy of the government.⁹



⁹ J.C. MacDonald, *Water Legislation in British Columbia*, in *Journal of the American Water Works Association*, February 1948.

As stated in the 1946 Water Rights Report, the annual Report of the Lands, Surveys, and Water Rights Branches:

IMPROVEMENT DISTRICTS AND WATER USERS' COMMUNITIES

*In order that water-users in otherwise unorganized territory may combine and pool their licenses, and operate over contiguous areas, provision is made for two types of organization: water-users' communities and improvement districts. The former, designed for small communities, may be formed by six or more licensees, to operate co-operatively under a manager. Improvement Districts are designed to take care of larger communities, are operated by elected Trustees, and are public corporate bodies. Both types may be organized for any purpose within the meaning of the "Water Act." The majority of both types of organization are for waterworks and irrigation purposes, but districts are also functioning for fire-protection, drainage, dyking, and power purposes. There are now thirty-seven water users' communities and eighty improvement districts. Two of the former and twenty-two of the latter were incorporated in 1946.*¹⁰

Again, as stated similarly two years later in the 1948 Water Rights Report, the annual Report of the Lands, Surveys, and Water Rights Branches:

IMPROVEMENT DISTRICTS AND WATER USERS' COMMUNITIES

These are organized to enable water-users to combine and pool their resources. Improvement districts take care of large communities and are operated by elected trustees who have wide powers, including those of taxation, tax sale, and borrowing.

The Water Rights Branch bears a somewhat similar relationship to the districts and communities as the Department of Municipal Affairs does to the municipalities. This involves considerable legal, clerical, and, in the case of debtor districts, engineering work. Their organization, including the drawing-up of letters patent, is handled by the Branch; their by-laws are registered by the Comptroller, and are no legal effect until they are. In many cases the by-laws themselves are drawn up by Branch officials, as many of the districts are run by part-time officials they require a lot of detailed guidance.

*It is interesting to note that we now have more districts than municipalities, including villages, in the Province, which indicates the work involved.*¹¹

Another brief summary of this legislation was later recorded in the 1964 proceedings of the B.C. Natural Resources Conference,¹² which explained the two forms of rural community water users:

¹⁰ Pages 81-82. Note: the Water Rights Branch published annual reports up until 1918, and then from 1945 following. Oddly, the agency published no annual reports from 1919-1944. The Provincial Archives in Victoria holds many early documents from the Water Rights Branch.

¹¹ Page 146.

¹² The annual conferences were first held in 1948 and continued to 1970, keenly attended by university academics, government and private industry representatives. Transcripts of the conference proceedings were published each year, important sources for natural resource historians.

*The Water Act provides for two types of organization for the co-operative provision of water supplies; namely, the water users community, and the improvement district. The former is a group of individual water licence holders who operate a system jointly, and is relatively unimportant in the field of domestic water supply. The improvement district, however, is becoming increasingly important, and at present there are 149 improvement districts in British Columbia supplying water for domestic purposes. The improvement district is run by a board of trustees elected by the land-owners in the district and reporting to the landowners annually at a general meeting. When the provision for waterworks purpose is the principal function of an improvement district it is called a waterworks district.*¹³



By the early 1990s, the provincial government began a program to disband and eliminate, or integrate, Improvement and Water Districts into the administrative function of Regional District governments. This ‘harmonizing’ strategy would remove the former autonomy and local decision-making powers of affected communities at the discretionary and more remote accountability of regional government politicians and administrators, decisions transferred and concentrated over the control of water licensing and management authority of public and private forest lands.

¹³ *The Water Resources of British Columbia*, page 89, in *Inventory of the Natural Resources of British Columbia*, published by the BC Natural Resources Conference, 1964.

2. THE BIRTH OF THE DOLAN CREEK WATERSHED RESERVE AND CONTROVERSIES OVER BC'S EARLY WATERSHED RESERVES

*Our Cities and Towns require unlimited supplies of pure water.*¹⁴

.....

*For many generations the people of North America “couldn’t see the forest for the trees.” Trees mean logs and logs mean lumber; and both mean employment, trade and wealth. The forest, on the other hand, means not only logs but climate, moisture, soil conservation, water-control, fur, game, fishing, aesthetic values, recreation and health. These supplementary values are imponderables, but quite possibly of an aggregate social value in excess of pure commercial values. Any forest administration, therefore, that fails to give them a place in management plans is only half aware of its responsibilities.*¹⁵

.....

Mr. King asked the Hon. the Minister of Lands the following questions: 1. What precautions are taken by the Department for the protection of watersheds which form a source of domestic and irrigation water-supply?...

*The Hon. Mr. Kenney replied as follows: 1. Before any sale is made a joint report and recommendations are required of the District Forester and the District Engineer of the Water Rights Branch and due regard is paid to irrigation interests and domestic water users. The Chief Forester may disallow a timber sale where any logging may adversely affect these interests. Not infrequently a selection cutting will safeguard the supply of water and control erosion, stream-flow, and floods, and at the same time maintain the stand in perpetuity. Where contamination may be the chief consideration, the Chief Forester may likewise disallow any timber sale application.*¹⁶

2.1. The Big Eddy Trustees Request a *Land Act* Watershed Reserve

As so many other community, village, township, urban, and city Water and Improvement Districts formed before them, it didn't take very long for the Big Eddy Trustees to acquaint themselves with their newly formed responsibilities. And, like most of them, on November 4, 1950 Secretary Clough wrote to the government, in this case E.L. Scott, the Forest Ranger located in a small Ranger Office house in the community of Big Eddy, requesting “*this as our application to the Forest Branch for a reserve of the timber in the valley of Dolan Creek as a water shed for our source of supply.*”

Secretary Clough's reference to a “water shed,” alternatively spelled ‘watershed,’ were the terms used by government for a long period of time to denote a ‘community watershed’ or an ‘irrigation watershed’ source. It wasn't until the 1970s when the term ‘community watershed’ was first pegged by the BC government and began to take force to replace the older term. Whenever the word

¹⁴ Lands and Forests Service, Annual Report, 1946, page II-78.

¹⁵ B.C. Forest Service Annual Report, 1939, page E 11.

¹⁶ Journals of the Legislative Assembly of the Province of British Columbia, March 8, 1945. Question by Liberal Party MLA (Columbia Riding) Thomas King to Liberal Lands Minister E.T. Kenney (Skeena Riding). Comments made during the Sloan Commission on Forest Resources. Note that the Minister was not asked to comment on watersheds with “Watershed Reserve” tenures.

Mr. E.L. Scott
Forest Ranger
Revelstoke, B. C.

Box 25
Revelstoke, B. C.
November 4, 1950

Dear Emory:

The Big Eddy Water Works District was incorporated in March, 1950 and we are using Dolan Creek which flows from the south into the Tonkawatla River approximately a mile from the Columbia River.

Would you kindly accept this as our application to the Forest Branch for a reserve of the timber in the valley of Dolan Creek as a watershed for our source of supply.

Trusting this will meet with your approval, I remain.

Yours truly,



W. Clough
Secretary to the Trustees of
The Big Eddy Water Works District

‘watershed’ appeared in early government mapping manuals and handbooks for both Land Department and Forest Service planning procedures it often signified a source or a location of outright resource protection, and the term even appeared as a special identity in land status or Ownership Code sections.¹⁷

Almost all of these early Reserves registered on the Lands Service Departmental Reference Maps and on Forest Service Forest Atlas Reference Maps had thick, dark blue lined boundaries¹⁸ to identify their purpose and were registered with Lands Department file numbers in a central Registry. And, marked in bold italics, placed there to caution administrative Crown Land planners and government staff reviewing Forest Service Reference Atlas Maps, was the standard phrase, *No Timber Sales*. It has not been established exactly when the *No Timber Sales* proviso was no longer incorporated by mapping and planning personnel on legal provincial planning Reference Maps over the domestic and irrigation Watershed Reserves (it most likely began to end sometime in the 1950s), or when it first began, but it was once a golden rule. No doubt the three words bothered and irritated private industry and some government foresters when the sustained yield logging mandate over BC provincial forestlands was underway in the 1950s. The neglect or alteration to include the remindful proviso later served its purpose to bring forgetfulness and confusion to the function and nature of the Watershed Reserves. With the eventual exclusion of the phrase, the only map traditions that remained were written references to the “O” file Lands Registry file numbers associated with the Reserves, along with the blue boundaries and words identifying the area as a Watershed Reserve. These early maps that showed the *No Timber Sales* logo over community and irrigation watersheds were, apparently, never shown or disseminated to the public, and never seemingly provided or included in later public inquiries and in forest management reports.

¹⁷ See Appendix A for information on Ownership Codes.

¹⁸ There were earlier exceptions to this later standard color coding for community and irrigation watersheds: some of these Reserves were identified by orange, red or even yellow line boundary coloring.



Recent image from Google Earth showing the town of Big Eddy (center, right) and its neighbour City of Revelstoke (far right). The Columbia River, regulated by BC Hydro's Revelstoke dam located just north and upstream of this photo, naturally divides Big Eddy and Revelstoke. The two urban centres are connected by three bridges: the Trans Canada Highway bridge; the Canadian Pacific Railway bridge; and an old metal bridge for single vehicle access. The name of Big Eddy is derived from a large whirlpool area so named just north of the town. To the left and immediately west of Big Eddy is most of the Dolan Creek watershed, bounded in yellow dotted lines. The hydro transmission line right-of-way in the right portion of the watershed was the subject of great controversy in the late 1970s and early 1980s.

When the Big Eddy Trustees first requested the Forest Service to grant them a Crown *Land Act* Reserve over Dolan Creek, the Service would have had to notify and consult with its joint partner Crown Lands staff to also facilitate and register the land reservation request on Lands Departmental Reference Maps. Those were, or were supposed to be, the rules. At that time, in 1950, the Forest Service was legislatively and administratively linked at the hip to the Lands Department, under the *Lands and Forests Act* created on April 5, 1945, unlike its later 'stand alone,' 'single purpose' and autonomous agency legislation on July 6, 1978, the creation of the *Ministry of Forests Act*, after which it aggressively sought to abduct and take political control over the administration of community watersheds from the Ministry of Environment.¹⁹ Prior to 1945, the Forest Service was a subservient agency under the administrative authority of the Lands Department since the Forest Service's creation thirty-three years previous in February, 1912.

It was common knowledge by B.C.'s water users/ purveyors in 1950, the understanding that the lands and forests – everything that constituted the physical attributes of water sources within community drinking watersheds – should be protected. Apparently, all of the community watersheds were, or were supposed to be. For instance, in the larger urban provincial centres in southwest and in southeast BC:

- the three Greater Vancouver Water District watersheds, the Capilano, Seymour and Coquitlam, were fully protected under Crown Lease provisions of the *Land Act*;

¹⁹ When the Ministry of Environment was created in 1975, it amalgamated the Water Resources Department and the Water Rights Branch under its new domain. The Ministry of Lands became a separate entity.

- Victoria City’s private watershed lands above Sooke Lake that were purchased (in 1925), owned and operated by the City were still intact and in a protected state;²⁰
- Nanaimo City’s Jump Creek watershed located in private forest lands owned by forestry tycoon H.R. MacMillan, British Columbia’s first Chief Forester, was still unlogged.²¹
- The City of Nelson;
- Rossland City.



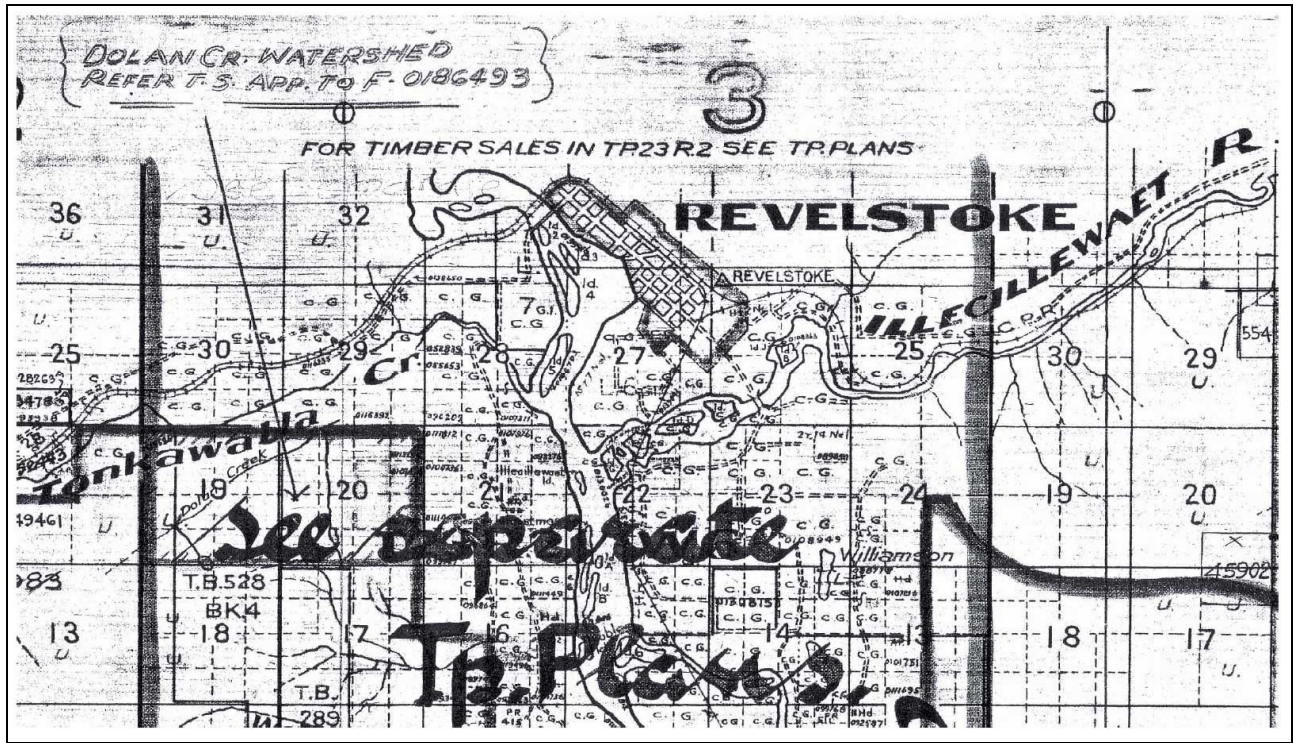
Above: aerial photo of Jump Creek, circa 1947. Source: U.B.C. Special Collections, H.R. MacMillan/ MacMillan Bloedel Records. The Jump Creek watershed, the source of drinking water with the former Nanaimo Water Works District, is seen here in an undisturbed state, before H.R. MacMillan began logging it in 1955.

It was a natural immediate response, and perhaps also an immediate accompanying suggestion from a provincial agent in the Water Rights Branch, that the newly incorporated Big Eddy Waterworks District request the Crown lands within Dolan Creek be withheld from exploitation and reserved for “single use”, a term that a small contingent of administrative foresters were uncomfortable with, and more so, it seemed, as the years passed.

This “single use” legacy was not just confined to B.C., but was widely recognized and practiced in many jurisdictions in Canada, and particularly in the United States, in fact recognized internationally. As identified in a critical 1933 federal United States, two-volume, 1,600-page

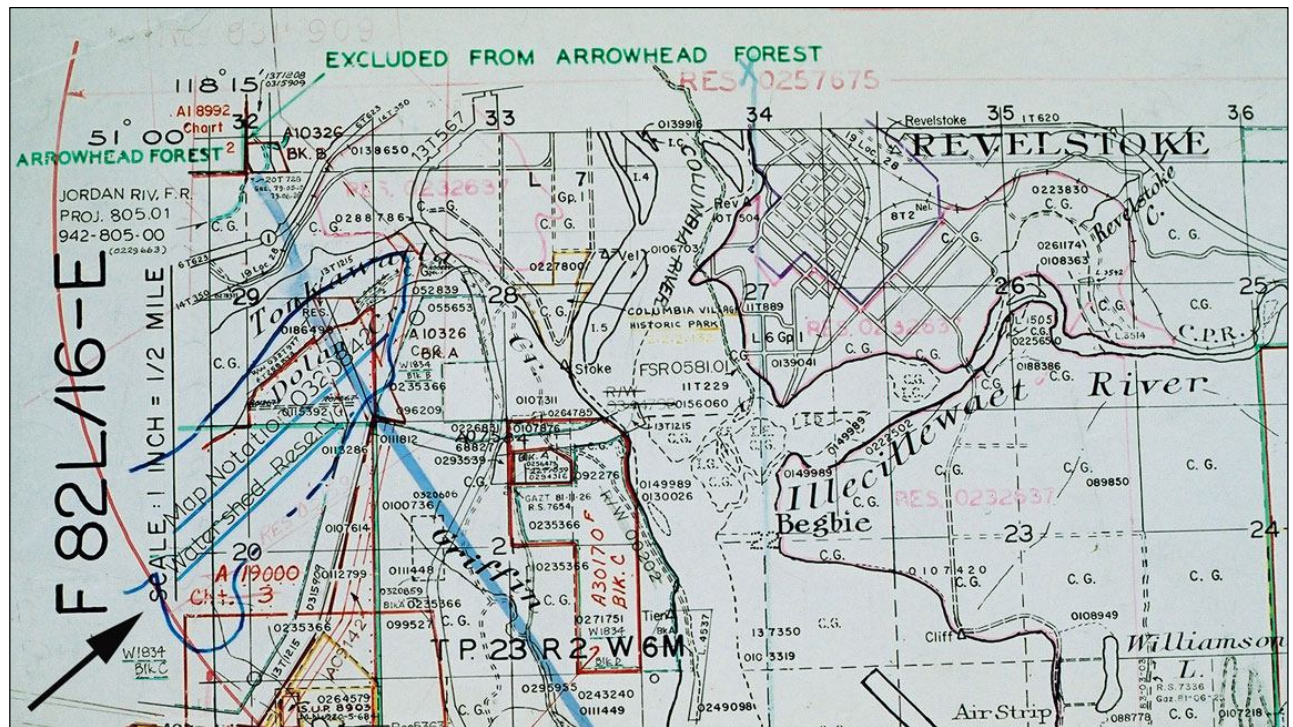
²⁰ Great public controversy raged as logging began in Victoria’s pristine coastal watershed in the early 1950s. A later court ruling in 1994 found the controversial logging operations conducted in the watersheds contravened the *Greater Victoria Water District Act*.

²¹ Reportedly, BC forestry tycoon H.R. McMillan began logging the pristine Jump Creek in 1955.



Above: copy of a Forest Atlas Map (82K/NW-W, 82L/NE-E) that first registered the Dolan Watershed Reserve in about 1951. The map references the watershed name at the top left, provides a reference to a file number, and an arrow pointing to the watershed location. Note that the map does not state *No Timber Sales*, as earlier maps always did.

Below: a more recent map made sometime in the 1970s showing the Dolan Watershed Reserve, its blue boundary, and the more recent Lands Department file number (see large black arrow showing the location of the Dolan Reserve).

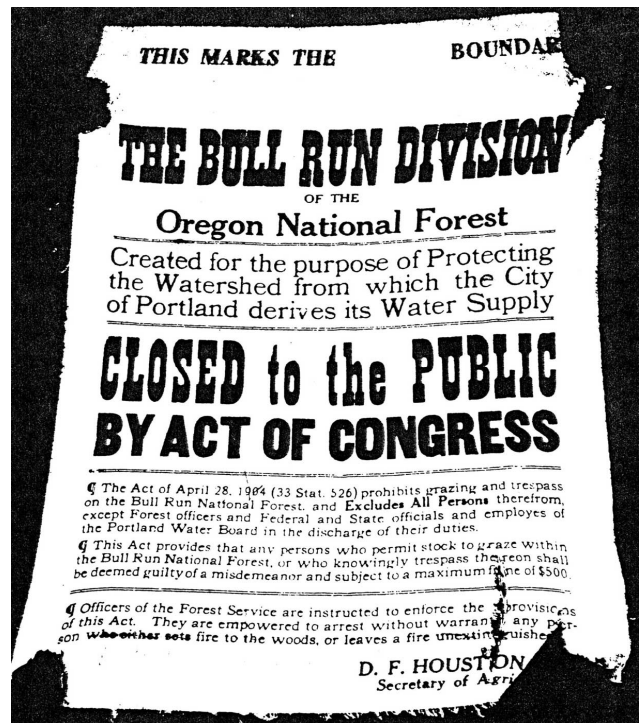


document, *A National Plan for American Forestry* (otherwise referred to as the Copeland Report), since the vast plundering of American forests in the late 1800s amendments were made federally to re-constitute and categorize community watershed lands on national reserve forest lands as “*protection forests*” under a land category of “*single purpose*”, for domestic water use only:

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

*Another formula for the administration of public forest lands demands exclusive attention to a single objective. This concept is exemplified by the national parks, power withdrawals, and **municipal watersheds** The exclusive-reservation formula has a definite place in public-land management but applies to areas of outstanding importance or quality where one use has overwhelming dominance.... **Most of these municipal watersheds are within national forests and have been set aside as special reserves on which other uses are restricted or entirely eliminated.** [Bold emphases]*

Revealed in Oregon State newspapers in 1977 were summary statements by federal politicians and top U.S. Forest Service administrators, noting that there were about three thousand (3,000) such municipal drinking watersheds dispersed throughout America’s federal forestlands.²² The reference to the 3,000 watersheds emanated from many questions revealed in the March 1976 Oregon Supreme Court Justice Burn’s decision which ruled that the U.S. Forest Service was guilty of “illegal” logging in the City of Portland’s Bull Run Watershed Reserve which had been protected by federal statute since 1892: the Forest Service had trespassed and allowed commercial logging in the Bull Run since 1958. An internal U.S. Forest Service document from 1952, uncovered by a City of Portland school teacher in a Freedom of Information request in the late 1980s, described how an Oregon State federal forest supervisor forged a detailed step-by-step strategic plan to deceive and trick Portland City’s Water Department administrators in order to invade the protected Bull Run. Unbeknownst to British Columbians, the U.S. Forest Service’s underhanded invasion of the Bull Run Watershed Reserve in 1958 most likely and quietly set forth a feverish precedent and devilish chain reaction for similar underhanded activities by the BC Forest Service’s top administrators.



²² I.e., *Bull Run Draws Duncan Ire*, published in the Oregonian, February 26, 1977.

The U.S. Forest Service's illegal logging agenda in the Bull Run originated from an organized national agenda by the U.S. forest industry in the late 1940s to invade all of America's protected drinking watersheds, with the specific aim to alter their protected status ("single use") and access the reserved timber, thereby creating an international domino effect on the protection policy: i.e., the source of B.C. Chief Forester McKinnon's quote from 1963 below, "*the problem of protection*". The timber industry's multiple cross-border association company members and foresters in western Canada simply followed suit to invade BC's community and irrigation watersheds.

Right: Copy of a AWWA document from 1995. Note the Canadian flag.

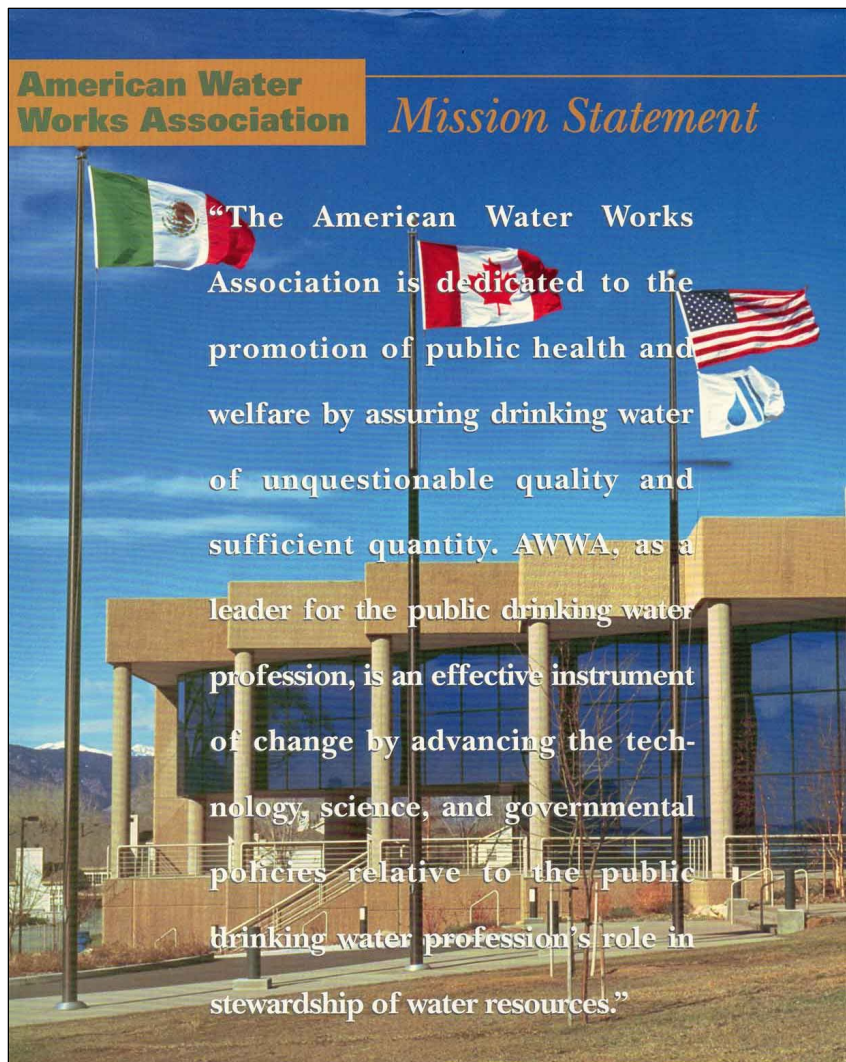
The American foresters advocating this invasion were aided by a small group of similar-minded professional accomplices, professional engineers associated with and operating within the American Water Works Association (AWWA), a large national membership with direct ties to the small town and municipal administration of America's vast network of water works systems that were hooked into these protected watersheds.²³ By 1973, a new extension or branch of the AWWA, the B.C. Water and Waste Association, was established in British Columbia, whereby members adopted the same watershed management philosophy against the explicit protection of community watersheds.

2.1.1. Colonel Parlow's Proviso

Revelstoke Forest District Ranger Scott forwarded the Dolan Creek Watershed Reserve application to his immediate chain of command in the Kamloops Forest Service District (Regional) office. On November 29, 1950 District Forester (Colonel) A.E. Parlow responded to the Big Eddy Waterworks District with the following:

We have reference to your letter of November 4 last addressed to our Ranger Scott in Revelstoke in connection with application for reserve of timber in the Dolan Creek watershed.

²³ See Chapter 8.4 for summary information about the AWWA as partner promoter with the Forest Service.



Watershed reserves of this nature are dealt with as a Departmental map reserve²⁴ [underline emphasis] on the understanding that the right to dispose of Crown timber by the Department is maintained but with all proper safeguards of the domestic water supply and elimination of logging operation hazards. To this end a notation has accordingly been made on our maps in respect to the Dolan Creek watershed.

What Colonel Parlow related in his letter to the Big Eddy Trustees about their Watershed Reserve rights amounted to a bluff, as in a big style poker game, a political deception and, apparently, an early new test case on the trusting public. The trickery in the wording to water users meant to muddle the rights they had over Watershed Map Reserves was later refined and perfected ten years later by way of instruction in an internal December 29, 1960 Forest Service memo sent by Assistant Chief Forester L.F. Swannell to regional provincial Forest Service administrative Foresters. In that memo, Swannell wrote how his foresters' "letters" of reply to a "District Water Engineer, Municipal Clerk or Irrigation District":

should be worded to suit the individual cases according to the legal status of the area, and care should be taken not to imply that the party concerned has any timber disposal rights or priorities which do not legally exist. In the case of a timber sale in a municipal watershed reserve, for instance, rather than asking if the municipality has any objection to the proposed sale, it is preferable to state that the sale is proposed and ask if there are any special conditions they wish us to consider for insertion in the contract. [Bold emphases added.]

There is a likely possibility that Swannell picked up and perfected his trickster memo language during his service as Kamloops District Forester in the 1950s. In fact, both Swannell and Colonel Parlow were bonded by another service, as both had left the Forest Service to serve in the Canadian armed forces during the Second World War and returned to fight another battle, as it were. In 1952, Swannell was transferred from his duties as the Prince George District Forester to replace Parlow as the Kamloops District Forester, where Swannell remained until his promotion to Victoria headquarters as Assistant Chief Forester in 1958. And it was in the Kamloops District office that J.R. Johnston, another Canadian armed forces colleague, served as Swannell's Assistant Forester until Swannell's departure to Victoria. When Swannell left for Victoria, Johnston was promoted to serve as the Prince Rupert Regional or District Forester for a few years until his reassignment as Nelson District Forester in 1962, where he remained for the following sixteen years, until 1978.

In 1950, Kamloops District Forester Parlow was able to manufacture a deception because the Big Eddy Trustees mostly likely did not understand the Reserve legislation and its policy and failed to challenge Parlow and the government. All of the Big Eddy's internal correspondence records from 1950 to 2000 that were reviewed for this report indicate that the Trustees never fully understood this Reserve legislation, and never came to terms with it, a very strange and mysterious thing indeed. As narrated in Chapter 7, they almost came to understand it in the 1980s during the Integrated Watershed Management Plan (IWMP) discussions and review process about Category One Watershed Reserves, a term first coined in 1977 by the BC Task Force on community watersheds to identify smaller Watershed Reserves under six square miles in area. Over 150 Category One Reserves were destined to be baptized from their limbo state as Section 12 *Land Act* Watershed

²⁴ In the 1980s, the BC government defined "Map Reserve" in the BC Lands policy manual as "withdrawal of an area from disposition to provide temporary protection of the land base and its resources from use and development." See Appendix A for Reserve legislation and definitions.

Map Reserves to Section 11 Order-in-Council Watershed Reserves²⁵ by the provincial government in the early 1980s, but the Ministry of Forests' top administrators interfered and railroaded the scheduled baptism by BC's Executive.

There are numerous indications from government and incorporated community records that, oddly, for a lengthy period of time none of BC's water purveyors, or researchers and lawyers investigating Crown land planning, really began to question or grapple the meaning behind the Reserves until the early 1990s.²⁶ That's when Sunshine Coast Regional District residents began serious investigative inquiries into the Reserves,²⁷ and is when the Regional District filed a legal writ with the Supreme Court in November 1992 that included information about legal tenure powers attributed to the Chapman Creek Watershed Reserve, a watershed which had been severely logged since it became a Reserve in 1973.

In the B.C. Tap Water Alliance's recent investigation of South Pender Harbour's twin Watershed Reserve on the Sunshine Coast over Haslam and Silversands Creeks, similar probing questions and inquiries on the status of its Watershed Reserve had been made by the South Pender Harbour Waterworks District in the early 1980s.²⁸

This apparent state of general confusion and ignorance well indicates the success perpetrated by administrators in the Forest Service meant to cloak, disguise and ignore the Reserves. Had the legal understanding of the *Land Act* Reserve legislation fully manifested itself to the Big Eddy Trustees, or to other water purveyors for whom the Reserves were established and then to be cared for by government, the Reserves would have been properly managed.

As discussed below in section 2.2. about the City of Revelstoke's Greeley Creek Watershed Reserve, Kamloops Regional forester Parlow was very familiar with what the Big Eddy Trustees were seeking. By creating a statutory Crown Reserve over Dolan Creek it held first dibs against Timber Sales and other dispositions, granting the water purveyor's interests in essentially the full protection of the watershed area. Parlow failed to properly impart the powers and functions of the *Land Act* Reserve, and to further clarify and state provisions whereby their watershed could be designated as a "permanent" or "gazetted reserve". For instance, ten years previous in 1940:

- Superintendent of Lands, Newman Taylor, who reported to Lands Minister Wells Gray, issued a Watershed Reserve to Rossland City correctly stating in his May 1940 correspondence that "*the area has been withdrawn from any disposition under the Land Act*" (see below);

²⁵ See Appendix A for a discussion of the *Land Act* Reserve legislation.

²⁶ See Chapter 4.6.

²⁷ From the perspective of non-government citizenry, Tuwanek Ratepayer chair Linda Williams seems to have been the first person to investigate, compile and present a reasonably thorough background policy analysis of Watershed Reserves, described in a nine-page document, *Community Watershed Reserves in British Columbia*, which was presented to the Tetrahedron Local Resource Use Plan (LRUP) Committee in 1993. Both her document, and the associated explanatory section on Reserves in the final LRUP report, caused great consternation among forest managers in the Sunshine Coast Forest District, so much so that the District Manager was reluctant to release the final LRUP report to the public.

²⁸ A report on the South Pender Harbour history is currently in the works.

- Minister of Lands, Wells Gray, offered the East Creston Irrigation District a Reserve in 1940: *This Department is prepared to place a statutory reserve upon the lands in conformity with provision of the Land Act.*²⁹

(8.) The Lieutenant-Governor in Council may grant to any incorporated city, owning and operating its own system of water-works, a lease of the vacant Crown lands which form the whole or any portion of the natural watershed from which such city derives its water supply, for such term, not exceeding nine hundred and ninety-nine years, and upon such conditions as may be deemed advisable, and may in such lease define the limits of such natural watershed.

Power to Lieut.-
Governor in Council
to lease watershed.



Due to its unpopularity by some government foresters, Parlow also failed to relate to the Trustees the option for a 999-year Crown land lease that had been available under the *Land Act* since 1908 to specifically protect the forests from logging, by granting the lease holder control over resource uses, legislation that was amended in 1970 by the Social Credit government to severely limit the original legislative mandate of the 1908 *Act*.



Had the Big Eddy Trustees' request for protection status instead gone directly to Minister of Lands and Forests Edward T. Kenney³⁰ at that time, or to Lands Superintendent R.E. Burns (there are no documents suggesting so), the Big Eddy Trustees may have received their Reserve more quickly, and perhaps with stringent language recorded in a government memo describing the legislative protection of Dolan Creek. They may even have been granted an Order-in-Council (OIC) Reserve, not merely the Map Reserve referenced in Parlow's correspondence. As stated in the provincial government's policy manual on *Land Act* Reserves, a Map Reserve status carried, and still carries, the full force of an OIC Reserve, with the difference of having a temporary, not a permanent, provision, being a 'Reserve in waiting.'³¹

Above: Superintendent of Lands, Newman Taylor. Below: Lands and Forests Minister E.T. Kenney.



Kamloops Regional Forester Parlow's sneaky language in his 1950 letter to the Big Eddy Trustees enabled the Forest Service to keep future options opened for logging the Dolan Creek watershed, an option that was shortly thereafter, but unsuccessfully, introduced in 1952 when L.F. Swannell came to man the helm at the Kamloops Forest District. Narrated in Chapter 3, Parlow's proviso did not prevent the Big Eddy

²⁹ Honorable Wells Gray, Minister of Lands, to Creston Board of Trade, November 20, 1940, concerning the reservation of lands for drinking watershed protection of the Arrow Creek watershed.

³⁰ E.T. Kenney was Minister of Lands from November 1944 to April 1945, and then Minister of Lands and Forests from April 1945 to August 1, 1952.

³¹ In the early 1970s, the Department of Lands assigned almost all of the Watershed Map Reserves a "temporary" term of 9,999 years. See Appendix A for information about Map Reserves.



Trustees from speaking out against Timber Sale proposals in the Dolan due to a long-held provincial referral policy that included and respected written response advice from provincial water purveyors. Because of the Big Eddy's ongoing outspoken concerns and strident determination, an 'understanding' was later reached in the 1960s by the Forest Service to withhold future timber sales in the Dolan Watershed Reserve,³² that is, until the unscrupulous events of the late 1970s and 1980s.

Photo: A.E. Parlow, bottom left, at a District Forester's meeting in Victoria, February, 1923.

2.2. The Greely/ Greeley Creek Connection

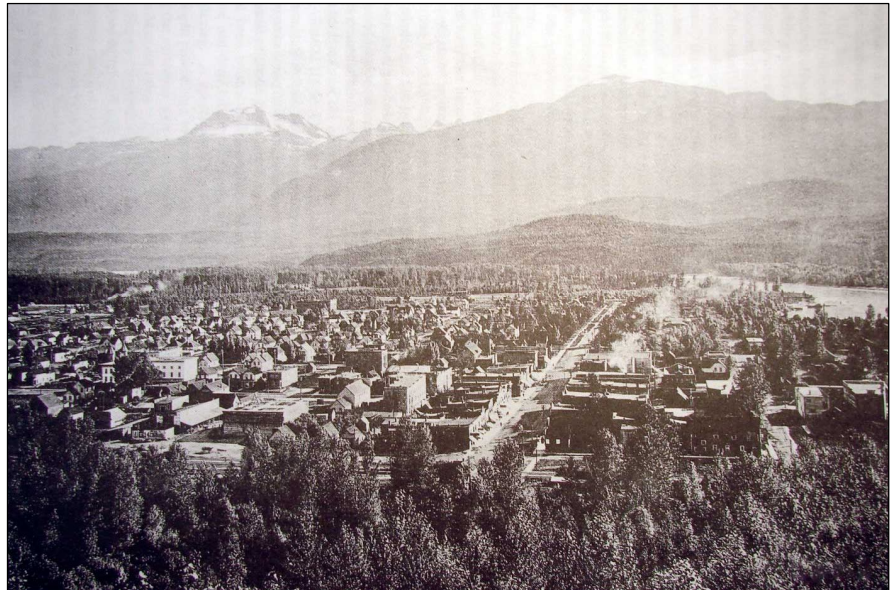
It is largely lost to many British Columbians at this point in history as to why the new Big Eddy Trustees would immediately have asked for a Crown Land Reserve over the Dolan in 1950 after they formed a Waterworks District. At that time, as narrated above, almost all provincially organized water purveyors clearly understood this perspective, and, as detailed from numerous records, British Columbians had been thinking along those lines for some fifty years previous.

Right: City of Revelstoke around 1912, looking southwest toward Mount Begbie in the background, top left.

The City of Revelstoke, located immediately east of and directly across the Columbia River from Big Eddy, is a prime and early precedent example of this protection history.

Correspondence records from 1909 to 1911 between Revelstoke City and the federal Department of Interior detail how the City

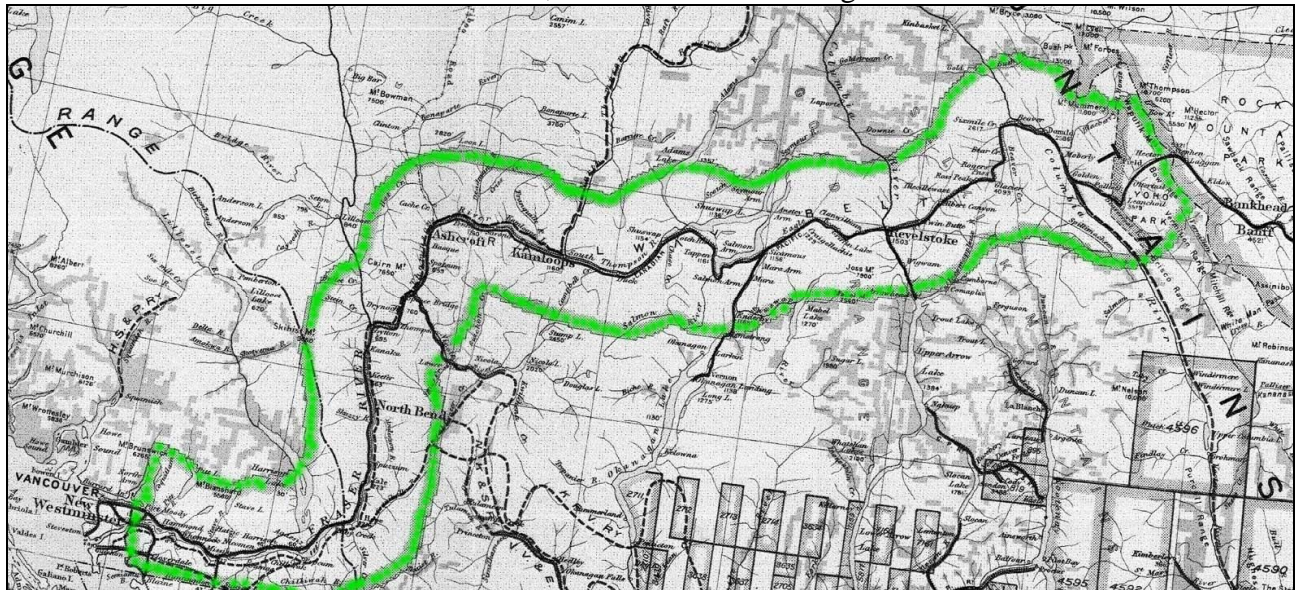
requested the federal government to place a number of Watershed Reserves over existing and proposed future drinking watershed surface-fed sources for their protection against logging, development and human access.³³ At that time, the City of Revelstoke was situated in federal territory and jurisdiction within what was previously known as the *Railway Belt*, federal lands extending some five hundred miles in length and forty miles in width, also known as the *Forty Mile Limit*. The Belt extended from its eastern terminus near the railway station town of Field at the



³² See Chapter 3.

³³ See also Appendix B, excerpts from Revelstoke City Council Minutes and quotes from local newspaper articles, 1909-1911.

Alberta/BC provincial border to its western terminus at the town of Port Moody, lands that later reverted back to British Columbia in 1930, with certain critical legal land transfer conditions.³⁴

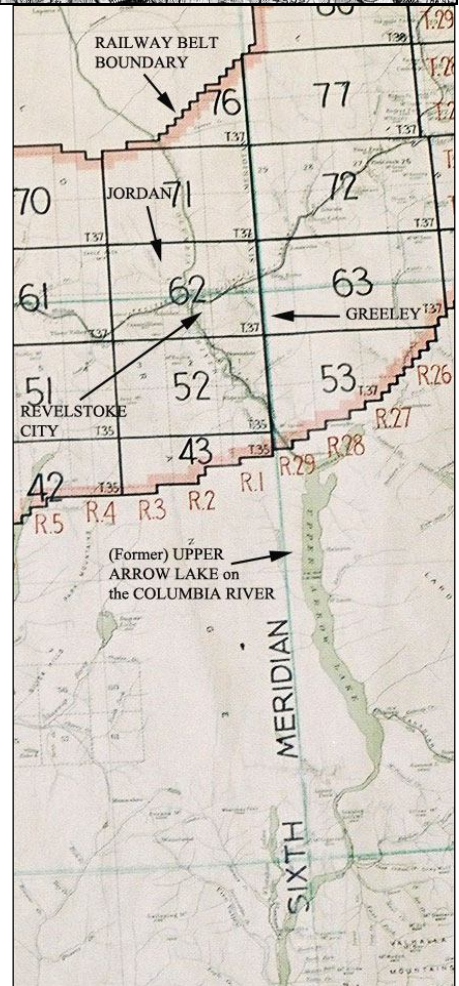


Maps of the former Railway Belt zone in southern B.C. Map to right shows the old Timber Berths in the Belt in the Revelstoke City area. This is the main or central map that the federal Department of Interior would reference in all timber sale disposition requests.

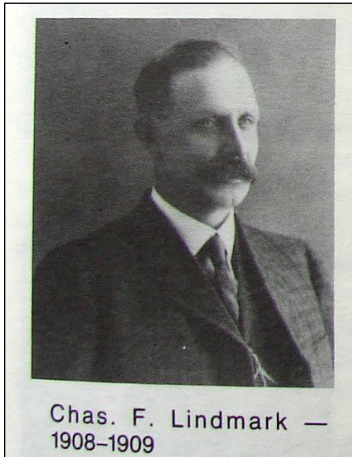
On July 1, 1910, a four-page report on future water supply sources was presented to the Mayor of Revelstoke City. It recommended, among other candidate water sources, that Greely Creek, the mouth of which was located east of the City, was “a large stream capable of supplying the City for all time.” Consequently, five months later in December 1910, Revelstoke City Clerk, Bruce A. Lawson, wrote the Department of Interior in Ottawa requesting statutory Forest Reserves to be established over four watersheds, Hamilton, Cowan, Bridge and Greely Creeks. On March 6, 1911, the Assistant Secretary of the Interior acknowledged:

that a request be placed on the lands as shown within the red lines on the accompanying plan, covering the watersheds of the following creeks:- Hamilton, Cowan and Greely, all tributary to the City, and to say that a further communication will be forwarded shortly.

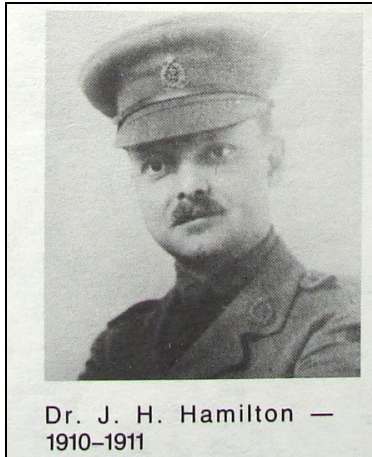
The initial request for protection of these watersheds originated from the Revelstoke Board of Trade more than a year earlier on August 19, 1909, “for the reservation of certain lands for the conservation of the water supply of the City of Revelstoke.”



³⁴ In 1955, the BC Department of Lands received all the Federal government’s field books, 1,218 in total, made from land surveys compiled during the years 1884-1930 in the former Railway Belt.



Chas. F. Lindmark —
1908-1909



Dr. J. H. Hamilton —
1910-1911



Specimen 9/6/90
Report
on
Additional Water Supply
for
Revelstoke City Council
June 7th 1910

Early photos of Revelstoke City Mayors Lindmark and Hamilton, documents from Revelstoke City records, and a local newspaper clipping from 1910.

Revelstoke, Aug, 23rd. 1910.

Specimen 27/8/90

To his Worship The Mayor.,

Your Committee Fire Water & Light beg to report

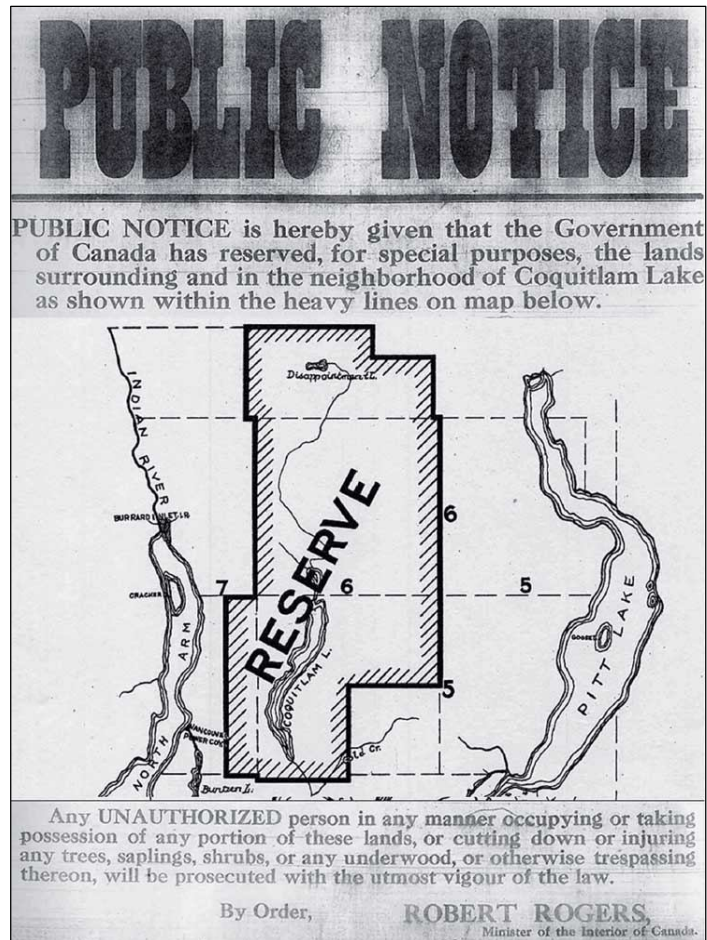
as follows.

(4) The concervation of the water sheds of Bridge Creek Revelstoke & Greeley Creeks has been taken up with City Engineer Smith, plans will be submitted to you as soon as possible. We would recommend that a reserve be got on the waters of Greeley Creek if possible.

Plans are also being prepared showing the Right of Way of pipe Line through the unoccupied lands between Bridge & Revelstoke Creeks for the purpose of obtaining a title for same from the Government.

The term “conservation”, in common use at that time, meant preservation, or full protection, quite unlike its future altered or watered-down definition in the 1950s by industrialists, professional foresters and engineers. Given the highly organized pro-business political stance by BC Boards of Trade today, a similar request for resource protection of a community watershed by way of a formal Reserve would be almost unthinkable for the big ‘bottom line’ business and corporate elites. Most of the citizens that lived in Revelstoke during that early period were independently minded, or ‘free thinkers’, in one of BC’s early important urban centers. They were conscientious-minded citizens who openly challenged inappropriate or excessive resource activities. Revelstoke City had a large and progressively-minded population where serious consideration was also given to establish a new provincial university.

The protection of drinking watersheds was much on the minds of the early settlers and their administrators at that time. Initiatives were already in high gear, as detailed in prominent newspapers published in the Cities of New Westminster and Vancouver, which were transport-accessible to Revelstokians by rail: namely, the federal government’s initiative through the continual entreaties by the City of New Westminster and the B.C. Electric Railway Company to protect the City’s drinking watershed, the Coquitlam Lake watershed, lands also within the administrative domain of the Railway Belt at its western terminus. Featured in the main newspapers, on March 4, 1910 the federal government passed the Order-in-Council *Coquitlam Conservation Reserve* over the Coquitlam watershed lands. The Reserve included stringent language that not only forbade the cutting of trees (timber), but even the cutting of “shrubs” and “trespassing”, conditions explained to the public under well-posted notification concerning the prosecution of “*the utmost vigour of the law.*” In 1917, the federal Department of Interior also protected the town of Salmon Arm’s East Canoe Creek as a Watershed Reserve, also situated in the Railway Belt about 80 kilometres to the west of Revelstoke City.



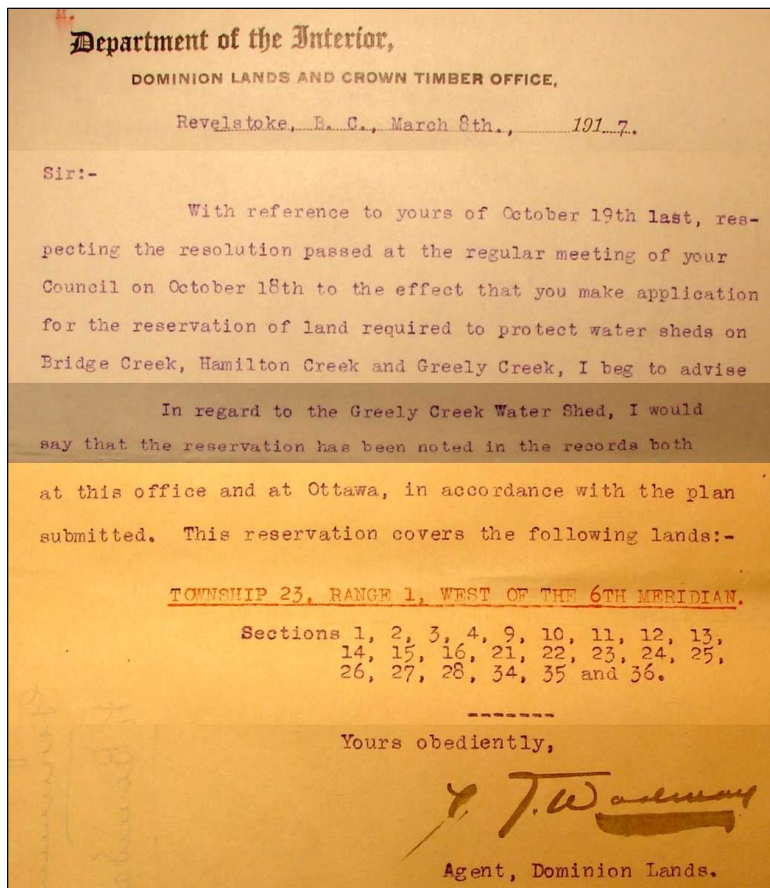
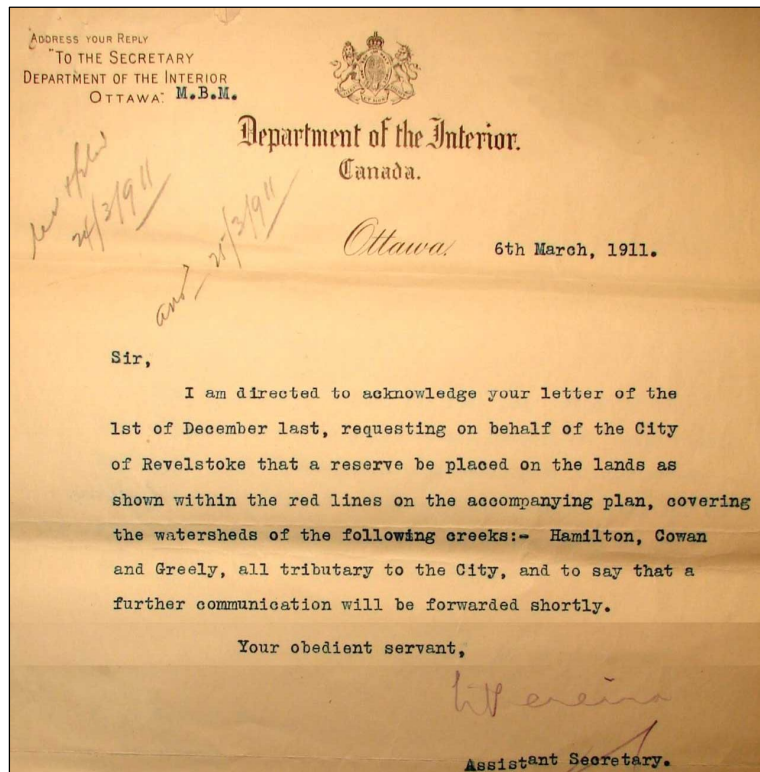
Discussions about the legislated reservation of drinking watersheds for the City of Revelstoke continued after 1910 with the Department of Interior’s Lands and Crown Timber Office, particularly from 1917 to 1918 when the Reserves were officially registered and finalized.

With reference to yours of October 19th last, respecting the resolution passed at the regular meeting of your Council on October 18th to the effect that you make applications for the reservation of land required to protect water sheds on Bridge Creek, Hamilton Creek and Greely Creek, I beg to advise you that the Department are at present considering the

inclusion of the greater part of the lands required in connection with the Bridge Creek Water Shed, other than those disposed of by homestead entry, to the Revelstoke National Park.

*In regard to the Greely Creek Water Shed, I would say that the reservation has been noted in the records both at this office and at Ottawa.*³⁵

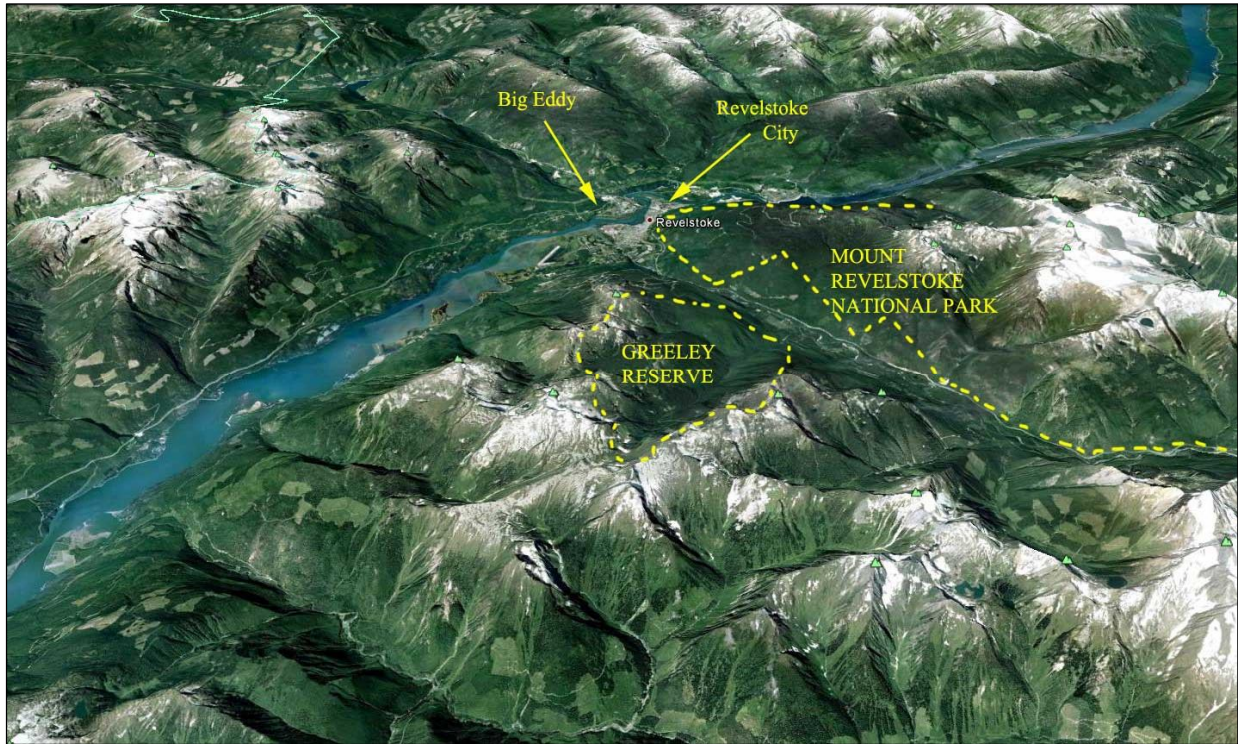
What is interesting with respect to the Greely Creek Watershed Reserve created in 1917 was that it did not become Revelstoke City's domestic water source supply until January 1931. In other words, the City's decision makers had a vision to protect the Greely before its eventual use, a significant and amazing provision.



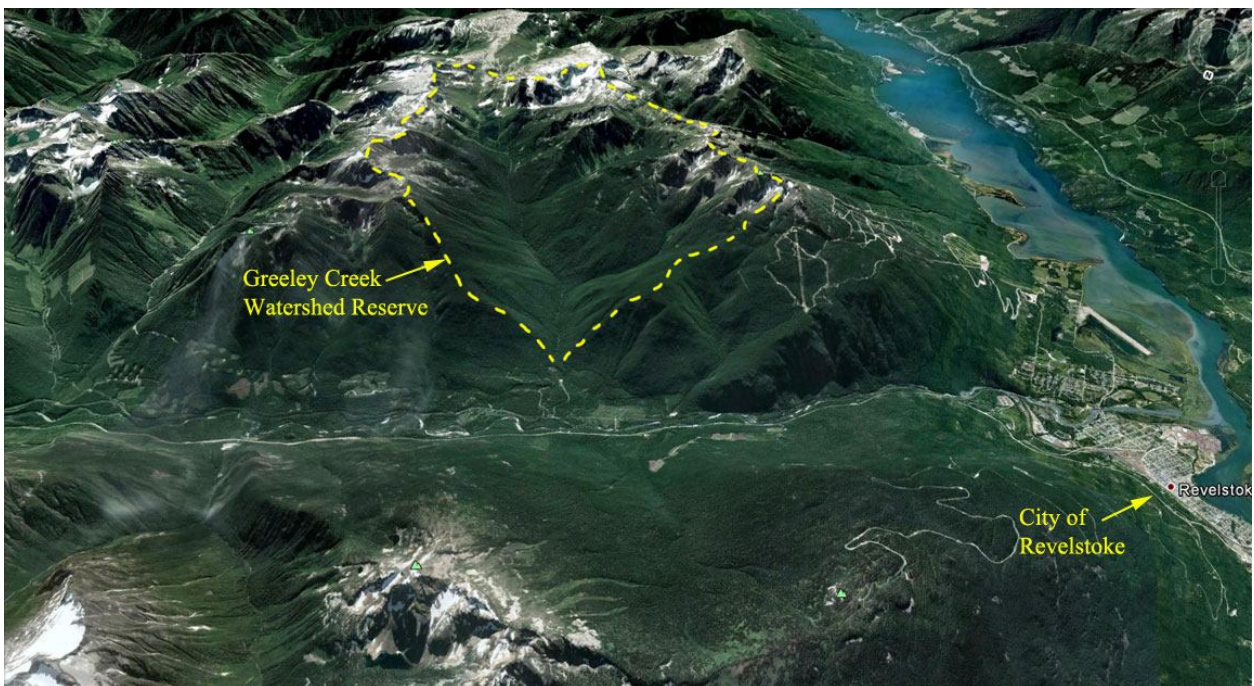
When the federal lands within the Railway Belt were transferred to the Province of British Columbia in 1930, a clause within the agreement stipulated that lands reserved by the federal government must remain so and be honoured by the Province after the transfer agreement. According to records held by Archives Canada, it was Wells Gray, the Mayor of New Westminster, and later provincial Minister of Lands, who instructed solicitors to include the legal provision in the 1930 transfer agreement. That's why Greely (alternatively spelled 'Greeley'), including all of the other federal community Watershed Reserves within the Railway Belt, were automatically transferred as provincial Crown Watershed Reserves under the *Land Act*. However, the B.C. Forest Service would later dishonour and contravene

³⁵ March 8, 1917.

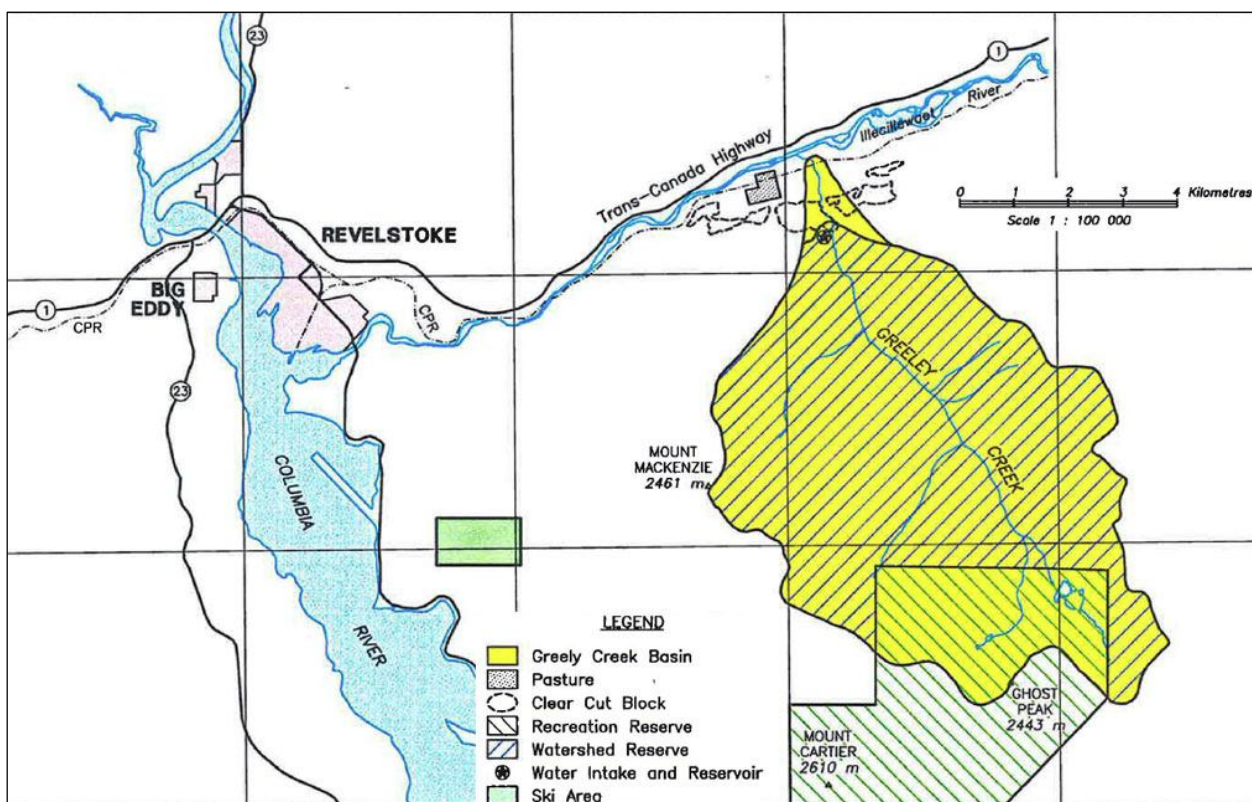
the transfer agreement as it pertained to community Watershed Reserves, seemingly with at least two exceptions: Coquitlam Lake³⁶ and Greeley Creek.



Above: 2013 Google Earth image showing the location of the unlogged 4,760 hectare Greeley Creek Watershed Reserve. Note the forest management logging activities in the surrounding landscapes. Below: 2013 Google Earth image showing the unlogged Greeley Watershed Reserve and the nearby City of Revelstoke.



³⁶ Protected until 1967 when the Greater Vancouver Water District included the Coquitlam in its new Tree Farm Licence No. 42 agreement. The first logging to occur in the Coquitlam began in 1972-1973.



Map from the 1996 report, *Environmental Overview Greeley Creek Watershed*, by Agra Earth Environmental Ltd. Note that the map's legend indicates Greeley Creek as a Watershed Reserve. Also note the later overlapping and conflicting recreation tenure.

The protective status of Greeley Creek as a Watershed Reserve to exclude Timber Sale dispositions is clearly evidenced in later provincial correspondence records. For instance, on July 12, 1946, after the City of Revelstoke received notice of a Timber Sale proposal from the Kamloops District Forest Service, City Clerk B.R. Reynolds dispatched a telegram to Kamloops District Forester Parlow, the same forester that dishonourably dealt with the Big Eddy Trustees' request for a Reserve some four years later:

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

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


On the same date, A.L. Jones (M.D.), the Health Officer for the City of Revelstoke, also sent a letter of notice to District Forester Parlow:³⁷

³⁷ As described in Koop's 2002 report, *Doctoring Our Water*, (<http://www.bctwa.org/PHOReporMay15-2002.pdf>) provincial health department officers had been mandated as stewards over the protection of provincial drinking watershed sources.

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

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

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

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Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

July 12, 1946.

The District Forester,
Kamloops, B. C.


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

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

B. R. Reynolds
City Clerk

As a result of the correspondence letters from the City of Revelstoke and the Health Officer, on July 13, 1946, Kamloops District Forester A.E. Parlow dispatched a telegram to timber tender proponent John Beraducci in the City of Revelstoke, informing him that:

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

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Evening and Sunday Messages	<input type="checkbox"/>													
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Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

KAMLOOPS B.C.
JULY 13, 1946

John Beraducci
REVELSTOKE B.C.

B. R. REYNOLDS
City Clerk, Revelstoke

YOUR APPLICATION TO PURCHASE CEDAR POLES ON PORTIONS OF SECTIONS TWENTY TWO AND TWENTY SEVEN IN TOWNSHIP TWENTY THREE RANGE ONE DISALLOWED AS THESE AREAS WITHIN REVELSTOKE WATERSHED RESERVE

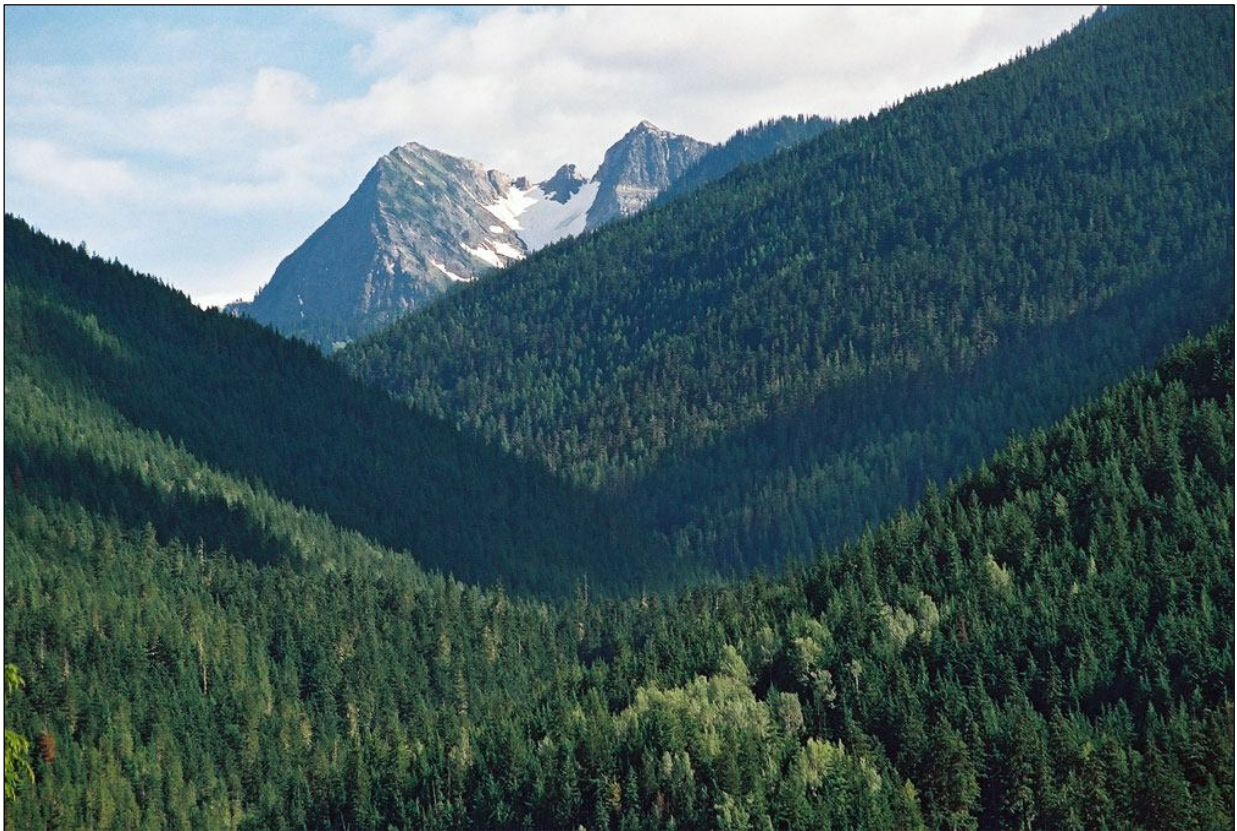
A. E. PARLOW
District Forester

10.30 a.m.

FOR MESSENGER
Telephone 197

Revelstoke's City Clerk wrote back to regional forester Parlow on July 15, 1946 thanking him for sending the City a copy of his telegram to Beraducci, "*regarding the sale of land in the watershed of Greeley Creek, and your protection of the City's interests.*"

The most significant element in Parlow's response telegram is that he acknowledged that Revelstoke City still had a Watershed Reserve established over Greeley Creek, meaning that the BC Department of Lands and Forests recognized the transfer of Railway Belt land ownership tenure status from the federal government to the provincial government in 1930. This understanding is critical when applied to other federal Watershed Reserve tenures created during the Railway Belt administration era, as for instance the manner in which the Forest Service later ignored the status of Salmon Arm's Watershed Reserve tenure over East Canoe Creek.³⁸



Author's 2002 photo of the intact Greeley Reserve, British Columbia's oldest, intact community Watershed Reserve.

These documents detailing the City of Revelstoke's history of drinking watershed protection – which was well-recognized, understood and maintained by Revelstokians and the provincial Health Department – provide clear, unadulterated evidence as to why the Big Eddy Trustees, as long-time close neighbours with the City of Revelstoke, promptly asked for a Reserve tenure over the Dolan watershed when they formed a Waterworks District in 1950. No doubt, in their efforts to initiate their Waterworks District operations, someone from the City of Revelstoke, or even an administrator from the Kelowna regional office of the Water Rights Branch, wisely advised the Trustees to request a Watershed Reserve, and as quickly as possible.

³⁸ Government Lands Department registry records indicate that the provincial government created another Reserve over East Canoe Creek in 1931.

What makes Big Eddy’s opening request in November 1950 for a *Land Act* Watershed Reserve particularly intriguing is that Parlow, the very same forester that had refused a logging proposal in the Greeley Reserve in 1946 only four years previous, had the gall to inform the Big Eddy Trustees of the opposite, that the B.C. Forest Service now “*had the right to dispose of Crown timber*” over its proposed Watershed Reserve. In 1946, by way of contrast, the City of Revelstoke and its Health Officer were able to keep the District Forester in line, reminding him of his public fiduciary duty.

According to provincial government records, by the late 1960s the City of Revelstoke had somehow forgotten or misplaced its files about Greeley Creek’s lengthy protective tenure status as a Watershed Reserve, some old files of which are intact and now stored at the Revelstoke City Museum archives. Prompted by imminent threats of “*horse riding trails*” proposed within the watershed, the City sent a letter of concern to the Department of Lands, Forests and Water Resources on August 13, 1969 about how “*your department could give us some information as to how we could obtain control over this very important watershed.*”³⁹

A subsequent, prompt internal memo from Director of Lands W.R. Redel stated the following: “*See if we have a file on a watershed in this area. If not, I can see no objection to establishing a watershed reserve for the City of Revelstoke as has been done for other communities.*” [Underline emphasis]



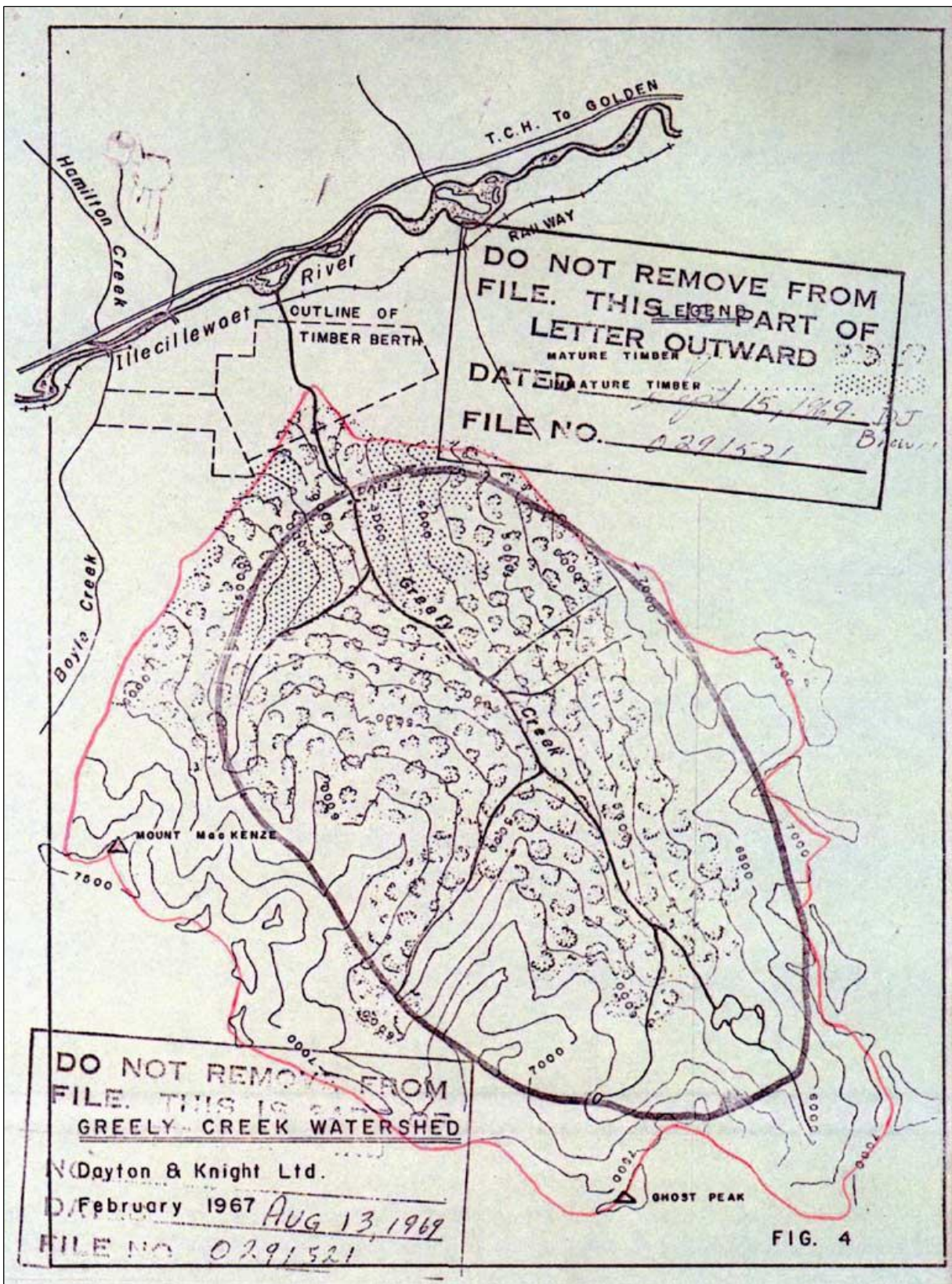
For some apparent reason, the Department of Lands, Forests and Water Resources failed to locate older originating files on Greeley Creek’s protected status as a Watershed Reserve, files which the Kamloops District Forest Office had which forester Parlow reviewed. As a result, on August 28, 1969, the Department of Lands created another Reserve, a *Land Act* Map Reserve, over the Greeley Creek watershed.⁴⁰ And, contrary to what Kamloops Forest District Forester Parlow had stated to the City of Revelstoke in 1946, twenty-three years later Director of Lands Redel wrote the following to the City on September 15, 1969, identical in nature to what forester Parlow stated to the Big Eddy Trustees in 1950:

It is pointed out that this Department, through the Forest Service, will retain the right to issue Timber Sales and grant rights-of-way within this reserve area. However, your interests will be protected in that any Timber Sale contracts issued will contain appropriate restrictive clauses. Planned logging will be practiced within the reserve area to ensure that the whole area will not be logged at one time, but rather only small patches of timber will be allowed to be removed. This should minimize erosion and pollution problems. In addition, the local District Forester will refer all applications for timber sales to you for your comments before such sales are issued.

Despite Redel’s contrary threat – the thematic pseudo-policy wording of which had been source-controlled from the Chief Forester to the Lands Department since the early 1960s – logging never occurred in Greeley Creek due to the City’s grave continual concerns over such possibilities.

³⁹ Refer to the Tap Water Alliance’s June 4, 2013 letter to Revelstoke City Mayor and Council, Appendix E.

⁴⁰ Confusingly, in mid-1973 the community watersheds Task Force reserved the Greeley Reserve yet again (see Chapters 4.3 and 4.4).



Map boundaries of the Greely Watershed Map Reserve. The round, dark boundary inside the red boundary is the one created in 1969, boundaries which were updated in July 1973 (red line) to "more correctly define the drainage area."

2.3. Sloan Forest Inquiry and Fresh Water: Early Reserves, Irrigation Districts, Etc.

*The enthusiasm for the preservation of forests and the results which will accrue from them, particularly as regards water and stream flow, has occasioned a great deal of controversy between civil engineers, hydraulic engineers and others whose work brings them in contact with the control and use of water, and the technical forester or forest engineer, as he is officially known in Canada.*⁴¹

The year before Kamloops Forest District Forester Parlow respected the City of Revelstoke's Greeley Creek Watershed Reserve tenure status by first notifying the water purveyor of a Timber Sale application, and then rejecting it, the provincial government ended its 18-month-long legal public Inquiry on Forest Resources (February 1944 – July 1945) where the policy theme of fresh water protection was a dominating and prevalent issue. While the world's powerful Nation states campaigned to militarily subdue and rout the German, Italian and Japanese fascists in the last two phase years of the Second World War, is when the role and future of BC's public and private forestlands happened to come under critical debate, review and assessment.⁴²

There were many voices of concern during this first Gordon Sloan Commission, not only about the protection of domestic drinking and irrigation watershed sources, but in-depth witness and written accounts about protection and ruination of fish habitat from logging, and policy statements on the integrity of forestlands whose water sources drain into and supply hydro-electric power balancing reservoirs. In fact, no other subsequent provincial forestlands Commission Inquiry⁴³ ever paid as much attention to the concerns and themes of forest hydrology (the inter-relationships of water runoff and timber harvesting practices) as did this Commission – it is the most important or preeminent of all Inquiries with respect to this.⁴⁴ Oddly, almost no critical and comprehensive contextual assessments have been written by resource policy historians about this Commission's fascinating theme of water runoff and forest resource protection.

⁴¹ *Reforestation and Water Resources*, reprinted in *Forestry Chronicle*, Vol. 12, September 1936, No. 3.

⁴² Gordon Sloan, later appointed as Chief Justice of British Columbia, was the Commissioner of the Inquiry. According to the Commission's *Record of Sittings*, the Commission involved a total of 119 days of Hearing Sittings from February 7, 1944 to July 28, 1945: 61 days in Victoria (February 7 - July 14, 1944, and from January 31 – April 18, 1945); 54 days in Vancouver (August 21 - September 4, 1944, and January 15 – July 28, 1945); 2 days in Prince George (October 13-14, 1944); 2 days in Kamloops (October 17-18, 1944); 2 days in Vernon (October 19-20, 1944); 2 days in Kelowna (October 21, 23, 1944); 2 days in Penticton (October 24-25, 1944); 2 days in Nelson (October 27-28, 1944); 2 days in Cranbrook (October 30-31, 1944). There were twenty-five volumes of Hearing transcripts published totalling approximately 12,000 pages. The proceedings involved 294 witnesses and 562 exhibits, ending with a final report. The Sloan Commission, established by authority of the 1936 *Public Inquiries Act*, was guided by the Provincial Executive Council's Terms of Reference that included investigating the following mandates: "(1) *The extent, nature and value of the forest resources;* (2) *The conservation, management, and protection of these resources;* (8) *The relationship of the forest to soil conservation;* (9) *The maintenance of an adequate forest-cover with a view to the regulation of moisture run-off and the maintenance of the levels of lakes and streams.*" The transcripts and final report contain numerous arguments for a major shift in BC's forest management from previous indiscriminate forms of logging to "controlled" methods under a regime of "sustained yield" (originally called "continuous yield") logging and silviculture. Sloan adjudicated another provincial Forest Resources Commission in 1955, informally referred to as the Second Sloan Commission.

⁴³ I.e., reports of the 1956 Sloan Commission, the 1976 Pearse Commission, and the 1991 Peel Commission.

⁴⁴ As Commissioner Sloan states on page 721 in his 1956 Commission report: "*This subject [Watershed Management] did not appear to loom so large as it did in 1944-45.*"

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(continued)

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do. "	(1)	305
do. "	(3)	904-905
do. "	(3)	945-947
G.M.Irwin "	(3)	906-930
R.W.Hibberson "	(3)	786
do. "	(3)	931-933
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do. "	(4)	1229-1233
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Watersheds, Stave River		
Refer "Forest Cover, etc."	(4)	1229-1233

Sample from the Sloan Commission Hearing Index, showing the topic of "Watersheds."

As a result of the overwhelming testimonial concerns, exhibits and information on provincial fresh water runoff sources, Commissioner Gordon Sloan stated in the introduction of his final report that the significance of BC's forests was its role as "*the Mother of Waters*" because these forests act as a "*vast sponge, which holds and controls the water run-off.*"⁴⁵

In his concluding section on *Objectives*, Sloan recommended that when Private Circles (Forest Management Licences, and later, Tree Farm License areas) and Public Working Circles (Public Sustained Yield Unit areas, and later, 'Timber Supply Areas') were to be formed to consider what Public lands could be converted to the new sustained yield logging regime, they must ensure the protection of domestic and irrigation watersheds:

*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.*⁴⁶



Conforming to the numerous concerns raised by water purveyor and utility representatives, Commissioner Sloan also emphasized that Public Working Circles in BC's Interior lands create a "*balance*" in their sustained yield forest land allocations to exclude "*logging a watershed upon the run-off from which irrigation or other water systems are dependent for their water-supply*", because of its "*value*", and that a "*special study*" be made of such areas.

On BC's forestland base, Sloan recommended a forest planning framework, a crucial summary vision statement wherein drinking water sources, fish habitat, and wildlife would be protected in the midst of an imminent new era of sustained yield forest management, where there was plenty of room for every concern:

*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.*⁴⁷

⁴⁵ Gordon Sloan, *Report of the Commissioner Relating to the Forest Resources of B.C.*, 1945, page 8. During the proceedings, Sloan often asked witnesses about the forest as a "*sponge*".

⁴⁶ *Ibid.*, page 147. Note: The Harrop-Proctor Community Forest Association used most of this quote by Commissioner Sloan in its 1997 executive summary for a Community Forest tenure proposal to the BC government. However, the summary omitted the second sentence from this quote referencing "*watershed protection,*" in order for the Harrop-Proctor group to rationalize logging in a community Watershed Reserve.

⁴⁷ *Ibid.*, page 128. "Watershed" denoted community-drinking watersheds. This quotation by Sloan was often cited by foresters, ie., G.L. Ainscough, *British Columbia Forest Land Tenure System*, page 38, in *Timber*

Sloan's ruling on the protection of domestic/community watersheds was significant, in stark contrast to many opposing statements by the private forest industry sector, which even included Chief Forester C.D. Orchard who strangely argued that continuing to leave Victoria City's drinking watershed forestlands in a protected state was "wasteful."⁴⁸

In Chief Forester Orchard's March 12, 1945 submission exhibit (# 481) to the Sloan Inquiry, *Forest Administration in British Columbia*, he suggested that there were already too many Provincial Parks and questioned the wisdom of their establishment, seeing that the standing forests were not contributing to Provincial Revenue.

A subsequent June 18, 1945 cooperative submission to the Sloan Commission by the BC Loggers Association, the Pulp and Paper Industry of BC, and the Truck Loggers' Association – collectively representing about 140 small and large companies – **advanced Chief Forester Orchard's controversial, industry-biased position on logging in Provincial Parks one step further, by countering long-held provincial policy and recommending commercial logging in protected community and irrigation watersheds:**

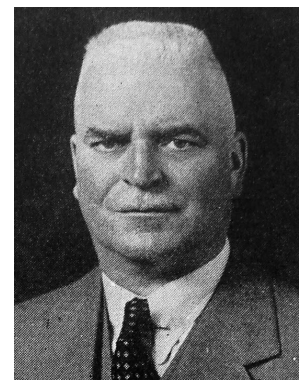
We recommend: (1) That the principal of Multiple Use for the production of commercial timber under proper safeguards, as outlined in the Chief Forester's brief (Exhibit 481, Page 49) be adopted for all National and Provincial Parks, and Municipal and Irrigation Watersheds.

Despite the prominent and critical nature of drinking water, irrigation water, and salmon habitat issues reported in the Sloan Commission Inquiry and Final Report, they were largely ignored and overturned in the following decades, a deeply disturbing characteristic and temperament of the post Second World War aggressive private corporate forest industry that ran rough-shod in the United States and Canada. The failure of the provincial government to maintain the "invaluable functions" of "continued forest cover" on Crown and private lands recommended by Commissioner Sloan, which were based on the Commission's legally formatted proceedings, and deeply hinged to forest conservation policies in the United States and Canada, became a haunting legacy – the continued and unabated destruction of fish habitat and the weakening of the government's policies and legislations to protect drinking watershed sources. As logging dramatically escalated decades later, it was assessed that "Half of all the timber logged between 1911-1989 in public forests has been cut in the past 13 years."⁴⁹

By the 1950s, renewed subversive directives by the emerging forest industry through provincial administrative professional foresters were planting seeds within government to redirect the policy of drinking watershed protection to be handled over time under the new Social Credit Party



Above: C.D. Orchard, 1950.
Below: BC Loggers Association Chairman, Robert McKee, 1944.



Policy Issues in British Columbia, essays by the B.C. Institute for Economic Policy Analysis, 1974; and in Peter Pearse's 1976 *Royal Commission on Forest Resources*.

⁴⁸ Sloan Forest Commission, *Proceedings*, March 30, 1944.

⁴⁹ Herb Hammond, *Seeing the Forest Among the Trees*, page 77.

administration (1952 - 1972), paving the way for the more inclusive takeover of British Columbia's public forestlands by large, primarily American, private corporate interests, expanding the reign of the Timber Triangle (foresters in government, academia, and private industry), and the evolution of British Columbia as Timber State. A new, powerful and central timber lobby group was created in the 1960s to help achieve concentrated directives on the accelerated liquidation and control over BC's vast old growth forest lands: enter the Council of Forest Industries.

2.3.1. Watershed Reserves

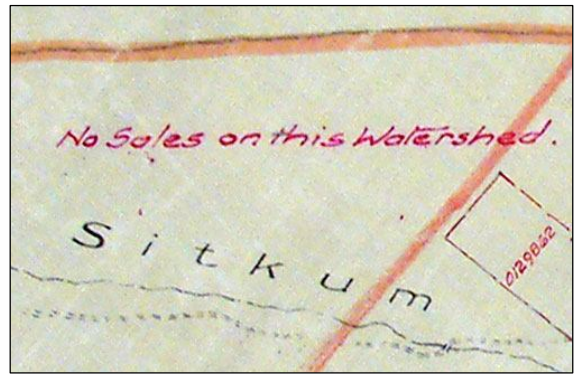
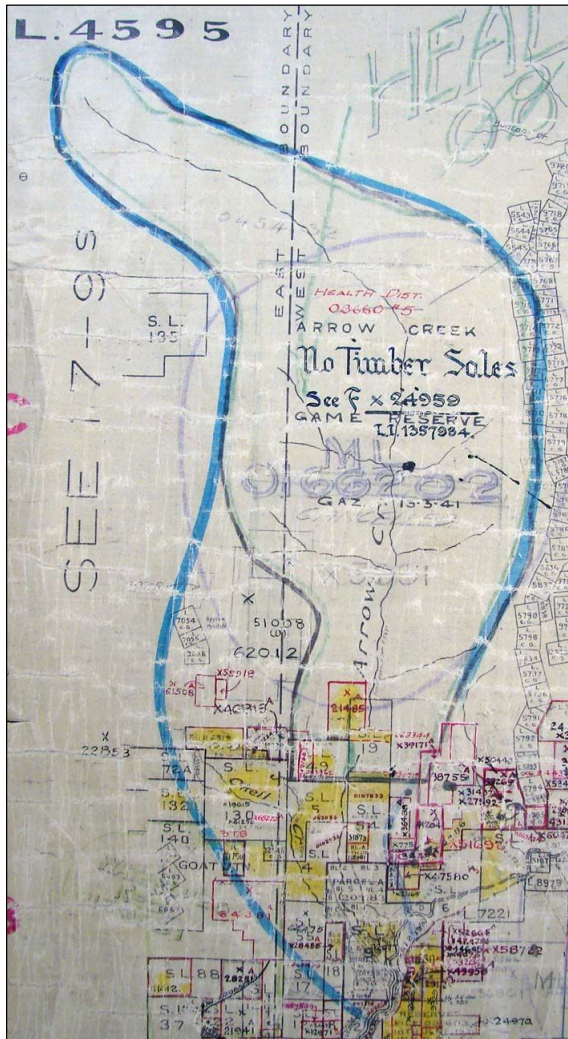
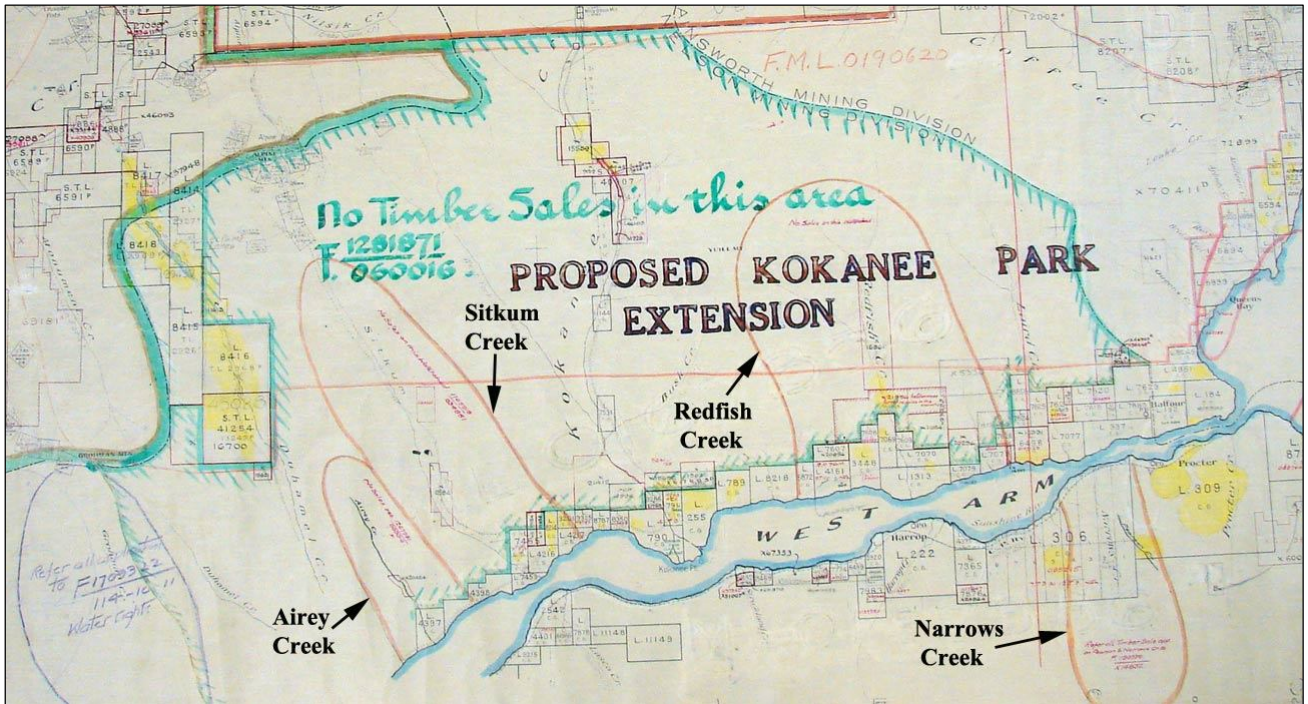
According to the first Sloan Commission's extensive records now resting with the Provincial Archives in Victoria,⁵⁰ only a list of 14 "*Departmental Reserves for Watershed Protection*" in the Nelson Forest Region were provided to the Commission for information entered as Exhibit 392, as part of Kenneth McCannel's witness statements, the Nelson Assistant District Forester. These early Watershed Reserves, located in the operational boundaries of the Nelson Forest District, which were identified on early Forest Service Forest Atlas Reference Maps, but irregularly on Lands Departmental Reference Maps, were as follows:

- *Five Mile Creek and Anderson Creek* in Nelson City's watersheds (26,000 acres);
- *West Arm watershed*, on the North Shore of Kootenay Lake's West Arm (49,000 acres);
- *Narrows Creek*, west of Proctor (9,500 acres);
- *Nelson West Creek*, by Evening Mountain (1,500 acres);
- *Quartz Creek*, town of Ymir (2,000 acres);
- *Falls Creek*, 8 miles west of Nelson City (3,000 acres);
- *Smoky Creek*, west of Bonnington Falls (1,000 acres);
- *Rosland City Reserve, Murphy, Hanna & Topping Creeks*, (16,000 acres);
- *Pass (Norms) Creek*, for the Robson Irrigation District (23,000 acres);
- *Sand Creek*, for the town of Grand Forks (7,000 acres);
- *Morrisey Creek*, east of Grand Forks (4,000 acres);
- *Lind Creek*, for the community of Greenwood (4,500 acres);
- *Brouse and Seven Mile creeks*, for Nakusp (4,000 acres);
- *Windermere Creek*, east of the town of Windermere (22,500 acres).

Because the remaining Watershed Reserves located in other BC Forest Service Districts were not provided or entered into Commission evidence, there are seemingly no early accurate or comprehensive list accounts of their establishment history in BC.

The list of Watershed Reserves from the Nelson Forest District apparently overlooked including the East Creston Irrigation District's Watershed Reserve over Arrow Creek located northeast of the Town of Creston, a Reserve boldly marked on the Forest Service's Reference Maps. And, according to the early Maps, the "West Arm Watershed" Reserve, located just northeast of Nelson City, was apparently a large Reserve over a number of watersheds, including Shannon Creek, Duhamel Creek, Airey Creek, Sitkum Creek, Kokanee Creek, Busk Creek, Redfish Creek, and Laird Creek, for the *Proposed Kokanee Park Extension*, with the following designation: ***No timber Sales in this area.***

⁵⁰ A second and incomplete set of transcripts and exhibits are held by the University of BC library and Special Collections. The Commission transcript volumes held at the University of BC are missing several volumes, particularly the Hearing transcripts from BC's Interior convened in late 1944.

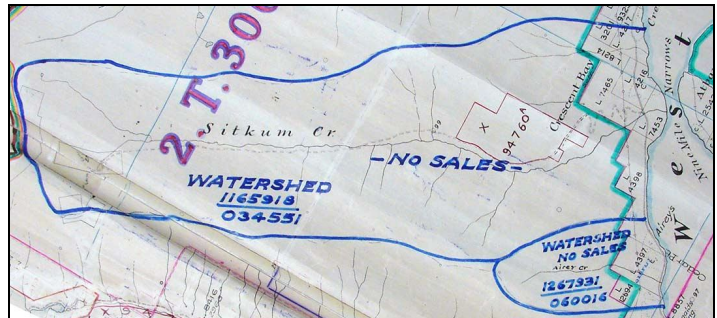


Forest Atlas Maps from the 1940s.

Top: The West Arm Reserve (green boundaries). Inside are three Watershed Reserves: Airey, Sitkum, and Redfish. Across the West Arm to the south is Narrows Creek Reserve.

Above and Below: Sitkum & Airey Reserves – No Timber Sales.

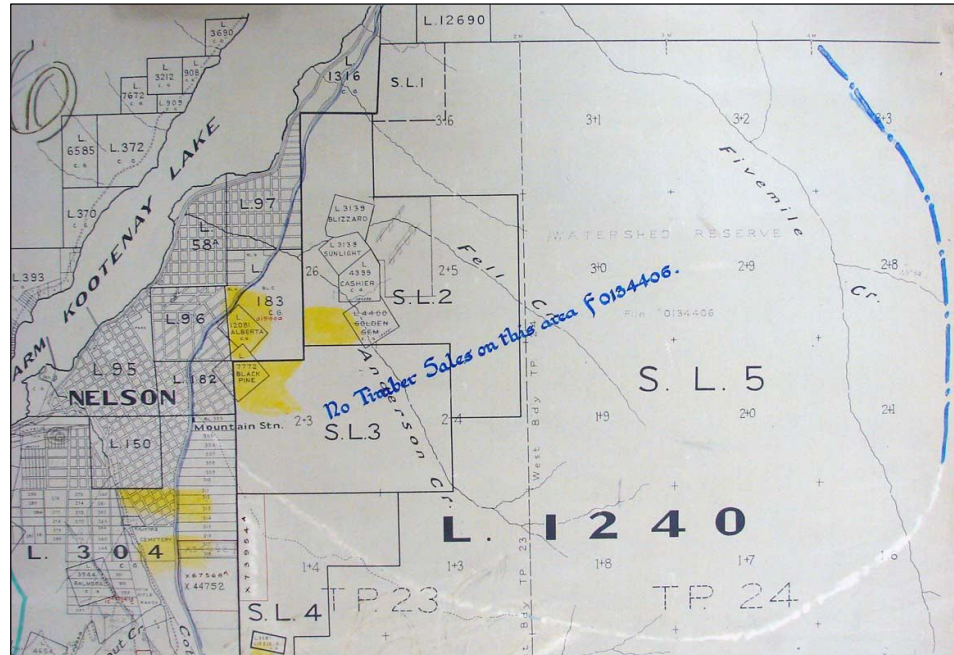
Left: Arrow Creek Reserve – No Timber Sales.



Within the West Arm watershed Reserve were outlined three separate community Watershed Reserves over Airey Creek, Sitkum Creek, and Redfish Creek, with the following designation over each: **Watershed No Sales**. Directly opposite along and above the southern shore lands of the West Arm of Kootenay Lake were Watershed Reserves over Narrows Creek (just to the west of Proctor Creek), and a collective Watershed Reserve encompassing all of Nelson City's adjoining drinking watersheds.

Right: Forest Atlas Map with large multi-Watershed Reserve for Nelson City – **No Timber Sales**.

Extending from the Town of Castlegar at the junction of the Columbia and Kootenay Rivers, and then eastward to the Nelson City area, was a rather large constellation cluster of early community Watershed Reserves on either side of the Kootenay River, all noted on early



Departmental Reference Forest Atlas Maps. By 1973, with the creation and renewed creation of community Watershed Reserves under Committee powers of the *Environment and Land Use Act*, more Reserves were added within the early cluster.⁵¹

2.3.2. Irrigation Districts and the Forest Service

During the Sloan Commission Hearings in BC's Interior that presided in the Towns of Kamloops, Vernon, Kelowna and Penticton in October 1944, many representatives and Trustees from Irrigation Districts and fruit growing organizations appeared as witnesses and provided written evidence about the integrity of water flows and the protection of forest cover in their irrigation and domestic watershed sources. Most of these watersheds were located throughout the extensive Okanagan watershed drainage basin. Though out-rightly opposed to clearcut logging in irrigation and domestic watersheds, a number of the Irrigation Trustees stated that they tolerated "selection" logging, the removal of individual tree species – the standard practice of logging in the United States federal forestlands at that time – rather than large area forest stand clearcut logging.

In Volume 16 of the Sloan Commission transcripts,⁵² Dougald McDougall, the Secretary of the Black Mountain Irrigation District, also the Assessor, Collector, Engineer and Secretary of the Rutland Co-operative Society, stated that the Association of BC Irrigation Districts held a special meeting in Kelowna City in February 1944 just as the Sloan Commission began its Hearing Sittings in Victoria City. Chief Forester C.D. Orchard attended the special meeting in Kelowna, where

⁵¹ See Reserves map for this area cluster in Chapter 4.6.

⁵² The official or original transcripts are held at the Provincial Archives in Victoria City.

Association representatives complained directly to him about commercial logging activities in their irrigation watershed sources.

The substance of that meeting “*held to discuss Forest Policies*” was summarized in a written submission (Exhibit #375) by the Association some seven months later when its chairman, H.C.S. Collett, appeared as a Commission witness in Kelowna on October 23, 1944. In its written submission, the Association alleged that the Forest Service had “*lifted*” an unknown number of their “*protected*” Reserves in the Okanagan area “*without any consultation with the Districts concerned:*”

At a special meeting of the Association of British Columbia Irrigation Districts, held to discuss Forest Policies, concern was expressed at the extent to which rights have been granted on Irrigation Watersheds for the cutting of timber. These watersheds were formerly protected by Forest Reserves, and it came as a surprise to most of the delegates to learn that these Reserves had been lifted without any consultation with the Districts concerned. The Association is unanimous in asking that such Reserves be restored, and that no further timber be cut on irrigation watersheds without the full knowledge and consent of the Irrigation Districts concerned, and under such regulation as they may deem necessary to assure that no damage will result either to watersheds or reservoirs.... It has taken millions of dollars and years of trials and discouragements to bring the irrigation systems to their present state of development. It would not be the course of wisdom or of justice to endanger in any way that which has taken so much effort to build, and on which our whole prosperity depends.

By far the most important area, so far as irrigation is concerned, is the Grizzly Hill Forest Reserve, or what was the Grizzly Hill Forest Reserve. It comprises some 400 square miles, and has now an average stand per acre of not more than 1,500 feet, and possibly as low as 1,000 feet throughout, - either uncut or unalienated. From this area over half of the irrigated lands of British Columbia receives its water. This includes seven of the largest Irrigation Districts, three company-operated systems, together with many small water users' communities and private licencees. It can readily be seen how important to irrigation farming such an area is, and how comparatively trivial are its timber resources. It is therefore urgently asked that the former not be not jeopardized for the sake of the latter.... It is therefore asked that the timber reserves be re-established.



Large crop of onions being harvested on the Latta Ranch near Scotty Creek. Source: *Black Mountain Irrigation District report by the BC Water Comptroller, 1926.*

There were a total of fifteen Irrigation Districts that were represented in the Association of Irrigation Districts' collective submission complaint to the Sloan Commission Inquiry:

- Black Mountain;
- Cawston;
- East Creston;⁵³
- Glenmore;
- Kamloops (B.C. Fruitlands);
- Keremeos;
- Naramata;
- Oyama;
- Peachland;
- Scotty Creek;
- South East Kelowna;
- Vernon;
- Westbank;
- Winfield;
- and Okanagan.



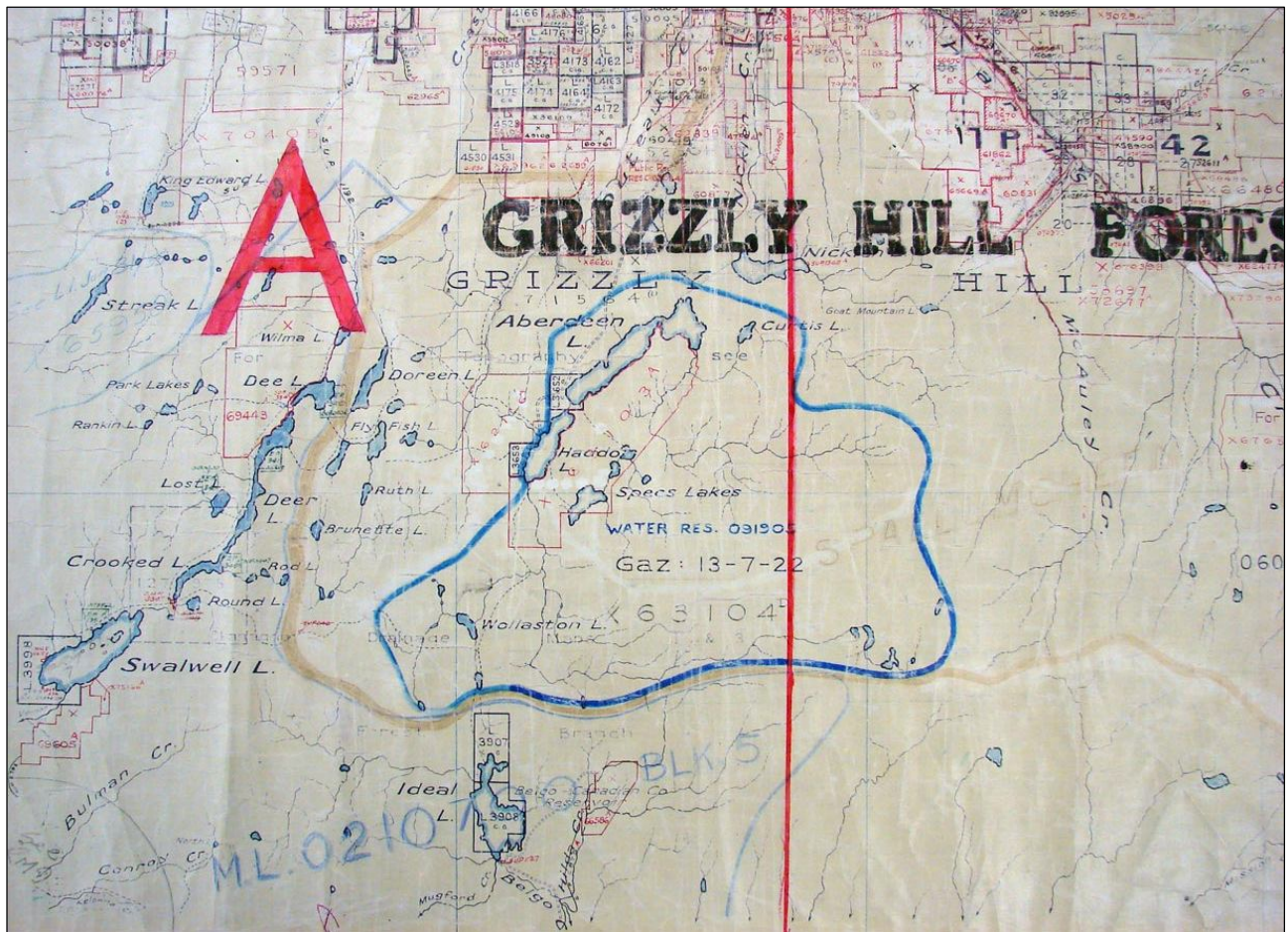
Early BC Forest Atlas Map showing one of the first / earliest Watershed Reserves formed in the Okanagan, established on July 24, 1920 for the Peachland Irrigation District. Within the orange-lined Reserve boundaries was the standard declaration, *No Timber Sales*.

Commission Counsel Davey and Commissioner Sloan were intrigued by the Association's complaint. During the witness examination of Association chairman Collett, he was asked direct questions about the nature of these "Reserves" and their "liftings". Collett stated in response that the Commission had better ask Mr. McDougall about the specifics. In follow-up questions posed the same day by the Commission, Dougald McDougall provided a few more details about the "liftings" within the Grizzly Hill Provincial Forest Reserve mentioned in the Association's complaint:

McDougall: *In connection with the Grizzly Hill Forest Reserve, the fact that is [it] was a Forest Reserve in connection with the Irrigation District was one of the inducements to the farmers to come in under this Irrigation District. Possibly some of the farmers would not have come in. I know they did not want to come in to the Irrigation District, in fact some companies had sold land without having sufficient water for them and some of those lands were sold at tax sale but through the thought that the Watershed was protected by this Forest Reserve, the Grizzly Hill Reserve, it induced certain farmers to come in under the Irrigation District.*

Mr. Davey (Commission Counsel): *When was that Reserve lifted?*

⁵³ East Creston's Watershed Reserve, the Arrow Creek watershed, was in the Nelson Forest District or Region, located northeast of the Town of Creston, the furthest removed from the other Irrigation Districts that were concentrated in areas spanning generally from the northern to the southern perimeters of the Okanagan Basin within the Kamloops Forest District or Region.



Headwaters of a few northeastern Okanagan-based Irrigation Districts in the Grizzly Hills Forest area, from a December 1950 Forest Atlas map. Note the blue boundary Reserve line in the headwaters plateau area, for the domestic and irrigation water supplies of the Irrigation Districts.

McDougall: Only a few years ago. That was brought up at a meeting in February in Kelowna and Mr. Orchard said that the Forest Department did advise the Water Rights Branch, but they never advised the Irrigation District.

Question: Take one thing at a time. My information is that none of these Forest Reserves constituted by the Forest Department have been lifted.

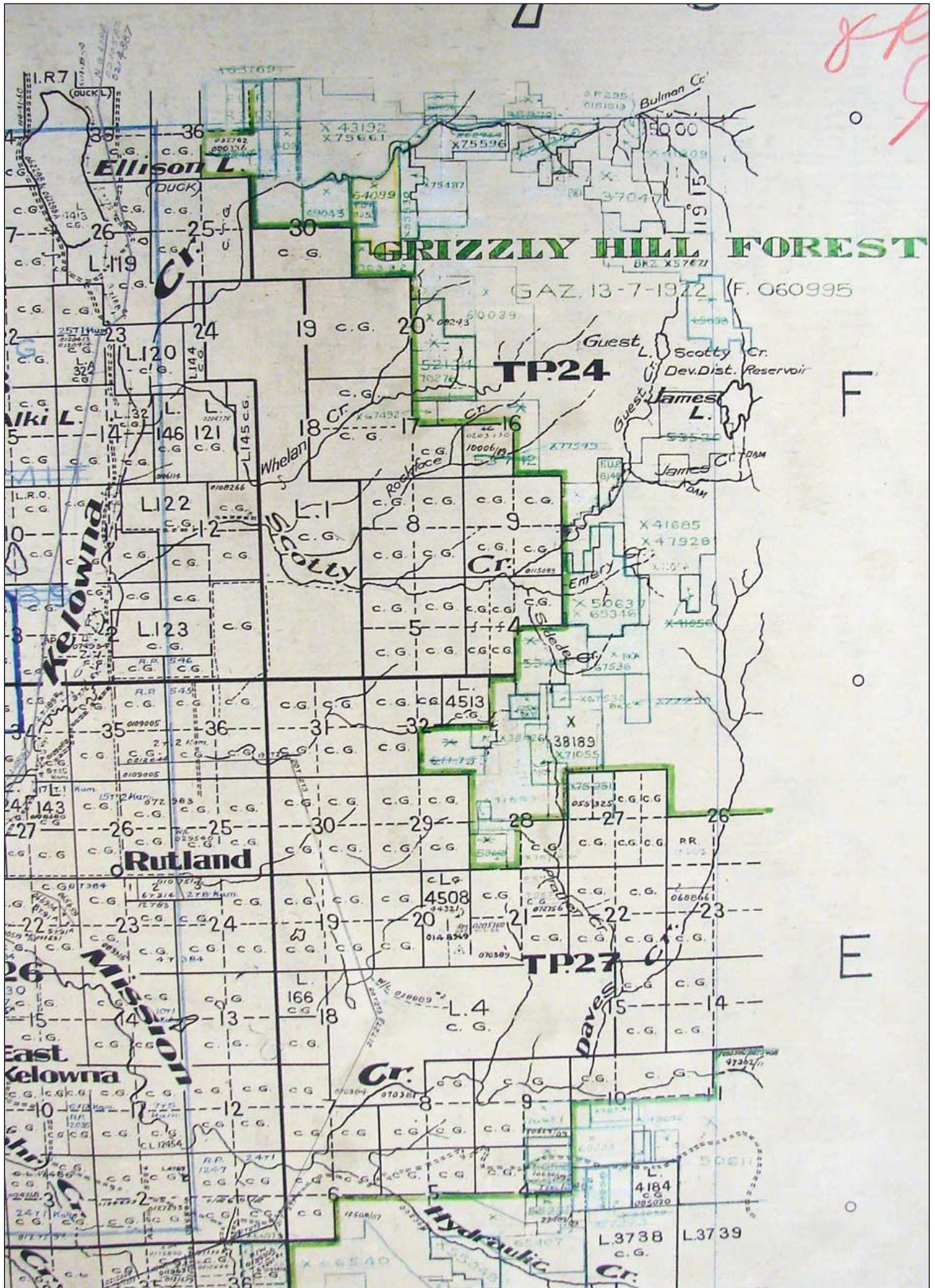
McDougall: They are cutting timber on Crown land in the Grizzly Hill Forest Reserve right now.

Question: That may be; but is it your statement that the Forest Reserve on Grizzly Hill, that the Reserve was lifted is based on the fact that logging is now proceeding in the Grizzly Hill Forest Reserve?

McDougall: No; but at that meeting it was said that the Water Rights Branch had been asked if they had any objection to it being lifted, and they said no; but the Irrigation District was never consulted. At that meeting in the Royal Anne ...

Question: That was Mr. Davis of the Water Rights Branch – the question put to him was whether the Forest Department consulted the Water Rights Branch before giving Timber Sale contracts, and Mr. Davis said yes.

McDougall: I understood it was in connection with the lifting of the Reserve.



Question: That is not according to my instructions. I may be mistaken. Pardon me just a moment. Colonel Parlow [Kamloops Forest District Forester, who attended the Commission Hearings in the Interior] tells me the Grizzly Hill Forest Reserve has not been lifted.

McDougall: There is logging going on on it now.

Question: Oh yes. Timber Sales may be made in Provincial Forest Reserves.



May 1951 Forest Atlas map of the southern domain of the Grizzly Hill Forest Reserve, immediately south or below the first map of the Grizzly Hills shown two pages previous. In the middle of above map, is the Belgo Creek area, and sweeping into the upper right area is the upper Mission Creek watershed, and its tributary watershed, Pearson Creek.

The Commission Hearings in Kelowna inadvertently failed to provide specific and descriptive information and comment on the history and nature of the “liftings” and of the “Reserves” that the Association of Irrigation Districts made reference to in its submission. Specific reference to this early history was briefly recorded by the Commission some seven months earlier on March 28, 1944, when provincial Water Comptroller Ernest Fraser Davis appeared as a subpoenaed Commission witness in Victoria City which convened at the City’s Court of Appeals. The reason why Davis was summoned as a witness was to help clarify or comment upon the dispute about the early agreement between the Irrigation Districts and the government about logging exemptions in the Okanagan Basin. This dispute was raised by the Association of Irrigation Districts with Chief Forester Orchard when he attended the special February 1944 meeting in Kelowna.

Davey: Haven’t there been reserves of timber set aside on the water-shed supplying irrigation systems in the Interior?

Davis: I wouldn’t say that they were set up specifically for the purpose of conserving that water-supply.

Davey: But they have been set up on those irrigation systems, have they not?

Davis: Not to my knowledge.

Davey: *Doesn't the Forest Branch from time to time consult the water Department to see whether timber should be sold for logging?*

Davis: *Yes, they do, but I don't think that at any time we have objected to sales of any timber. The reserves that you referred to were perhaps those set up in 1910 as land reserves, and later the land reserves were cancelled and forest reserves established.*

Davey: *That was in the Interior.*

Davis: *In the Interior.*

Davey: *On the water-sheds supplying domestic water for communities and also irrigation systems.*

Davis: *Yes.*

Davey: *Are you consulted about sales of timber from those reserves from time to time?*

Davis: *Yes.*

Davey: *For the purpose of determining whether the removal of that timber would have any effect on the water-sheds?*

Davis: *That has been the practice.*

Davey: *By what standards do you test the advisability of removing that timber; what principles do you work on?*

Davis: *Well, I would say generally that, as long as only small portions of it were removed, there would be very little effect, but if the whole area was denuded, it might have an effect.*

Davey: *You are concerned with the proportion of timber which is to be alienated?*

Davis: *Which is to be removed.*

Davey: *Have you any rule as to the proportion?*

Davis: *No. It varies in each individual case.*

Davey: *One of the matters referred to this Commission is the maintenance of an adequate forest cover with a view to the regulation or moisture run-off and the maintenance of the level to lakes and streams. Has your Department given any study to that subject?*

Davis: *No, not particularly.*

Davey: *Is the opinion that there is a relationship between forest cover and the control of water run-off?*

Davis: *I don't know that I can hardly answer that question.*

Davey: *Perhaps we can put it this way: just tell me how the forest cover affects the water run-off; what is the mechanical operation?*

Davis: *Well, there are so many differences of opinion on that very point that is very hard to say how it does affect it, the conditions are so complex.*

Commissioner Sloan: *Have you any opinion yourself?*

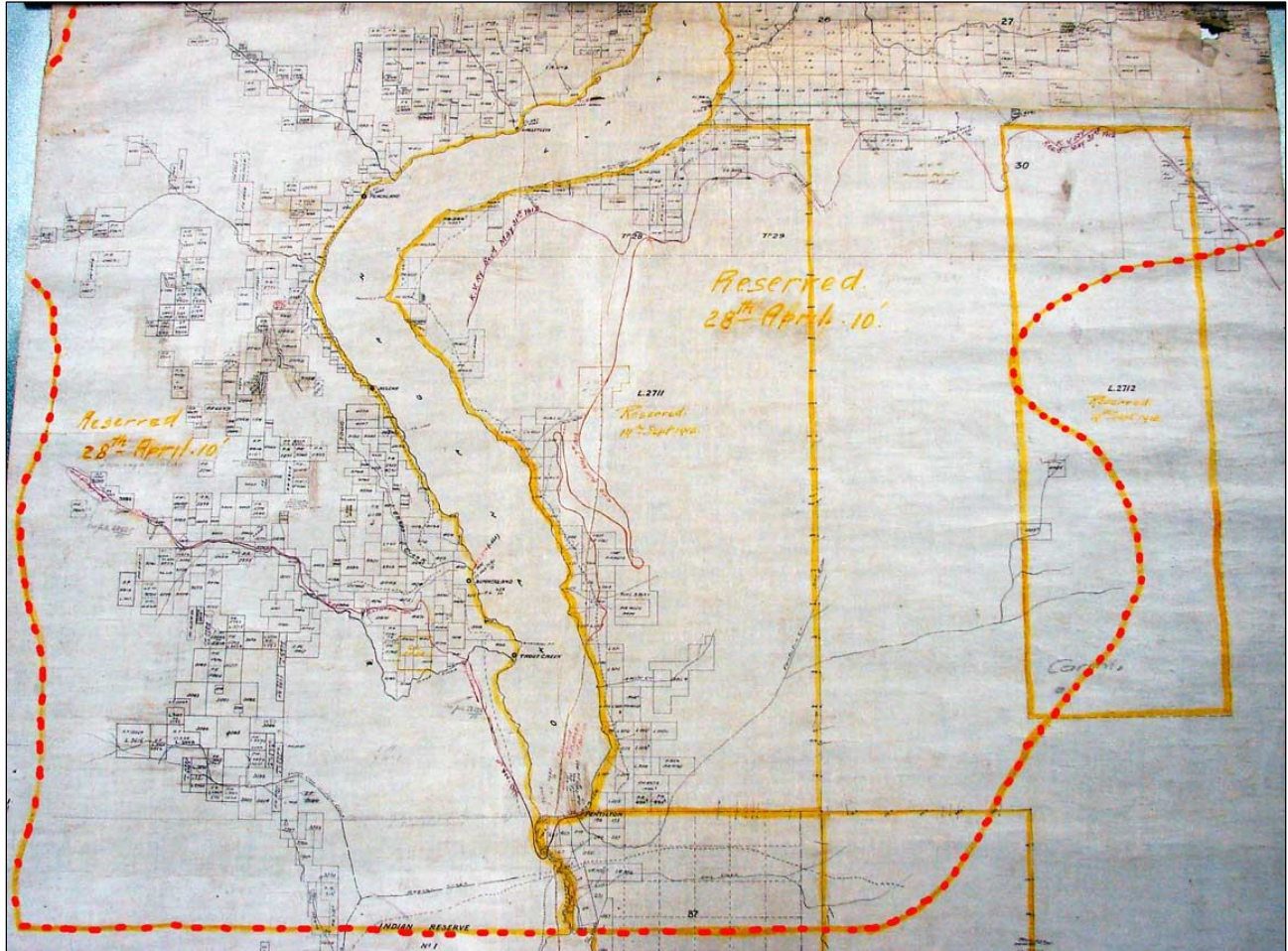
Davis: *I have a general opinion, yes.*

Davey: *Let Us have your opinion?*

Davis: *Well, I would consider that the forest cover has comparatively little effect upon the run-off of the streams. There are so many other factors which bear on the matter of any relation between the runoff and the forest cover that I consider the forest cover is a comparatively minor matter.⁵⁴*

⁵⁴ Sloan Commission Transcripts, Volume 3, pages 739-753. As Water Comptroller Davis stated, his views about logging conflicted with the views of former Water Comptroller E.A. Cleveland (1919-1925) who had a strong policy on the protection of drinking and irrigation watersheds.

Though Davis made reference to the originating date of a government Reserve made in 1910, the Commission apparently failed to request further clarification and material evidence about the Reserve, and no information was provided to the Commission about any agreements made with respect to the 1910 Reserve(s), written or otherwise, with Irrigation Districts and their Trustees and the protection of watersheds in the Okanagan Basin.



The lower half of the enormous 1910 government Reserve over the Okanagan Basin watershed from the City of Penticton, northward, as shown in the red dotted line. It was perhaps the, or one the, largest such Reserves ever established. (Old Forest Atlas Map)

If anyone in government had knowledge about the mysterious 1910 Reserve referenced during the Sloan Commission proceedings it was Chief Forester Orchard himself, who regularly attended the proceedings. Orchard had conducted the first forest inventory survey in the Okanagan in 1920 on the irrigation headwater lands to the east of Kelowna City in 1920 when the Reserve was active. He was also keenly aware of the early sentiments of Okanagan residents and Irrigation Districts about the protection of their water sources that were linked to the mysterious Reserve established in 1910, which Water Comptroller Davis made reference to.

RESERVE.

NOTICE is hereby given that the following area of land in the Osoyoos Division of Yale District is reserved from any alienation under the "Land Act":—

Commencing on the shore of Okanagan Lake on the north boundary of Township 20; thence east along the north boundary of Townships 20 and 21, and continuing easterly to the south-east corner of Township 42; thence southerly to the headwaters of Mission Creek; thence along the watershed of Mission, Hydraulic, and Penticton Creeks to Okanagan River; thence northerly along Okanagan River and the east shore of Okanagan Lake to the point of commencement.

ROBERT A. RENWICK,
Deputy Commissioner of Lands.

*Lands Department,
Victoria, B. C., April 27th, 1910. ap28*

Right: Section of a 1938 Forest Atlas Map showing the headwaters of the Southeast Kelowna Irrigation District's water supply at Hydraulic Lake, southwest of the City of Kelowna, in the White Mountain Provincial Forest Reserve.



Twenty-one years before his appointment as Chief Forester, following Chief Forester E.C. Manning's unfortunate plane crash death, C.D. Orchard was a survey forester and conducted the *Kelowna Watershed Cruise (Reconnaissance No. 1120)* on 43,000 acres of Crown Land that "includes the large basins of Sawmill and Canyon Creeks" southeast of Kelowna City, the northern slopes of the 7,150 foot high "summit of Little White Mountain." It was Orchard's first survey project in BC's Forest Service after graduating from the University of New Brunswick. In it he wrote the following:

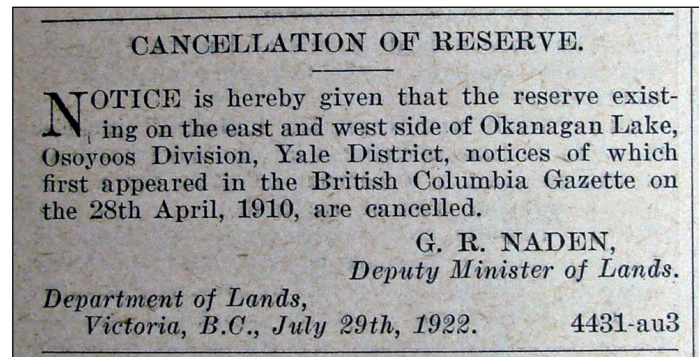
The whole district was reserved from alienation April 28th, 1910. Irrigation projects take water from Hydraulic, Canyon and Sawmill Creeks, draining Blocks "D", "C" and "B" respectively. An irrigation reservoir covers about 300 acres surrounded by non-merchantable Jack Pine at McCulloch in Block "D", and approximately 480 acres have been Crown Granted in the same locality.

The population most directly interested in this area is composed of the townspeople of Kelowna and the fruit growers and ranchers thereabouts. Almost the only industry of this locality is fruit raising which, with several millions of invested capital, is directly dependent on irrigation from streams originating in the forest area under review. Special protective measures to safeguard these interests are necessary.... There is a strong public sentiment against any exploitation, or even rigidly controlled cutting along usual commercial lines.

Orchard failed to provide a descriptive summary on the nature of the 1910 Reserve and any agreements made with Irrigation Districts during the 12-year active tenure of the Reserve. After summarizing the timber areas assessed in the survey, Orchard concludes:

The protection of the water supply is essential. Only clear cutting over small isolated areas or selective cutting should be allowed.... Fire protective measures will warrant greater care and expense on this area in order that the water supply may be protected.

Two years later in 1922, the provincial government cancelled the gigantic April 28, 1910 Okanagan Basin Reserve, as reported in the BC Gazette by way of Deputy Minister of Lands G.R. Naden: *Notice is hereby given that the reserve existing on the east and west side of Okanagan Lake, Osoyoos Division, Yale District, notices of which first appeared in the British Columbia Gazette on the 28th April, 1910, are cancelled.*



Following the cancellation of the Reserve, the Lands Department, through its Forest Service agency, began to establish a series of Provincial Forest Reserves in the Okanagan. And, according to the complaint by the Association of Irrigation Districts, the government failed to consult with the Irrigation Districts when a new policy was established by the government in 1922 to permit future logging in the Provincial Forest Reserves, and had only consulted with the Water Rights Branch before the 1910 Reserve was cancelled.

According to government records and a very old Forest Service Atlas Reference Map, inside of the all-encompassing 1910 Reserve was a separate Reserve established on July 24, 1920 in the headwater forests of Peachland Creek, within the western half of the Okanagan Lake area. The small Reserve was created for the Peachland Irrigation District, a later member of the Association of BC Irrigation Districts, and appears to be one of the earliest singular Watershed Reserves made in the Okanagan Basin. On the map was marked the standard refrain for such early Reserves, *No Timber Sales* (see map at the beginning of Chapter 2.3.2). No descriptive information was noted about this Reserve in the Water Rights Branch's April 30, 1926 economic report survey on the Peachland Irrigation District, which only made quick reference to Peachland's high elevation water collection reservoirs.⁵⁵ Nothing was noted of the Peachland Watershed Reserve in subsequent Forest Service Okanagan Survey and Reconnaissance reports, i.e.: forester H.J. Hodgins' *Okanagan Forest* survey of 1930; and the 1939 Okanagan Survey, *Proposed Okanagan Working Circle. Forest Survey and Preliminary Management Plan, 1938-1939.*

In forest inventory and management reports conducted by the Forest Service along the eastern half of the Okanagan Basin from 1925 to 1926,⁵⁶ and along the western half of the Okanagan Basin in 1930, provincial foresters avoided descriptive details – unlike those provided by C.D. Orchard in his 1920 survey report – about the public's concerns and history of irrigation and drinking watershed

⁵⁵ As part of Provincial Water Comptroller MacDonald's 1926 economic survey of Okanagan Irrigation Districts presented to Minister of Lands T.D. Pattullo – all of the Districts of which had been financed from the government's Conservation Fund – the other Irrigation Districts included Black Mountain, Glenmore, Naramata, Scotty Creek, South East Kelowna, Vernon and Westbank. Other Irrigation Districts in the Okanagan included Girouard (near Vernon), Oyama, Kaleden, the City of Penticton, the City of Summerland, the South Okanagan Irrigation Project at Oliver, the Woods Lake Water Company, the Okanagan Centre Irrigation Company, and the Okanagan Development and Orchard Company. Outside of the Okanagan, other Irrigation Districts included Pavilion (near Lillooet), Vinsulla and Heffley (north Thompson), Grand Forks, Malcolm Horie (near Cranbrook), Robson (north of Castlegar), East Creston, Cawston, Kamloops Irrigation and Power Company, Keremeos Land Company, and the Columbia Valley Irrigated Fruit Lands Company.

⁵⁶ In reconnaissance report files R1, R2, R3, R4, and in the later 1930 survey R33.

protection. It doesn't appear as though the Forest Service consulted with the Irrigation Districts when the Provincial Forests were being surveyed for forest management proposals, and if it did, nothing was specifically mentioned about this possibility in the reports:

1. In 1925, Junior Forester W.W. Stevens authored the *Little White Mountain Forest* survey,⁵⁷ wherein he wrote:

Local demand and watershed protection are the major requirements of the plan. There are no large bodies of timber but several locations are suitable for small portable mill operations. Our main problem is to meet a local timber demand, which will undoubtedly increase; to cut the timber so that stream run-off shall not be interfered with; and to obtain a continuous and increasing timber yield to meet present and future demands.

In the same report, forester F.D. Mulholland, who included sustained yield forest management recommendations, stated:

*Reforestation after logging is of first importance, not only to keep the productive capacity of the Forest but because the watershed provides irrigation water for the Kelowna orchards and the lake reservoirs are too high to catch most of the run-off. In logging each type the best practice in U.S. National Forests or other localities further advanced than this should be followed.*⁵⁸

2. In 1925, Junior Forester W.W. Stevens authored the *Inkaneep Forest* survey,⁵⁹ wherein he wrote: "*Local demand and watershed protection are the major requirements of the plan.*" In the same report, F.D. Mulholland wrote in the Summary and Recommendations section, wherein he advocated lengthy forest rotations (100-220 years) and selection logging:

Five creeks, Inkaneep, McIntyre, Shuttleworth, McLean and Ellis, drain this Forest and supply irrigation water. By far the largest run-off is given by McIntyre Creek ... That shown for Ellis Creek, however, is only that part of the run-off which was diverted into the Penticton Municipal System.... It is anticipated that those [reservoir sites] on the Inkaneep will ultimately be developed for the South Okanagan Irrigation System.... Loss of late summer water due to destruction of cover would be hard to replace.... The chief cause of fires in this Forest has been lightning. It has been so for centuries, yet these watersheds are not denuded.

⁵⁷ The Little White Mountain provincial forest includes Penticton Creek, Naramata Creek, Robinson Creek, Sawmill (Bellevue) Creek, Klo Creek and Hydraulic Creek watersheds.

⁵⁸ Selection logging of individual trees was the policy in all the U.S. federal National Forests at that time, i.e., no clearcutting. Clearcutting was practiced by private landowners and timber barons throughout the U.S. There was a long-term clash of forest management ideologies between the private sector and the U.S. Forest Service, that is, until the 1950s when clearcutting began on federal forestlands and is also when protected community watersheds began to be invaded in the United States.

⁵⁹ Includes the Ellis Creek, Shuttleworth Creek, McIntyre and Inkaneep Creek watersheds, covering 205,000 acres.

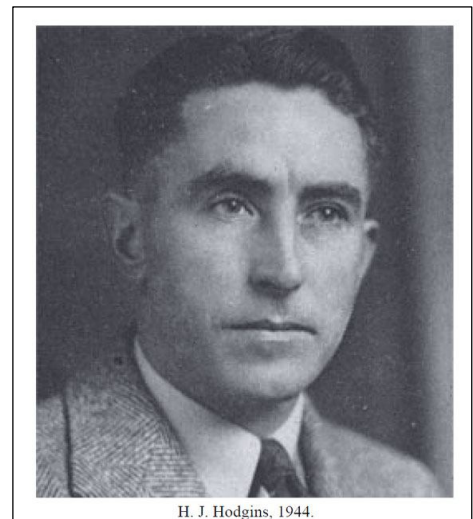
3. In 1926, R.G. McKee authored the *Aberdeen Provincial Forest* survey report,⁶⁰ wherein he states that “*the Coldstream and B.X. Creeks are used in the irrigation systems in the Vernon District. ... The purpose of managing any forest is to obtain a continuous supply of timber to meet the local demand, to encourage the growth of the more valuable species and to afford watershed protection and game preserves.*”

4. In 1926, R.G. McKee authored *The Grizzly Hill Provincial Forest* survey,⁶¹ wherein he states: “*The main stream outlets of the reserve, save Harris Creek, Creighton Creek and Heckman Creek are used in irrigation systems and the supplying lakes are used as storage basins.*” Nothing more is stated about the concerns of water supply users.

5. In Junior Forester R.A. Fisher’s March 1926 report, *Little White Mountain Provincial Forest*, concerning surveys of areas within the Inkaneeep, Little White Mountain, Grizzly Hill and Aberdeen Mountain Forests, extending from Ellis Creek to north of Mission Creek, he only wrote: “*One of the main features in the establishment of this provincial forest is the protection of the irrigation water sheds.*”

6. In forester H.J. Hodgins’ 1930 report (R-33), *Okanagan Forest*, a survey of the entire western half of the Okanagan Basin, he made no mention whatsoever of any concerns related to Irrigation Districts or drinking water users, and failed to reference the Reserve made over Peachland Creek.

Just north of the Okanagan Basin, forester H.J. Hodgins⁶² conducted a survey of a new Provincial Forest, directly south and east of the Town of Salmon Arm, and directly north of Vernon City. In his 1932 report (R-48), *Mount Ida & Larch Hills Forests*, there was no reference made to the federal Watershed Reserve made in 1917 that protected Salmon Arm’s drinking watershed source, East Canoe Creek, a Reserve located within the former Larch Hills Federal Forest Reserve, renamed the Larch Hills Provincial Forest after the Railway Belt lands were transferred to the provincial government in 1930. Hodgins also made no reference to a subsequent Watershed Reserve made in March 1931 over East Canoe Creek by the Department of Lands:



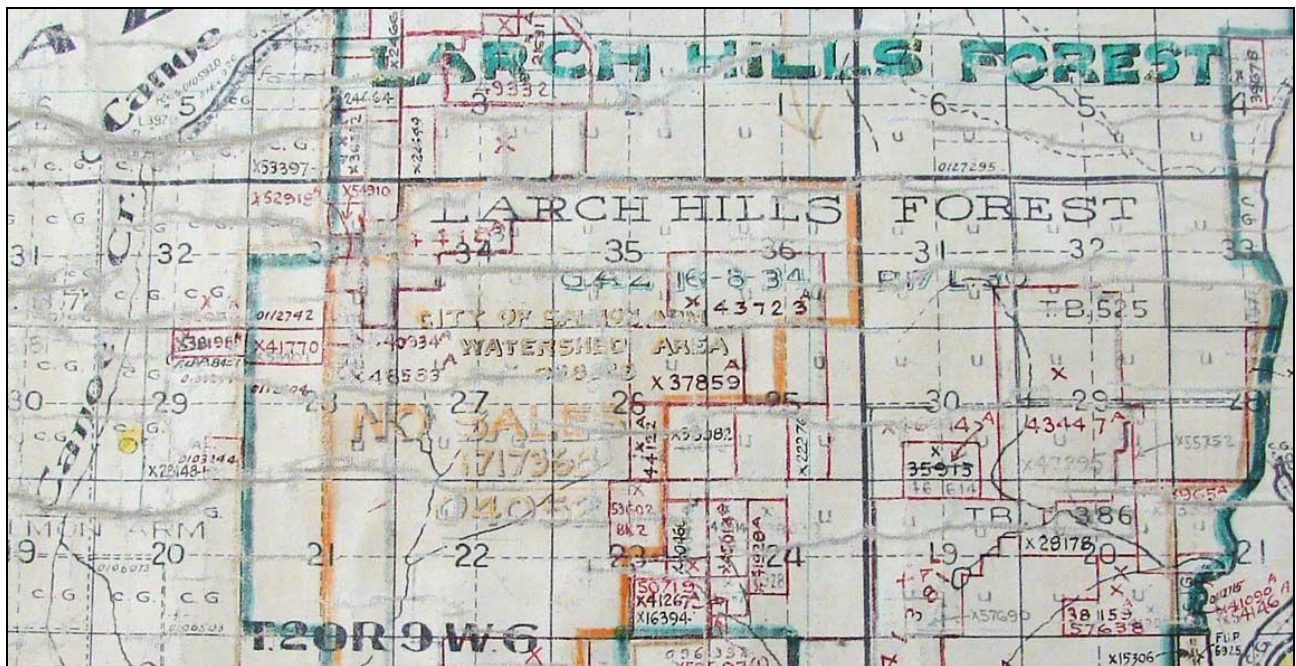
H. J. Hodgins, 1944.

⁶⁰ “*The reserve lies in the north end of the Okanagan Valley lying east of the district between Vernon and Armstrong and west of the Trinity Valley. It is bounded on the north by the Dominion Railway Belt; on the east by the road running north from Lumby; on the south by the road running from Vernon to Lumby; and on the west by the lots of Township 5 and 4.*”

⁶¹ An area of 380,000 acres, “*it is bounded on the south by Mission Creek and the drainage limits of Joe Riche Creek, on the east by ... the Kettle Valley Divide; on the north by ... Monashee Mt.; on the west ... by Long Lake.*” It includes Pearson Creek, Heckman Creek, Belgo Creek, Duteau Creek.

⁶² H.J. Hodgins, who conducted and authored numerous Provincial Forest surveys in the 1930s, became assistant forester to Economics Division head Forester F.S. McKinnon’s in 1938, a position he held until about May 1944, when he left for the private sector to become industrial chief forester for the Pacific Mills Company, a subsidiary of U.S. based Crown Zellerbach. In June 1949, Hodgins was hired by Victoria City Council as a forestry consultant to prepare a forest management proposal report, wherein he recommended Victoria City log its protected watersheds on a sustained yield basis: *Forest Management: Report of Sooke and Goldstream Watersheds. Vancouver, B.C.*

*Sub-irrigation resulting from drainage from the Mount Ida and Larch Hills Forests is largely responsible for the fertility of the surrounding agricultural land. In minor instances cultivated areas are irrigated direct from small streams emanating from the Forests. The municipality of Salmon Arm derives its domestic water supply from East Canoe Creek, an area of approximately 6,000 acres covering this drainage basin being designated as the Municipality of Salmon Arm watershed. Investigations have been carried on regarding the advisability of establishing Mara meadows in the Larch Hills Forests as a storage basin for an intensive irrigation project in the Salmon Arm Municipality. If the present plans materialize the Larch Hills Forest will prove to be an important watershed protection area. **Recommendations for Management.** Object: To regulate the cut of the Mount Ida and Larch Hills Forests on a sustained yield basis, in conjunction with adjacent Forests, for the production of saw-timber, hewn ties and cedar poles... To control logging operations on valuable watersheds so that undue damage to their capacity and impaired sanitary conditions will not result from indiscriminate logging practices.*



Old Forest Atlas Map showing the Watershed Reserve for the City of Salmon Arm, with the classic No Timber Sales proviso (in orange).

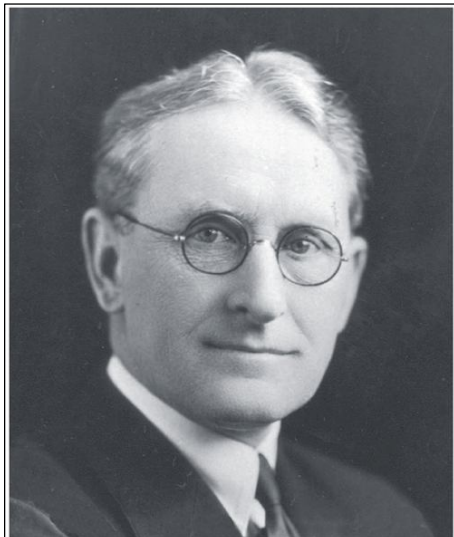
BC Forest Service Forest Survey head forester F.D. Mulholland stated the following in the opening preface to Hodgins' report on the Larch Hills Forest:

The Mount Ida and Larch Hills Forests are two of those in the Railway Belt transferred by the Dominion to the Province in 1930.... The accessibility of the two small Forests and their propinquity to agricultural communities make them eminently suitable for permanent timber production.

F.D. Mulholland, who authored a well-known inventory report on BC's forests in 1937, *The Forest Resources of British Columbia*, and later dubbed by BC Professional Foresters as BC's Father of

Sustained Yield Forestry,⁶³ authored a highly controversial report in 1922, *Report on the Crown Timber in the Capilano Watershed*, which proposed sustained yield logging in the Capilano watershed. Though identified on a map on the front cover page of Mulholland's 1922 report, no mention was made in the report of BC's first Order-in-Council Watershed Reserve established in 1905 that protected the remaining Crown lands in the Capilano from logging and alienation, the source of drinking water for the City of Vancouver. Though never making specific reference to it, Mulholland recommended the extinguishment of the 1905 Capilano Watershed Reserve through default in favour of new legislation to log the Capilano watershed Crown Lands in perpetuity.

In Gerry Burch and John Parminter's 2008 biography of F.D. Mulholland, *The Father of Sustained Yield Forestry in British Columbia*, no contextual narratives were included of the lengthy heated public controversies and endless debates to end logging in the Capilano watershed. Instead, Mulholland is commemorated by professional foresters for having dubiously "*promoted sustained yield management tirelessly and passionately, beginning with his analysis of the Capilano watershed in 1922.*"



E.A. Cleveland, first Water Commissioner appointed to the GVWD in February, 1926.

In October 1922, BC Water Comptroller E.A. Cleveland became a veritable hero to Greater Vancouver residents, administrators, and many politicians when he wrote a strongly worded contrary report to Lands Minister Pattullo, *The Question of Joint Control of Water Supply to the Cities and Municipalities on Burrard Inlet*. In it, Cleveland recommended that the Capilano and Seymour watersheds be fully protected from future logging, for the long-term benefit of Greater Vancouver residents, and that a Metropolitan Water Board be created to organize the oversight of the protected watershed lands. Cleveland later became Commissioner of the new Greater Vancouver Water District, a notable position he held from February 1926 to his passing in January 1952.

In 1940, some four years before the BC Irrigation Association's complaint to the Provincial Forest Commission Inquiry, Greater Vancouver Water District Commissioner E.A. Cleveland stated in a letter of April 20, 1940 to provincial Chief Forester E.C. Manning that his Forest Service staff in the Vancouver Forest District (via District Forester Haddon) had wrongly let a Timber Sale in the Water District's Coquitlam Watershed Reserve that was created in 1910 by the federal Department of Interior. One of Cleveland's Superintendents happened to catch a small team of men red-handed within the southwest corner of the Coquitlam watershed boundary at a newly erected portable timber mill on a

⁶³ The 2008 book by Gerry Burch and John Parminter, *Frederick Davison Mulholland, P. Eng., B.C.R.F. – the father of sustained yield forestry in British Columbia*. On December 1, 1938, F.D. Mulholland resigned from the Forest Service when he was manager of the Forest Surveys and Research Division. In late 1945 Mulholland became industrial chief forester of the Canadian Western Lumber Company. By 1950, Canadian Western partnered with Crown Zellerbach of San Francisco to form the Elk Falls Company, the new licensee of Tree Farm Licence (No.2) for the operations of a new pulp mill north of Campbell River. TFL No.2 lands totalled about 280,000 acres, divided into about five components: lands north of Sayward; lands over the Oyster River watershed; lands by Comox Lake, the Town of Courtney's water supply; lands west of Nanaimo City; and lands west of Ladysmith. Canadian Western, with its subsidiary, the Comox Logging & Railway Company, later merged to become Crown Zellerbach Canada.

new access road, cutting up newly logged timber. In an investigation report filed later that same year by the Greater Vancouver Water District it was stated how the Forest Service had manipulated the watershed boundary for the Timber Sale, and had, therefore, trespassed in the watershed.⁶⁴ This action by the Forest Service prompted Cleveland to not only have the official boundaries of the Coquitlam watershed lands carefully re-surveyed, but in 1942 he also then amended the original 1910 Federal Crown Reserve by transferring the Coquitlam watershed lands into the Water District's 999-year *Land Act* lease protection agreement with the province of BC that it obtained in August 1927 over the Seymour and Capilano watersheds, thereby further ensuring and wisely incorporating the legal custody of the Coquitlam watershed for its complete protection under lease tenure.

From 1938 to 1939, the Forest Service conducted Forest Survey No. R-76⁶⁵ of "*Provincial Forests in the Okanagan Valley ... investigating the economic position of these forests in relation to local industry and other markets,*" as part of a proposed "*Okanagan Working Circle*" for developing "*sustained yield objectives.*" F.S. McKinnon, the Economics Division Forester at Forest Service headquarters in Victoria City – the Division Forester from 1939-1950 who would later become Chief Forester – also wrote the following in the report's preface:

Uniform administration of such a working circle would be best obtained by placing it under the direct supervision of one forest officer functioning as part of the District's staff at Kamloops. It is recommended that careful consideration be given to the early establishment of this working circle.

No references were made in the 1939 Okanagan forest resources report to any existing Crown land resource tenure conflicts or to early protection policies and tenures:

- such as the Peachland Irrigation District's Watershed Reserve;
- a Watershed Reserve established over the Penticton Creek watershed in 1936;⁶⁶
- nor to agreements made in the early 1910-1922 Land Reserve with the Irrigation Districts.

⁶⁴ In the late 1960s and early 1970s there were allegedly two other logging trespasses by the Forest Service in high elevation forest areas of the upper Seymour watershed basin, the watershed under the control of Metro Vancouver's Water District.

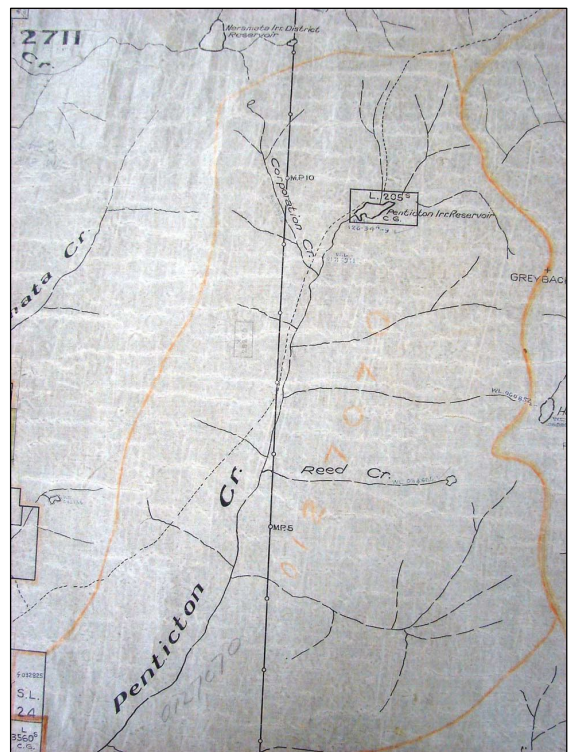
⁶⁵ *Proposed Okanagan Working Circle. Forest Survey and Preliminary Management Plan, 1938-1939.* Survey by C.F. McBride and G.R. Dixon. Report by C.F. McBride. In the early to mid-1940s, McBride was Economics Division Forester McKinnon's assistant forester. Chief Forester C.D. Orchard wrote a report dated August 27, 1942, *Forest Working Circles*, proposing draft legislation on Forest Working Circle Reserves. A year and a half later the government held BC's second Forest Resource Commission Inquiry.

⁶⁶ December 3, 1936. Another Reserve was created yet again on December 15, 1964 over both Penticton and Ellis Creeks. And in 1973, Map Reserves were re-established over both Ellis and Penticton Creek watersheds on December 19th, along with Reserves the same day over the Tulameen River, Anderson Creek, Hedley Creek, Olalla Creek, Trout Creek, Robinson Creek, Naramata Creek, the Shuswap River near Mabel Lake, Irish (or Coyote) Creek, Huntley Creek, BX Creek, Kalamalka Lake, Kelowna Creek, Whelan Creek, Mission Creek, Lambly Creek, Towers Creek and Trepanier Creek.

Right: 1942 Forest Atlas Map showing the first Watershed Reserve over Pentiction Creek. Note the orange boundary line surrounding the Reserve.

However, reference was made in a table in the 1939 report to fourteen of the Okanagan's Irrigation Districts, ten of which were registered in the Association of Irrigation Districts' complaint to the Sloan Commission in 1944 (see red dots in the attached table below).⁶⁷ As stated in the following quote, the Forest Service intended to log in the Irrigation Districts' watersheds:

*The primary objects of forest management in the Okanagan Drainage should be to sustain permanent forest industries at a maximum output, particularly for local markets, and to make adequate provision for watershed values so that irrigation requirements will not be jeopardized.*⁶⁸



(b) Irrigation Development

Agricultural production is entirely dependent on irrigation for its existence. Consequently, extensive storage and distribution systems have been developed by the various irrigation districts and municipalities. In addition, there are numerous water licenses on small creeks, held by growers outside organized districts.

The following table shows the area irrigated, the volume of storage and capitalization of the Irrigation Districts for the year 1938.

District	Irrigated Area (acres)	Cost per Acre	Storage (acre feet)	Capitalized Value
		per yr.		
Vernon ●	8,600	\$ 9.10	17,260 Aberdeen-Haddo Lakes, etc.	500,000
Oyama ●	385	18.25	10,000 Woods & Long Lakes	20,000
Winfield ●	1,895	7.00	9,000 Beaver & Crooked Lakes	300,000
Glenmore ●	1,855	7.25	3,750 Posthill Lake	400,000
Scotty Creek ●	800	2.25	1,100 James Lake	20,000
Black Mountain ●	3,695	5.00	7,750 Ideal & Graystoke Lakes	390,000
S.E. Kelowna ●	2,300	13.00	7,200 Hydraulic Lake	400,000
Westbank ●	565	9.50	1,400 Bear Lake	40,000
Peachland ●	345	9.00	1,400 Peachland Reservoirs	30,000
Summerland	3,200	12.18	5,000 Summerland "	300,000Est.
Pentiction	2,410	14.00	2,300 Dog Lake, Pentiction Creek	200,000
Naramata ●	850	12.00	850 Chute Creek	110,000
Kaleden	470	20.00	1,550 Shingle & Sheep Creek	300,000Est.
Oliver	3,865	6.00	Use water from Okanagan Lake	3,500,000
TOTALS	31,235		66,560 acre feet	6,510,000

⁶⁷ Additional information in the 1939 report made reference to Pentiction Creek's road that provided access to "irrigation dams." There was a complex of "pack trails" that Irrigation Districts built throughout the Okanagan to access their water storage dams.

⁶⁸ Volume One, page 48.

Two years later, the 1941 annual report of the Forest Service provided an update with respect to the 1939 Okanagan Basin Working Circle report:

Okanagan Drainage.

Estimates, forest and topographic maps, and management recommendations were completed for the Okanagan Drainage, which comprises the entire area tributary to Okanagan Lake in the Kamloops Forest District. Several Provincial Forests – namely Inkaneeep, Little White Mountain, Grizzly Hills, Aberdeen, and Okanagan – are located in this region and were consequently resurveyed, the original forest surveys having been conducted throughout the period 1925-29, inclusive.

From the standpoint of Crown timber available, market conditions, and established industry, the situation in this region is favourable for developing a working circle in an endeavour to maintain sustained yield objectives.

*Approximately 91 percent is of Crown ownership and the balance is chiefly on Crown grants and Indian Reserves.*⁶⁹

Concurrent with the Forest Service's proposed objectives to log in the Okanagan Basin, the Southern Interior Lumber Producers, one of a small number of BC forest industry lobby groups, met in Vernon City in August 1941 to create a new association lobby entity, the Interior Lumber Manufacturers Association (ILMA), which may have been effective in steering the Forest Service to propose logging in the Okanagan Basin in the early 1940s during the Second World War.

In his written submission, the owner of Penticton Sawmills stated to the Sloan Commission Hearing held in Penticton on October 24, 1944 that his company was innocent and had nothing whatsoever to do with the complaints being registered by the Association of BC Irrigation Districts and fruit growers:

Log supplies are drawn almost entirely from outside the Okanagan watershed, our logging operations having no bearing on flood conditions or irrigation requirements in this district. In fact no logging of any appreciable extent has been conducted on this watershed for the past 35 years. Our log supply comes from as far as 100 miles east and 100 west of Penticton being transported by K.V. [Kettle Valley] Railroad to the Sawmill.

Stanley M. Simpson,⁷⁰ an executive member of the recently formed Interior Lumber Manufacturers Association, and the owner of a mill and with timber operations near Kelowna (who would later be granted Tree Farm License No. 9 on the northwest part of the Okanagan Lake), stated before the Sloan Commission from October 21-23, 1944 in Kelowna⁷¹ that he had been practicing “*selection logging*” in the Okanagan area and advocated its continuance through a future program of sustained yield logging. In his written brief, Simpson also included the following recommendation regarding the issues raised by the Association of Irrigation Districts:

For the more effective carrying out of a new forest policy in Interior British Columbia, and bearing in mind the community of interest that exists between the lumber industry and

⁶⁹ Page G-9.

⁷⁰ For more on Simpson, refer to Section 4.2.a, *Okanagan Basin Logging History*.

⁷¹ Submission No. 374.

agriculture, live stock, fish and game, and irrigation, I would recommend an Administrative Board be authorized comprised of competent representatives of the sections of the community referred to, to be presided over by an impartial chairman, to give full time attention to the innumerable interlocking questions which must arise in the administration of a new and effective forest policy, for the making of Regulations and for the purpose of seeing that those Regulations are carried out under such a Board's jurisdiction by the present personnel of the various Government Departments involved.

As a result of the collective controversial public complaints about water use conflicts in the Interior, they prompted mill owner Simpson to have Commissioner Gordon Sloan consider the merits of an Advisory Council. In his final report, Commissioner Sloan weighed the serious nature of all the BC Interior complaints before him, considered the possible wisdom of Simpson's recommendation, and then advised the government to create an Interior Advisory Council, to be:

*composed of representatives of the logging and lumbering interests, water-users such as stockmen, farmers, and orchardists, and perhaps trappers. Through an organization of this kind representatives of the varying and sometimes conflicting interests would become familiar with and sympathetic to the difficulties with which each is confronted, and out of this common understanding recommendations formulated in a spirit of mutual co-operation could be presented to the Forestry Commission for its consideration.*⁷²

Ten years later, in Sloan's second concurrent assignment as Commissioner of a provincial forest Inquiry, he seemed quite perturbed that the provincial government had for ten years since failed to honour his recommendation to establish an Interior Advisory Council.⁷³ In fact, Sloan incorporated and transferred all the transcript quotations he made in his first Commission Inquiry report concerning fresh water runoff and community drinking water and irrigation watershed themes directly into his second Inquiry report of 1956, so that the BC Social Credit administration, in power since 1952, would not forget the importance of protecting provincial water purveyors' watersheds.

Sloan then advised the government in his 1956 report to create not one, but three, provincial Advisory Councils, and a separate Provincial Advisory Council to which the three would report to.

*Because of the diversity of forestry problems and the distribution of activities wherein conflict is possible resulting from the multiple use of these forested areas, such as grazing, mining watershed control in irrigation districts, and such like, it is my opinion that the creation of three Regional Advisory Boards would serve a very useful purpose, not only in the assistance the [Forest] Service could derive therefrom, but also as a media through which persons whose interests conflict would, by discussion, gain a mutual understanding of, and respect for, the difficulties of their neighbours.*⁷⁴

Sloan's recommendation for provincial resource consultation processes would inevitably lead to creation of provincial Regional Resource Management Committees and to the establishment of Resource Folios in the 1970s.

⁷² Page Q-168.

⁷³ A review of Forest Service annual reports from 1946 to 1955 found no references to the words "Interior Advisory Council" or to an equivalent consultative "board."

⁷⁴ *The Forest Resources of British Columbia*, 1956, page 576.

The internal government directives following the Association of Irrigation Districts' complaint to the Sloan Commission in October 1944 may provide a strong clue as to why Kamloops Regional Forester (Colonel) A.E. Parlow, a year after the Provincial Forests Inquiry, and after conferring with his senior administrators in Victoria, acted so quickly in obeying the City of Revelstoke in 1946 to withdraw the logging proposal in the Greeley Creek Watershed Reserve.

2.4. The Erickson Mutual Water Users Request the Government Protect Sullivan Creek from Logging

Many other community water purveyors in the province of British Columbia, such as the Erickson Mutual Water Users, were seeking protection of their drinking water and irrigation sources from logging in the early part of the 1900's. On November 27, 1927, the community of Erickson, located just east of the town of Creston, formed the Erickson Mutual Water Users Community. Its authority was established through Section 156 of the provincial *Water Act* for water rights provisions related to drinking and irrigation water from the Sullivan Creek watershed.

Just over a year after the Big Eddy Waterworks District applied for protection of the Dolan Creek watershed as a Watershed Reserve with the Department of Lands and Forests, the Erickson Water Users Community requested the same in 1952, as the government was gearing up its new 'sustained yield' forest management initiatives:

*Be it resolved the members of the Erickson Mutual Water Users District the Executive that under no consideration must the Sullivan Creek Water Shed be sold, rented, used etc to any person or persons for cutting of timber. Copy of this resolution be sent to the Forestry Department in Creston, B.C. Moved - Chernoff, Seconded - Turner.*⁷⁵

Like the Big Eddy Water Works District, in the early part of 1953 the Erickson Mutual Water Users became an Improvement District. At 8 p.m. on September 14, 1953, an "extraordinary meeting" was convened at the Erickson Covenant Church regarding the resolution against logging in Sullivan Creek:

After a very full discussion Mr. Turner moved that the resolution as passed on 19 January [19]53 concerning the protection of the Sullivan Creek water shed be reaffirmed.

In June 1957, just as the Forest Service was embarking upon a systematic and comprehensive clearcut logging agenda on public provincial forestlands through its mandate of sustained yield forest management, the Erickson Improvement District posted a sign on the road leading up to the water intake "to prevent the public from using the road",⁷⁶ because the Trustees wanted to secure the quality and natural integrity of its water source.



⁷⁵ January 25, 1952, Meeting Minutes of the Erickson Mutual Water Users.

⁷⁶ Meeting minutes of June 4, 1957.

Explained in Chapter 8, *The Failed Public Relations Tour of Blewett Creek*, there was a fascinating political connection between the Big Eddy Waterworks District's Dolan Creek Watershed Reserve and the Erickson Mutual Water Users' Sullivan Creek Watershed Reserve, located to the south of Big Eddy some 250 kilometres distant 'as the crow flies'. This connection relates how, from 1984 to 1985, administrators at the Ministry of Forest's Nelson Regional office failed to sway the Big Eddy Trustees in an audacious attempt to influence community support for logging in the Dolan watershed.



Photo of the Sullivan Creek water intake area taken by the author in 2002. These old signs (including the one on the previous page), which the Erickson Mutual Water User Trustees posted years ago, may no longer exist.

2.5. The Chief Forester Signals the Invasion of Community Watershed Reserves

Question: Your full name?

Answer: Chauncey Donald Orchard.

Question: You are Chief Forester for the Province of British Columbia?

Answer: Yes.

Question: And you have been Chief Forester since when?

Answer: Since January, 1941.

Question: Under the Forest Act the Forestry Department is given certain duties. Can you state them broadly?

Answer: In the simplest terms they are all responsibilities for administration of the public interests, in the forests of British Columbia.... The Province is broken down into five forest districts, with headquarters at Vancouver, Prince Rupert, Prince George, Kamloops and Nelson. Each one of those various districts is in charge of a district forester, and the district forester within his district is almost the exact equivalent of the chief forester for the Province as a whole. ⁷⁷



TOP MEN OF BC's TIMBER BUREAUCRACY 1958-1972

Top left: Ray Williston, Social Credit Party Minister of Lands and Forests (1958-1962), and then Minister of Lands, Forests and Water Resources (1962-1972), on whose watch the provincial Watershed Reserves were wrongfully under attack.



Bottom Left: R.G. McKee. When the position of Deputy Forests Minister was established in 1958, he was the Chief Forester. From 1958-1959, he held both positions. From 1959-1964 he was Deputy Forests Minister.



Top Right: F.S. McKinnon. Chief Forester, 1959-1965; and Deputy Forest Service Minister, 1965-1968.



Bottom Right: L.F. Swannell. Kamloops District (Regional) manager, 1952-1958. Assistant Chief Forester, 1958-1965. Chief Forester from 1965-1972.

The legislative force of the Crown *Land Act* Watershed Reserves was eventually challenged in 1963 by F.S. McKinnon, the Commander and Chief of the Forest Service, during the twenty-year-long

⁷⁷ Monday, February 21, 1944, Gordon Sloan Forest Commission Inquiry, *Proceedings*.

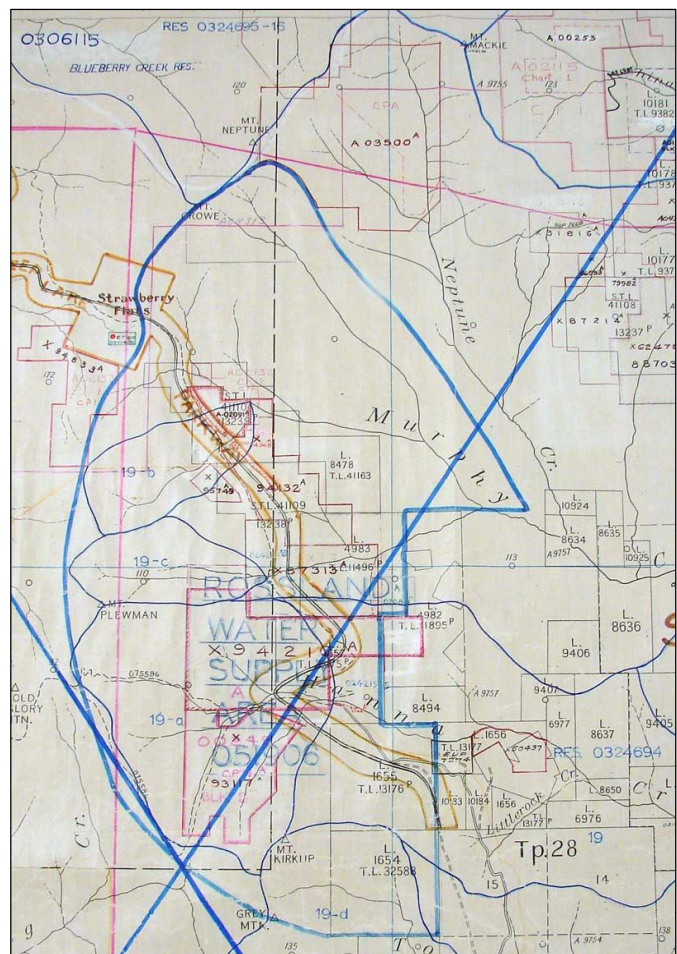
Social Credit Party administration, who at that time reported directly to the Deputy Forests Minister R.G. McKee, who in turn reported to Lands and Forests Minister Ray Williston.

*“The **problem of protection** has been going on for 40 years” in “these so-called watershed reserves,”* Chief McKinnon defiantly and irritatingly stated in an April 23, 1963 memo addressed to his top lieutenants in the Nelson Forest District (Region) office. In that memo, the Chief Forester made reference to Newman Taylor, *“The Superintendent of Lands,”* concerning Taylor’s May 19, 1940 correspondence memo that McKinnon most likely found in a Land’s Department Reserve file about Rossland City’s Watershed Reserves, where Taylor *“states that the area has been withdrawn from any disposition under the Land Act”*, consistent with and adhering to the description about such Reserves later proclaimed in the 1970 *Land Act* legislation.⁷⁸ That meant that, among many other possible dispositions, Timber Sales were prohibited within Rossland City’s Reserves boundaries.

Confronted by the Superintendent of Lands’ recorded legal ultimatum, McKinnon countered Taylor’s definition of provincial policy stating that it was *“open to misunderstanding.”* In order to help the *“confused”* Rossland City authorities, McKinnon then continued in his memo, *“as to their measure of control over the timber,”* and *“before we even get to the point of arguing with the village officials whether we [underline emphasis] have the authority to dispose of the Crown timber,”* it *“will require education of their officials as to what to expect from well conducted logging operations.”*⁷⁹

Right: Forest Atlas Map showing Rossland City’s Watershed Reserve over three watersheds.

The arrogant and treacherous statements in commander McKinnon’s 1963 memo are ominously significant. The quotes also belie a more forthcoming and blatant representation top administrators in the Forest Service apparently had with their attitude about the community and irrigation Watershed Reserves, an attitude which had been covertly brewing for some time, and the bumpy tyrannical road in the years ahead: the steamroller, the smash and grab. Since late 1960, the Chief Forester and his Assistant Chief Forester had been quietly setting up the overall deception to access timber in protected Crown forestland Watershed



⁷⁸ See Appendix A.

⁷⁹ The details and context of McKinnon’s memo is discussed in Will Koop’s December 2008 report, *Good Servants/ Bad Service: An Examination of Records and Reports Relating to Rossland’s Drinking Watershed Reserves (1923-2002)*, <http://www.bctwa.org/RosslandResRep-Dec8-08.pdf>.

Reserves, and were attempting to reshape the mindset of their troops accordingly. Plans were in high gear to convert as much of British Columbia's public forest land base into a new program of sustained yield forest management, through both Public and Private Working Circle processes (later, Timber Supply Areas, or TSAs, and Tree Farm Licenses, or TFLs, respectively). The occasion in 1963 of the City of Rossland's defence of its collective Watershed Reserve over three adjacent or interconnected watersheds would not be tolerated, as too much was at stake in the Forest Service's plans ahead to resolve the "*problem of protection*" and the associated brainwashing. It was up to the Chief Forester to step in and take control of the situation.

Something else of enormous significance was cooking in the community watersheds pot which Chief Forester McKinnon was also involved in. Covert and conniving attempts were being set up by a small group of instigators targeting commercial logging in Greater Vancouver's bundle of three protected drinking watersheds – the Capilano, Seymour and Coquitlam – the big shining provincial, national, and international protection jewels.⁸⁰ By the end of 1963, internal negotiations began with Forests, Lands and Water Resources Minister Ray Williston and his top administrators and legal counsel that continued on into late 1966 to renegotiate Greater Vancouver Water District's 999-year *Land Act Lease* agreement (called an "Indenture"), carefully worded amendments to convert the agreement's protection clauses into quasi-Tree Farm License agreement Number 42:

Since meeting with you in Mr. McKinnon's office, and briefly discussing the proposed amendment to enable the District to operate a sustained yield program I have had the opportunity to read up on the correspondence and your brief, etc., and I recall that you mentioned you might be able to make available to the Forest service a copy of the report by C.D. Schultz & Company, 1956, "Appreciation of Factors Affecting Watershed Management on the Watershed or the Greater Vancouver Water District." It would be much appreciated if you could do this, as it would be an advantage to this office if we could retain a copy. As mentioned at the meeting, we are enclosing for your information, a copy of our mimeographed Working Plan Outline which is used as a guide in the preparation and checking of working plans for tree-farm licences.⁸¹

.....

As you are aware discussions have been held with your Minister, the Hon. R.G. Williston, Mr. E.W. Bassett, Deputy Minister of Lands, your Chief Forester Mr. F.S. McKinnon and ourselves regarding an amendment to the 999 Year Leases from the Provincial Government that this District holds for the purpose of water supply.⁸²

.....

The considerable time elapse involved in bringing this matter to this stage is regretted but is largely accountable to the fact that the document is the first of its kind and was necessarily carefully prepared and scrutinized from a legal standpoint.⁸³

⁸⁰ Early Greater Vancouver Water District correspondence records with the Vancouver Archives reveal that the Water District's policy of protection was recognized nationally, and internationally.

⁸¹ H.M. Pogue, Forester, Working Plans Division to Kel Blakeney, forester, Greater Vancouver Water District, November 28, 1963. Blakeney used to be a forester with the C.D. Schultz Company forestry consulting firm.

⁸² Letter from Greater Vancouver Water District Commissioner K.E. Patrick, to Deputy Minister of Forests, R.G. McKee, December 19, 1963.

⁸³ Deputy Minister of Forests, R.G. McKee to Water District Commissioner Ken Patrick, October 30, 1964.

In addition to the numerous and shadowy inroads made to initiate ‘sustained yield logging’ in Victoria City’s protected watersheds in the early 1950s,⁸⁴ the logging in Metro Vancouver’s watersheds that officially began in 1968 would help to create a new and pivotal provincial precedent and rationale to enter and log the remainder of BC’s protected community watersheds, as fifty percent of BC’s population relied on Metro Vancouver’s three watersheds for drinking and domestic needs. That fulfilled and slimy agenda would trigger another agenda in 1970 to strip away the legislative 1908 provision in the *Land Act* accessed by Metro Vancouver’s Water District, the 999-year lease of Crown lands to protect a community watershed. The spirit of this sordid achievement to log in Greater Vancouver’s watersheds was later smugly reflected upon in an August 31, 1981 Ministry of Forests’ memo: “*Victoria and Vancouver watersheds are prime examples of viability of logging in our arguments with other Cities and Districts.*”⁸⁵ A lot was at stake in the 1960s when many logging agendas and scheming by foresters and the forest industry sector to invade protected watersheds were underway.

In line with the integrated machinations, McKinnon’s Nelson Forest District lieutenant, forester J.R. Johnston, the regional manager from 1962-1978, announced the “*invasion*” of protected community watersheds in a July 17, 1964 memo to about 30 of his Forest District Ranger troops, the supervisors over his 22 Ranger Districts.

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

Johnston, a former Nelson Forest District Assistant Ranger before he enlisted in the war in the early 1940s, returned to serve under Forester E.W. Bassett’s Operations Division at Victoria headquarters in 1945 where he remained until 1948 and then transferred to the Nelson District as Assistant Operations Forester. By 1949, Johnston was transferred to the Kamloops District as Operations Forester under District Forester Colonel A.E. Parlow, a position he held until late 1951 when he became Assistant District Forester under newly appointed Kamloops District Forester L.F. Swannell. He remained Kamloops Assistant District Forester until about 1959 when he was promoted to Prince Rupert District Forester, and was transferred to serve as Nelson District Forester in 1962.

The “*invasion*” incursions underway provincially would quickly lead to great public outrage by provincial water user communities and purveyors in the 1960s, and would ultimately lead to the establishment of a provincial Task Force on community watersheds in February 1972, under the executive direction of the Environment and Land Use Technical Committee of Deputy Ministers.

⁸⁴ A history of Victoria’s watersheds will be published by the B.C. Tap Water Alliance in the near future.

⁸⁵ I.e., as a standard fall back, Social Credit Party Minister of Environment, Austin Pelton, consoled the South Pender Harbour Waterworks District in a June 5, 1986 letter regarding concerns about logging in its Watershed Reserve that “*there need be no conflict per se between timber harvesting and water supply as is illustrated by the Greater Vancouver Water District operations.*”

Tragically, Chief Forester McKinnon openly opposed the rule of law, and, acting like a lawbreaker, enticed and ordered his provincial lieutenants to do the same, the origins of great distrust and shame to his Service.

	1958 – 1962 – 1958 - 1965	P. Young, District Forester J. R. Johnston, District Forester	
Ranger Districts	1 Invermere	H.V. Hopkins L.G. Taft	1961
	2 Fernie	J.L. Humphrey	
	3 Golden	J.L. Connolly	
			Not staffed in 1960
		S.E. Anderson	1961
	4 Cranbrook East	J.B. Gierl	
	5 Creston	A.I. Ross	
	6 Kaslo	L.E. Stilwell G.B. Allin	1963
	7 Lardeau	W.G. Benwell G.L. Benwell	1964
	8 Nelson	R.E. Robinson	
	9 New Denver	C.C. Jupp	
	10 Nakusp	J.H. Raven	
	11 Castlegar	H.R. Wood	
	12 Grand Forks	E.W. Reid	
	13 Kettle Valley	W.T. Uphill	
	14 Canal Flats	G.M. Cartwright	
	15 Arrowhead	F.G. Old G.B. Allin P.F. Russell W.G. Benwell	Not staffed 1960 1963 1965
	16 Edgewood	W.D. Haggard I.M. Loomer	1965
	17 Elko	F.G. Hesketh W.G. Benwell P.F. Russell	1964 1965
	18 Spillimacheen	R.J. Reaney C.N. Bellmond	1963
	20 Beaverdell	J.H. Ivens L.O. Hamann	1963
	21 Slocan	G.R. Webster	
	22 Revelstoke	R.C. Jackson	



Above: Nelson Regional forester, J.R. Johnston.

Left: Table list of administrative district foresters in the Nelson Forest Region, by Ranger District.

Source: *A Proud Tradition: History of the Nelson Forest Region, 1897-2003*, by the Ministry of Forests, 2003.

Chief Forester McKinnon failed to impart something of importance in the April 23, 1963 memo to his regional forest lieutenants, namely the fact that one of his predecessors, Chief Forester E.C. Manning,⁸⁶ had approved of and agreed with Superintendent of Lands Newman Taylor’s 1940 understanding and interpretation of the significant powers granted over Rossland City’s Watershed Reserves, namely the withdrawal of the area lands “*from any disposition under the Land Act.*” McKinnon had read Chief Forester Manning’s memo in the Rossland Reserve file correspondence

⁸⁶ As reported in the Forest Service Annual Report of 1940, Manning died in an airplane crash on February 6th, 1941, returning from a business meeting in Ottawa. He began his position as Chief Forester in 1936. In 1941, a new provincial park was named in his honour, Manning Park. Manning’s former boss, Lands Minister Wells Gray, the former mayor of New Westminster City, also had a provincial park named after him.

he had personally reviewed concerning the Rossland City Watershed Reserves. Also in the Rossland Reserve file was an April 9, 1963 memo from Superintendent of Lands Borthwick, "as the area required lies within a reserve from alienation for watershed purposes in favour of the City of Rossland." Chief Forester McKinnon's footing was evidently planted on very loose ground.



Above: E.C. Manning, Chief Forester from 1935-1941.

Below: Wells Gray, Minister of Lands and Forests, November 15, 1933 to May 15, 1944. Wells Gray, Manning's boss, was the former Mayor of New Westminster, and, a hero to its citizens, who ardently fought to protect the Coquitlam Watershed Reserve from logging interests.



File No. 051906.	SUBJECT RESERVE
JAN. 14 1924, 19	RESERVE FOR WATERSHED PURPOSES.
NAME ROSSLAND CITY TIMBER	Department of Lands and Forests
SUBJECT Reserve for Watershed purposes.	

ALL COMMUNICATIONS IN REFERENCE TO FORESTRY TO BE ADDRESSED TO THE CHIEF FORESTER

VICTORIA, B.C.
 May 16th, 1940
 File: 051906

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA

DEPARTMENT OF LANDS FOREST BRANCH **1447891**

Memorandum to the Superintendent of Lands

Re: Watershed Reserve, City of Rossland

Insofar as the Forest Branch is concerned the proposed watershed reserve requested by the City of Rossland has our approval.

E. C. Manning
 Chief Forester

LANDS DEPARTMENT
 MAY 17 1940
 VICTORIA, B. C.

May 14, 1940.
 File 051906

Memorandum to the Chief Forester

Re: Watershed Reserve, City of Rossland.

Referring to the District Forester's report and recommendation under date of April 28th last, I have to advise that we shall be pleased to constitute a map reserve, withdrawing any lands indicated in the designated area from disposition, if same has received your approval. Kindly advise.

W. J. Gray
 Superintendent of Lands.

From government records examined so far, April 1963 seems to mark the first recorded instance of the tragic twisted fate the Watershed Reserves would undergo over the next 60 years to the present period. Here the Chief Forester cast the mould, the pattern and the tone of the purpose and intent to misinterpret and misdirect. McKinnon helped dismantle the kingdom of “single use” replacing it under a new domain of “multiple use,” the very term audaciously and impudently incorporated by the Social Credit administration in the title of the Province’s first review of community watersheds that began in 1972, the *Task Force on the Multiple Use of Watersheds of Community Water Supplies*.⁸⁷ Though McKinnon’s sub-commander, Assistant Chief Forester L.F. Swannell, had marshalled orders to his provincial lieutenants in a December 29, 1960 memo on how his troops were to trick the water purveyors to whom the Watershed Reserves were assigned and entrusted to government administrators, McKinnon arrogantly signalled the rebellion and defiantly raised his battle flag over top of them.

Chief Forester McKinnon’s battle was not only waged against the provincial public to reap profits for private industry and incremental revenue for government coffers, but it was also waged against a few government agencies and the administrators that stood in the way, those who advocated the protection of these watersheds for BC’s water purveyors through the Reserve tenure legislation. On March 30, 1962, the Department of *Lands and Forests Act* was changed and became the Department of *Lands, Forests and Water Resources Act*, whereby the Chief Forester now had to contend with not just one, but two opposing agencies close at hand whose mandates and resource philosophy were different than his own: they would have be kept on a tight leash.⁸⁸

McKinnon’s and his successors’ tyranny, the abuse of public trust in high office powers, would cause great strife and deep divisions within society and inside government (the ‘us’ versus ‘them’ combative scenarios), the ruin and physical damage of intact community watersheds, the cumulative financial costs burdened to third level governments and incorporations from damages committed in community watersheds, and the looming shadow of public liabilities that were the subject of internal government legal review in the late 1980s, all amidst the overall confusion resulting from the cover-up of apparent illegal forest management activities in the Watershed Reserves.

During L.F. Swannell’s appointment as Chief Forester, he was handed an August 26, 1966 letter from the Commissioners of the Nakusp Development District sent to his boss Ray Williston, the Minister of Lands, Forests and Water Resources. The Commissioners, who were concerned about logging in their water source, specifically asked Minister Williston concerning “*what rights we have over the water shed from which our water comes.*” In a September 2, 1966 letter to the Commissioners, Swannell failed to inform them that their watershed could be protected by several legislative instruments. Instead he wrote the following, some six months before the Greater Vancouver Water District was issued a legal amendment by way of the BC Legislature to allow commercial logging in its protected watersheds:

A watershed gives no specific legal rights but, where Crown land is involved and a timber sale is proposed, the Forest Service discusses the matter with the local District Engineer of the Water Resources Service and also contacts the local Municipality or Irrigation District

⁸⁷ See Chapter 4.

⁸⁸ In the 1980s, the Social Credit administration began to harness inter-ministerial conflicts over resource issues, by harmonizing policies and sidelining ministerial critics. This was later perfected in 2001 following, under the Social Credit’s successor BC Liberal administration, where internal criticism was harnessed even more.

Manager. We try to ensure that every reasonable precaution is taken by a timber sale or tree farm licensee to safeguard the water-users' interest.

There has been some feeling among water-users that watersheds should not be logged. This is not true. The Victoria Water Board, for instance, which owns its watershed, has permitted logging for years, to its financial benefit – and certainly not to the detriment of the water supply. British Columbia's expanded wood-using industries need all the wood that the ground can produce, and the dual use of watersheds [underline emphasis] for the production of both wood and water is entirely compatible. Indeed, in other portions of the world, logging has been used to improve water flow.

Three years later in the Summer of 1969, a local Water Rights Branch Engineer recommended that the Nakusp Improvement District request the government to place a Watershed Reserve over their water supply watershed. Forest Ranger J.R. Raven wrote in a July 21, 1969 memo that “we can see no need for a watershed reserve on the Kuskanax Creek and would recommend against one being established.”

3. 1952-1965: THE EARLY, SUCCESSFUL VIGILANCE OF BIG EDDY AGAINST THE FOREST SERVICE'S INTENTIONS TO LOG THE DOLAN RESERVE

Shortly after the birth of the Big Eddy Waterworks District in 1950, British Columbia entered a new period or shift in the commerce and political development of its vast and largely undeveloped timber resources. Accompanying it, a new twisted political energy and dynamic unfolded under the Social Credit Party administration (1952-1972).

In 1926, when author Morley Roberts returned to British Columbia from England to tour its diverse forested and mountainous landscape regions, he was in for a big shock as he wrote about in his 1927 book, *On the Old Trail: Through British Columbia After Forty Years*. He was aghast at the rate of logging and how many areas familiar to him had fallen to the axe, and he waxed poetic at times in describing the onslaught. In hindsight, what unfolded from the 1950s to the 1990s in BC's forestlands were peanuts compared to Roberts' general anguish resulting from his visitation experiences.

American forest companies and investors, primarily, were setting up shop, casting their wanton eyes toward pseudo-ownership of public forestlands, in land tenure entities first referred to as Forest Management Licenses (later, Tree Farm Licenses) that were initially provided with perpetual tenures.⁸⁹ As these political interests took hold in the 1950s, in 1951 the B.C. Forest Service and the Canadian Forest Service began an enormous, comprehensive and joint undertaking to systematically inventory and catalogue all of BC's forestlands, completed in 1957 and published in a rather thick document filled to the brim with statistical tables.⁹⁰

In the mix of these two purposes, came a clash of political forces, some of which involved the impacts of large forest companies brutishly taking over the little guys, which led, for the most part, to the second provincial forest Commission Inquiry in 1955, only ten years after the previous one. However, the tone of the second Gordon Sloan Commission was far different than the first, whereby discussion on the essential life-giving functions of forests – *forest cover ... the invaluable functions of watershed protection,*⁹¹ *stream flow and run-off control, the prevention of soil erosion ... a home for our wild bird and animal life ... the maintenance of forest cover upon the mountain slopes, the cover that holds up the snow and holds back the floods, sustaining a spongy soil for the storage of the water supply and the regulation of the flow of rivers ... the protection of all forest growth at high altitudes ... by the Department of Forests* – were not as prominent, and soon to be squashed.

The new dance of profits from exponential old-growth liquidation under the un-sustained rubric of “sustained yield” logging came about under the emergence of a new political administration, the Social Credit Party, headed by Premier W.A.C. Bennett. A wide variety of corruption and scandals unfolded over the two decades during the Party's administration relating to the abuse of provincial

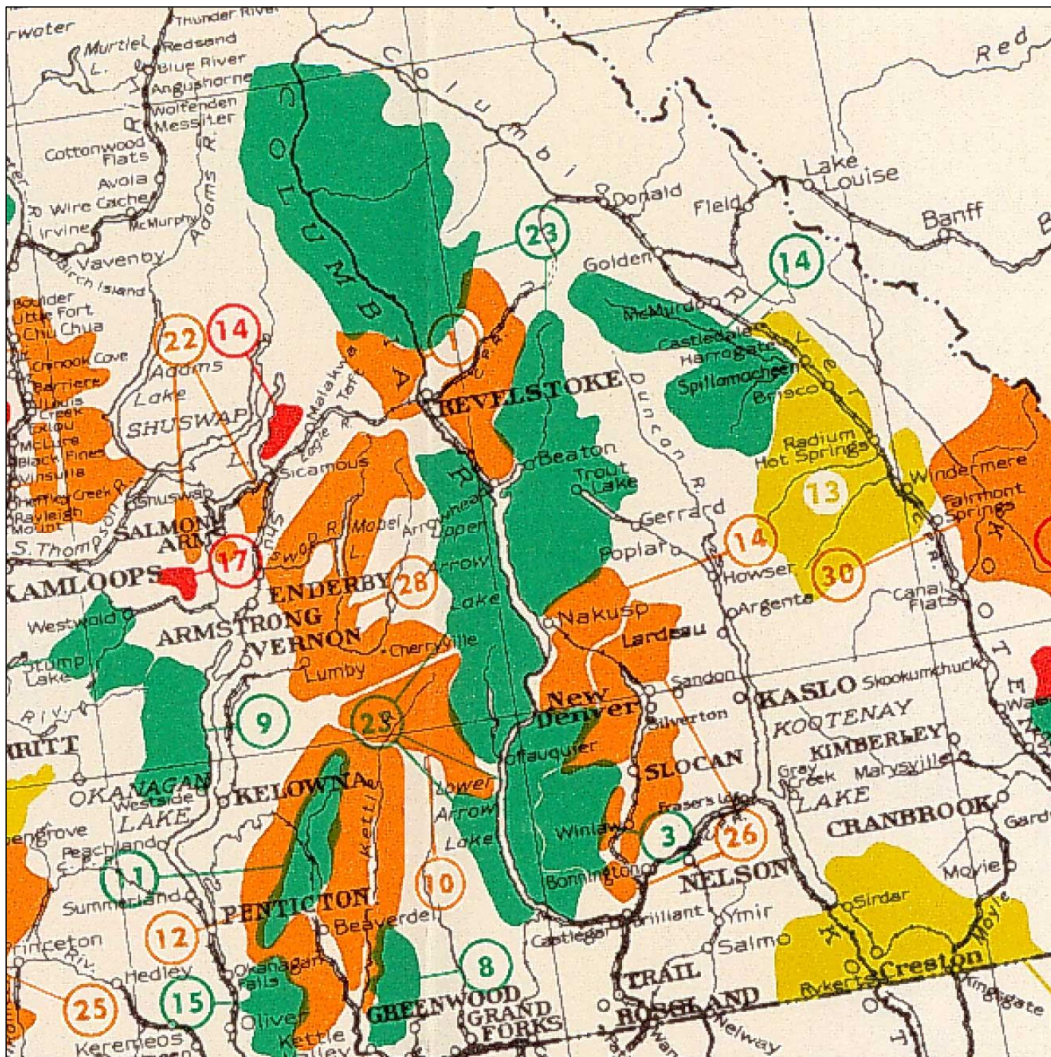
⁸⁹ As a result of the conspiracy and bribery charges on Forest Minister Bob Sommers in 1958 concerning untoward awardings of these Licenses, the perpetual tenures on Forest Management Licenses were changed to 25-year renewal terms, and Forest Management Licenses were renamed as Tree Farm Licenses.

⁹⁰ *Continuous Forest Inventory of British Columbia*, 1957, published by the Department of Lands and Forests.

⁹¹ The term “watershed” in the 1944-1945 Sloan Commission denoted ‘community watersheds’ set aside for Improvement, Irrigation and Water Districts.

forestlands, stories yet to be more accurately and comprehensively narrated, summed up in part from the initial scandals related to bribery and corruption Supreme Court indictments on the Minister of Lands and Forests, “Honest” Bob Sommers, the ‘fall-guy’ for the sordid affairs.

In about 1951 came a new designation overtop of the Forest Service’s Revelstoke Ranger District operations boundary called the *Arrowhead Public Working-Circle Unit No. 1*, in which the Big Eddy Waterworks District suddenly found itself. As the provincial forestland inventories proceeded in the 1950s, the Forest Service began to establish new political forest management boundaries for the big fish and the little fish, for the prospective large and small forest tenures and timber sale licences and licensees. Amidst these new boundary developments and discussions with logging companies came the shifty opportunities to test the long-held pervasive “single use” policy on the protection of drinking watershed and irrigation sources.



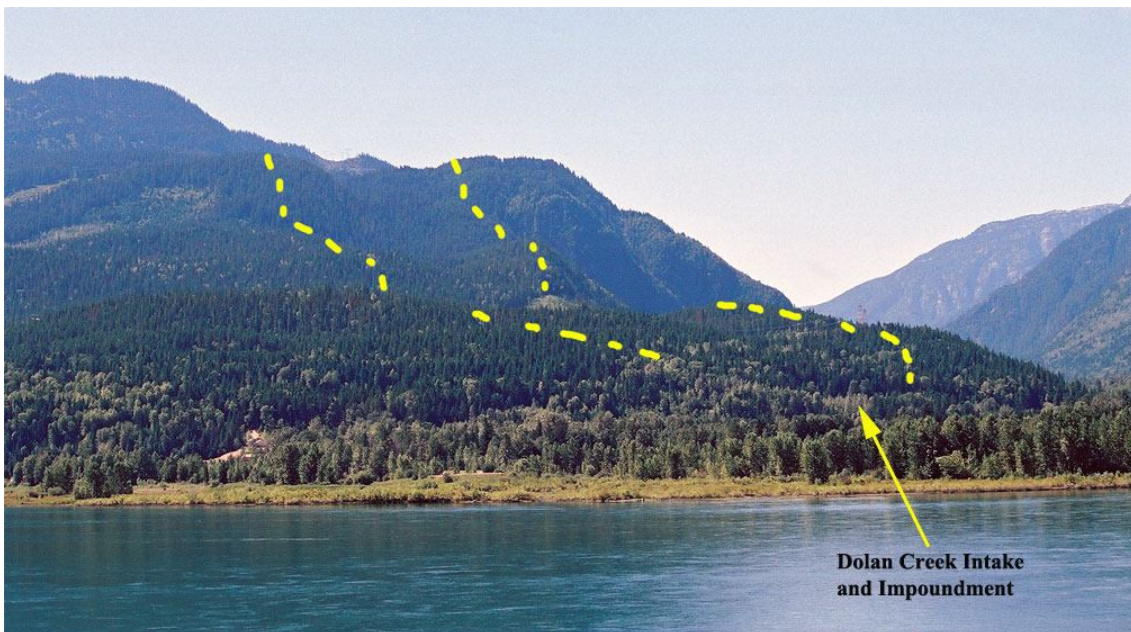
Section of a map from the December 1956 Second Sloan Commission on Forest Resources report. The orange shaded areas are the early *Public Working-Circles*: No. 1, Arrowhead; No. 10, Edgewood; No. 12, Kettle; No. 14, Nakusp; No. 22, Salmon Arm; No. 25, Similkameen; No. 26, Slokan; No. 28, Spallumcheen; and No. 30, Upper Kootenay. The yellow shaded areas are the early *Sustained-Yield Units*: No. 13, Windermere; and at the bottom right, No. 6, Creston. The green shade areas are the *Forest Management Areas*, later called Tree Farm Licenses: No. 3, Passmore Lumber Co. Ltd.; No. 8: Boundary Sawmills Ltd.; No. 9, S.M. Simpson Ltd.; No. 11, Olinger Lumber Co. Ltd.; No. 14, Cranbrook Sawmills Ltd.; No. 15, Oliver Sawmills Ltd.; and No. 23, Celgar Development Co. Ltd. The red shaded areas are those reserved for: No. 14, Shuswap Timbers Ltd.; and No. 17, Vernon Box & Pine Lumber Co. Ltd.

Building upon a June 18, 1945 submission presented to the Sloan Forestry Commission by the forest industry sector,⁹² these opportunities were boldly introduced in February 1952 by a small group of professional foresters at the fifth annual meeting of the BC Natural Resources Conference held in BC's capital, the City of Victoria. A conference resolution was endorsed against "single use," which specifically identified the practiced provincial policy in community drinking watersheds as:

the maintenance of full virgin forest canopy: Be It Resolved, that this conference endorses a programme of forest management on a sustained yield basis for watershed lands where surface water is impounded for domestic and industrial water supply.

One of the four resolution foresters, H.J. Hodgins, a former employee of the Forest Service, had recently been hired by the City of Victoria to help administratively implement highly controversial logging operations in the City's untouched drinking watershed forestlands. According to an earlier statement made by Hodgins, the logging of Victoria City's protected watersheds was the first commercial logging program proposal of its kind in Canada. After serving as industrial chief forester since 1944 for the American-based Crown Zellerbach forest company, Hodgins was amply rewarded in the 1960s when he was promoted to the company's Vice President of Timber.

When Kamloops Forest District (Region) Forester A.E. Parlow responded in late 1950 to Big Eddy's request for a Reserve – through his statement that the Forest Service had "*the right to dispose of Crown timber*" – he was no longer acting in the interests of the Big Eddy Water District regarding the Reserve over Dolan Creek, as he should have been, but rather acting in the interests of the future prospective timber license holders through internal consultative instructions from his departmental superiors. As Chief Forester F.S. McKinnon later candidly stated in his April 1963 memo to his Nelson Forest Region lieutenants, "*there is no doubt that such timber [in the Rossland City Watershed Reserve over three watersheds] must be included in the capital growing stock of the Sustained Yield Unit*".



⁹² See Chapter 2.3 for the summary.



Water, Water Everywhere....

Be sure there's some for you

When buying land, remember that water is essential, for irrigation, domestic and other purposes. Land without water is like having an appetite without food

An adequate well makes your water supply safe but if you require the use of running water you need a Water License.

It is our job to help you to secure the right to the use of running water.

Your **WATER RIGHTS BRANCH** is ready to serve you

through the District Offices at Kamloops, Kelowna, Nelson and Victoria.

DEPARTMENT OF LANDS AND FORESTS

Geo. P. Melrose,
Deputy Minister of Lands.

Honourable E.T. Kenney,
Minister.

3.1. 1952-1953 - THE FOREST SERVICE CANCELS A PROPOSED TIMBER SALE IN DOLAN CREEK

Despite the Big Eddy Waterworks District Trustees' requests with the government in late 1950 to protect the Dolan watershed by its designation as a *Land Act* Watershed Reserve, it didn't take very long for the Forest Service to 'test' or confuse the Trustees. On November 29, 1952, nine months after the controversial resolution passed at the annual BC Natural Resources Conference, Big Eddy Secretary Clough wrote to the Kamloops District Forester about the community's initial concerns regarding a recent notification from the Forest Service concerning Timber Sale application No. 57520 to cut timber in the Dolan:

This could cause a fire hazard and also cause debris to enter our water dam, we would ask that every consideration be given if and when this timber is sold.

Comparatively speaking, Dolan Creek is a very small watershed, about 440 hectares in area. It produces a steady but minor water flow, just enough for the needs of the small community. Its waters were collected in a very small reservoir, held up by a thick, concrete impoundment wall.

2002 photos of the small Dolan Creek reservoir, pump and data house, with Big Eddy Trustee chairman, Lloyd Good.

The community Trustees' anxiety and discussions with the Forest Service on the proposed Timber Sale extended over the winter months and into the Spring of 1953, at which point Secretary Clough sent another polite letter of concern on April 1, 1953, this time to the Comptroller of Water Rights, E.H. Tredcroft, in Victoria:



Our annual meeting was held March 31, 1953, and the matter came up regarding our water shed. We have in hand some correspondence to and from the Forestry Branch asking that a reserve be put on the timber so it would not allow the snow to melt too quickly, which in turn could result in not having enough water in the creek.

The Forest Service advises that they were making a note of this request and entering same on their map so that same would be taken into consideration, if and when any timber in the Dolan Creek basin ever comes up as a timber sale.

We understand that an application has been made for a timber sale in the Dolan Creek area. Would you please advise us if a timber sale could be stopped if it did come up.

We also believe that any cedar that might be cut in that area could cause the needles to do harm to the water. We would appreciate any advice you could give us regarding this matter. Section 38K makes some mention of this matter.

Provincial Water Rights Comptroller Tredcroft was the successor to Water Comptroller E.R. Davis. On April 10, 1953 Tredcroft replied to the Big Eddy Trustees concern with the following:

With respect to the problem of cutting timber on your watershed, we think that you have done everything which can be done except of course buying the area from the Government for the purpose for which you want it.

It would be very difficult, if not impossible, to bring a timber operator under Section 38 (k) of the Water Act if he was carrying on normal operations with respect to the cutting of timber. If he carelessly allows a stream to become fouled with slash then you could ask that an Engineer look into the matter and if deemed necessary an order would be issued. With respect to timber sales on this area, this matter comes under the jurisdiction of the Forest Service and we know of no such way such a sale could be stopped if approved by the said Forest Service.

Further information concerning the sale of timber in this area or the policy adopted with respect thereto could only be obtained from the Forest Service.

As in the earlier response from Kamloops District Forester Parlow in November 1950, Comptroller Tredcroft somehow failed to provide the Big Eddy Trustees with a proper interpretation and information on available avenues from provincial legislations under the *Land Act* for the protection of the Dolan Watershed Reserve. As stated in chapter 2, B.C.'s Superintendent of Lands Taylor very clearly understood and imparted the meaning of the Reserve legislation in May, 1940: "*withdrawn from any disposition under the provisions of the Land Act and set aside for the use of your Corporation.*"

Fortunately and shortly after the Big Eddy's correspondence with Tredcroft, the Revelstoke Forest Ranger properly reconsidered the matter and then advised against the proposed Timber Sale block in the Dolan Watershed Reserve boundary, as indicated in the Big Eddy Trustees' April 16, 1953 letter of response to Tredcroft:

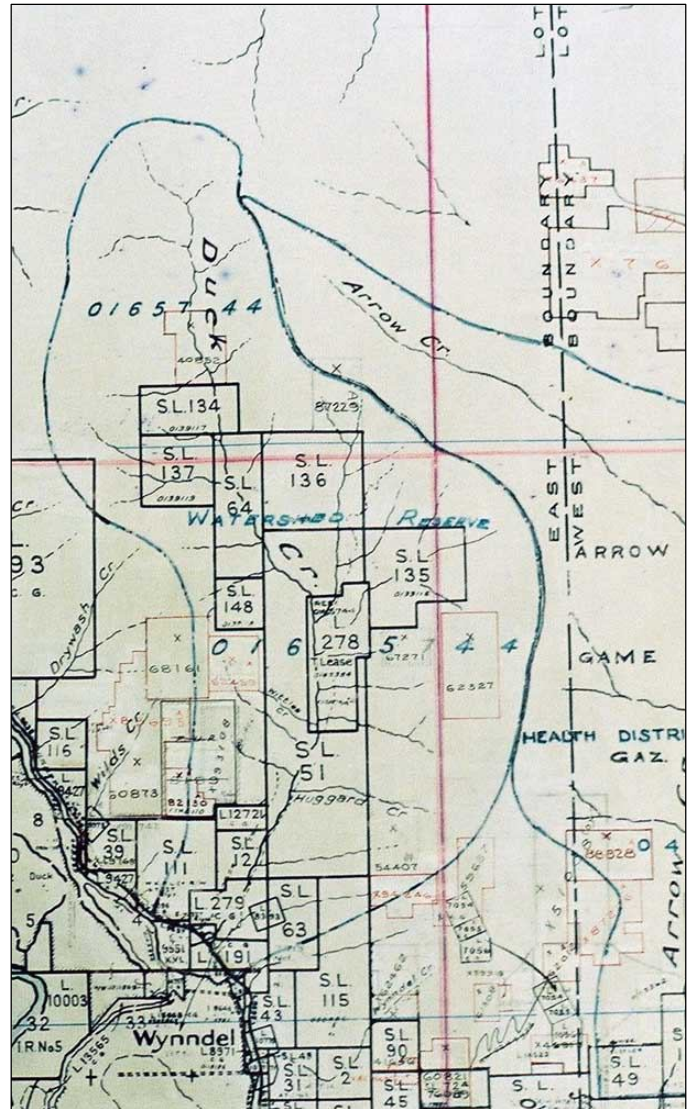
The advice contained in your letter of April 10, 1953, regarding timber cutting on Dolan Creek Basin is much appreciated. We have been advised (verbally) by the local Forest Ranger that the block on Dolan Creek is being held out of sale for the present time.

Similar circumstances also transpired with the Wynndel Irrigation District's Duck Creek Watershed Reserve, located northwest of the town of Creston, a Reserve created in 1947. The Wynndel Irrigation District presented a written submission to the Pearse Royal Commission on Forest Resources in 1975 which included a case "*History of Conflicts*", providing counter comments on how the provincial Water Comptroller requested in 1950 that the Forest Service "*not issue*" a Timber Sale licence in the Duck Creek watershed reserve:

In late 1947, the Creston Ranger staff were instructed by the Nelson District Office of the British Columbia Forest Service to give special consideration to all applications for timber in the area from the point of view of possible damage to the watershed cover and/or pollution of the water supply.

In October 1947, TSX40852 was disallowed and the Comptroller of Water Rights informed the Wynndel Irrigation District that he had recommended to the Forest Service that the timber remain unalienated. In January 1950, TSX47152 (covering timber over Sublot 148 of Lot 4595) was disallowed as not being in the best interest of the public.

In the latter part of 1953, the District Water Engineer declined to comment on the Forest Service's request for recommendations regarding a controlled sale of timber at that time. Consequently, the sale was approved in 1953 with little protection of the Watershed.⁹³



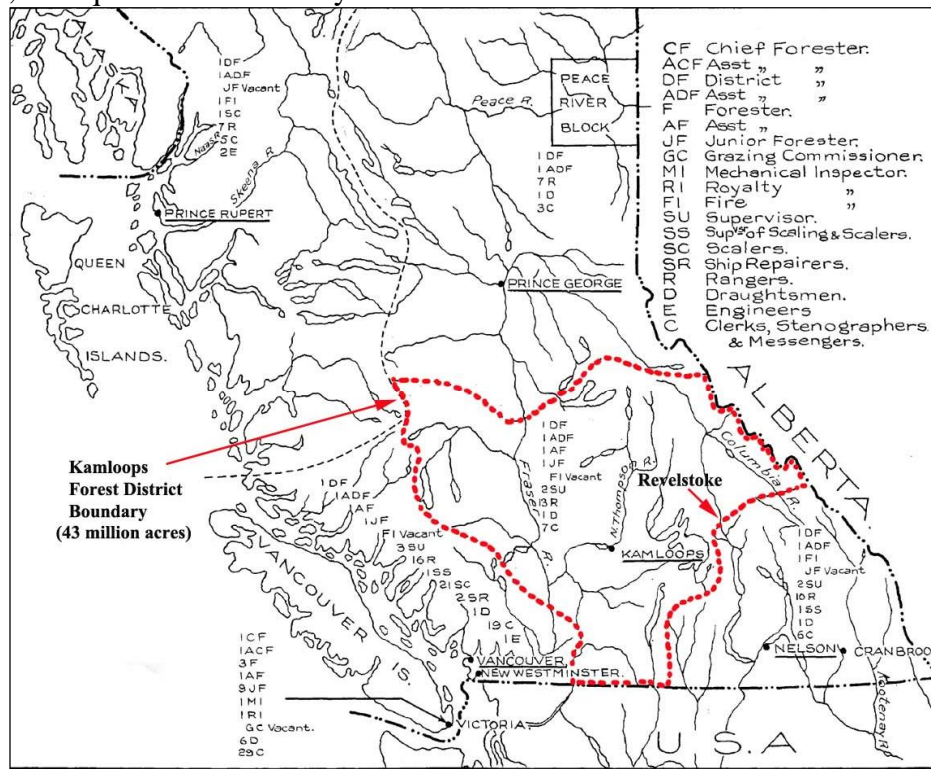
Map of the town of Wynndel's Duck Creek Watershed Reserve, here registered on a 1940s Forest Atlas Map.

The 1953 cancellation of the proposed timber sale in Dolan Creek is a very important, or critical, aspect of the concerns raised by the Big Eddy Trustees, as it indicates the un-discretionary powers applied by the Forest Service and its administrators and, unlike the present period, the resulting

⁹³ Exhibit #179.

decision to nevertheless respect the wishes of the Big Eddy Waterworks District for the integrity of their water source supply. However, the politics around the issue of drinking watersheds protection was about to give way to political pressures progressively waged on the Social Credit Party government Forest Service's top administrators in the 1960s.

By 1954, the extensive administrative boundaries of the Kamloops Forest District were altered, whereby the Revelstoke Ranger District was transferred out of the operational mandate of the Kamloops Forest District region and into the political boundary domain of Nelson Forest District Region office, headquartered in the City of Nelson.



Above: the old boundaries of the Kamloops and Nelson Forest Districts.

Right: new boundaries of the Nelson Forest District (Region), in which the Big Eddy's Dolan Watershed Reserve was now in. Nelson City was the headquarters for the Nelson Forest Region.



3.2. 1964-1965 - THE FOREST SERVICE DECIDES AGAIN NOT TO APPROVE LOGGING IN DOLAN CREEK

On February 12, 1964, eleven years after the Kamloops District Forester's refusal to grant logging in the Dolan Watershed Reserve, Nelson Regional Forest Service office District Forester R.A. Waldie⁹⁴ forwarded the following in a letter to the Big Eddy Water Users Association regarding another Timber Sale proposal, X91716, making specific reference to Dolan as a Watershed Reserve:

An application of a timber sale has been received in this office covering a block of timber shown in red on the attached sketch map. This is in the Dolan Creek Watershed Reserve. The proposed sale is for a maturity cut to a minimum diameter limit of 11-inches at the 18-inch stump height. Slash disposal requirements will include the lopping of tops and the disposal of debris at landings by burying or burning. The usual clauses will be included in the contract to ensure sanitation and protection of existing improvements and utilities.

Would you please advise this office within thirty days as to whether you have any suggestions as to other clauses which you may wish to see included in the contract conditions. Should we not hear from you within the thirty days we will assume that our proposed contract is satisfactory to you, and we shall then proceed without further reference to you.

Waldie's disconcerting letter was met with a swift response from the Big Eddy Trustees:

I am instructed by the Chairman of the Trustees to reply immediately to your letter of February 12th, concerning an application for a timber sale.

First, we would point out that the total water supply for the district is drawn from Dolan Creek, and serves to supply about 90 users of which 85 are domestic; and we anticipate having to increase our works within the next two to five years so as to take care of another 25-100 homes. Therefore, the logging of any part of the watershed is of considerable concern to the Trustees.

Now the last paragraph of your letter refers to your "proposed contract", the terms of which appear to be only outlined in the second paragraph of your letter. May we have from you a copy of such contract as you propose for consideration of the Trustees - so that they may have before them the terms of such contract. Otherwise it could not be said to be satisfactory.

Disposal of remaining debris by "burning" is a particular concern of the Trustees, and we wonder what clause(s) might be included in the contract to protect the watershed to the maximum degree for this risk - we realize of course that intentional burning would in any case only be permitted during the non-fire season and then only under permit from Forest Service. There are, however, hazards of fire connection with any logging operation, and we wonder if it might be possible to restrict all logging in the watershed to high-humidity months? Measures to insure non-pollution of the water supply would be mandatory." ⁹⁵

⁹⁴ The provincial forest regional land boundaries for the Dolan watershed, previously headquartered in Kamloops, changed to the Nelson Regional office in the 1960s.

⁹⁵ The letter signed by Robert C. Hume is undated. Given the February 20th letter of response by the Forest Service, the letter was written sometime between February 12th and February 20th.

On February 20, 1964, Nelson District Forester Waldie immediately sent the contract clauses along with an ultimatum regarding Timber Sale X91716 in response to the Big Eddy Trustees letter:

Thank you for your letter regarding the Dolan Creek Watershed. We are sending a complete list of the Timber Sale clauses which we had planned to incorporate into the terms of the contract. You are invited to offer any practical suggestions with respect to any of these clauses, but the Department will not agree to any recommendations in favour of disallowing or discontinuing with such a sale.

If we do not hear from you within thirty (30) days, we will assume that the timber sale clauses as outlined above are satisfactory to the Trustees.

Despite the Forest District Office's refusal to reject the Timber Sale proposal, the Big Eddy Trustees responded to Forester Waldie's ultimatum on February 29, 1964, clearly stating their objections to the Timber Sale:

The Trustees do object, strongly, to the granting of the said timber sale within the watershed, for the following reasons:

(1) A timber sale with the watershed would certainly increase the danger of pollution to the domestic water supply.

(2) Logging to the extent indicated in your letter would decrease water retention of the ground, increase the rapidity of the spring run-off, and during a dry summer decrease the available water supply which is now just barely adequate. Any decrease in volume of water during a dry summer would have serious consequences, and would entail large expenditures by the District to develop other source of supply.

(3) Fire hazard would be increased to some extent at least.

(4) Granting of this timber sale within the watershed would probably lead to additional such sales with progressive adverse effects on the watershed for the purpose with which we are concerned.

District Forester Waldie, however, failed to respect the concerns of the Big Eddy Trustees, as evidenced in his reply letter of March 5, 1964:

This will acknowledge the protest of the trustees of your waterworks district as per your letter of February 27, 1964.

Our replies to each of the points raised in your letter are listed in order:

(1) Pollution - A watershed can be polluted without there being a timber sale in the area. We can, and will, however, take steps to see that all persons working on the timber sale are given clearance by a Medical Officer before they are permitted entrance to the area. (More about this later).

(2) Effect on volume of water. Studies augmented by practical experience in many quarters have shown that old growth timber has less water-retaining capability than does young timber.

Furthermore, the logging will not take place all in one year - it is scheduled for two years and will likely take three years. There will still be considerable vegetation on the area after logging has been completed, for cutting is to take place only down to eleven (11) inches at stump height.

(3) Fire hazard will be increased to some extent, as you say. On the other hand, there is some possibility that access to the area will be greatly improved. This is of prime importance in suppressing fire.

(4) Granting of additional sales in the watershed. This is true. Wherever mature timber exists on publicly-owned land there will be, sooner or later a timber sale. We predict that there will be no decrease in water, however, even though you argue to the contrary.

Since the trustees offered no constructive criticism we are proceeding with the timber sale as outlined, with the further addition of a clause as follows:

It is required that all persons working in the Dolan Creek Watershed, in which this timber sale is located, must have a medical certificate from the North Okanagan Medical Health Officer. No workman with a history of typhoid fever, amoebic dysentery, or infectious hepatitis shall be employed in the watershed.

About a month later, District Forester Waldie sent another letter to the Big Eddy Trustees, with his strangely reasoned recommendations against including provisions for medical inspections for any workers for the logging contract in the Dolan:

Following the dispatch of our letter to you dated March 5th, 1964, we had some advice on the matter of pollution from Mr. R.J. Talbot, District Engineer of the Water resources Service for your area. His letter reads:

This office would define pollution as we found occurring in the Brash Greek Watershed at Enderby, B.C. That is, pollution from silt, gravels, brush, sawdust, etc. and not necessarily human pollution.

Although under Section 41(k), the Water Act states 'that it is an offence to put into any stream any sawdust, timber, tailings, gravel, refuse, carcass or other thing- or substance after having been ordered by the engineer or Water Recorder not to do so', such an order would come too late, and probably after the harm has been done. It would therefore appear practical to try and prevent such pollution before it occurs.

On receipt of this letter we asked our field staff to comment on the necessity of clauses to prevent human pollution. The opinion received was that since there is no policing of the watershed at present against human carriers of various diseases, and since the nearest corner of the timber sale is some seven (7) chains from the creek itself, then the requirement that bush workers be examined by the Medical Health Officer is not required.

In view of the above advice, we are proceeding with preparation of a Timber Sale document which does not require the medical inspection. We consider that you should be aware of this change in plan in order that future recriminations may be avoided.



The aerial photo of July 1979 shows the Dolan Watershed Reserve still intact, just before BC Hydro's permit to cut a right-of-way for its transmission lines, logged in the early 1980s (see Chapter 5 for the narrative).

In contrast to the way in which the 1952 Dolan Creek Timber Sale proposals were politely denied by the Kamloops Forest District in 1953, by 1964 the new tenor or approach for logging the Dolan watershed was dramatically different, now under the authority of the Nelson Forest District. Much of this “new order” mentality was being reoriented internally, through the Chief Forester’s office, as evidenced in the Nelson Forest District Regional office memorandum addressed to all Ranger foresters four months later:

*Much of the remaining mature timber in the District is in the watersheds of creeks which are the source of somebody’s water supply. This can be an important source of conflicts of interest: between the interests of the industry and the water user. Two alternative solutions to the problem are possible: (1) keep operators out of watersheds altogether, or (2) permit harvesting of timber in watersheds, subject to stringent controls designed to protect the water supply. As you know, we have, within reason, settled on the second choice. **In many areas we will not be able to supply local industry’s needs unless we can invade the watersheds** [bold emphasis added]. If, in doing this, we fail to protect the users’ interests, this timber reserve will not be available to us much longer.*⁹⁶

Though no records were found on further discussions regarding the approval of harvesting permit X91716, another Timber Sale application proposal X94195 was forwarded to the Big Eddy Trustees on August 28, 1964 by Nelson District Forester F.G. Hesketh:

We are in receipt of a Timber Sale application for cedar poles.

As this area is in the Dolan Creek Watershed Reserve your advice is requested as to any conditions which you feel should be incorporated into the final contract, should this sale be processed. If we do not hear from you within thirty (30) days we will assume that you have nothing to add and will proceed with sale under present regulations.

We contemplate incorporation into the contract of all clauses to ensure sanitation, protection from erosion, protection of reproduction and residual stand and proper slash disposal.

According to the Big Eddy Waterworks’ files, nothing more was said about the logging proposals for 1964. On July 26, 1965, Nelson District Forester Hesketh forwarded a letter to the Big Eddy Trustees regarding yet another proposed Timber Sale. In contrast to the other proposals and strong words of warning in 1964, Hesketh cordially wrote that no logging would henceforth be conducted in the Dolan Watershed Reserve:

This will advise that we are in receipt of an application for Timber Sale, designated X94764, over an area of approximately 70 acres and which appears, in part, to lie within the Dolan Creek Watershed Reserve.

Previous field examination apparently places all this sale outside the Reserve, however our maps indicate that the two north west corners lie within it. Should this sale be processed and part of it lie in the watershed, we can eliminate that portion directly concerned with Dolan Creek. As you are aware, we do not intend to proceed with any further sales within the Dolan area at this time.

⁹⁶ Memorandum by District forester, J.R. Johnston, Nelson Forest Region, July 17, 1964.

We would therefore request your comments and suggestions should you agree that we include the two small portions as shown, provided of course that on the ground it would be within the Reserve. In any event we propose to proceed with that portion which does not definitely fall within the watershed.

Should we not hear from you within thirty (30) days we will assume you have no suggestion or comments to offer and will proceed with the sale so as to cause no interference or intrusion into the Dolan Creek area.

For reasons not understood from correspondence files at this time, there was an agreement reached between the Forest Service District or Regional headquarters in Nelson City and the Big Eddy Trustees some time in 1964, whereby, as once agreed to in 1953, logging would not be permitted in the Dolan Creek Watershed Reserve.

Unlike the 1970s, and decades following, the Forest Service was not yet pushing the envelope, but merely testing the political awareness and stamina of the Big Eddy Waterworks District. The Trustees followed up with a response to Forester Hesketh on July 31, 1965:

Reference is to your letter of July 26th in which you have advised of receipt of an application for Timber Sale in the Dolan Creek area.

I am instructed by the trustees of the Waterworks District to request that you keep any and all timber sale operations as far as possible from Dolan Creek; and to advise you that to the best of our knowledge the watershed extends farther than 2.5 chains from the right bank of the creek as is apparently intended by the notation on plan attached to your letter.

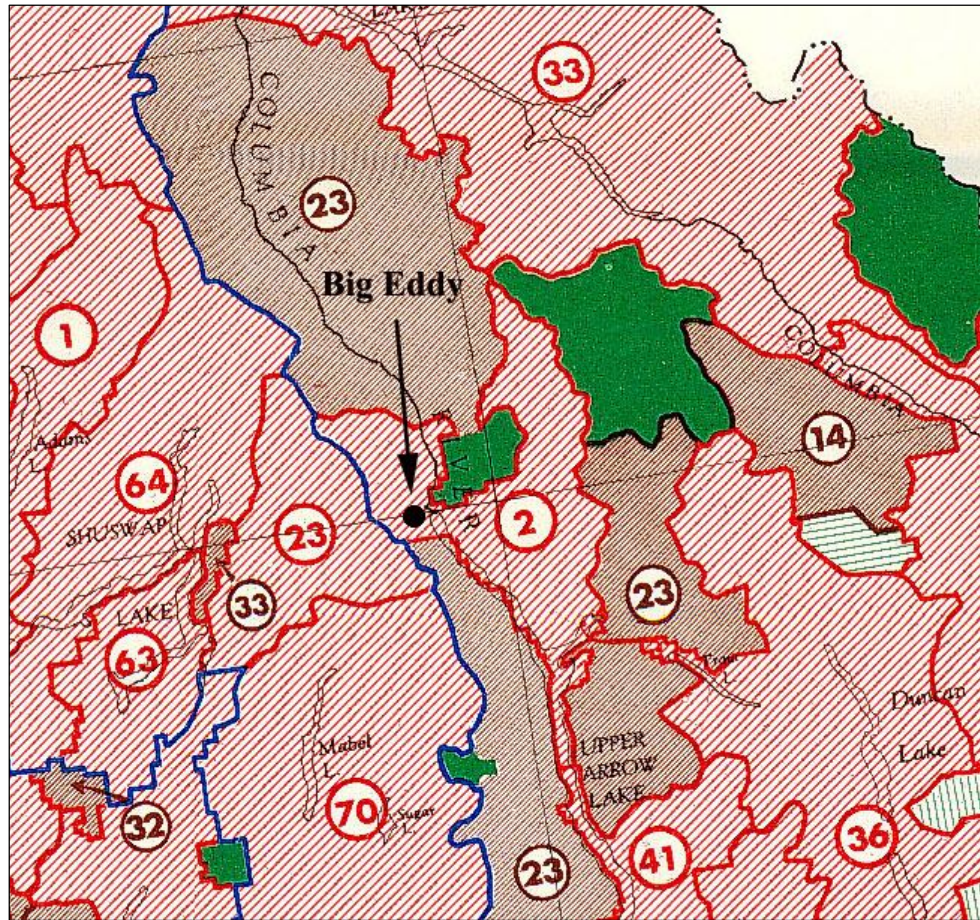
We would point out that while your plan shows a scale of 1 inch = 40 chains the reserve strip along the right bank of the creek (the strip between the creek and the red line marked) scales at approximately 7/10 [0.7] of an inch, which would indicate a width of about 28 chains. So that your plan is not understandable in this respect.

Also, I would mention that the trustees are at this time particularly concerned about possible contamination of the water supply since a Water Supply Report from a sample taken by the Inspector for the Medical Health Officer on July 7th last shows gross contamination.

Immediate examination of the creek for a distance of about one mile above our Intake failed to explain the source of contamination. However, a sample taken seven days later on July 14th was satisfactory.

The final response from District Forester Hesketh to the Trustees on August 6, 1965, noted how “we are proceeding with X94764 on the advice of our field staff who advise that **there will be no conflict with the Dolan Creek Watershed Reserve.**” [Bold emphasis]

This is part of a large map from the 1976 Pearse Royal Commission on Forest Resources, titled *Forest Management Units in British Columbia*. The areas denoted in the red diagonal shaded lines are the **Public Sustained Yield Units (PSYUs)**, formerly called Public Working-Circles. PSYU number 2, located in the centre area of the map, is the Arrowhead PSYU, which included the City of Revelstoke and the hamlet of Big Eddy, urban centres located at the bottom left hand area of the green shaded area, denoting Mount Revelstoke National Park. Other PSYU's in this map: No. 1, Adams; No. 23, Eagle; No. 33, Kinbasket; No. 36, Lardeau; No. 41, Nakusp; No. 63, Salmon Arm; No. 64, Shuswap; and No. 70, Spallumcheen. The brown shaded areas are **Tree Farm Licenses**: No. 14, Crestbrook Forest Industries Ltd.; No. 23, Canadian Cellulose Company; No. 32, Crown Zellerbach Canada Ltd.; and No. 33, Federated Co-operatives Limited. The following are definitions of Public Working Circles and Public Sustained Yield Units made in 1964, published in the Inventory of Natural Resources of British Columbia, pages 341-342:



A Public Working Circle is a forest management unit set up in order to bring unalienated Crown lands under a sustained yield program managed by the Forest Service. Timber is disposed of by timber sale at public auction although established operators within the working circle have certain privileges with regard to initiating a sale and in some units with regard to bidding. Boundaries of Public Working Circles are fixed by Order-in-Council and not subject to revision in favour of private sustained yield units (tree farm licences). Public Sustained Yield Unit. This term is now more commonly used than Public Working Circle to distinguish between Public and Private sustained yield units. Public Sustained Yield Units are identical to Public Working Circles with one exception that the boundaries are subject to revision, because the units were set up quickly, usually before an adequate study had been made to determine their most logical boundary.

A December 11, 1991 Ministry of Forests' definition of Public Sustained Yield Unit, published in its *Glossary of Terms in FIR Reports*, is as follows:

PSYU – A portion of a Timber Supply Area (TSA). An area of Crown land, usually a topographic unit determined by drainage area, managed for sustained yield by the Crown through the Ministry of Forests. It includes all Crown lands within the currently established boundaries of the unit, and excludes federal lands, provincial parks, experimental forest reserves, gazetted watersheds, and tree farm licenses.

4. THE MYSTERY OF THE MISSING RESERVES

When land, which includes water, is put to use by man, the history of the land, its status, and other pertinent data must be recorded for purposes of government. This record is kept orderly through the use of maps and legal descriptions, properly filed and indexed. This demands knowledge of the surface of the land, obtained in British Columbia through the Surveys and Mapping Service.⁹⁷

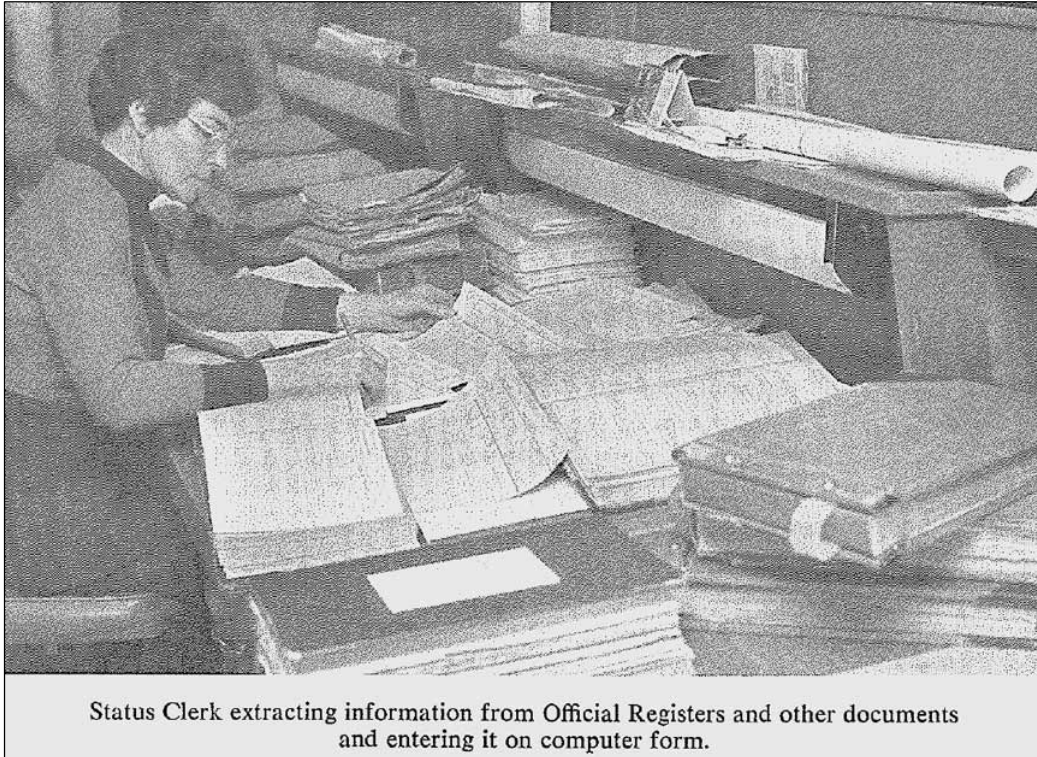


Photo Source: 1974 annual report of the Lands Service.

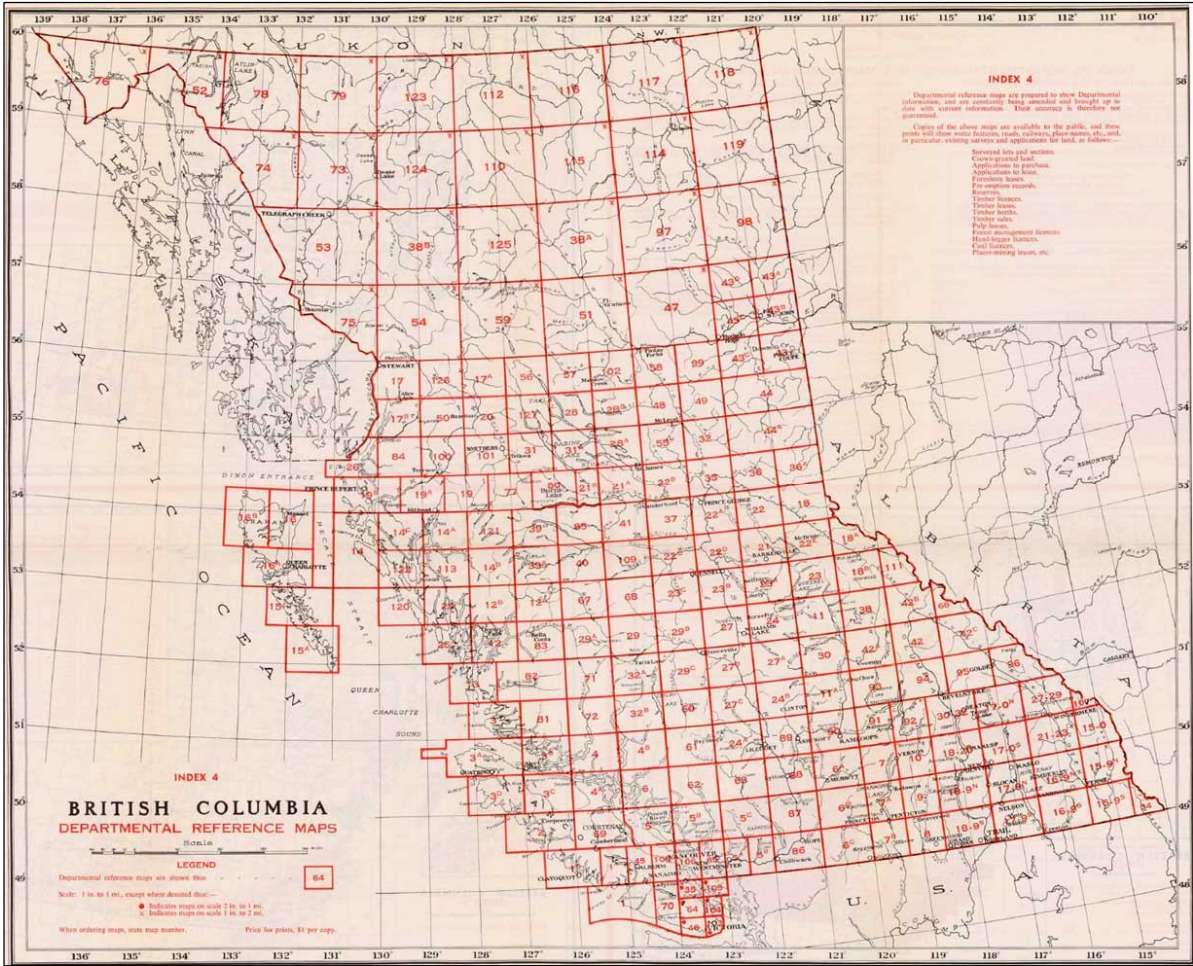
During the opening stage of the 1972-1980 provincial inter-departmental (later, inter-ministerial) Task Force on community watersheds an internal update memo made reference to a strange state of governmental affairs described as “*a problem.*” The “*problem*” was elaborated in Task Force chairman Ben Marr’s April 18, 1973 memo to Deputy Forests Minister J.S. Stokes, the chairman of the Environment and Land Use Technical Committee, as follows:

With few exceptions, the watersheds of community water supplies are not recorded on the reference maps of the Lands Branch and, consequently, alienation of land for non-compatible uses can occur without the water supply function of the land being considered in the adjudication process.

What Marr states here of great interest, and very important: community water supplies were to all to have been assigned protection as *Land Act* Reserves, and that those designations seemed to have gone missing from the Reference Maps.

⁹⁷ Report of the Deputy Minister of Lands, George P. Melrose, Lands Service Annual Report, 1949.

BRITISH COLUMBIA DEPARTMENTAL REFERENCE MAPS



INDEX 4

Departmental reference maps are prepared to show Departmental information, and are constantly being amended and brought up to date with current information. Their accuracy is therefore not guaranteed.

Copies of the above maps are available to the public, and these prints will show water features, roads, railways, place names, etc., and, in particular, existing surveys and applications for land, as follows:—

- Surveyed lots and sections.
- Crown-granted land.
- Applications to purchase.
- Applications to lease.
- Foreshore leases.
- Pre-emption records.
- Reserves.
- Timber licences.
- Timber leases.
- Timber berths.
- Timber sales.
- Pulp leases.
- Forest management licences.
- Hand-logger licences.
- Coal licences.
- Placer-mining leases, etc.

Sample of BC Departmental Reference Maps index once regularly published in the Lands Department’s annual reports. To the right, is an enlargement of Index 4, located above at the top right of the maps index. Note that the Departmental Reference Maps include “Reserves” tenures, amongst many other Crown land applications, permits, etc.

From mid-1972 to early 1973, inter-departmental administrators and staff were under orders from the Task Force committee to compile a thorough, preparatory assessment of B.C.’s community watersheds from diverse informational records held by various government agencies and departments, i.e., Water Rights Branch, Water Investigations Branch, Municipal Affairs, the Departments of Health, Lands, and Forests. That assessment included a review of the Lands

Department central reference maps, the *Departmental Reference Maps*, where every land use disposition and tenure on provincial lands was officially recorded by the Legal Surveys Division.

The Legal Surveys Division, under the direction of the Surveyor-General, is responsible for cadastral surveys of all Crown lands of the Province.

In order that a graphic record may be kept of alienations of both surveyed and unsurveyed Crown lands together with reserves, a set of 249 reference maps, covering the whole of the Province, must be maintained. These show all cadastral surveys which are on file in the Department, and are kept up to date by adding new information as it accrues from day to day.

All applications to purchase or lease Crown lands or foreshore which are received by the Lands Branch and all applications to purchase Crown timber received by the Forest Service are channelled through this Division for clearance. The orderly processing of these applications requires that an exhaustive status be made from the reference maps, official plans, and Land Registry Office plans. From the reference maps, together with other information and facilities maintained by this Division, it is possible to give an up-to-the-minute status of any parcel of Crown land in the Province. It was necessary during the year, for status and compilation purposes, to obtain 2,752 plans from the various Land Registry Offices.

This Division co-operates with the other departments of Government by preparing and checking legal descriptions which they require. Those assisted in this way were the Attorney-General's Department (descriptions of Small Debts Courts), the Department of Agriculture (descriptions of disease-free areas and pound districts), the Forest Service (descriptions of tree-farm licences and working circles), and the Lands Branch (descriptions for gazetted reserves, etc.).⁹⁸

Staff apparently discovered and communicated to Task Force chairman Ben Marr that almost all of BC's community watersheds that were assigned as Watershed Reserves, and those that were thought to be, were not described or registered on the Lands Departmental Reference Maps – most were reportedly missing. Many questions related to this “problem” are:

- Why were the registered water purveyors' “watersheds”⁹⁹ missing?
- Which watersheds were not missing?

⁹⁸ Department of Lands Annual Report, 1966, page CC-56. The wording of these paragraphs from the reporting section of the Legal Surveys Division went almost unchanged in annual reports from 1955 to 1969, being a standard reporting template. “*The structure and role of the former Lands Branch was changed substantially in 1975 with new policy directions developed by the Department*” (Annual Report, 1975).

⁹⁹ Prior to the use of the term first used in the BC Water Resources Department annual report of 1973, “community watersheds” were always referred to as “watersheds” or “water sheds,” a distinction critical for researchers or historians evaluating their early references in government records. That's what Ben Marr refers to them in his April 18, 1973 memo, the “*watersheds*” of community water supplies. A “watershed” was also commonly used as a generic term to define the hydro-graphic boundaries of any drainage basin from the height of land to a lower defined point such as a water intake or a tributary, etc. The earliest BC Water Rights annual reports made many references to this generic terminology.

- Were only Lands Departmental Reference Maps examined at Victoria headquarters, and not the maps held with the other Lands Regional offices?
- Were the other sets of Reference Maps held by the Forest Service, the Forest Atlas Maps, examined at Victoria headquarters which would or should have registered the watersheds?
- Were the Forest Service Reference Maps held at regional offices examined?
- Were the Water Rights Reference Maps examined?

No clues to these questions and to the intrigue about the mystery were elaborated in the memo, nor in other Task Force memos reviewed by this report's author in the archived Task Force files.

The matter of the mystery of the missing community Watershed Reserves raises a number of possible concerns. The Reserves may not have been formally registered on the Lands Departmental Reference Maps. Such strange circumstances have periodically occurred in government when controversial issues are in the forefront,¹⁰⁰ particularly as they were evolving in the 1960s about the Watershed Reserves as narrated in Chapter 2. Perhaps the older maps were sent off to storage, and new maps omitted the older information about the Reserves. Perhaps the Reserves were erased from the existing maps.

The Department of Lands' annual report of 1970 states that its Legal Surveys Division had to create 36 new Departmental Reference Maps in 1970 to replace older, worn out maps:

*Apart from the processing of applications for disposition, general draughting on existing maps of all interests in land initiated from many sources forms a large part of our work. A total of 36 new reference maps was prepared to replace worn-out linens or maps where the pattern of alienation is so intense and parcels so small that the scale needs to be enlarged. On the 260 existing reference maps, all new reserves for flooding, planning, special projects, Provincial forests, pulp-harvesting forests, forest access roads, petroleum-development roads, parks, etc., are plotted daily.*¹⁰¹

The 1962 annual report mentions much the same:

*Important aspects of the work are being necessarily neglected due to staff shortage, one instance being the Departmental reference maps of the Legal Surveys Division. Some of these are so shop-worn that they are almost illegible. These are the basis for status clearances by the said Division for all applications under the Land Act, the Forest Act, and the Water Rights Act, as well as many other status queries.*¹⁰²

In Table 4.1, which shows data gathered from a long sequence of annual reports on how often the Lands Department either “*compiled or renewed*” its Departmental Reference Maps each audit year, 1972 marks the highest recorded instance since this reporting began in annual reports in about 1952, as 110 Reference Maps were added or revised in 1972 when Task Force staff retrieved information on the community watersheds, representing just over one third of the total number of Departmental Reference Maps in its entire BC-wide collection. Of note, over an eight year period from 1965 to 1972, the Department “*compiled or renewed*” 633 reference maps, compared to 239

¹⁰⁰ For instance, Federal government and legal review processes have also revealed mysterious circumstances about the fate and alteration of a number of Federal Indian Reserves.

¹⁰¹ Page AA-50.

¹⁰² Pages BB 46-47.

Table 4-1. Lands Department annual reports – Statistics on Reserves, Maps and Timber Sales

YEAR	RESERVES (Various) Created / Cleared	REFERENCE MAPS – “Compiled and Renewed”	TIMBER SALES – “cleared”
1943	----	----	2,218
1944	----	----	1,950
1945	----	----	2,188
1946	----	----	2,660
1947	----	----	2,799
1948	----	----	2,837
1949	188	----	3,242
1950	157	----	4,625
1951	227	----	4,983
1952	202	14	4,192
1953	332	22	5,327
1954	440	30	6,616
1955	392	30	8,103
1956	422	23	7,164
1957	430	11	6,330
1958	454	52	5,440
1959	640	6	6,122
1960	550	18	5,710
1961	581	11	5,605
1962	547	13	5,422
1963	528	16	5,290
1964	396	16	5,329
1965	370	50	3,910
1966	304	35	4,105
1967	458	38	4,247
1968	380	54	3,154
1969	418	22	3,047
1970	423	36	2,253
1971	488	56	1,346
1972	316	110	1,369
1973	340	61	1,353
1974	559	68	1,089
1975	270	103	1,297
1976	269	53	1,550
1977	332	41	1,499
1978	189	30	1,491
1979	331	0	----
1980	314	2	----
1981	139	----	----
1982	210	----	----

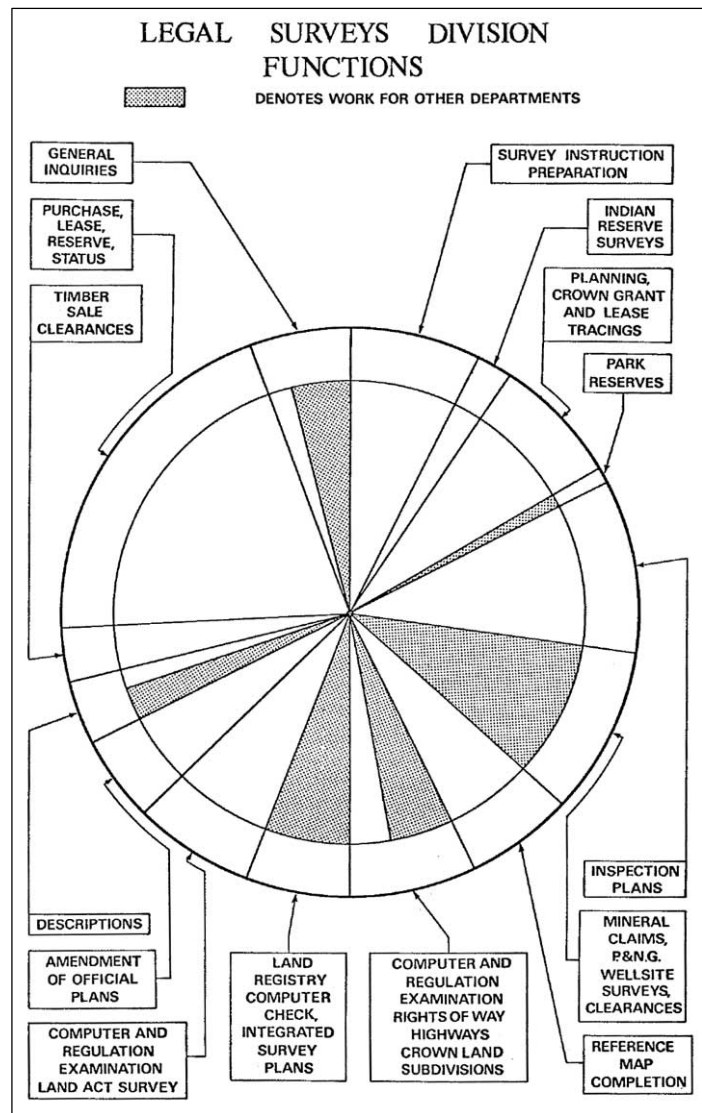
that were done over a thirteen year period from 1952 to 1964, indicating that a significantly greater amount of maps were revised in the short period before Task Force staff reviewed the Departmental Reference Maps for information on Watershed Reserves. Was information on community Watershed Reserves being correctly transferred or altered during these revisionary processes?

Table 4.1 also presents another matter of intrigue, whereby it seems that the Forest Service may not have forwarded all the provincial Timber Sales as referrals to the Department of Lands for status referral purposes. Beginning in 1968, the total amount of Timber Sales cleared by the Department of Lands begins to sharply drop, despite the corresponding growing boom in BC's timber industry. Concerns about how the Forest Service was not forwarding provincial Timber Sales as referrals for adjudication status clearance was raised in community watersheds Task Force memos in the mid-1970s. This matter raises serious questions of impropriety by the Forest Service, which may include concerns about how logging was occurring in Watershed Reserves, and perhaps also in other reserved tenured areas, without Crown tenure conflict clearance from the Lands Department.

Another intriguing possibility about “*the problem*” raised in Ben Marr’s memo to the Deputy Forests Minister Stokes about the “*missing*” Reserves is that the matter may have been largely contrived as a hoax. For example, if it was found by the community watersheds Task Force that the Forest Service had for many years been logging in

protected Watershed Reserves that were registered on Departmental Reference Maps as Map Reserves or Order-in-Council Reserves, it would inevitably have led to an internal investigation under the newly elected New Democratic Party (NDP) administration. Given the prominent attention and intense debates in the Legislature by the NDP opposition during the late 1960s about the Cypress Bowl logging scandal, where road access and clearcut logging above the Municipality of West Vancouver had occurred in an intact provincial Park and in a Watershed Reserve, new public controversies could erupt under similar scrutiny by the NDP administration. Given that daunting and earth shattering possibility – by falsely reporting to Task Force chair Ben Marr that most of the Watershed Reserves were missing – it was the best way out. However, that temporary solution to a looming internal problem would set up a new set of complicated problems by the creation, or re-creation, of Watershed Reserves (described below), and the sticky questions of how the Forest Service would deal with those problems as they would later unfold in the years to follow.

¹⁰³ As far fetched as this scenario may seem, it has plausible and sobering merits when taking all the historical information into account – for instance, the summary information presented in annual reports that government staff were meticulously recording and transferring all the tenure and disposition license data onto Departmental Reference Maps.



¹⁰³ See Chapter 7, in particular, Section 7.3, the strange fate and circumstances of Watershed Reserves.

Without the Reserves being registered on official planning maps, as Ben Marr notes in his April 1973 memo to Deputy Minister Stokes, the Lands Department cannot receive nor reject land use referrals, such as Timber Sales, in the referral or “*adjudication process*,” because the Water Rights Branch and Lands Department were ultimately responsible as final stewards to provincial water purveyors for what occurred in the Reserves. I.e., as stated in the BC Legislature on March 8, 1945 for domestic and irrigation watershed sources either reserved or not reserved under the *Land Act*:

Mr. King asked the Hon. the Minister of Lands the following questions: 1. What precautions are taken by the Department for the protection of watersheds which form a source of domestic and irrigation water-supply?

*The Hon. Mr. Kenney replied as follows: 1. Before any sale is made a joint report and recommendations are required of the District Forester and the District Engineer of the Water Rights Branch and due regard is paid to irrigation interests and domestic water users.*¹⁰⁴

This transcript from the Legislature made in 1945 is an important clue to the overall awareness and long-held tradition of Watershed Reserves by senior departmental Crown resource administrators. Only a Watershed Reserve tenure status over community watersheds could prevent matters such as the alienation of land within them, as noted earlier in Chapter 2 regarding Superintendent of Lands Borthwick’s April 9, 1963 memo in the Rossland City Reserve file, where Borthwick flatly rejected an application for a cabin to be built in the protected watershed, and where Kamloops District Forester rejected a Timber Sale application in Revelstoke City’s Watershed Reserve over Greeley Creek. Without the Map Reserve or Order-in-Council Reserve instrument under the *Land Act*, community watersheds, which supplied wholesome drinking and needed irrigation water to British Columbians, would suffer threats.

*How does the Lands Branch fit into the total organization of the British Columbia Lands Service of today? The relation may be expressed briefly. **The Lands Branch has jurisdiction in matters pertaining to the disposition of Crown land, and is charged with so administering and disposing of the land that the general welfare, present and future, of the Province must be protected at all times.*** [Bold emphasis]

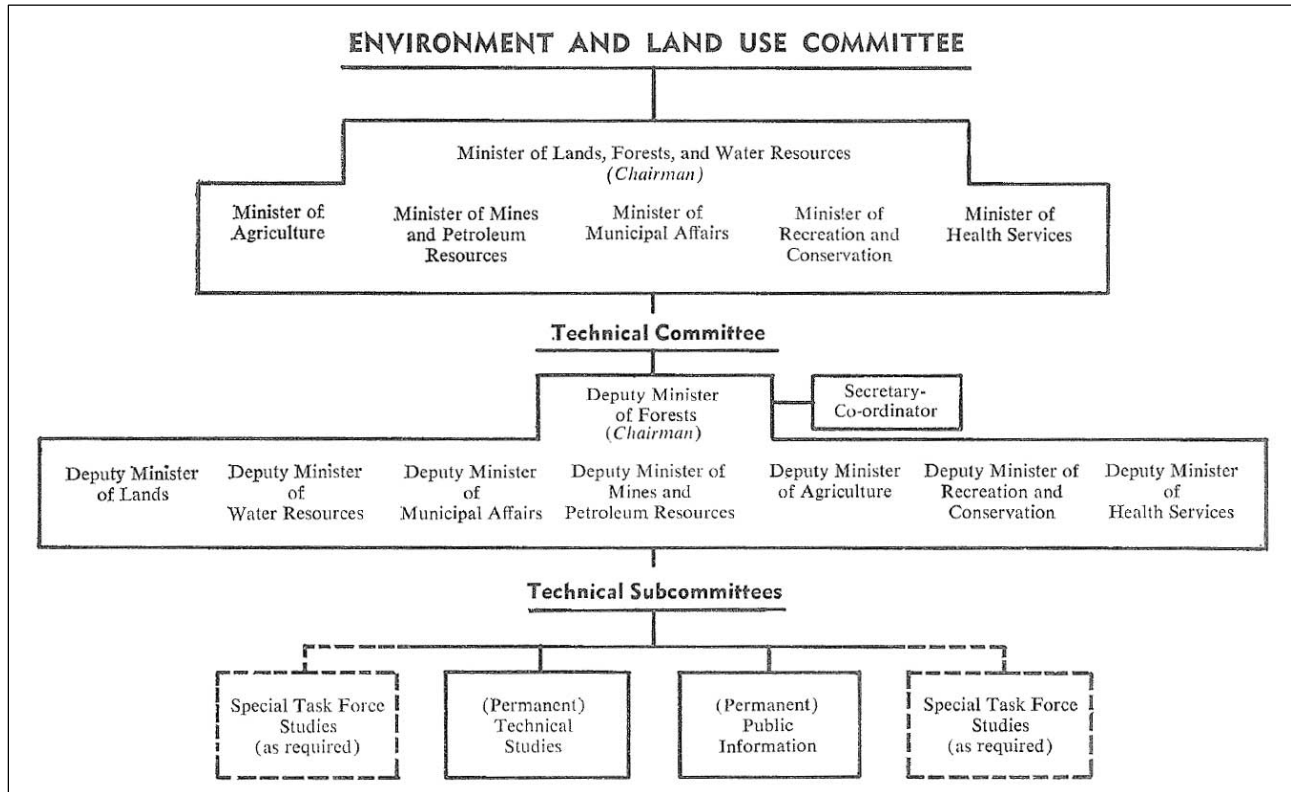
The Lands Branch works in close co-operation with a great number of other agencies, such as municipal and city administrations, town-planning authorities, the British Columbia Forest Service, the Water Resources Service, the Surveys and Mapping Branch within the British Columbia Lands Service, and all the departments in the Government of the Province, notably Highways, Education, Attorney-General, and Agriculture.

*Direct service to the people of British Columbia is the first duty of the Lands Branch and this takes the bulk of the time of the Lands Branch personnel. Associated with this prime duty is the important function of the maintenance of the records, which in many cases are the only ones in British Columbia showing the correct legal status of the surface of the Province.*¹⁰⁵

¹⁰⁴ *Journals of the Legislative Assembly of the Province of British Columbia*, March 8, 1945. Question by Liberal Party MLA (Columbia Riding) Thomas King to Liberal Lands Minister E.T. Kenney (Skeena Riding). Comments made nearing the end of the Sloan Commission Inquiry on Forest Resources.

¹⁰⁵ *Annual Report of the British Columbia Lands Service*, 1970, page AA-17.

4.1. Solving “The Problem”



1972 organizational chart of the Environmental and Land Use, and Technical, Committees

Because the majority of the Province’s community Watershed Reserves were apparently not registered on the Lands Departmental Reference Maps under the administration of the Surveys Division, Task Force chairman Marr’s April 18, 1973 two-page memo concluded by recommending to Deputy Forests Minister Stokes, the chairman of the Environment and Land Use Technical Committee (ELUTC), that **all BC’s community watersheds should therefore be automatically re-identified and recorded as Watershed Reserves:**

The Task Force therefore recommends that map reserves be placed on the watersheds of community water supplies throughout the Province, excluding those of users whose source of supply is the main stem of a major river or lake, and excluding also spring and well users, who are essentially drawing on groundwater supplies. The approval of the Technical Committee to this recommendation is requested.

Subsequent Task Force meeting minutes and memos confirm that in the following month, May 1973, the provincial ELUTC of Deputy Ministers, under

directives and authority of the 1971 *Environment and Land Use Act*, collectively authorized the formal establishment and implementation of Province-wide Watershed Map Reserves for all the community watersheds that were identified by the Task Force. These Reserves were then systematically registered (and/or re-registered, as described below) over the following seven months on all Departmental Reference Maps.

4) Map Reserves

The Technical Committee approved, in May of 1973, a recommendation by the Task Force that map reserves be placed on all community watersheds in the Province.

An unknown number of these Map Reserves established from 1973 following had already been established, and were being re-reserved, a few of which had been classified as Order-in-Council Reserves. However, as explained below in section 4.3, it took a little longer to register the Watershed Reserves on some of the Forest Service District (Region) office Forest Atlas Reference Maps, as a number of foresters were politically opposed to the Watershed Reserves implementation orders by the ELUTC.

Some nine months before ELUTC authorized the Watershed Reserve orders, there occurred a significant political event whereby the twenty-year long Social Credit Party administration (1952-1972) was defeated in the provincial election of August 30, 1972, and a new government resource philosophy and policy under the New Democratic Party took hold for just over three years.

*The accession to power of the N.D.P. Government in August of 1972 signalled a much broader interpretation of the scope of the Environment and Land Use Act [of 1971]. The new Government's election platform had included special emphasis on environmental and planning issues. There were indications that a provincial "Department of the Environment" might be established.... The new political climate in the Province since August of 1972 has provided the B.C. Public Service with new degrees of freedom and a receptive political ear in the areas of environment, land use and resources policy.*¹⁰⁶

During this shift of fundamental administrative readjustment of provincial land use planning objectives and policies (September 1972 to December 1975) is when professional foresters in the Forest Service actively rebelled against initiatives that challenged their collective shenanigans about logging in community watersheds ongoing since the early 1960s. In addition to the intrusion into community watersheds, the Forest Service had also been responsible for degrading salmon and fresh water fish habitat streams since the 1940s, despite ongoing internal criticism from federal fisheries officers and inspectors.

On June 26, 1973, Task Force chairman Ben Marr (the Chief Engineer of the Water Investigations Branch) instructed C.W. House, the administrator of BC's Reserves in the Land Administration Division in Victoria, to establish 64 community Watershed Reserves in the Revelstoke, Kaslo and Nelson Water Districts in southeast BC, representing three of the Province's 27 Water Districts.¹⁰⁷ Marr's three-page informational memo to the Reserves administrator included all the essential data needed on the 64 community watershed sources, such as the name of the water source and the Water District, the surface area of the watershed, the identity of the water license purveyor, and individual map reference numbers assigned to newly formed Watershed Reserve location maps.

The Water Investigations Branch also forwarded two sets of large and small scale maps of the Watershed Reserves to C.W. House identifying both the map boundaries of the Reserves and the Watershed Reserve numbers, the same maps and identifications appended seven years later as *Appendix G* in the October 1980 'Blue Book,' *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*.

¹⁰⁶ Pages xxix to xxxi, *Environment and Land Use Policies and Practices of the Province of British Columbia*, Volume 1, 1975 by Christianna Stachelrodt Crook.

¹⁰⁷ See Water Districts map at the beginning of this report. By the late 1960s, a number of the Water Districts were re-amalgamated and reduced by five, totalling from 32 in 1946 to 27 in the late 1960s.

Director of Lands
Lands Service
Parliament Buildings
Victoria, British Columbia

Attention: Mr. C. W. House

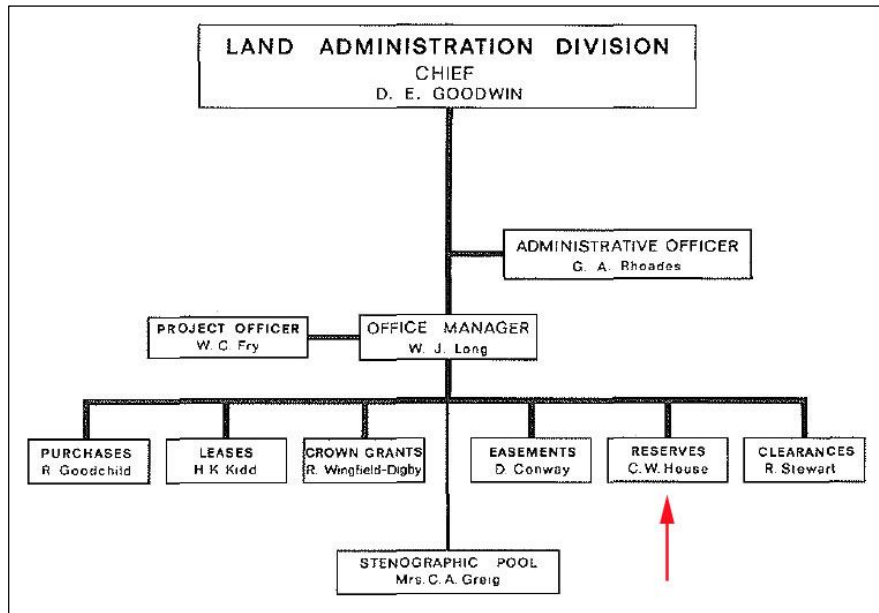
Dear Sir:

Re: Watershed Reserves

On behalf of the Task Force on Multiple Use of Watersheds of Community Water Supplies, I am requesting that map reserves be placed on the community watersheds located in the Revelstoke, Kaslo and Nelson Water Districts. Attached is a map, scale 1 inch = 10 miles, showing the locations of the watershed areas in these three Water Districts. In addition, maps at 1:50,000 or 1:250,000 scale are attached showing the boundaries of the requested map reserves that are listed below:

Right: Lands Department administration tree with C.W. House as *Reserves* administrator.

Other similar letters of instruction for Map Reserve establishment sent by the Task Force to Reserves Manager House would soon follow. For instance, on August 14, 1973, House received a request to establish 60 Map Reserves in two more Water Districts, the Vancouver and New Westminster Water Districts. By August 1973, requests were in to establish Reserves



in 20 of BC's 27 Water Districts. And, by the end of the year requests were in to Map Reserve all the community watersheds the Task Force had so far identified, some 300 in number. As later instructed, whenever a new community watershed was established or registered, the Lands Department was ordered to automatically make it a Watershed Map Reserve.¹⁰⁸

b) Land Status Maps

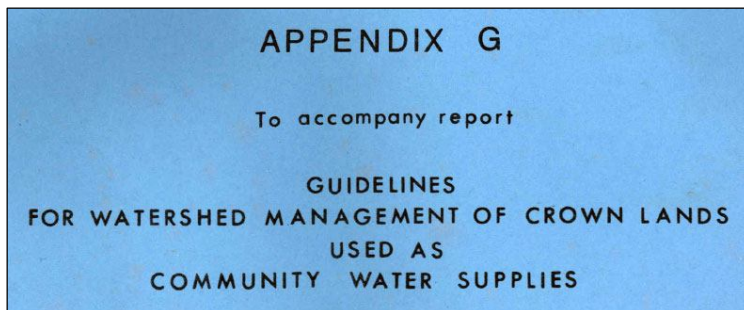
Maps of watershed areas are being requested on a priority basis.

c) Map Reserves

Requests for reserves on all community watersheds located in the Victoria, Alberni, Nanaimo, Vancouver and New Westminster Water Districts are to be sent out in the next two weeks.

¹⁰⁸ Government records show that these Reserves were still being created throughout the 1980s.

In 2000, it was errantly stated in a draft document prepared by an advisory body for a legislative committee reviewing the state of BC community watersheds following the Auditor General of BC's March 1999 report on BC's community watersheds, that "most" of BC's community watersheds "were originally designated between 1973 and 1975." The document stated that the source for that interpretative statement was the list of community watersheds the Task Force published in 1979, *Appendix G, Listing of Watersheds by Category – Computer Print-out Sheets*.¹⁰⁹ This list was the Ministry of Lands' list of Watershed Reserves, the same Reserves originally identified with the same numbers on maps by the Department of Lands in 1973. However, almost all of BC's community watershed sources had been "designated" long before 1973.



In May 1972, government staff provided the Task Force with a long list of existing "Water Sources for Communities in British Columbia." That list identified:

- 31 Cities;
- 39 Districts;
- 14 Towns;
- 60 Villages;
- 131 Improvement Districts;
- 73 Regulated Water Utilities;
- 5 Water Users Communities;
- 360 licensed private water users;
- and 68 licenses for Provincial, Federal and Crown corporations.

WATER SOURCES FOR COMMUNITIES IN BRITISH COLUMBIA					May 1972
C O M M U N I T Y	Population	W A T E R	S O U R C E	Licenced Amount	R E M A R K S
	(preliminary 1971 census)	(May 1972 listing)		(1972 listing)	

The origins behind the 2000 advisory body's misunderstanding of the community watersheds history – "originally designated between 1973 and 1975" – were in fact the Watershed Map Reserves that were created, or re-created, by the Task Force for the water purveyors identified on the lengthy May 1972 list, because, as explained above, the Task Force reportedly found that the associated watershed sources designated as Watershed Reserves had gone generally missing on provincial Departmental Reference Maps.

As of March 2013, the Ministry of Environment's Water Stewardship website on Community Watersheds similarly states that "designated community water supply watersheds (community watersheds) have been in existence since the *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies* was prepared by a government interagency Task Force and published by Ministry of Environment, Lands and Parks (now Ministry of Environment) in October 1980." And, nowhere does the Ministry of Environment's website make reference to these

¹⁰⁹ Appendix G, in *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, a Ministry of Environment publication, October 1980. The advisory body never stated in the report that Appendix G was a list of primarily *Land Act* Section 12 community Watershed Map Reserves, with a few registered as Section 11 Order-in-Council Reserves.

community watershed origins as Watershed Reserves, nor does the website summarily elaborate their long and interesting histories.

As the Watershed Reserves were established (and/or re-established) from 1973 onwards, Task Force memos state unequivocally that all of BC's water purveyors were to be individually notified – each and every one – that Map Reserves had been

established over/for their water sources. The Task Force also notified and involved the Map Reserve creation processes with the BC Forest Service's six Regional Inter-sector Committees,¹¹⁰ which were soon renamed as the Regional Resource Management Committees,¹¹¹ as the government, through the Environment and Land Use Secretariat, developed 7 new resource management planning regions in December 1974 for integrated resource planning strategies and initiatives: Vancouver Island; Lower Mainland; Thompson-Okanagan; Kootenay; Cariboo; Omineca-Peace River; and Skeena. BC's 27 or 28 Regional Districts – new super-municipal political administrative boundaries formed since 1965 – were also all informed in 1973 of the Map Reserve process by way of Task Force correspondence.

2. Notification of Water Users Re: Map Reserves

As agreed at the October, 1973, meeting of the Task Force, a program by the Water Resources Service is in progress to inform the water users when map reserves have been placed on these watershed lands and of the significance of these reserves.

3. Notification of Regional Districts Re: Community Watershed Areas

The 28 Regional Districts were notified in January, 1974, of the terms of reference of the Task Force study. In addition, the study progress was outlined briefly, including the establishment and significance of map reserves on community watershed areas. Maps showing the location of watersheds for each District and data sheets indicating the water users, population served and supply source were also provided to each Regional District.



As reported many years later in a BC Tap Water Alliance press release dated March 21, 2013, *BC Liberals Caught Demoting Protected Status of Community Drinking Water Sources*,¹¹² when the BC Liberal Party administration altered or demoted the protective Section 16 *Land Act* Map Reserve status of 65 community watersheds to Section 17 *Land Act* Designations in southwest BC (South Coast Region) from late 2008 to early 2013, unlike the Task Force, it failed to inform and consult the assigned water purveyors before the significant changes were made that would allow

¹¹⁰ I.e., at the Vancouver Forest District meeting of the Inter-Sector Committee held on April 1, 1974 in Victoria, were representatives from the Agriculture Branch, Mines Branch, Fish & Wildlife Branch, Forest Service, Parks Branch, Lands Service, Water Rights Branch, Department of Highways, Health Branch, and the Water Investigations Branch. Initially called Inter-Sector Groups when they were formed about 1968, “senior regional administrators from the resource departments began to hold informal meetings to discuss resources conflicts.” In 1969, “an informal group was formed by five Provincial Cabinet Ministers with resource portfolios, and was named the Land Use Committee. Its purpose was to resolve multi-resource conflicts.” (Source, *Environment and Land Use Policies and Practices of the Province of British Columbia*, Volume One, page xxvi).

¹¹¹ There was also a main committee called the Provincial Resource Management Committee, which was also involved in the review process.

¹¹² See Appendix C.

'discretionary' permitting of commercial resource activities and tenures by resource administrators with the Ministry of Environment.

Unfortunately, though the Terms of Reference established for the Task Force in early 1972 never included public participation or coordinated public involvement in the Task Force review process, the "public" was merely informed by way of correspondence sent to individual water purveyor Trustees and administrators, and to Regional District administrators.

4.2. The 1969-1974 Okanagan Basin Study

In 1973, community watersheds Task Force Chair Ben Marr, the Chief Engineer of the Water Investigations Branch, was acutely aware of the critical nature of public involvement in the land resource planning affairs of government, and was undoubtedly aware that a public involvement process had been excluded from the Task Force Terms of Reference.¹¹³ The political decision to avoid public involvement in the Task Force review process by the Social Credit Party administration was most likely related to an intense and successful public involvement program underway at that time in the Okanagan Basin in BC's Southern Interior.

In October 1969, Scotland-born and university educated Marr had been assigned to co-chair a lengthy provincial / federal joint public review of the Okanagan's water resources (1969-1974), most likely the reason he was later assigned by the Environment and Land Use Technical Committee to chair the community watersheds Task Force that began in February 1972.

The Okanagan study was the first comprehensive and intensive public participation resource planning review of its kind in Canada,¹¹⁴ formed when both the United States and Canada began introducing new environmental and public involvement legislations and policies. In May 1974, some six thousand pages of multi-disciplinary information were published in a final Okanagan report which included twelve thick technical study supplement reports.¹¹⁵ Other government representatives who were involved in the community watersheds Task Force also participated in the Okanagan Basin Studies, as many provincial ministries / departments were called in to assist in the intense multi-disciplinary study process, and were therefore very familiar with its study objectives.

A critical, dedicated account of the public involvement process was detailed in a separate 485-page technical supplement:

Planning studies compound the problem further for the citizen because, while such studies are initiated and authorized by the politicians, the personnel for the most part are civil

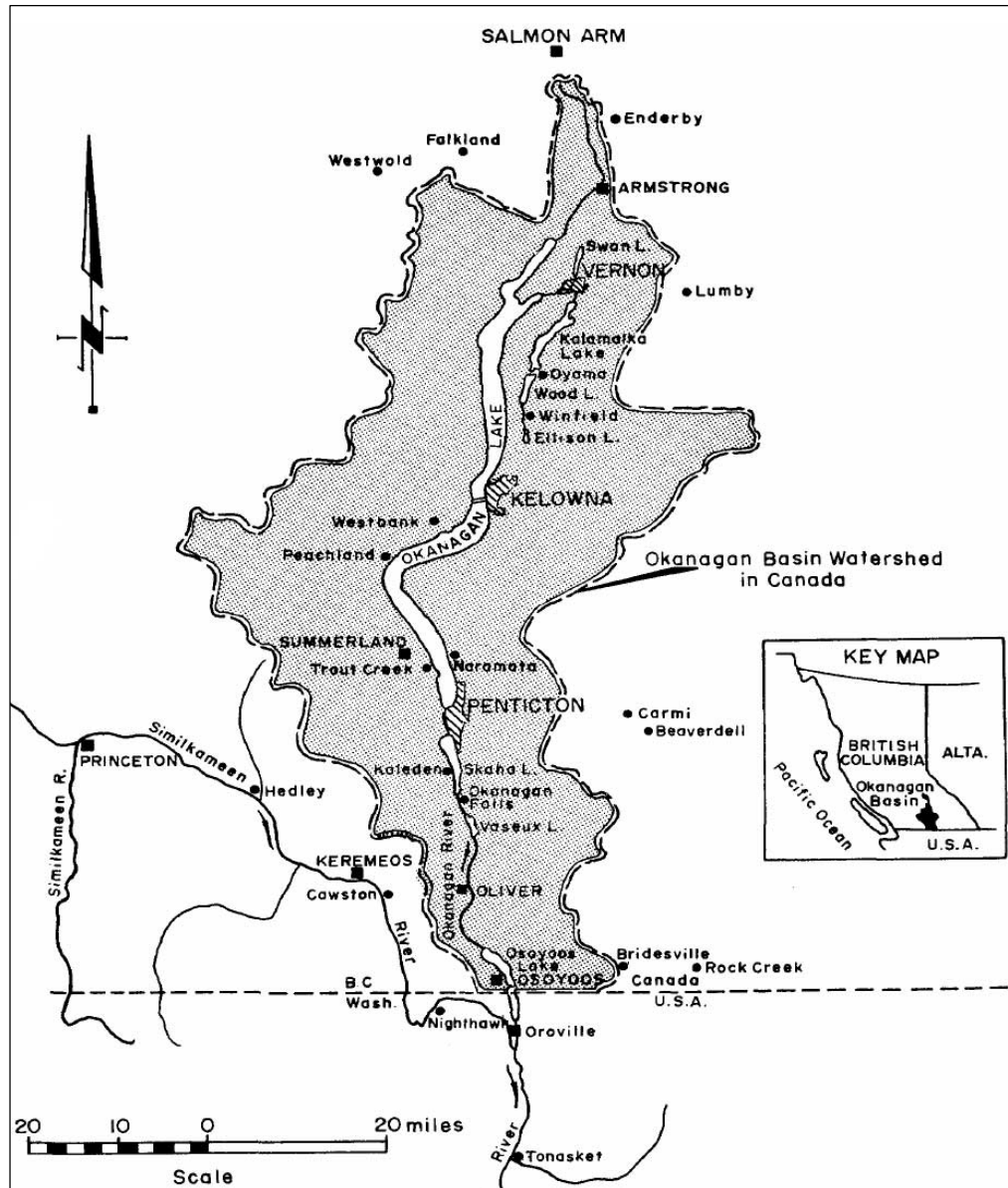
¹¹³ I.e., the following quote from the Task Force Meeting minutes of May 15, 1972, Board Room, Water Resource Service, Victoria: "(11.) Mr. Marr asked the Committee to consider whether it was possible to undertake its work within the represented departments or whether it would be necessary to involve local organizations operating water supply systems."

¹¹⁴ "The first major study in the field of comprehensive river-basin planning attempted in Canada." Source: BC Water Resources Department Annual Report, 1971, page 49.

¹¹⁵ Canada-British Columbia Okanagan Basin Agreement, *Main Report of the Consultative Board*, March 1974. On page 475 of the Main Report, "Prior to this study, the public has had no opportunity for participation in the planning process." A critical account of the Okanagan Basin study process, along with summaries by professionals on the importance of public involvement, was detailed in a 485 page technical supplement to the March 1974 Main Report document, Technical Supplement X1, *Public Involvement in the Planning Process*.

servants who work under guidelines set by the politicians, and thus are at least once removed from the electoral process.

*... action in a democracy is slowed down by the necessity of reconciling different viewpoints and loyalties are divided between parties each seeking to promote a different viewpoint. By its very nature, a democratic government must rely for its existence on the will of the people - not on the might or birth-right of its leaders.*¹¹⁶



¹¹⁶ Chapter 1 - *The Case for Public Involvement in Planning*, page 1, Technical Supplement X1, *Public Involvement in the Planning Process*, Okanagan Basin Agreement, March 1974. The government hired the services of Glenn Sinclair, of G.W. Sinclair & Associates Ltd, as the Public Involvement Program Coordinator. The Editorial Review Committee was chaired by J. O’Riordan, co-chaired by T.A.J. Leach, with Study Director A.Murray Thompson. Editorial assistance for the technical report included L.Young (Kelowna), O. Woodley (Coldstream), G.Creighton (Okanagan Falls), F. Snowsell (Kelowna), J. Stuart (Kelowna), D. Brown (Summerland), D. Stevenson of Agriculture Canada’s Summerland Research Station, E.Anthony of the Kelowna Branch of B.C. Water Resources Service, and D.Bobbitt (Penticton).

A complex methodology of approach for public involvement, referred to as the “Sinclair Model”, was designed by the inter-governmental Study Committee through an Alberta-based consultant agency in the Spring of 1972 “to obtain better communication between the study and the public interest groups.”¹¹⁷ According to a summary of public involvement in chapter 10 of the Main Okanagan Basin Report, the development of the Sinclair Model was predicated on formal public hearings the Okanagan Basin Agreement Consultative Board convened in November 1970. Shortly thereafter, the Board met with local members of the Okanagan Basin Water Board at their headquarters office in Kelowna, where the Kelowna members:

raised the question of how public interests, values and desires would be incorporated into the development of a framework plan for the management of the water resources of the basin. It was mutually agreed that both Boards had an interest in obtaining public responses to questions of water and related resources management and that they would share the results of their respective programs.

Given the controversial history of logging in the Okanagan (narrated in Chapter 2.3), **commercial logging (‘forest management’) was oddly the only land resource theme/issue that had been specifically excluded from the Okanagan Basin study’s 1969 Terms of Reference**, Terms that defined how the study was to comprehensively assess impacts on the Okanagan’s collective water resources. It took about three years before the general public noted the discrepancy.

During the numerous open public dialogues and debates that local radio and television stations hosted as part of the provincial and federal governments Okanagan Basin study process, it was in November 1972 that angry concerns were raised about how logging went unaccounted for in the inter-governmental Basin studies, and how it was creating havoc on the Okanagan’s landscape and water resources. And, it wasn’t until 1973 that the logging issue became a formally documented concern by the Okanagan Basin Community Task Force No. 7, with its Basin-wide 24 member representatives. In its final observations and recommendations to the government, Task Force 7 simply stated, “[though] *the Okanagan Basin Study was established to examine specifically water resources, we have found that land use has such an effect on water quality and quantity, that it has to be taken into account.*”¹¹⁸

The internal concerns about the missing component and review of forest management (clearcut logging) practices and their controversial relationships to water quality and quantity prompted the Okanagan Basin Study program organizers in 1972 to contract a recent forest hydrology PhD graduate from the University of BC’s forestry faculty, Bob Willington, to fill in the critical informational gap by way of a report study. Technical Supplement No. 1 of the final Okanagan Basin report included an appendix with a 70-page report by Willington, and two professional foresters, D.S. Jamieson and M.D. Godfrey, *Evaluation of Watershed Deforestation and Harvesting Practices in the Okanagan Basin*.

Instructions to the forest hydrology researchers by the Basin Study Committee were to provide four outcomes in Task 180:

1. To outline zones where timber harvesting has produced conflicts of interest such as fishery, domestic water supply and grazing.

¹¹⁷ Page 251, *Main Report of the Consultative Board*.

¹¹⁸ Technical Supplement XI, *Public Involvement*, page 123.

2. *To provide a preliminary evaluation of the effects of timber harvesting on water quantity and quality by zone. Limitations to harvesting rates imposed by sustained yield to be incorporated insofar as assigning significant effects (10%) on water quantity and quality to various zones.*
3. *To indicate zones in which forest harvesting might incite major problems of erosion and nutrient leaching as a consequence of roads and/or harvesting technique.*
4. *Characterize a selected watershed into major biophysical zones and tabulate, by zone, the present and future harvesting rates.*

However, contrary to the instructions to the report researchers, there was no information provided in their final report on outlining “*zones of conflicts of interest in domestic water supply*” sources. These “*conflicts*” were key concerns linked to the government’s recent imposition of sustained yield logging and rate of cut in the Okanagan Basin through the establishment of the Okanagan Sustained Yield Unit No. 47 in 1963 (see below), which included the domestic and irrigation sources on many lands that were supposedly and conditionally reserved from logging. The north Okanagan area near Kelowna City was the electoral riding of BC’s Social Credit Party Premier, W.A.C. Bennett, elected to office since 1952.

Willington’s hydrology report was not based on long-term and in-depth instrumental and analytical scientific evaluations of lands in the Okanagan, but was based on a ‘hypothetical’ experiment on the unlogged 20 square mile Pearson Creek watershed, a tributary basin to the Mission Creek watershed located in the upper mid-eastern slopes of the northeast Okanagan Basin (east of Kelowna City). The so-called “experiment” provided theoretical predictions on water runoff increases from clearcut logging practices, predictions based entirely on modelling equations recently generated from United States experimental forest hydrology studies:

*Water yield increases accruing from forest harvesting in the Okanagan Basin were estimated using modelling techniques and extrapolations of research findings from comparable regions.... Interpretation of the data must be carried out very cautiously to avoid proliferation or creation of any more myths.*¹¹⁹

What did logging activities promoted through forest management recommendations by forest hydrology experiments have in any way to do with logging in supposedly protected Watershed Reserves? They didn’t, because logging was to be excluded in these Map Reserves. And, when a formal, long-term BC government forest hydrology experiment later began in the headwaters of Penticton Creek in the 1980s, the source of drinking water for Penticton City, where American giant Weyerhaeuser was logging, the experiment also took place in a supposedly protected Watershed Map Reserve.¹²⁰ And, as elsewhere, nowhere in the Penticton Creek logging experiment brochure materials or reporting by government was there any reference made to the Penticton Creek watershed area being a Watershed Reserve, nor what such a provincial government policy or legislation entailed, namely the exclusion of logging and road construction.

¹¹⁹ Page 534. Willington’s reference to “*myths*” is from the opening Summary paragraph of his report where he states that, “*It must be stressed that forestry has earned a poor reputation in the Basin through the proliferation of certain mythological aspects of its effect on streamflow such as: logging dries up streams, logging causes floods.*”

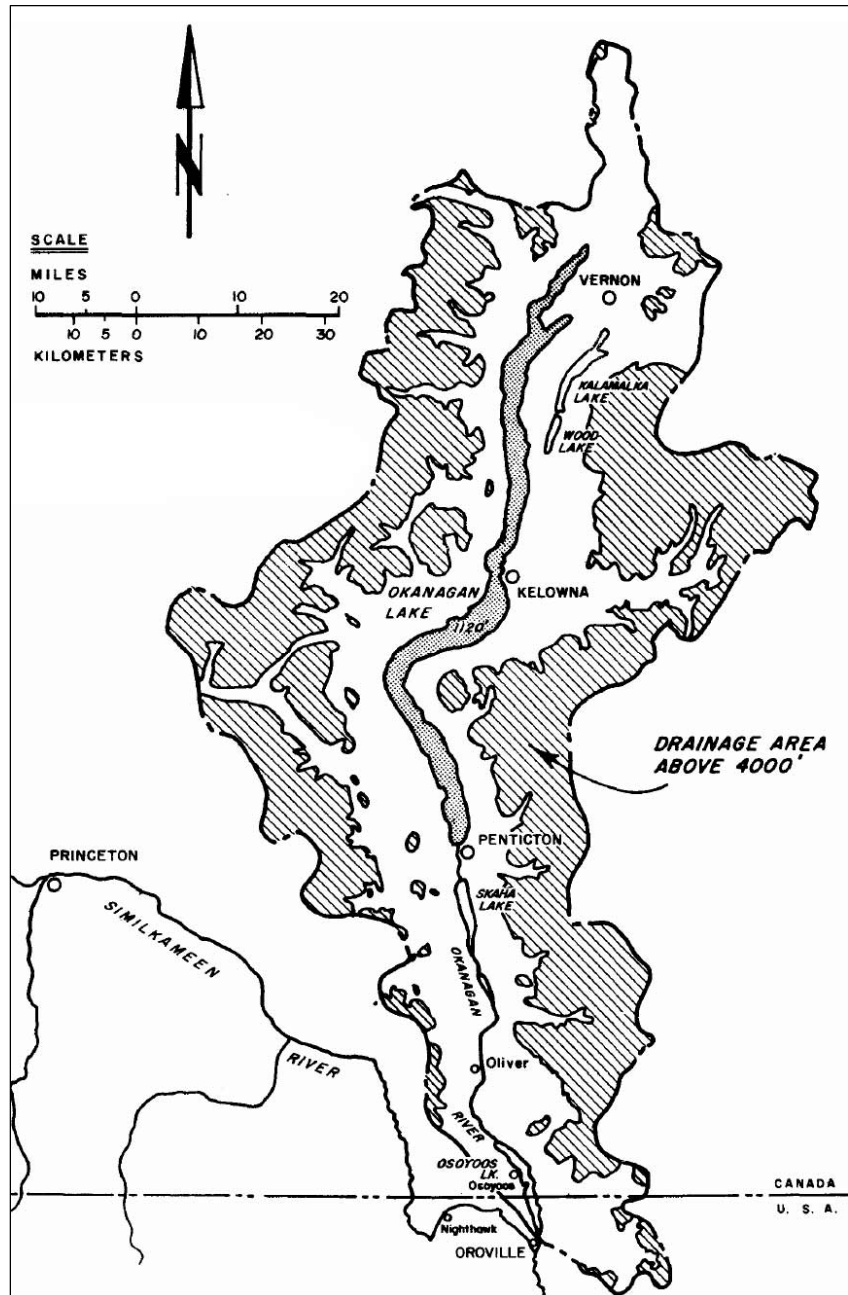
¹²⁰ The Map Reserve active tenure status of the Penticton Creek watershed seems to have disappeared from the government’s data list of community Watershed Reserves.

The large Mission Creek watershed was the water supply for the Black Mountain Improvement District, a community of 4,500 people. The reason why no previous logging had occurred in the upper Pearson Creek tributary drainage was most likely related to the historic concerns of the Improvement District, as narrated in Chapter 2 about the Association of BC Irrigation Districts. The provincial community watersheds Task Force made the large Mission Creek drainage basin, along with many other Okanagan watersheds, a *Land Act* Watershed Reserve in 1973, which Willington, and/or subsequent editors, failed to note in his forest hydrology report.

Willington identified that the Okanagan Basin supported 1.2 million acres of “*merchantable forest land*”, 300,000 acres of which were located in lands north of Penticton City on the eastern half of the Basin in the slow growing and rich timber zone above the elevation of 4,000 feet, the snow pack headwaters of the public’s major irrigation and domestic water sources which also went unidentified as such in his report. Willington extrapolated that a 120-year logging rotation of forests in the higher elevation zones above 4,000 feet would increase water yield by merely 3.3 percent, in contrast to a hypothetical 40 year rotation which would provide a 12.6 percent increase in water yield, that is, based on his predication that 40 year rotations of forest stands had beneficial consequences by temporarily increasing water flows.

Willington therefore stated in his final recommendations that logging rotations of forest stands in the Okanagan Basin be significantly reduced to increase water yield overall, a recommendation that was

obviously well-favoured by the Interior forest industry. In terms of water quantity, the Willington report on hypothetical forest hydrology modelling strangely argued that forests and trees were undesirable – the mindset that forests consumed too much water, and were therefore impediments on the delivery of water:



The goals of management for maximum water yield are to reduce the water consumed by the forest, maintain the permeable soil structure, and rearrange snowfall so that it more effectively contributes to streamflow. The forest environment and the processes governing it are important, not the trees themselves. Enough foliage must be grown to protect the soil, but it can come from small trees or other plants.¹²¹

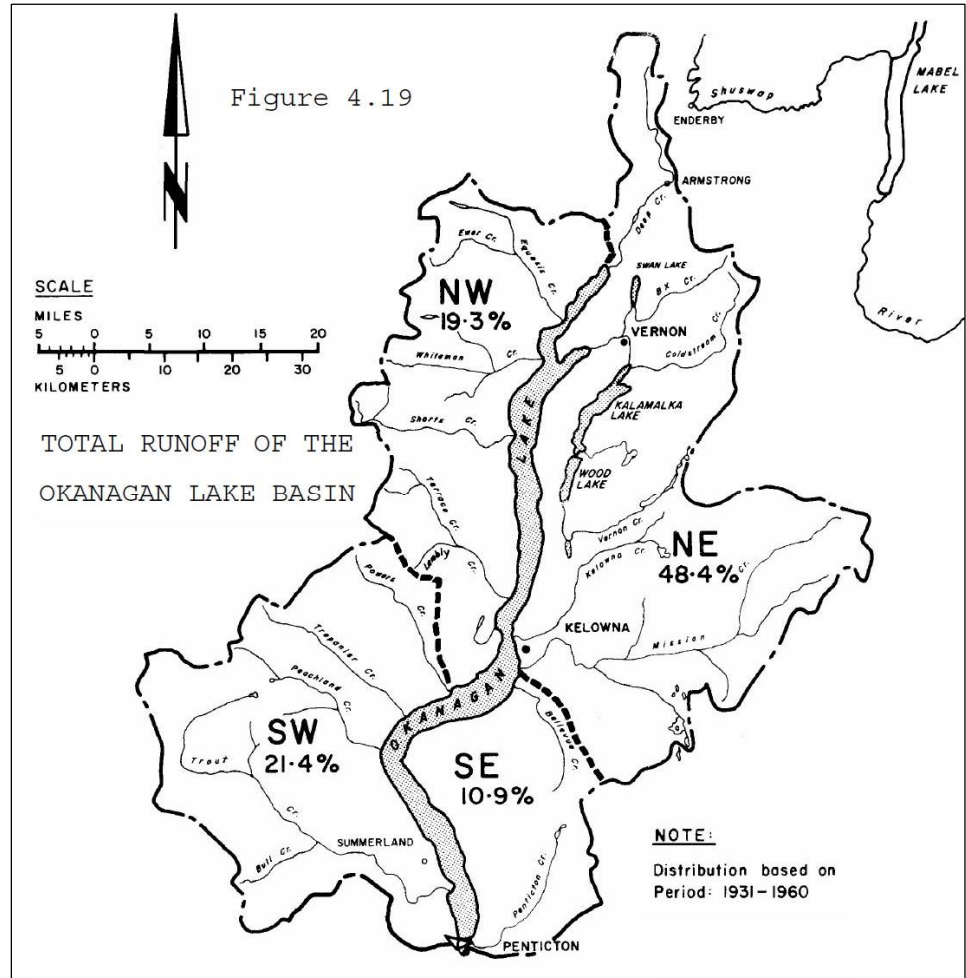
Right: Map from the Okanagan Basin report, showing water runoff into Okanagan Lake, total areas of which supply 79% of the entire Okanagan Basin. The information supports the valid early concerns from Irrigation Districts (Chapter 2) about their Reserves and water runoff from the Grizzly Hills Forest area in the northeast (NE) sector.

Just prior to the release of the Okanagan Basin Study reports in May 1974, which included the much-anticipated forest hydrology report on logging in the Okanagan Basin, a government engineer with the Kelowna Water Rights Branch provided advance summary comments from Wellington's report in his address at

the 26th annual conference of the Association of B.C. Professional Foresters, held in the Okanagan capital of Kelowna. Earle Anthony stated that:

*A great opportunity is available to us through logging to sharply influence the quantity of water that is available in what is one of the most water-short areas in the province... Mr. Anthony noted that it has been suggested watersheds in the Okanagan basin should be selected and studied to establish the criteria which will maximize not only timber yield, but also the annual yield of water.*¹²²

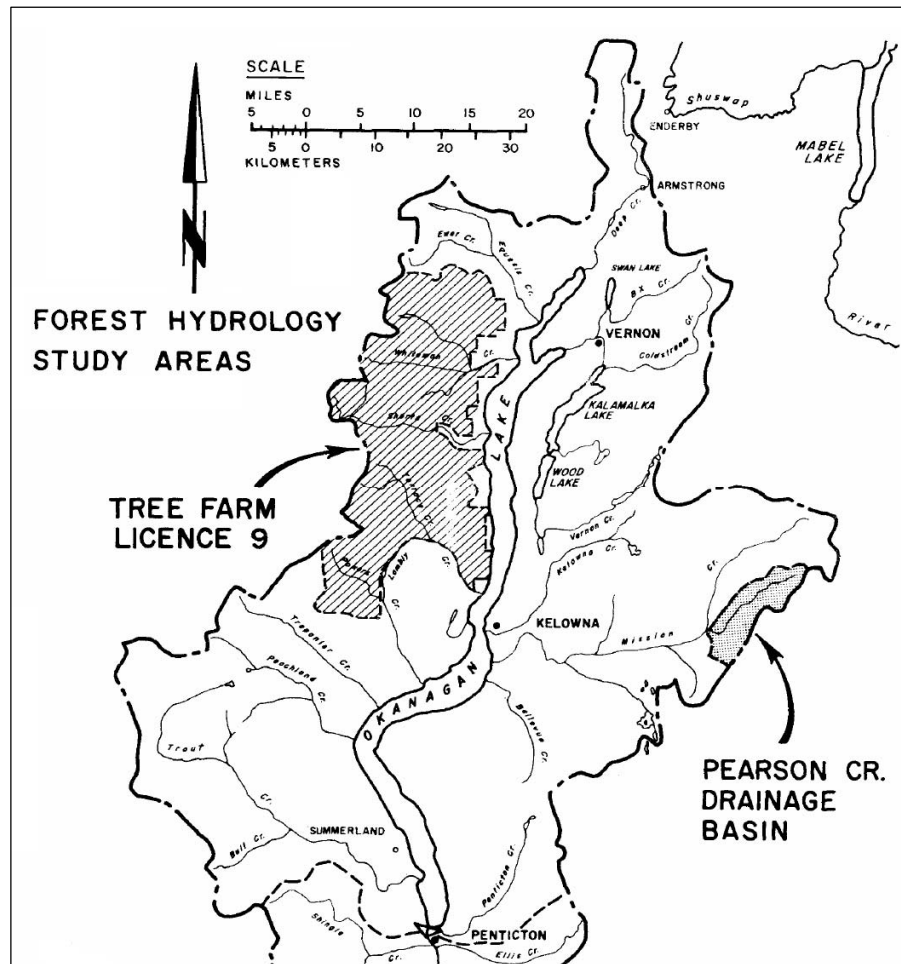
However, in contrast to the other issues on fresh water vetted through the seven Okanagan Basin public task forces, the forest hydrology modelling and recommendation analysis had been exempt from public input and direction.



¹²¹ Page 588.

¹²² 'Intelligent logging could double inflow', Vernon Daily News, February 16, 1974; and *Good logging practices could double water flow*, Penticton Herald, February 19, 1974.

Although the federal and provincial governments had decades of simple information on snow course, stream and precipitation data from the Okanagan Basin, no long-term forest hydrology studies had previously been conducted in the Okanagan, or, for that matter, within BC's entire provincial boundaries, studies that could have integrated the impacts of these data sets into effective resource use planning objectives in forest land areas outside of protected community and irrigation watersheds. This absence of critical resource development understanding is confirmed in an internal 1975 government memo:



*To date, there is no information on the effect of forest harvesting on water yield and timing in coastal B.C. And yet watershed managers, foresters, wildlife and fisheries biologists and persons involved in regional resource planning continue to ask questions related to maximum, minimum and annual yield following land use. For example, consult any current Resource Folio.*¹²³

The provincial-wide impetus for undertaking forest hydrology studies was first proposed, forged and coordinated, by University of British Columbia Forest Hydrology professor Walter W. Jeffrey in the late 1960s, who, before his tragic death in a helicopter crash in August 1969, had forcibly organized the BC Forest Service to consider implementing forest hydrology studies in order to implement changes to government forest management policies.¹²⁴

As the sole hydrologist in the province who devotes his energies to land use hydrology, it is obvious that I cannot hope to begin to deal, in anything like an adequate way, with the many

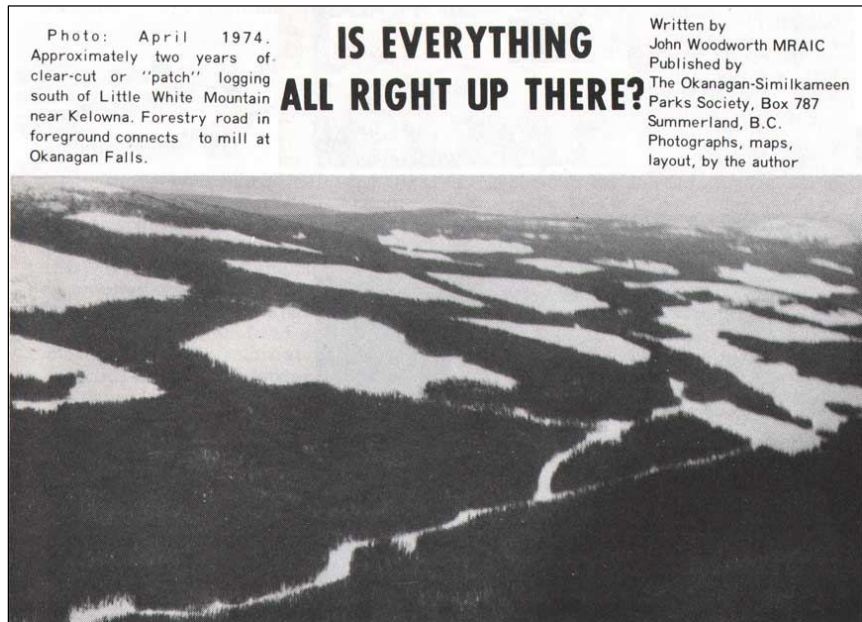
¹²³ T.W. Chamberlin, Supervisor, Water-Fish Section, Environment and Land Use Secretariat, to F.T. Pendl, B.C. Forest Service, Vancouver, September 25, 1975. It was reported as late as 1979 that the provincial government had only one forest hydrologist on staff to manage the entire Province.

¹²⁴ The author of this report conducted research on Jeffrey and this history which he assembled in a draft report in 1998 on the history of forest hydrology in British Columbia. Ministry of Forests staff participated in a lengthy 2010 report history on forest hydrology published in *Compendium of Forest Hydrology and Geomorphology in British Columbia*, organized through FORREX.

*problems that exist. ... greater attention to land use hydrology is inevitable as Canada develops, and the associated recognition that no Canadian university presently devotes any significant attention to the hydrology of land use. Recruitment of hydrologists specialising in this field is thereby totally dependent upon the output of U.S. institutions.*¹²⁵

By 1972, experimental forest hydrology studies were being established in both the Seymour watershed north of Vancouver City – where controversial roadbuilding and clearcut logging was starting in earnest in the Greater Vancouver Water District’s formerly protected three watersheds – and in the Carnation Creek study area near Bamfield on southwest Vancouver Island, where forestry giant MacMillan Bloedel was logging. Both the Jamieson/Elbow experiment in the Seymour watershed and Carnation Creek experiment ended up in failure, as reported in the 1990s by both the author of this report and by well-known federal fisheries experts. While these forest hydrology experiments were conducted over a period of two decades they largely failed to influence forest management practices in BC.¹²⁶

A year after the conclusion of the Okanagan Basin studies, the Okanagan Similkameen Parks Society published a scathing 30-page booklet in 1975, *Is Everything All Right up There?* It included numerous aerial photographs and maps showing the large clearcuts and where



ABSTRACT

Modern clear-cut or 'patch' logging, as introduced in Okanagan watersheds since 1970, may have unexpected long-range effect on other water-users further down the stream and lake systems. The problems of flash flooding, stream sedimentation, added nitrogen-phosphorous content to the lakes and summer dry-up of streams, are established side effects of clear-cut logging of watersheds. But the massive stripping and burning of the watersheds of a desert valley, dependent on water from the mountains for its existence, is without precedent in B.C.

The collective result of intensive clear cutting in some water-sheds as recently observed would suggest that very large-scale deforestation in most of the Okanagan water sources will have occurred within the next ten to twenty years.

This process appears to have commenced without adequate warning to other water users or dwellers in the Okanagan water system, and without

thorough investigation of the possible side effects of this tampering with the watershed system.

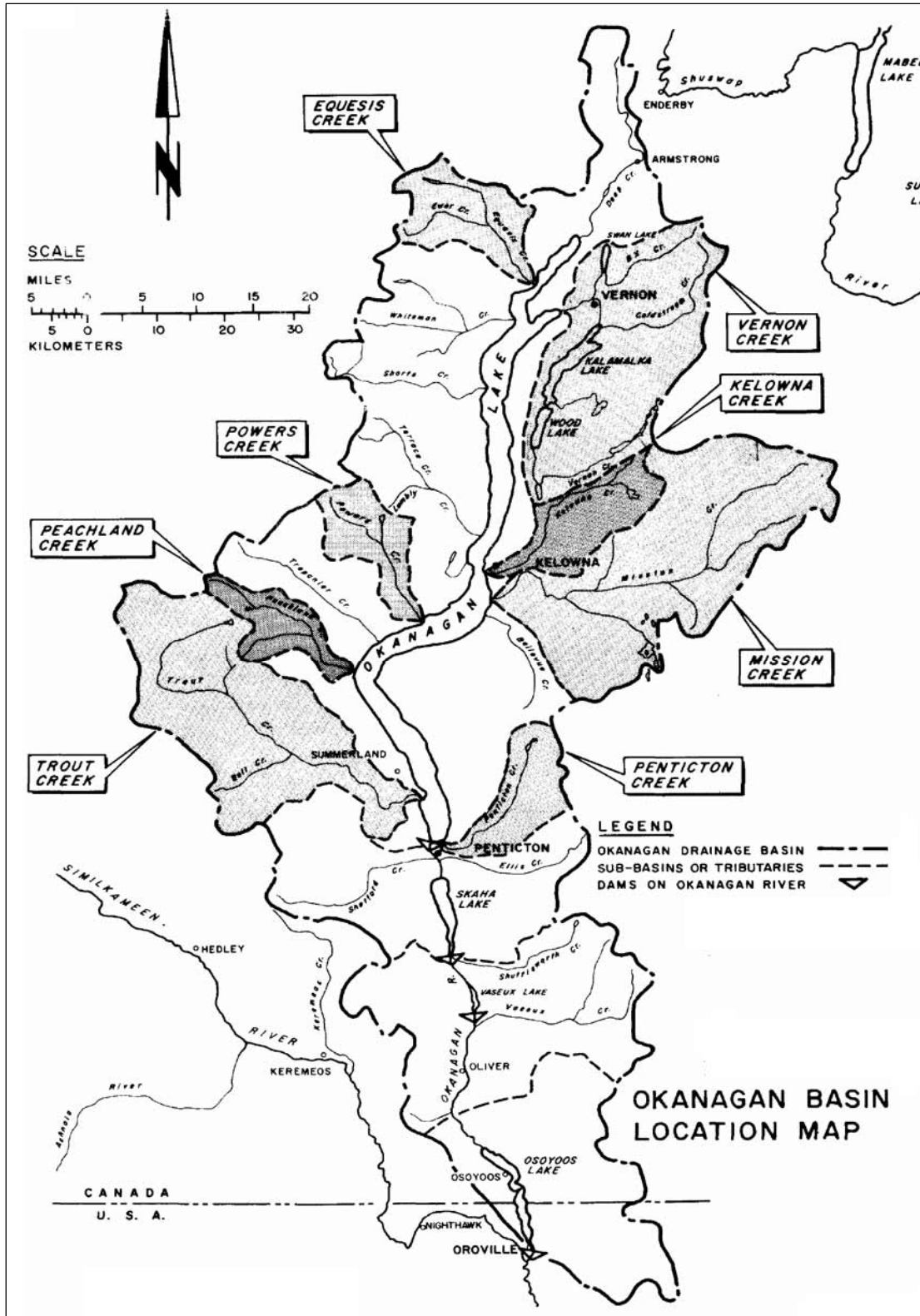
Very few people in the province are in a position to be alarmed by the problems which may be produced by the new deforestation process. This is primarily because the Okanagan Valley is not administered as the one total geographic system it is -- from heights of land surrounding the valley, to the lake systems in the valley bottom.

The writer, a 'concerned citizen' with some training in regional planning and a strong interest in sensible use of our land and resources, feels that the possible dangers of new forestry practices as undertaken since the beginning of the seventies must be brought to the attention of Okanagan citizens and their governments. If one industry -- forestry -- which is only a part of the Okanagan commercial base, should be endangering other livelihood in the valley, then forestry methods must be radically changed.

¹²⁵ *Hydrology of Greater Vancouver Municipal Watersheds*, First Draft, December 6, 1968, by W.W. Jeffrey.

¹²⁶ Similar, but much earlier, forest hydrology precedent experiments were launched in the late 1950s by the U.S. Forest Service in Portland City’s Bull Run watershed, where logging was supposedly forbidden by U.S. federal law. A federal court judge stated in a March 1976 judgement that the U.S. Forest Service had been conducting illegal forest harvesting and road access in the Bull Run Watershed Reserve, soiling the credibility of the Forest Service and its forest hydrology experiments.

they were located. On the title of the report was the following: "Clear cutting and slash burning in mountain watersheds is standard practice in British Columbia. But is it suitable for the water-dependent Okanagan, Kettle and Similkameen Valleys?"



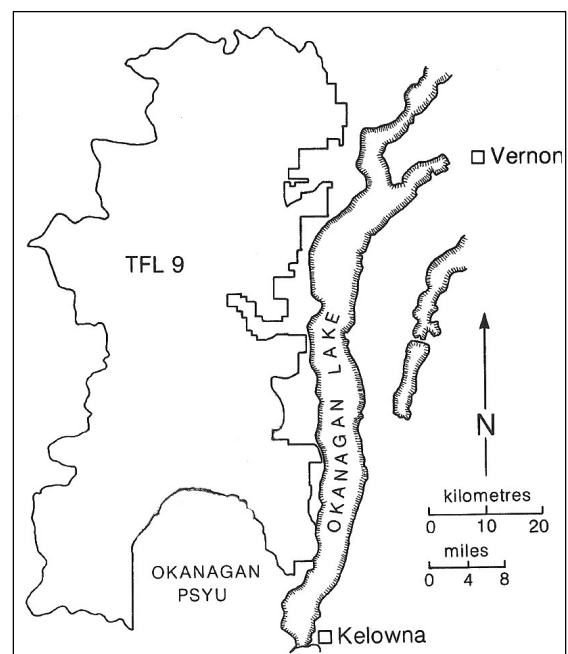
4.2.a. Okanagan Basin Logging History

Statements made by BC Water Comptroller E.R. Davis in the 1944-1945 BC Forest Commission Inquiry transcripts indicate there had been very little logging within the Okanagan Basin area since 1910.¹²⁷ The Forest Service's annual report for 1914 summarized that the Okanagan was a complicated maze of irrigation systems, where “*practically all available water, which can be taken by gravity from the ordinary flow of streams emptying into the Okanagan, has been utilized:*”

*The experience of other countries has shown that the forest cover on mountain watersheds has a most important influence on conserving and maintaining the flow of water. It increases the storage capacity of the soil, retards the spring thaw, and prevents excessively rapid run-off, and consequently lengthens and extends the period of maximum flow of streams. These [high elevation forests] are the timbered watersheds on whose maintenance depend the water-supply for the irrigated land in the valleys.*¹²⁸

The coloured forest cover map attached in the 1930 Forest Surveys Division report, R 33 - *Okanagan Forest 1930*, also showed that on the western half of the Okanagan Lake watershed basin complex very little logging had occurred. Forest Survey report No. R 76, *Proposed Okanagan Working Circle – Forest Survey and Preliminary Management Plan 1938-1939*, indicated much the same, how the higher elevation forests were still in a relatively undisturbed state. F.D. Mulholland's *Forest Resources* report of 1937, that included comprehensive sets of logging data for every sub-landscape forest boundary unit for each Forest District in the Province, stated that out of the total 2,067,800 acres identified as falling within the Okanagan Basin drainage boundary, only 18,700 acres had been logged to date.

The first serious ‘intrusion’ test case set up by the Forest Service in the publically sensitive Okanagan Basin complex was the establishment of Forest Management License (Tree Farm License, or TFL) No. 9 on the northwest side of Okanagan Lake in 1951, awarded to S.M. Simpson Ltd., a license initially called Okanagan West. Dedicated as a Private Working Circle, it was a large tract of public forest lands, mixed with some private land holdings, some 195,000 total acres in area, rising from the shoreline of Okanagan Lake straight up to the high country divide to the west, extending north from the Lambly Creek watershed just west of Kelowna City, north to the Naswhito Creek watershed, just west of Vernon City.¹²⁹



¹²⁷ Sloan Commission transcripts, Volume 3, page 796.

¹²⁸ Page 55.

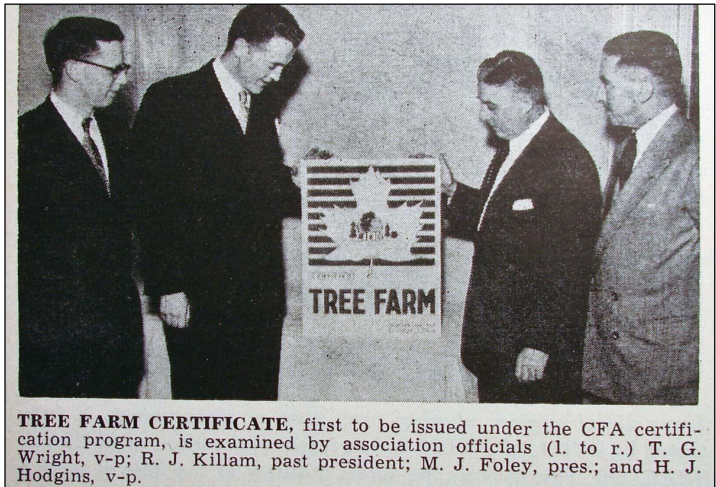
¹²⁹ In 1970, Tree Farm License 9 was sold to Crown Zellerbach Canada Ltd., as was Tree Farm License 16 (the “Monte Lake” Tree Farm), located immediately west of Tree Farm 9, about 129,000 acres in area, making both Tree Farms into a combined single unit of some 324,000 acres. As part of an aggressive strategy, Zellerbach also acquired Tree Farm License 32 (the “Bolean” Tree Farm), some 33,000 acres in area, not far to the north of Tree Farm 9. In 1983, Fletcher Challenge Limited acquired the rights of the three Tree Farm Licenses from Crown Zellerbach, and renamed the rights as Crown Forest Industries Limited. In

As reported in *TFL No. 9 Working Plan Number 3* report, published by S.M. Simpson Ltd. in February 1963, it listed the holders of water licenses within the limits of TFL No. 9, which included the Westbank Irrigation District:

The section of the Okanagan Lake watershed encompassed by the Licence area is of importance for water conservation purposes to the agricultural community of the valley. During the spring run-off when enormous amounts of water are released from the watershed, dammed lakes are filled with water for subsequent use for irrigation purposes. The water is released into creeks as required and then piped and flumed to fruit orchards and vegetable growing areas for summer irrigation. The main irrigation system lies in the Lambly (Bear) Creek drainage system which supplies water to the Westbank area. The Powers Creek Irrigation system is also partially dependent on water from the Licence area. An application by the Vernon Band of Indians and J. R. and C.G. Lidstone proposes development of the Bouleau Creek system for irrigation purposes. The significance of the water conservation role of the water-shed is not restricted to irrigation collection. Cases of landslip due to incorrect logging practices and gully erosion by cloudbursts have occurred in the past. The maintenance of the soil cover is important to forestry, as is the prevention of silting up of storage lakes and waterways.

*No conflict of any magnitude exists at the moment between water users and the management of the forest. There has been and is considerable anxiety amongst some orchardists and their organizations over the effects of logging and fires on water conservation. **There is little doubt, however, that proper forestry practices as required by the Tree Farm Licence contract and the provisions of the Management and Working Plans are an adequate safeguard and are certainly far superior to such arrangements as existed prior to the inception of sustained yield forestry in the area** [bold emphasis].¹³⁰*

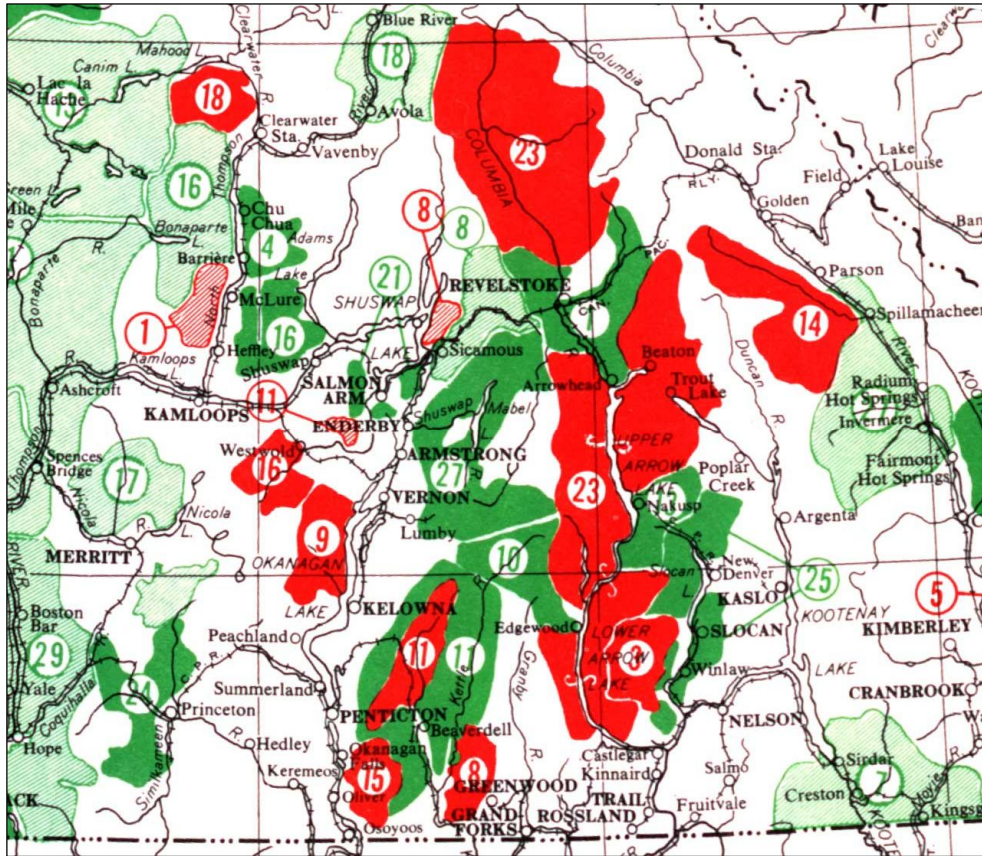
By 1963, Stanley M. Simpson, the head of S.M. Simpson Ltd., was a senior member of the Interior Lumber Manufacturers Association, and had amassed a small host of timber holdings under his company name, for both a source of timber supply and for various timber processing mills then operating in the Okanagan area: S&K Ltd., Trautman-Garraway Ltd., Lumby Timber Co. Ltd., Peachland Sawmill & Box Co. Ltd., McLean Sawmills Ltd., Ferguson Bros. Lumber Ltd., and Stave Lumber Co. Ltd.¹³¹



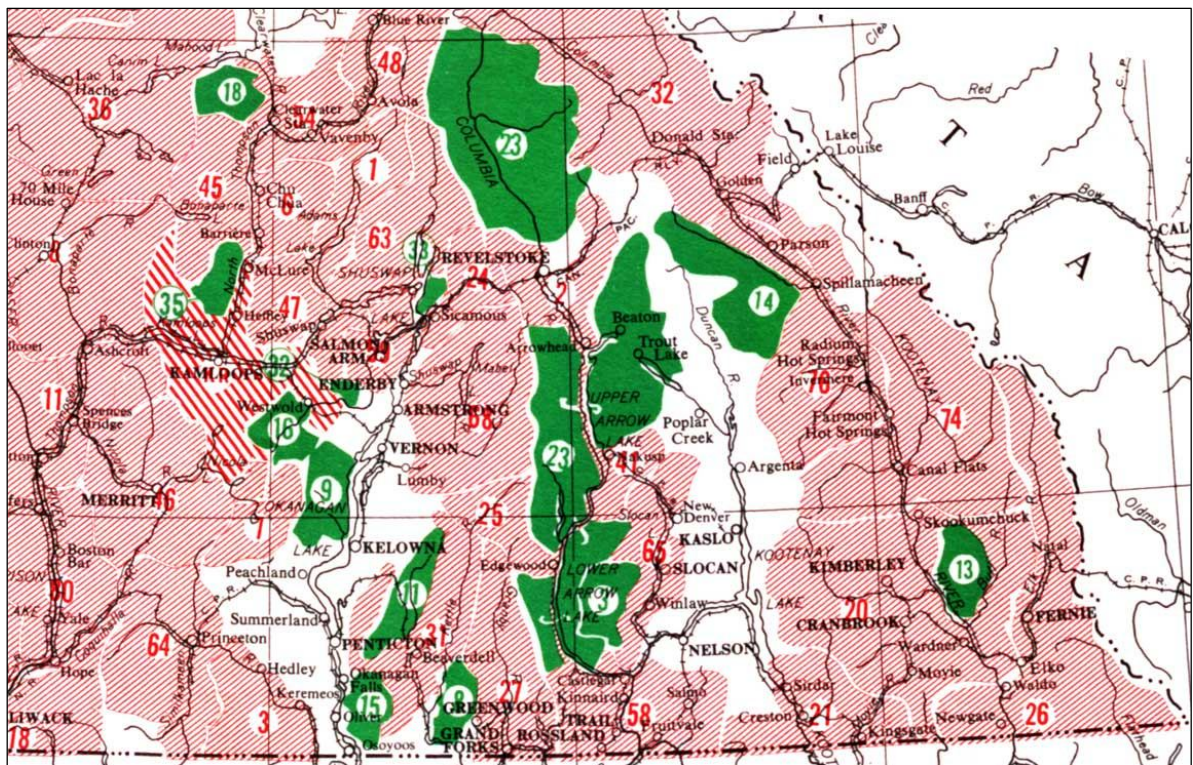
1988 Fletcher Challenges' entire holdings, that included the assets of BC Forest Products, were renamed Fletcher Challenge Canada Limited, and Crown Zellerbach's three Tree Farm Licenses in the north Okanagan were renamed as Tree Farm License 49. In 1992, Riverside Forest Products acquired the rights to Tree Farm 49, which was sold again to Tolko Industries in 2004.

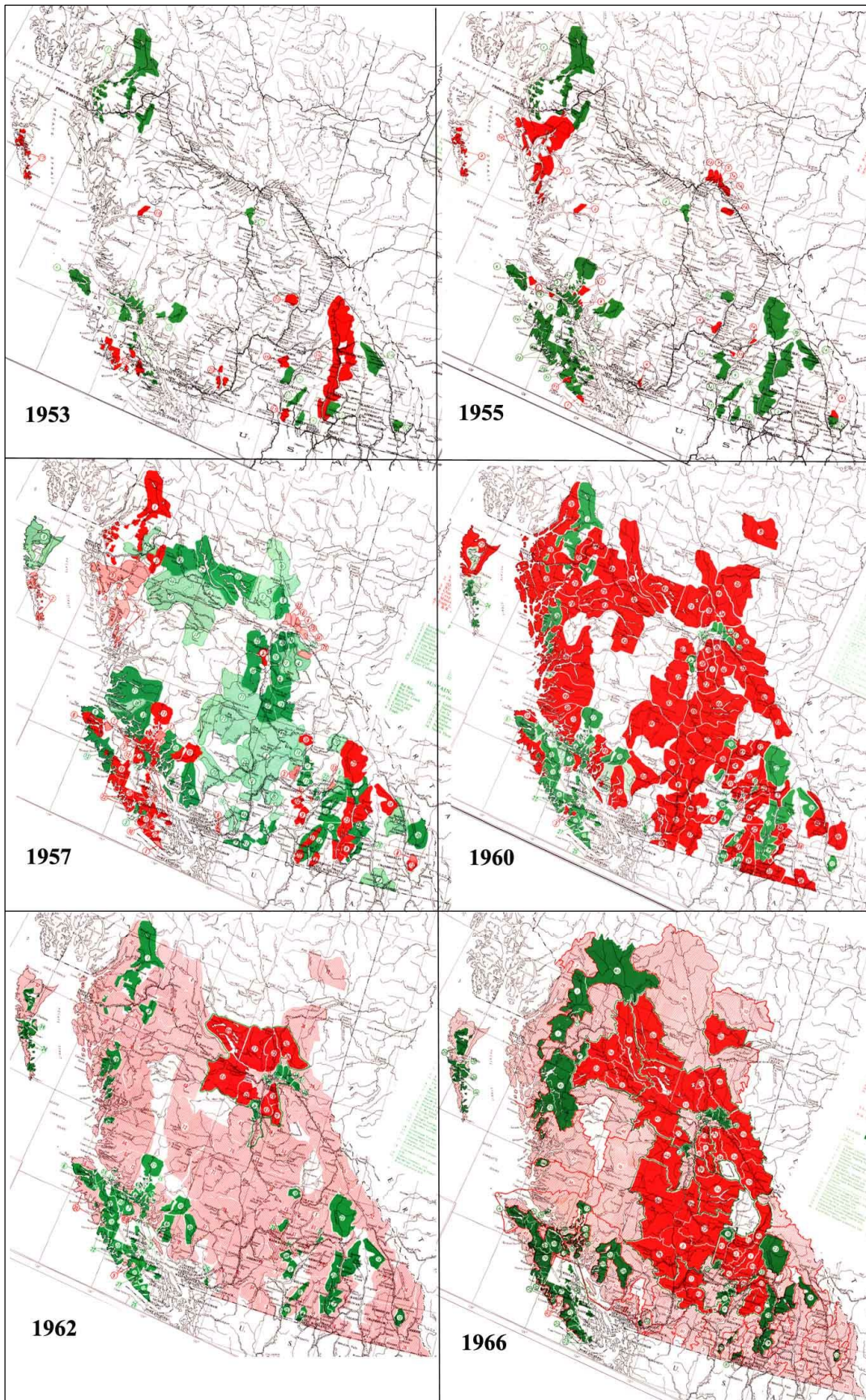
¹³⁰ Ibid., pages 21-22.

¹³¹ Ibid., pages 29-30. See also Sharron J. Simpson's book, *Boards, Boxes and Bins: Stanley M. Simpson and the Okanagan Lumber Industry*.



Above: Public Working Circles (PSYUs) and TLFs, 1958. Below: PSYUs and TFLs, 1962.





Evolution of Public Sustained Yield Units or Timber Supply Areas (in pink/red) and Tree Farm Licenses (in green/red - 1957) in BC.

By 1953, a second Forest Management License No. 15 was awarded to Oliver Sawmills Ltd., some 120,000 acres in area, located southeast of Penticton City in the mid to high elevation forestlands and extending southwards just east of the Town of Oliver.

Given the internal BC Forest Service politics about logging in drinking and irrigation watersheds, it is interesting to observe the evolution of the establishment of Tree Farm Licenses and Public Working Circle / Public Sustained Yield Units (PSYUs) throughout the Province of BC, illustrated on

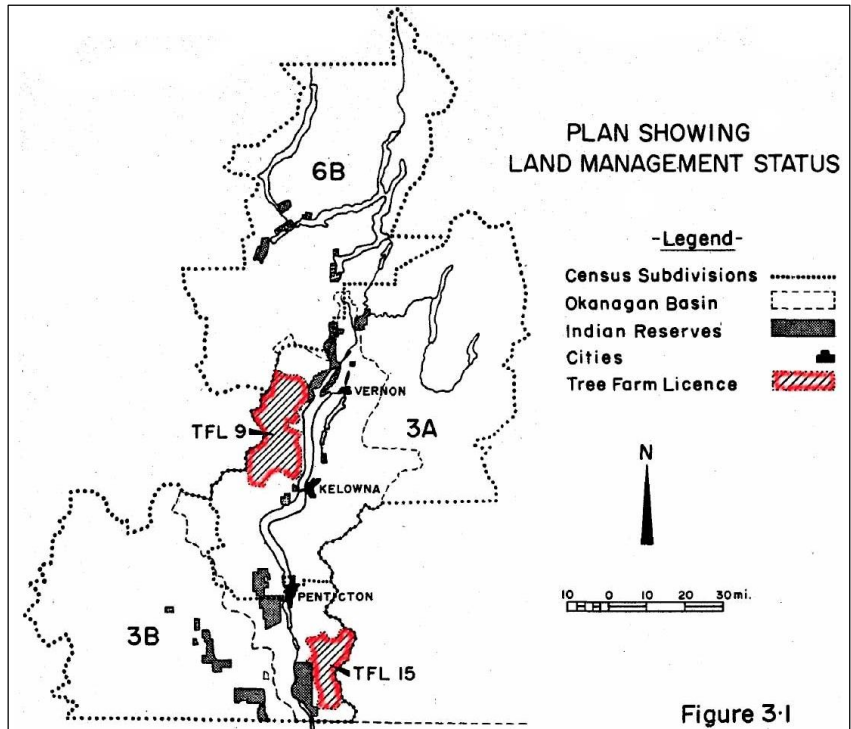


Figure 3-1

provincial Forest Service maps from 1953 to 1966, published in the Forest Service annual reports (compiled together and shown on the previous page). By 1962, there remained only two unmanaged blank or white zones in southern British Columbia not assigned sustained yield logging legal survey boundaries: in the Okanagan Basin, and in the Kootenay Lake area, where many communities and Irrigation Districts had their drinking watersheds. By 1963, the Forest Service established the 1,864,701 acre Okanagan PSYU No. 47, “the last unmanaged area in the Kamloops Forest District.”¹³² By 1966, the last remaining blank or unmanaged area was filled in by the establishment of the Lardeau PSYU No. 33 over the Kootenay Lake area.

In his forest hydrology modelling report for the Okanagan Basin Study, Willington documented in Tables III-1 to III-6 both the amounts of commercial logging in the two Okanagan Basin Tree Farm Licenses (45,000 million cubic feet harvested from 1960-1971), and the clearcutting by forest licensees within the 3,100 square mile Okanagan watersheds basin that began in 1964 in the newly assigned Okanagan PSYU. Many of the watersheds were largely unlogged, where some had been supposedly protected as Watershed Reserves: i.e., a Watershed Reserve was established Penticton Creek in 1936, and another larger Reserve was established in late 1964 encompassing both Ellis and Penticton Creek watersheds.

As narrated in Chapter 2, 1963 was the same year when Chief Forester McKinnon sent out a memo to his Nelson Regional Foresters about “the problem of protection.” From 1964 to 1971, a total of 41,000 acres had been logged in the Okanagan Unit, about 30,000 acres logged just before the Okanagan Basin Terms of Reference was signed in October 1969. In a seven year period from 1964-1971, the amount of lands logged in the Okanagan PSYU (excluding lands logged in the two Tree Farm Licenses) more than doubled the total area of lands logged since logging first began in the Okanagan up until 1937.

¹³² B.C. Forest Service Annual report, 1963.

New access roads were frantically bulldozed into the heart of BC's web of pristine watersheds, eventually penetrating the high country plateau headwater forests on the east and west slopes of the Okanagan, a sensitive political issue for many water purveyors and irrigation Trustees, as these were the slow growing and rich timber zones, the snow pack headwaters of the major irrigation and domestic water sources.

*The Okanagan River watershed is a wide glaciated valley that forms a deep north-south cut in the high Thompson plateau in the British Columbia interior. The region is shielded from westerly storms by the Cascade Mountains, and experiences a semi-arid climate that provides only limited amounts of surface runoff. Most of the runoff appears to result from depletion of the heavy winter snowpacks at the high plateau elevations, and only small amounts of runoff appear to come from elevations below 4,000 feet.*¹³³

The building of new forest access roads throughout British Columbia over a forty-five year period, from 1952 to 1997, would create a unprecedented network of more than 500,000 kilometres of logging roads, enough to circle the globe some twelve or more times. While stimulating BC's economy and providing unprecedented volumes of raw timber primarily for export, the road complexes built into pristine watersheds to access valley bottom, mid and high elevation forest lands, combined with clearcutting on flat to very steep slopes, would create mountains of problems: millions of tonnes of sediments eroded, landslides, concentration of water runoff, flooding, etc. By removal slicing of soil horizons ("cutslopes" and "ditching"), roads altered the hydrological constitutions and integrity of thousands of watershed drainages.

4.2.b. Okanagan Reserves as Ogopogo

Over the intervening years following late 1969, when the Okanagan Basin study began, to when the provincial government established the community watersheds Task Force in 1972, the issues of the Okanagan's Watershed Reserves and conditional logging policies were hidden from the public while the forests were aggressively logged. It's almost like the legend of Ogopogo, the mythical reptilian creature that inhabits the dark deeps of Okanagan Lake, where random sightings are reported of its legendary existence.

Of the issues and concerns related to logging, it is not known at this time how many herbicides ("chemical control") were also introduced by the Forest Service and forest companies over the years since the 1950s on the Okanagan's watersheds, and what the resulting cumulative health effects were to human and non-human species.

Photo: herbicide spraying, from a forest industry magazine, 1955.



Public concerns about water quality in the Okanagan began to mount after 1963. These concerns led to the formation of the Kelowna and District Executive Committee for Okanagan Pollution Control

¹³³ *An Analysis of the Carrs Landing Watershed*, June 1971, page 7.

in early 1965. After a proposal by the provincial government in 1968 for its strategic involvement in the Committee, the Okanagan Basin Water Board was created in May 1969. Board members consisted of representatives from each of three recently created Okanagan Regional Districts, steered by a technical committee from federal, provincial, and local government resource administrators.

The very month before the Canada-British Columbia Okanagan Basin Agreement Terms of Reference was signed in October 1969 to study water quality objectives in the Okanagan Basin, wherein no reference was made to include logging activities in the Basin study assessment, the Association of B.C. Irrigation Districts wrote a serious letter of complaint to Ray Williston, the Minister of Lands, Forests & Water Resources. The Association's headquarters was located in Kelowna, in the heart of the Okanagan and provincial capital of 'free enterprise,' the long-held riding seat of Social Credit Party Premier W.A.C. Bennett. According to data presented in May 1972 for the Community Watersheds Task Force, there were 131 Improvement Districts in BC, and about one quarter of those were located in the Okanagan Basin.

Secretary C.E. Sladen's September 18, 1969 letter to the Minister was about logging in the Association's Watershed Reserves, and watersheds not so reserved, where Improvement Districts held their water licences.

I've been instructed by the Executive of the Association of B.C. Irrigation Districts to write to you and ask that information with regard to Timber Sales and methods of Timber removal in the areas that are also used as water sheds for improvements districts, is undertaken. In certain instances, the Forestry Branch have contacted the Improvements Districts concerned and suggested to them that the Timber Sales would be issued and any works of the Districts being effected should be reported and clauses contained in the agreement in order to protect these works. It was reported to the Association, that Timber Sales are not being reported to the individual Districts at the present time. Perhaps you would be good enough to have your staff review the matter and forward to this office, information in regard to this item in order that I can circulate the members of our Association and they can anticipate what may be involved in the control of this matter.

As a result, on September 30, 1969, Chief Forester L.F. Swannell, under instruction from Ray Williston, Minister of Lands, Forests and Water Resources, dispatched a memo to his District Foresters. The memo stated that the Association of B.C. Irrigation Districts had informed the government that "cases have been reported to them of timber sales being processed without reference to Water Resources Engineer and/or the Municipal Clerk or Irrigation District Manager," and that all Forest Districts should maintain proper referral procedures. As narrated in Chapter 2, the Association of B.C. Irrigation Districts had been complaining about this very thing to the provincial government since at least the early 1940s, in how the Forest Service had not only failed to obtain consent from the Association's members about proposed logging in its licensed water sources, but that foresters had also secretly "lifted" their Reserves that originated from a 1910 Reserve over the entire Okanagan Basin: the Association was re-opening the old wound.

In the 1954 annual report of the Water Rights Branch, it contained a section called *Timber-Cutting in Watersheds*, describing how the Forest Service was "co-operating to the fullest extent" by referring Timber Sales to Irrigation and Waterworks District Trustees:

There has been some concern expressed during recent years in regard to the granting of certain timber sales in watersheds, both in regard to possible pollution of water in the case of waterworks districts and also in regard to the effect that forest-cover removal might have on the late summer run-off. With the gradual depletion of our forest resources in the Okanagan and Kettle River watersheds, the logging operators are finding it necessary to go farther back in the hills for their logs, and some of the applications for timber sales cover watershed areas up to the divide.

The Forest Service is co-operating to the fullest extent in this area, and notice is served on the irrigation or waterworks district likely to be affected by the sale with the request that any objections be sent to them. Restrictive clauses are now inserted, where required, restricting the trees to be cut to only those over a certain diameter, leaving a fixed number of trees per acre, or even in extreme cases going so far as to mark the trees to be cut. In addition, clauses protect the watershed from pollution by ordering all camp buildings, etc., to be located away from streams.

In cases where strong objections have been raised, actual ground inspections have been arranged (and in one recent case an inspection by air) with the District Trustees, a Forest Service representative, and the Water Rights Branch District Engineer. In all cases it was found that these trips did considerable to alleviate any fears that might exist and a compromise of some form was worked out. A continuation of this policy is to be hoped for.

The Association of Irrigation Districts received a reply from the Deputy Minister of Forests, John S. Stokes, on behalf of Minister Ray Williston, dated October 2, 1969 (when the Term of Reference for the Okanagan Basin Study was being drafted), wherein the Deputy Minister made specific reference to Watershed Reserves, but failed to identify how many Reserves had been established in the Okanagan Basin:

The Honourable Ray Williston is away until the fourteenth and in his absence we wish to acknowledge receipt of your letter of September 18 regarding timber sales and timber sale contract conditions within watersheds for improvement districts.

Watershed reserves noted on Legal Survey maps are recorded on the status report for any timber sale application. A special notation is made on the clearance that is sent to the District office concerned, drawing their attention to the reserve. The District officers are required to advise the District Engineer of the Water Resources Service of the timber sale application and obtain his opinion as to the advisability of the sale. They are also required to write to the Municipal Clerk or Irrigation District Manager where a municipal or irrigation district water supply is involved, advising him of the proposed sale and contract conditions and obtain his reaction to the proposal.

We are quite sure that this procedure is being followed in the majority of cases but, in view of complaints received by your Association, the District offices are being reminded of the established procedures and the necessity for consulting with the Water Resource Engineers and/or Municipal or Irrigation District authorities.

As narrated in Chapter 2, the Assistant Chief Forester had issued orders to all his BC Forest District Forester administrators to trick both water purveyors and the Water Rights Branch when it came to issues related to the protection of standing timber.

In early September 1970, Penticton-based Northwood Properties Ltd. (with the Noranda Group), which was about to acquire the rights to Tree Farm License No. 15 from Oliver Sawmills Ltd., dispatched a letter to the Kamloops Forest District Regional Forester advising him of the upcoming Union of B.C. Municipalities' annual conference to be held in Penticton City: "*I plan to attend the session concerning resource management and hope you or a representative from your office will also attend.*"¹³⁴ Attached to the letter was a leaked copy of a resolution by the District of Summerland, which was to be presented at the upcoming annual conference:

***WHEREAS** municipalities, water improvement districts, irrigation districts and similar authorities are charged with the provision of consistent and safe supply of water for human, agriculture and industrial use,*

***AND WHEREAS** such provision requires control of watershed systems to yield constant supply in both quantity and quality,*

***AND WHEREAS** the increasing and varied industrial, agricultural, commercial and recreational uses being conducted in watersheds pose a threat to the prime purpose of watershed management,*

***AND WHEREAS** there appears to be no co-ordinated watershed planning by the various agencies of the Government of the Province of B.C.,*

***THEREFORE BE IT RESOLVED** that for the purposes of ensuring that administration and management of resources within watersheds are co-ordinated between government agencies consistent with provision of water for human use, the Government of B.C. be urged to establish, by legislation, an authority or board which shall have the single responsibility of co-ordinating the administration and management of land uses and natural product utilization within each watershed.*

The concerns raised by Irrigation and Improvement Districts in 1969 to the government were not, however, confined to logging issues in the Okanagan, but also extended to Crown land range use permits for cattle grazing under the administrative authority of the BC Forest Service. About three years before the creation of the community watersheds Task Force, and four days after the Association of B.C. Irrigation Districts sent their letter to Minister Williston, the Ministry of Health encouraged the Trustees of the Naramata Irrigation District – located northeast of Penticton City, and adjacent to and north of the Penticton Creek Watershed Reserve – to acquire resource protection of their water supply from cattle grazing by specifically asking the government for a *Land Act Watershed Reserve*:

On September 10, 1969, Mr. Alcock of your Irrigation District, with Mr. Shannon of the South Okanagan Health Unit, and myself, discussed the Naramata Irrigation District facilities with particular reference to the problem of cattle wandering around in your watershed resulting in contamination and possibly damage within your reservoirs.... It has come to our attention that the Department of Lands will establish watershed reserves where it can be shown that these areas are needed and in the best interest of all parties concerned to do so. The first step necessary to initiate this protection for your watershed ... will be to write to Mr. W.R. Redel, Director of Lands, Parliament Buildings. [Underline emphasis] We

¹³⁴ Fred Marshall, Superintendent, Forestry and Engineering, Northwood Properties Ltd., Penticton, September 4, 1970. According to the September 17th letter of response from District Forester A.H. Dixon, the copy of the resolution was forwarded "*to the Chief Forester's office where it will no doubt receive full consideration.*"

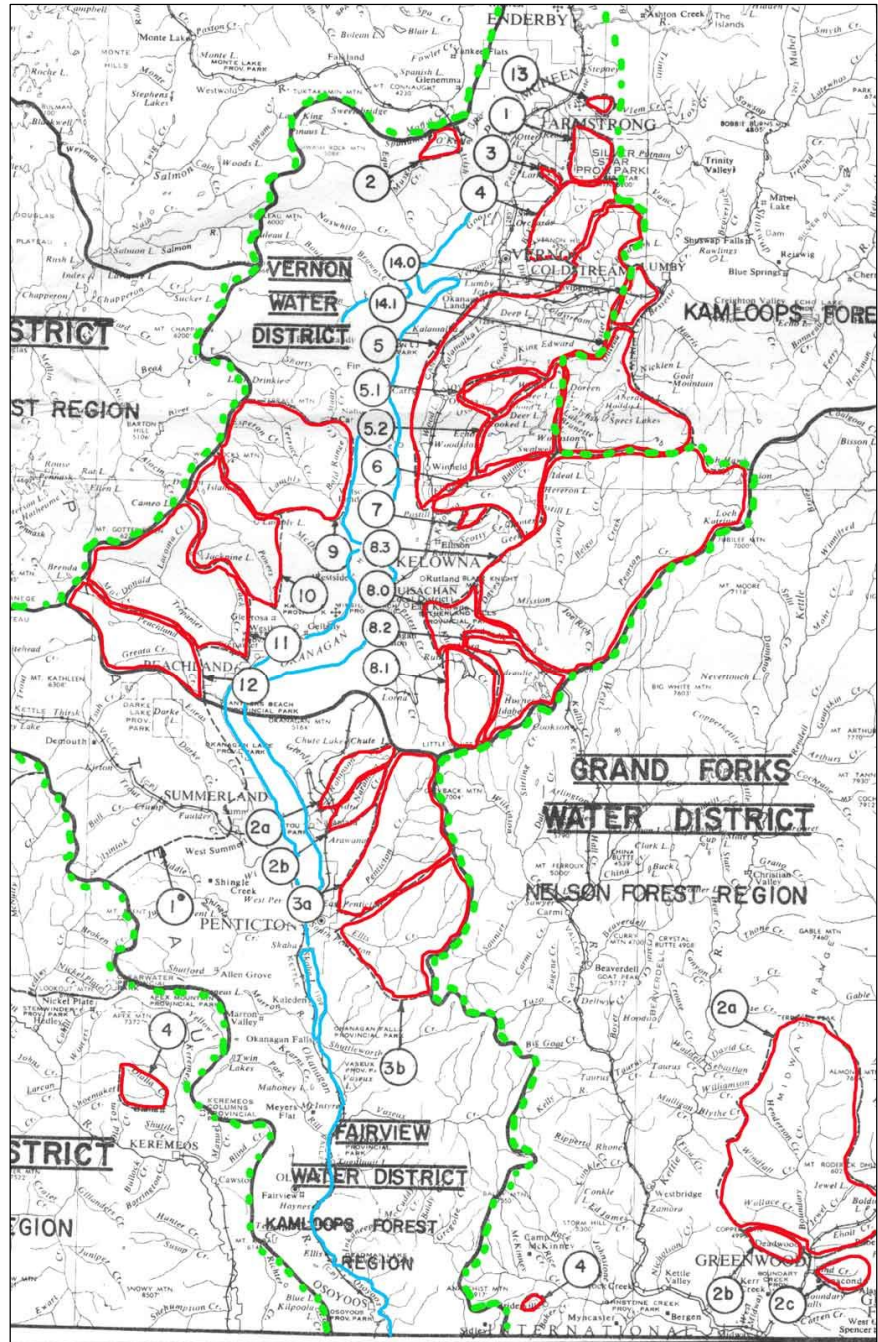
*also feel you should ask for a supporting letter from the South Okanagan Health Unit, perhaps in the form of a letter that could be enclosed with your submission to the Department of Lands.*¹³⁵

Map from the 1980 Community Watersheds Guidelines document showing the Watershed Map Reserves (outlined in red) established by government in the Okanagan in 1973.

In February 1974, two months before the final Okanagan Basin report was published, the Penticton Herald newspaper published an article on how a government task force had recently created a series of Watershed Reserves in the Okanagan Basin. Nothing was mentioned about how Watershed Reserves had already been established for many decades previous to the announcement by the Task Force:

Watershed Map Reserves

Map reserves to prevent alienation of Crown lands in several watersheds in the Regional District of Okanagan Similkameen have been made, directors were advised last week. The map reserves have been placed by the provincial government's task force on multiple use of watersheds of community water supplies. The watersheds in the regional district¹³⁶ are Penticton Creek, Ellis Creek, Trout Creek, Robinson Creek, Tulameen River, Anderson Creek, Hedley Creek and Olalla Creek.



¹³⁵ W. Hamilton, Public Health Engineering Branch, Ministry of Health, to the Secretary of the Naramata Irrigation District, September 22, 1969.

¹³⁶ The Watershed Reserves of the two northern Okanagan regional districts are not mentioned.

Map reserves to prevent the alienation of Crown lands in several watersheds in the Regional District of Okanagan-Similkameen have been made, directors were advised last week. Alderman J.J. Hewitt of Penticton asked if the map reserves meant there would be no more logging in the Penticton Creek watershed. He suggested B.E. Marr, chairman of the task force and acting associate deputy minister of the water resources branch, be asked to notify the regional district of any planned activity in the watershed. ¹³⁷

Summaries of the powers vested in the *Land Act* to withhold all dispositions on Crown lands in Watershed Map Reserves, such as timber sales and grazing leases, were completely ignored in the Okanagan Basin final study report, despite the fact that government administrators and bureaucrats, like Ben Marr the co-chair of the Basin study, were intimately cognizant of them, and despite the fact many Reserves had just been established and re-established throughout the Okanagan Basin.

In Chapter 11 of the final Okanagan Basin report, *Legal, Administrative and Institutional Arrangements*, was the following misleading narrative about public rights on Crown lands. The summary failed to make reference to the powerful legacy that *Land Act* Watershed Reserves had in the Okanagan, and no mention was made of the associated long-held referral system between the Forest Service and the water purveyors when timber sales were issued in the Reserves:

There is also the problem that licencees taking water from a stream have no control over other aspects of watershed management under existing legislation. Logging practices may affect the run-off characteristics of the stream which in turn may affect the adequacy and safety of storage and diversion structures. Erosion may be increased causing turbidity in the water and perhaps necessitate expensive clean-out operations in diversion ponds, or screening, before the water can be used. There are no regulations or requirements by which the B.C. Forest Service has to consult with licencees or to control these effects. Neither has provincial legislation been involved to regulate such land use practices.

Cattle grazing under lease on Crown Land may foul local water supplies, as well as adding nutrients to the tributary systems. Logging practices may increase the contribution of soil and nutrients by reason of erosion and faster spring runoffs. Grazing leases and forestry practices are under the control of the Provincial Forest Service. There are no regulations or requirements that the Forest Service has to consult with water users concerning the management of the watershed area. ¹³⁸

What actual powers would the government have to enforce proper uses and protection of water supplies? Existing legislation - e.g. Water Rights Act; Pollution Control Acts; Health Act; etc. See Bulletin No. 7, (i.e. local governments or boards have no powers except those given them by or under a provincial statute). ¹³⁹

The logging and water resource issues that evolved in the 1960s in the Okanagan Basin watersheds, and the attending, consistent angry complaints by irrigation and water purveyors to the provincial government, would play an influential role in the events leading up to the creation of the community watersheds Task Force in 1972, wherein public involvement would play a rather limited role.

¹³⁷ Penticton Herald article, *Watershed Map Reserves*, February 25, 1974.

¹³⁸ Section 11.3.2.

¹³⁹ Page 202, Appendix C-2, Part II, *The "Interest Cards"*, Technical Supplement XI.

4.3. BC Forest Service Foresters Ordered to Map Register Watershed Reserves

*The policy of public ownership of forest lands which has obtained in British Columbia up to the present is wise and should be continued.*¹⁴⁰

Registered complaints within community watersheds Task Force correspondence records reveal that a number of Regional Forest Service administrators, particularly those in the Nelson Forest Region, were reluctant, and out-rightly refused, to follow the orders sent to them by the Task Force and the Lands Department Director in 1973

and years following to register the Reserves on their Forest Atlas Reference Maps. Deputy Forest Minister Stokes, the chairman of the provincial Environmental and Land Use Technical Committee set up under the *Environmental and*

Land Use Act was under pressure in 1974 by other Deputy Ministers and the Task Force chairman, and had to personally step in and order his defiant forester troops to register the Watershed Map Reserves on their planning maps, as confirmed in later memos.

In early 2005, when the author of this report inspected the Forest Service milar maps, where the Watershed Reserves were featured in blue boundary lines and blue bold lettering, the Forest Service often wrote "**Proposed Watershed Reserves.**" Yes, the Forest Service registered the Map Reserves as they were ordered to by their commander, Deputy Minister Stokes. However, some foresters kept the upper hand and improperly identified many of them on Forest Atlas Reference Maps: they were not "*Proposed*" as so written by Forest Service mappers, they had been officially established. And, dispersed amongst these errant entries, some of the maps registered the older community Watershed Reserves with the older Reserve file numbers.

Right: Excerpt from a 1977 draft document by the community watersheds Task Force. To avoid public scrutiny, the final 1980

Ministry of Environment document excluded the critical words "watershed map reserves" (see below in section 4.5).

It should be noted that the Lands Service has forwarded a large number of these map reserve requests to the Forest Management Division of the Forest Service when the reserve areas are located within Provincial Forests. To date, there has been no confirmation given to the Water Resources Service that these map reserves have been established.

GOVERNMENT OF BRITISH COLUMBIA	
MEMORANDUM	
TO J. D. Watts, Chief Planning and Surveys Division Water Investigations Branch	FROM R. W. Robbins May 2 1975
We acknowledge your memo of April 18 regarding the requests you made for Map Reserves for community watersheds within gazetted Forest Reserves. It is unfortunate the requests have not been acknowledged but this oversight has been corrected and you will be receiving advice that they have been noted in our maps and records.	
The community watershed notations within Provincial Forests are quite different than those handled by lands located outside forests in that the Map Reserve already exists in the form of the Forest Reserve, but the Community Watershed is further identified as a Map Notation within the Reserve. Such notation signifies more specific constraints may be involved in any activity proposed within the notation area and triggers the notification for input to the licence holder as well as to your Department.	

Acknowledgement is also made to the Forest Service of the Ministry of Forests for similar services in placing watershed map reserves within Provincial Forests and for referral of Timber Sale Applications.

¹⁴⁰ C.D. Orchard, *Forest Administration in British Columbia*, A Brief for the Presentation to the Royal Commission on Forestry, January 1945, page 20.

4.4. BC's Watershed Reserves Before 1973

A strange and confusing matter about the Watershed Map Reserve creation process initiated by the community watersheds Task Force in 1973 – through the authority of the Environment and Land Use Technical Committee – was that an unknown number of the community watersheds had already been established as either Map Reserves or Order-in-Council Reserves well beforehand. For instance, chairman Ben Marr's June 26, 1973 memo to Reserves director C.W. House to register 64 Reserves made reference to four previously created Reserves (no dates were provided in the memo when these Reserves were established) within the three Water Districts:

- for the Genelle Improvement District;
- for the East Creston Improvement District;
- for the City of Nelson, and;
- for the Blueberry Improvement District.

No other earlier Reserve exceptions were provided for in the memo within the three Water Districts.

However, this report has already identified that six Reserves within two of the three Water Districts – within the Revelstoke and Nelson Water Districts – were already created for Greeley¹⁴¹ and Dolan Creek watersheds, for Duck Creek near Creston, and Rossland City's three watersheds.¹⁴² All six of these Reserves were included on the list of 64 watersheds, but none were identified in Marr's memo as earlier established Reserves.

A document from the Robson Irrigation District (a District associated with the Raspberry Improvement District), situated directly north of the City of Castlegar, states that Norns Creek (also called Pass Creek) had been established as a Watershed Reserve since 1937.¹⁴³ Norns Creek was on Marr's list of Reserves in the Nelson Water District, and nothing was referred to of its early Reserve status.



¹⁴¹ According to the Greeley Watershed Reserve file 0291521, the Task Force was notified of Greeley being made a Watershed Reserve in 1969 in a memo dated July 12, 1973, about three weeks after Marr's Reserve memo instructions. "We are forwarding you our file and would draw your attention to the fact that a reserve was established September 15, 1969, on Greeley Creek for the City of Revelstoke. We would appreciate your advice as to whether or not this is satisfactory or that you wish the borders changed." A July 16, 1973 memo reply recommended the Reserve boundary be changed, "as this new boundary line more correctly defines the drainage area of Greeley Creek upstream of the intake works."

¹⁴² As noted in Chapter 2, the Chief Forester knew about the Rossland collective watershed Reserve, as he had reviewed the file in 1963.

¹⁴³ Correspondence dated May 30, 1980 from the Robson Irrigation District. "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 February 1960 indicating that Norns Creek area reserve is a "Map Reserve" and that a map reserve is as good as a Gazetted Land reserve."

Chapter 2.3 of this report makes reference to a list of 14 Watershed Reserves sent to the Gordon Sloan Forestry Commission in late 1944. Some of those Reserves, such as Quartz Creek for the town of Ymir, Smoky Creek for the South Slokan Improvement District, and Brouse Creek for the Nakusp Improvement District, were on Marr's June 26, 1973 Map Reserve list, but were not mentioned as earlier Reserves. There was another early Reserve called the "West Arm Watershed," which covered 49,000 acres, over the northern watershed lands of the West Arm of Kootenay Lake, wherein were three separate community Watershed Reserves. Another older Reserve in the Nelson Water District was Narrows Creek, located immediately west of another Creek the Task Force reserved, Proctor Creek (Narrows Creek never made the Task Force's final 1980 list of Reserves). The other older Departmental Reserves referenced in the list sent to the Sloan Commission by the Forest Service were also re-reserved by the Task Force in other provincial Water Districts.

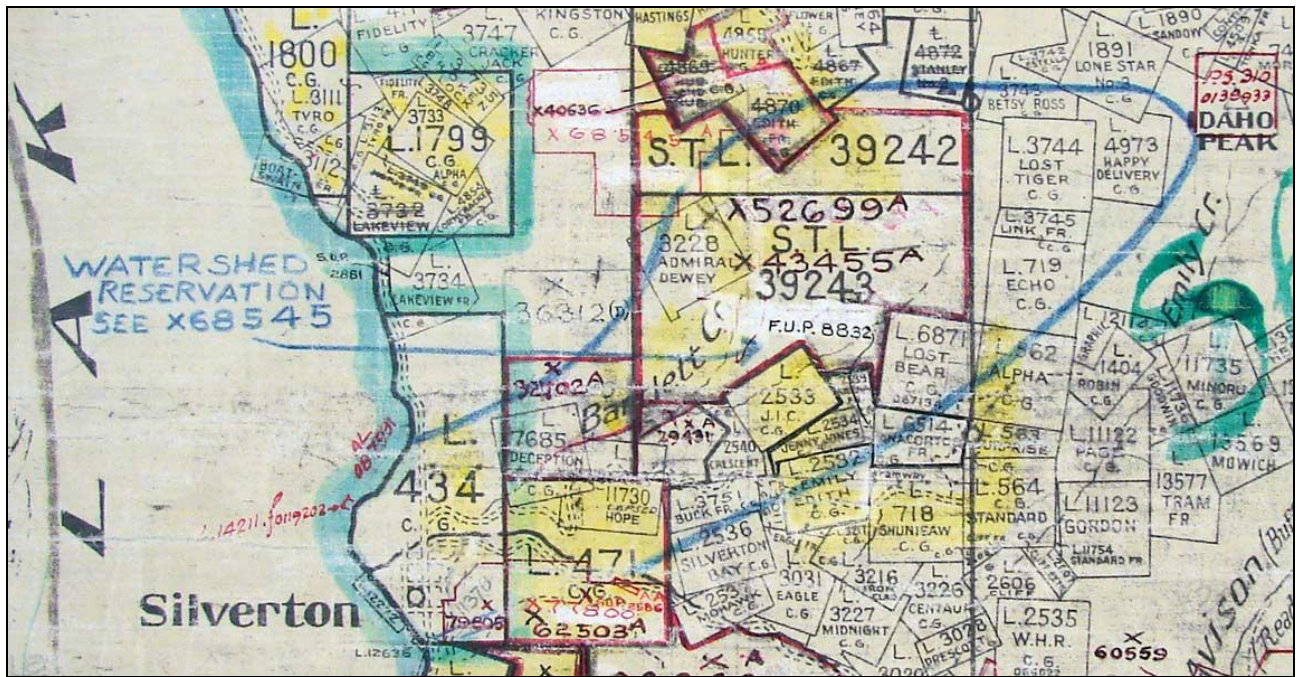
Similarly, Marr's August 20, 1973 memo to C.W. House to establish 60 Map Reserves in the New Westminster and Vancouver Water Districts also referenced earlier Reserves placed over the towns of Pemberton and Yarrow's water supplies, and to a Reserve by North Vancouver. A number of these 60 Reserves had already been made Reserves prior to 1973.

Marr's, or the Task Force's, omissions of the earlier Reserves stated here not only raise critical questions and serious doubts about the administration over community Watershed Reserves and their file history, but also about the ability of the Task Force to have thoroughly assessed government records. It is possible that the community Watershed Reserve files, and their central registry list, were not made accessible to, or were even withheld from, interdepartmental staff or the Lands Department itself. Perhaps, when some of the Reserves were established following requests from provincial water purveyors, the Reserve files were separately held or administered with the Forest Service branch and never forwarded to the Lands Department, contrary to the proper administrative procedures. Whatever the case may have been, the Watershed Reserves were evidently in a messy, uncoordinated and mismanaged state.

A similar state of affairs occurred twenty-four years later in about June 1997 when the Slokan Valley-based Valhalla Wilderness Society filed a writ of Petition to the Nelson City Supreme Court concerning two community Watershed Reserves, Mountain Chief and Bartlett Creeks, located northeast of the Village of Silverton on Slokan Lake. In interviews with government staff in late 1997, Ministry of Environment Regional Water Planner Rob McArthur (who had filed a Court Affidavit), described to this report's author how the BC Surveyor General was unable to locate his own Reserve files on the two watersheds for the BC Attorney General that were supposedly kept in his Reserve file cabinets, in how staff went on a long and frustrating goose chase adventure to locate the missing files. Staff eventually found the two missing files under the isolated custody of the Ministry of Forests, amongst an unknown number of other missing community Watershed Reserve files, files that were meant to be kept under the domain and authority of the Surveyor General.¹⁴⁴

One of the Reserves on the Task Force's June 26, 1973 list of 64 watersheds included the Village of Silverton's Bartlett Creek. Lands Department records show that the Bartlett Reserve was established at that time. Older Forest Atlas Reference maps show that Bartlett had been established as a Reserve in the 1950s.

¹⁴⁴ From information on this file history, a note stated that the Bartlett Reserve file was sent to "forestry" on December 28, 1990.



Old Forest Atlas Map showing the Bartlett Creek Reserve.

During the court case Hearing in June 1997, the BC Attorney General’s appointed lawyer stated before Supreme Court Justice Paris that the Bartlett Reserve had never been created, and was merely intended to become a Watershed Reserve. An anonymous source in government stated in 1997 that the government had shredded critical documents in the Bartlett Reserve file which registered the Reserve’s creation. As described at length in chapter nine of Will Koop’s 2006 publication, *From Wisdom to Tyranny*, the Valhalla Wilderness Society had almost opened Pandora’s Box (the hornet’s nest) when it launched the first court case on BC’s community Watershed Reserves, a crisis diffused by the Ministry of Forests through the BC Attorney General when Cariboo MLA David Zirnhelt was Forests Minister. Justice Paris ruled in favour of the Ministry of Forests and Slokan Forest Products, whereby the Ministry of Forests prevented the Valhalla Wilderness Society from stopping logging in a legislated Reserve, and from preventing a legal precedent from cracking open the Ministry’s sordid administrative history of BC’s Watershed Reserves.

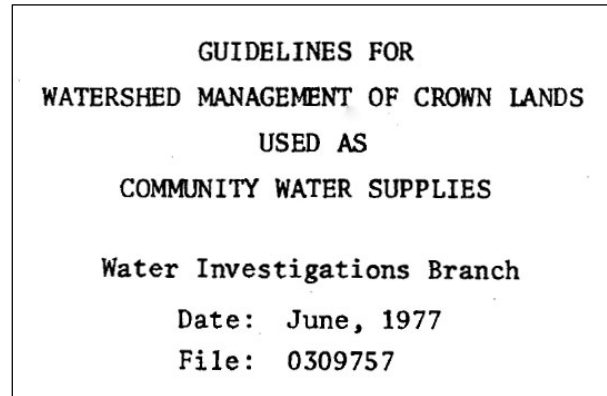
Immediately after the court case, the Lands Ministry was ordered to remove the Bartlett Reserve from future government Reference planning maps, and then also deleted the Bartlett Reserve from the list of community Watershed Reserve tenures where it had been officially tabulated as a Map Reserve on computer records.¹⁴⁵ The computer data list, which registered the Bartlett and Mountain Chief Creeks as active Watershed Reserve tenures, was never revealed to the Supreme Court before their digital elimination, as apparently that data information was never entered as evidence.

¹⁴⁵ Following the court case, the B.C. Tap Water Alliance was provided with a copy of the entire computer list of Watershed Reserves in late 1997. Bartlett was not on this list. The question: who erased the Bartlett Reserve file information from the government’s central computer files?

4.5. Le Deception a le Blue Book

*Data were prepared and requests made to the Lands Service to establish map reserves for all community watersheds in the Province and to provide status mapping of selected watershed areas.*¹⁴⁶

In June 1977, the Water Investigations Branch printed dozens of copies of the community watersheds Task Force's first draft Guidelines document for BC's community Watershed Reserves, a draft subsequently revised over a period of three years until it was released to the public in October, 1980. Government staff nicknamed the final document as "The Blue Book," referring to the blue color of the document's jacket. It was officially titled *Guidelines for Watershed Management of Crown Lands used as Community Water Supplies*. Copies of the June 1977 draft were dispatched to many government agencies for internal review and comment.



For the first draft, Water Investigations Branch Research Officer Wallace included the following in his June 5, 1977 five-page introductory memo sent to Water Investigations Branch Director P.M. Brady:

The stated purpose of the subject report is to present information gathered as a result of activities of the Task Force on Multiple Use of Watersheds of Community Water Supplies. The report is in the form of guidelines for the use of personnel involved in decisions regarding resource management activities on Crown Lands within community watersheds.

The use of the area of watersheds as a rationale for the imposition of management guidelines should be carefully considered.

The draft document stated the following in the Acknowledgements section of the report:

*The Water Investigations Branch of the Ministry of the Environment wishes to acknowledge the input by the Land Management Branch for placing **map reserves** [bold emphasis] on the community watersheds; for extensive land statusing within the watersheds and for the referral of land use applications to the Water Investigations Branch.*

*Acknowledgement is also made to the Forest Service of the Ministry of Forests for similar services in placing **watershed map reserves within Provincial Forests** [bold emphasis] and for referral of Timber Sale Applications.*

The continuous assistance and suggestions of the various Regional Resource Management Committees throughout the Province is also greatly acknowledged.

¹⁴⁶ BC Water Resources Service Annual Report, 1973, page T-115.

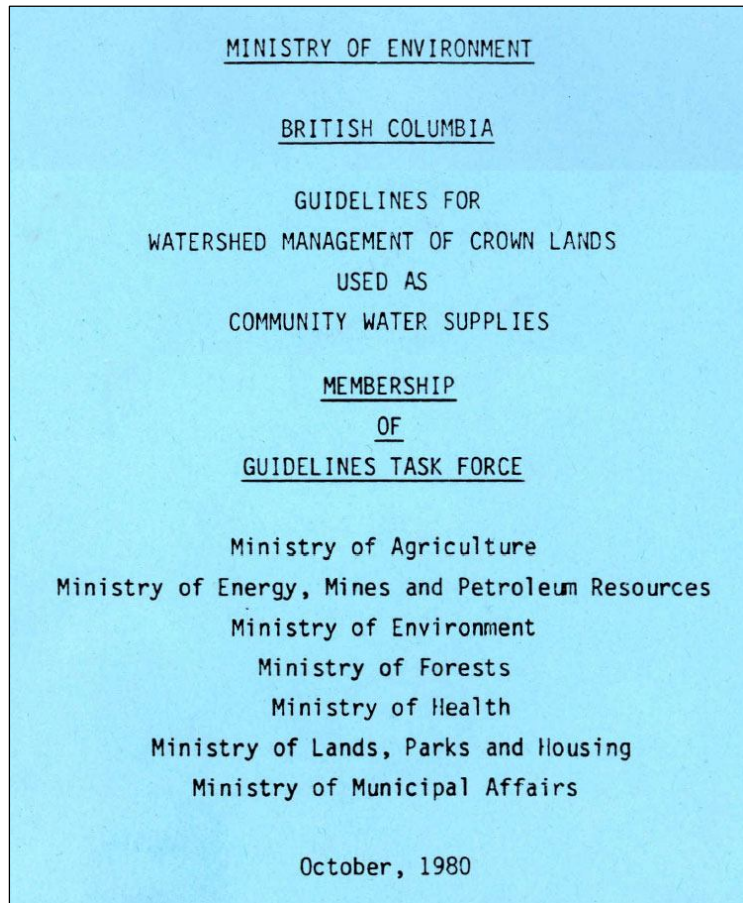
The words “*map reserves*” in the quote above, words which occurred at least five times in the June 1977 draft, were later stricken from the final October 1980 report. A comparative analysis of these intriguing and troubling omissions is provided in Table 4.2.

TABLE 4.2 – Comparative Analysis of Omissions: Map Reserves

June 1977 Draft	October 1980 Final
<p>The Water Investigations Branch of the Ministry of the Environment wishes to acknowledge the input by the Land Management Branch for placing map reserves on the community watersheds; for extensive land statusing within the watersheds and for the referral of land use applications to the Water Investigations Branch.</p> <p>Acknowledgement is also made to the Forest Service of the Ministry of Forests for similar services in placing watershed map reserves within Provincial Forests and for referral of Timber Sale Applications.</p> <p>The continuous assistance and suggestions of the various Regional Resource Management Committees throughout the Province is also gratefully acknowledged.</p>	<p>The Inventory and Engineering Branch of the Ministry of Environment wishes to acknowledge the input by the Ministry of Lands, Parks and Housing for extensive land statusing within the watersheds and for initiating a referral system of land use applications within community watersheds to the Inventory and Engineering Branch.</p> <p>Acknowledgement is also made to the Forest Service of the Ministry of Forests for similar services in recording watershed areas within Provincial Forests as map notations of interest and for referral of Timber Sale Applications.</p> <p>The continuous assistance and suggestions of the various Regional Resource Management Committees throughout the Province is also gratefully acknowledged.</p>
<p>In most such cases, it is highly practical for individual water users, because of the small volumes involved, to adopt methods of abstraction offering good protection. However, upon request where there is a group of individual users utilizing a common watershed, the stream has been designated a community watershed for map reserve purposes.</p>	<p>In most such cases, it is highly practical for individual water users, because of the small volumes involved, to adopt methods of abstraction offering good protection. However, upon request, where there is a group of individual users utilizing a common watershed, the stream has been designated a community watershed for the purposes of these Guidelines.</p>
<p>To assist in evaluating the extent of the problem and the feasibility of coming to grips with it, the assistance of both the Land Service and Forest Service was solicited by the Task Force. Initially, the Water Investigations Branch requested the Lands Service to place map reserves on all watersheds in the Province, as shown on the maps in the Appendices. As a result of the map reserves, the Land Service and the Forest Service refer to the study group all applications for land or forest uses within a community watershed.</p> <p>Specifically, when any application for land within a map reserve was submitted to the Lands Service for any use whatsoever, the matter was referred to the Water Investigations Branch for information, comment and recommendations. In this way, cognizance is taken of the water supply function of these lands. Typical referrals covered a wide diversification of activities such as</p>	<p>To assist in evaluating the extent of the problem and the feasibility of coming to grips with it, two courses of action were followed. Firstly, to obtain input from water users, questionnaires were circulated seeking detailed information on the water systems, the watersheds and existing activities and problems within watersheds. Close to a one hundred percent response was obtained to the 325 questionnaires sent out. Secondly, the assistance of both the Ministry of Lands, Parks and Housing and Ministry of Forests was solicited by the Task Force. Initially, the Inventory and Engineering Branch requested the Ministry of Lands, Parks and Housing to place map notation of interests on certain community watersheds in the Province, as shown on the maps in the Appendices. As a result the Ministry of Lands, Parks and Housing and the Forest Service refer to the study group, or the appropriate Regional Water Management Branch, pertinent applications for land or forest uses within a community watershed.</p> <p>Specifically, when any pertinent application for land was submitted to the Ministry of Lands, Parks and Housing, the matter was referred to the Inventory and Engineering Branch for information, comment and recommendations. In this way, cognizance is taken of the water supply function of these lands. Typical referrals covered a wide diversification of activities such as agriculture, grazing, recreation, trapping, shooting,</p>

June 1977 Draft	October 1980 Final
agriculture, grazing, homesteading, recreation, trapping, shooting, residential, industrial, logging, power line and highway right-of-ways, etc. Also, the Forest Service undertook to refer applications for Timber Sales or Harvesting Licences within watershed areas. Again such referrals were for information, comment and recommendations before approval by the Forest Service.	residential, industrial, logging, power line and highway right-of-ways, etc. Also, the Forest Service undertook to refer applications for Timber Sales or Harvesting Licences within watershed areas. Again such referrals were for information, comment and recommendations before approval by the Forest Service.

The “*extensive land statusing*” by the Ministry of Lands, referred to in the Acknowledgements section in the first entry row in Table 4.2, was the creation and re-creation of Watershed Reserves from 1973 following, Reserves which the Ministry of Forests stated were incorporated within Provincial Forests as “*map notations of interest.*”¹⁴⁷ The fuzzy terms and vocabulary in the final October 1980 Blue Book document version purposely replaced and omitted the words “*Map Reserves*” in order to avoid unwanted public attention and curiosity about the Ministry of Forests’ shady history and improprieties, and to obfuscate the recent creation of a host of Watershed Reserves. The Task Force file records failed to indicate the date of when the revisions occurred, who was responsible for removing the references to Map Reserves, and why the omissions occurred in the final revisions.



The misdirection, deception and fraud resulting from the revisionary process by unknown parties who specifically removed references to the Watershed Reserves in the community watershed Guidelines document (the Blue Book) would intentionally create enormous confusion to both BC’s water purveyors and to government administrators following late 1980.

I.e., the following correspondence from the South Pender Harbour Waterworks District to the Ministry of Lands in 1984, with the irony that the Waterworks District’s community watersheds over Haslam and Silversands Creeks had already been provided with a joint Watershed Map Reserve tenure in 1973:

¹⁴⁷ A September 24, 1973 Forest Service Management Victoria headquarters Division memo to the chairman of the community watersheds Task Force stated the following: “*This office has received several requests for map reserves forwarded to us from the Department of Lands for watershed purposes. Prior to establishing these map notations within [Provincial] forest reserves [underline emphasis] could you elucidate just what rights are required to be reserved?*”

There appears to be no legal registration of our watershed other than a listing in Appendix G of the “Guidelines for Watershed Management of Crown Lands used as Community Water Supplies”, dated October 1980.

*Watershed no 6B, page 23, Haslam Creek, is our only source serving presently some 700 connections. The area is about 11 square miles and includes the Harris Lake drainage area which is also part of our system.*¹⁴⁸

Without a legal description and a watershed reserve established, other agencies could claim to be unaware of the existence of the watershed and have no legal requirement to consider the affect of their plans or to advise the South Pender Harbour Waterworks District of such plans.

We presently have no authority to control any activity within our watershed, such as logging, camping, spraying, etc. Further, there does not seem to be any requirement that we be advised in advance with respect to any proposed activity within the watershed, either by the public, Government Ministries or B.C. Hydro.

Just recently we investigated the plans of the Forest Service in the watershed and found that some logging plans would have had very adverse affects on Haslam Creek water quality. By personal contact and site visits we hope the problems will be overcome but they apparently have neither any obligation to advise us of such plans, nor did they.

The same situation occurs in respect to herbicide spraying by either the Forest Service or B.C. Hydro. The only advice required seems to be a legal notice published in a local paper, the descriptions of areas involved are usually less than specific, this means we have to search the papers regularly for possible problems.

The Dept. of Health makes regular coliform tests of our water but is not obligated to test for residual herbicide sprays and in any case it would be detected after the fact, not very reassuring to the consumers. We need prior advice.

It has become increasingly apparent that we need additional protection against abuses of the watershed which would affect the water quality for some 2,000 users. In referring to page 8 of the “Guidelines”, it specifically states, underlined, “In law, the onus to deliver high quality water to the consumer rests with the water purveyor.”

*In light of the above facts we request that the ministry establish a Watershed Reserve or some similar legal tenure for the above watershed at the earliest possible date.*¹⁴⁹

¹⁴⁸ The Task Force should have divided the McNeill Lake / Haslem Creek Map Reserve into two Reserves, instead of one, created over two separate watersheds, Haslem Creek and Silversands Creek. By creating a single reserve, it changed the status of the reserve to a Category 2, for Reserves over 6 square miles. Had the Reserve been divided in two, they each would have fallen under the Category 1 Reserve, for areas under 6 square miles, and been afforded a separate and more powerful protection ranking imposed by the Task Force in their final Blue Book Guidelines report.

¹⁴⁹ South Pender Harbour Waterworks District Chairman David H. Maw to Ministry of Lands, Parks and Housing, June 1, 1984. *Note:* the order of the paragraphs in the original letter has been rearranged here to better focus the theme and arguments.

A year and a half before the October 1980 Guidelines document was published, the Township of Spallumcheen, located north of Vernon City, wrote a series of letters over a period of almost 12 months to government administrators about legislative protection of their drinking water sources. In a February 6, 1979 letter to Deputy Forests Minister Mike Apsey, the former executive of the Council of Forest Industries (to which he would soon return as its president!), were questions about Watershed Map Reserves.

Please be advised your letter of January 25th, 1979 was dealt with by Council at a regular meeting of Feb. 5th, 1979.

A motion was passed that a letter be sent advising that the reply received was not deemed satisfactory insofar as protection to the Water Shed is concerned.

The Municipal Council is of firm opinion that all domestic Water Sheds should be given the ultimate in protection from developments, particularly in the Okanagan area where water is a scarce resource. It is felt that the safeguards outlined do not provide adequate security for the Waterworks District involved. Council is under the impression that neither the Health Unit nor the Pollution Control Branch have any jurisdiction over Crown lands.

Council also expressed a wish that your procedure be amended so that relevant authorities in affected areas be allowed to make comments directly to the decision making body. In this case, that would mean Stepney Waterworks District as well as the Township of Spallumcheen. It would further imply that such representations could be made in person to the actual decision making body, in addition to whatever written documentation is considered pertinent.

A further question comes to mind, in that your letter referred to "water shed reserves" are noted on legal survey maps and on Forest Service Atlas Maps. It is not clear who decides what a Water Shed Reserve is. It would be appreciated if you could expand on this comment and advise if indeed the Water Rights Branch has taken steps to determine the catchment area and head waters area for such Waterworks systems as Glanzier Creek and Stepney Waterworks District.

Perhaps the Township's ongoing questions inevitably helped prompt Apsey's Ministry of Forests' staff to tidy up and revise the Blue Book Guidelines document in 1980.

Deputy Minister Apsey replied to the Township of Spallumcheen's concerns on March 26, 1979, and recommended that the Township contact J.D. Watts, the chairman of the community watersheds Task Force "if you wish any further information on watershed reserves." However, Apsey failed to provide any substantive policy and legislative information about Watershed Reserves to the Township, and incorrectly inferred that the community watersheds, which had all been tenured as Map Reserves under the *Land Act*, were "subject to multiple use."

I acknowledge your letter of February 8, 1979 in which you express the concern of your Council about the protection measures given to domestic watersheds.

In 1972 a Provincial government Task Force was formed to investigate the practicality¹⁵⁰ of obtaining a wholesome water supply from streams, the watersheds of which are subject to multiple use, and to recommend policy and procedures for the management of land use conflicts within watersheds. As a result of their investigations a set of proposed guidelines has been prepared for the management of Crown land within community water supply watersheds. The proposed guidelines are intended for use by various Crown agencies responsible for resource use, construction or development on Crown lands within watersheds. As a water user you would have been contacted by the task force on Multiple Use of Watersheds of Community Water Supplies and I must assume that you are fully aware of the proposals.

Watershed reserves are established through the Water Investigations Branch of the Ministry of Environment. The Land Management Branch of the Ministry of Lands, Parks and Housing and in the case of provincial forests, the Forest Service place community watershed map reserves on their ministry reference maps for inter-ministerial referral and consultative purposes.

Following a subsequent series of letters between the Township of Spallumcheen and the government, on December 7, 1979 the Township wrote the following to Minister of Forests Tom Waterland:

For many years the Township of Spallumcheen, and as well the city of Armstrong, have been concerned about the quality and quantity of the water resource which services these Municipalities. The source of course is Crown land to the East of Spallumcheen boundaries.

At the Council meeting of December 3rd, 1979, a motion was passed to request some form of tenure or reserve over these lands. The motion designated the areas which serve as Watersheds, Head Waters or catchment Areas for the supply of domestic water in Spallumcheen.

The Municipality, therefore, would like a statement from your Ministry as to the possibility of being granted some form of tenure, whether it would be by reserve, permit, tree farm¹⁵¹ or outright purchase.

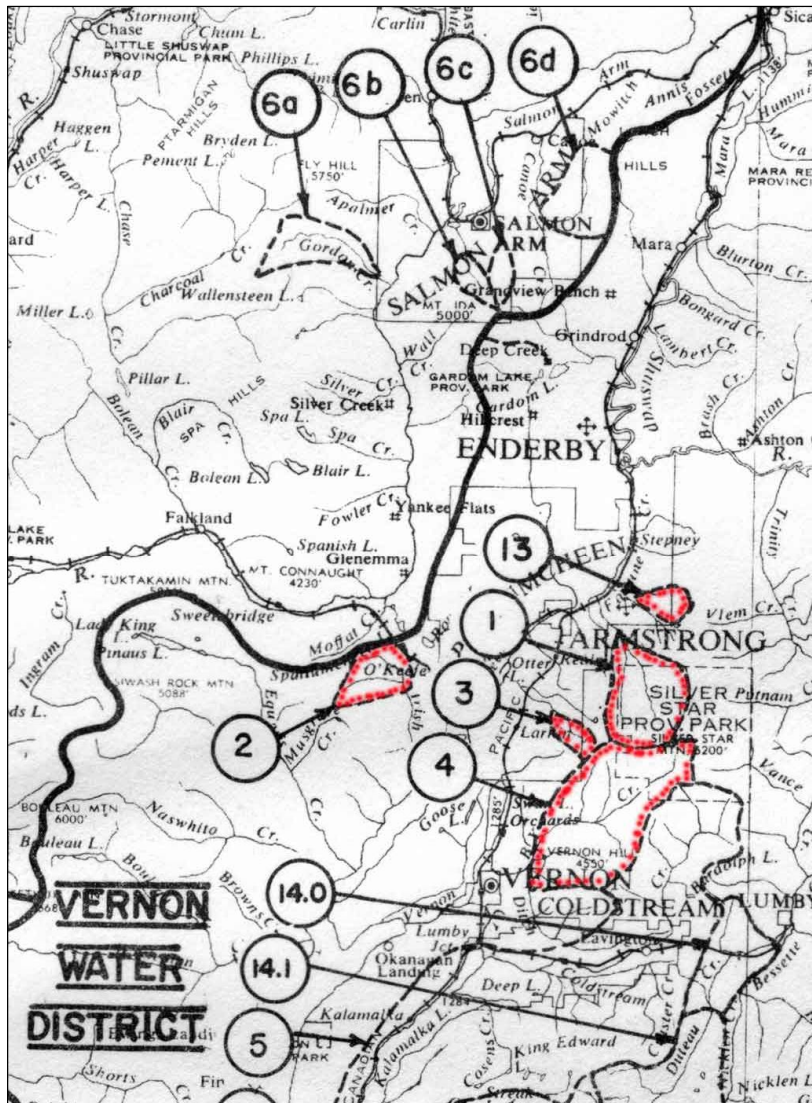
An identical letter is being written to the Minister of Lands, Parks & Housing, the Honourable James Chabot and the Minister of the Environment, the Honourable C.S. Rogers. The same question is being put to all three Ministers, in the hope that some positive program could be established which would once and for all give the citizens of these communities peace of mind regarding their water resource. Your assistance is sincerely appreciated.

Evidently, the Social Credit government was reluctant to properly inform the Township of what its rights were, or what the *Land Act* powers were with respect to Map Reserves or Order-in-Council

¹⁵⁰ Apsey was incorrect here. The actual term used in the Task Force Terms of Reference states “*practicability*” (i.e., feasibility), not “*practicality*.” The definitions for each are distinctly different.

¹⁵¹ It is odd that the Township would have requested a Tree Farm. A likely explanation to this confusion is that the Greater Vancouver Water District had agreed to a quasi-Tree Farm License over its three watersheds in 1967, and that the Township inadvertently and incorrectly thought this was a form of tenured protection.

Reserves, which had been carefully set out in Lands Ministry policy manuals.¹⁵² On January 8, 1980, some ten months before the Guidelines document was forwarded to provincial water purveyors, Forests Minister Tom Waterland wrote the following to the Township of Spallumcheen:



As you are no doubt aware, watershed considerations affect a large proportion of our forest land so that it would not be possible, in most cases, to create outright watershed reserves without a drastic reduction in the level of harvesting [bold emphasis].

It was mentioned to you, in our letter of March 26, 1979, that the government has adopted a policy of integrated resource use in watersheds, with emphasis on protection of water quality and quantity. Further mention was made that watershed reserves are established through the Water Investigations Branch of the Ministry of Environment. The Land Management Branch, Ministry of Lands, Parks and Housing and, in the case of Provincial Forests, the Forest Service place community watershed map notations on their ministerial reference maps for inter-ministerial referral and consultation purposes.

Above: Section of a map from the 1980 Blue Book Guidelines document showing the community Watershed Map Reserves. Those outlined in red are: 1, Fortune Creek (Armstrong City, and 6 other users); 2, Irish/Coyote Creek (Grandview Improvement District); 3, Huntley Creek (Larkin Improvement District); 4, BX Creek (Vernon City); 13, Glanzier Creek (Stepney Improvement District).

However, contrary to what Minister Waterland stated to the Township, the government had already created Watershed Map Reserves, and did so for a number of watersheds near the Township of Spallumcheen, where, according to his letter, the lands had been protected from dispositions, such as logging through Timber Sale permit tenures. And, when the Township received its copy of the Ministry of Environment's October 1980 Guidelines document, nowhere did it describe that Watershed Map Reserves were created, or re-created, for the Township's, and BC's, watersheds that were identified in the Blue Book document and in its appendices.

¹⁵² See Appendix A, on the history of Reserve legislations and manuals.

4.6. FLOW Fails to Identify the Reserves

Ongoing since the early 1960s, the Ministry of Forests' executive administrators were so successful in creating obscurities – fooling the public – about BC's community Watershed Reserves that by 1984, when public controversy about logging in community and domestic watersheds was escalating and raging in the Kootenays in southeast BC, even legal assessments and analyses of provincial legislations and Crown land protection instruments written for a newly created provincial watershed group failed to provide an account of the *Land Act* Watershed Reserves and their prominent administrative history.¹⁵³

The primary difficulty that concerned water user citizens, groups, associations, and even lawyers had in those years was in accessing and reviewing government records, because there was no *Freedom of Information* legislation to investigate the activities of the provincial government.¹⁵⁴ This absence of informational freedom from a 'public' or 'democratic' state government was a primary tool, particularly for the Ministry of Forests, in keeping the wholesale and complex intrigue of the Watershed Reserves history hidden from prying minds and eyes.

In Christianna Crook's four volume 1975 report, *Environment and Land Use Policies and Practices of the Province of British Columbia*, is a summary account of the former "code of secrecy" in government:

The Vancouver Sun
Op/Ed
★ Tuesday, June 9, 1992 A13.

FREEDOM OF INFORMATION

MURRAY RANKIN
... University of Victoria law professor and former provincial unpaid special adviser on freedom of information and protection of privacy.

AN INTERESTING reaction set in after Attorney-General Colin Gabelmann introduced the provincial Freedom of Information and Protection of Privacy bill last month. The bill received largely favorable reviews from editorialists across the country, and from civil libertarians and advocacy groups based in British Columbia. Although all of these groups had suggestions for improving the proposed new law, all of them made it quite clear that they were in general support of its basic approach, and with the balance that was struck between the rights of access and the legitimate need for confidentiality. Sometimes the principle of open access to government information conflicts with the principle of protecting the privacy of individuals. For example, police files often contain personal information about victims. One could make logical arguments for privacy ("... victims have a right to privacy which does not disappear simply because they have been victimized,") as well as for access ("... victims are part of the law enforcement process, for which law enforcement officials should be accountable by means of public scrutiny"). This conflict forces us to make a choice – to balance the arguments for access against the arguments for privacy, and to ask which position best advances the broad public interest. In this case, the government came down on the side of privacy. Its judgment was that crime victims would be victimized a second time by the unwanted glare of publicity if their personal lives were available to the media – and to the offenders responsible for the crime. Interestingly enough, the only objection to this feature of the legislation came from certain lawyers representing a group of media owners. The media owners actually object to a number of other features of the bill.

THE RIGHT TO KNOW

I believe that this approach achieves an appropriate balance between impartiality and accessibility

MURRAY RANKIN

¹⁵³ I.e., when the Creston Forestry Association submitted its July 28, 1976 document, *Duck Creek – Arrow Creek Integrated Resource Use Management Proposal*, it stated that both the Duck and Arrow Creek Watershed Reserves (which were not identified as Reserves by the Association in the document) “are a valuable part of the Allowable annual cut of the Creston Public Sustained Yield Unit. To remove these areas from the inventory will create a mature timber shortage in this unit.” As Watershed Reserves, these tenure areas were already and automatically excluded from the inventory. The many government reports generated on these two watersheds over the following 15 or more years also failed to reference their status as Watershed Reserves.

¹⁵⁴ The FOI legislation was first introduced in 1992.

*In general, there are relatively few government publications which illuminate the kinds of issues which are identified as specific objectives in Section 1.2. It is not usual for governments to publicize in clear, concise and comprehensible fashion such issues as policy, objectives, strategies, procedures, conflicts, laws, etc., although much of this information is undoubtedly stored in internal files which are largely confidential and inaccessible. Confidentiality is a code of government business conduct, and is usually justified on the grounds that release of information would provide an unfair advantage to certain segments of the public and, therefore, would not be in the general public interest. There is an oath of discretion on such matters which must be sworn by all permanent public servants. Of course, the code of secrecy has also been employed as a convenient tool in cases where there is fear of public reaction, and it now constitutes such an entrenched working policy in most government agencies that many of its applications are unnecessary and/or against the public interest.*¹⁵⁵

The Slocan Valley Watershed Alliance was formed in late 1981 and evolved to represent ten communities and two Villages. In late February 1981, thirteen watershed and outdoor groups from the southern Interior and southeast BC met in South Slocan City to voice their concerns about logging in community watersheds. On March 4, 1981, the Nelson Daily News newspaper reported the following list of participants:


The Mark Creek Public Advisory Group from the Kimberley Skookumchuk area; the South Okanagan Environmental Coalition; South Slocan Water Users Committee; Beasley water users; Kootenay Mountain Club; the Big Ben Resource Council from Golden; the Nelson Conservation Centre; Perry Ridge Water Committee; Creston Public Advisory Committee; Argenta Resource Group; the Hamill-Clute Folio Committee from the Argenta area; the Ezra Creek Water Improvement District from Thrums; the Taghum Watershed Committee; the Genelle Water Improvement District; and the Nelson Watershed Committee.

After years of intensive battling with the Ministry of Forests, the Slocan Valley Watershed Alliance eventually hosted a provincial "citizens conference" in the small Town of Winlaw on August 4-5, 1984. It was appropriately called *FLOW (For the Love Of Water)*. A July 13, 1984 information article said the conference will:

bring together water users throughout the Province to develop and lobby for a fair, objective water policy and watershed management process for B.C. Participants will review the technical, legal and political realities of water management. All point to one central problem, the alliance says: "B.C. has no provincial water policy or provincial watershed management process."

Titled For Love of Water (FLOW), the "citizens' conference" will (the agenda says) "bring together water users throughout the Province to develop and lobby for a FAIR, OBJECTIVE water policy and watershed management process for B.C." Participants will review the technical, legal and political realities of water management. All point to one central problem, the alliance says: "B.C. has no provincial water policy or provincial watershed management process."

¹⁵⁵ Volume One, pages 8-9.



FLOW CONFERENCE
1984
for
love
of
water
AUGUST 4TH & 5TH
WINLAW, B.C.
SPONSORED BY THE SLOCAN VALLEY WATERSHED ALLIANCE

AGENDA

PRE-REGISTRATION: Friday, Aug. 3rd,
6 to 8 pm, Joan's General Store, Winlaw.

SATURDAY AUGUST 4TH - WINLAW HALL

8 am to 9 am
Registration

9 am to 9:45 am
Introduction & Keynote Speech
Anthony Arnold - Slocan Valley Watershed Alliance Chairperson - An overview of the watershed issue.

9:45 am to 10:30 am
Herb Hammond - The technical perspective.

10:30 am to 10:45 am
Coffee Break

10:45 am to 11:30 am
Donald Skogstad - The Legal Perspective

11:30 am to 12:30 am
Bob Nixon - The Political Perspective

12:30 pm to 1:30 pm
Lunch - available at Winlaw Hall

1:30 pm to 3 pm
Workshops

Technical - Herb Hammond - Independent Forester, Vallican, B.C.

Legal - Donald Skogstad, Lawyer, Nelson, B.C.

Political - Bob Nixon, Sierra Club, Victoria B.C.

3 pm to 3:15 pm
Break

3:15 pm to 3:30 pm
Reports from Workshops

3:30 pm to 5 pm
Open Flow Time allotted for personal statements or briefs. (Please let us know ahead if your group would like to give a 10 minute presentation during this time.)

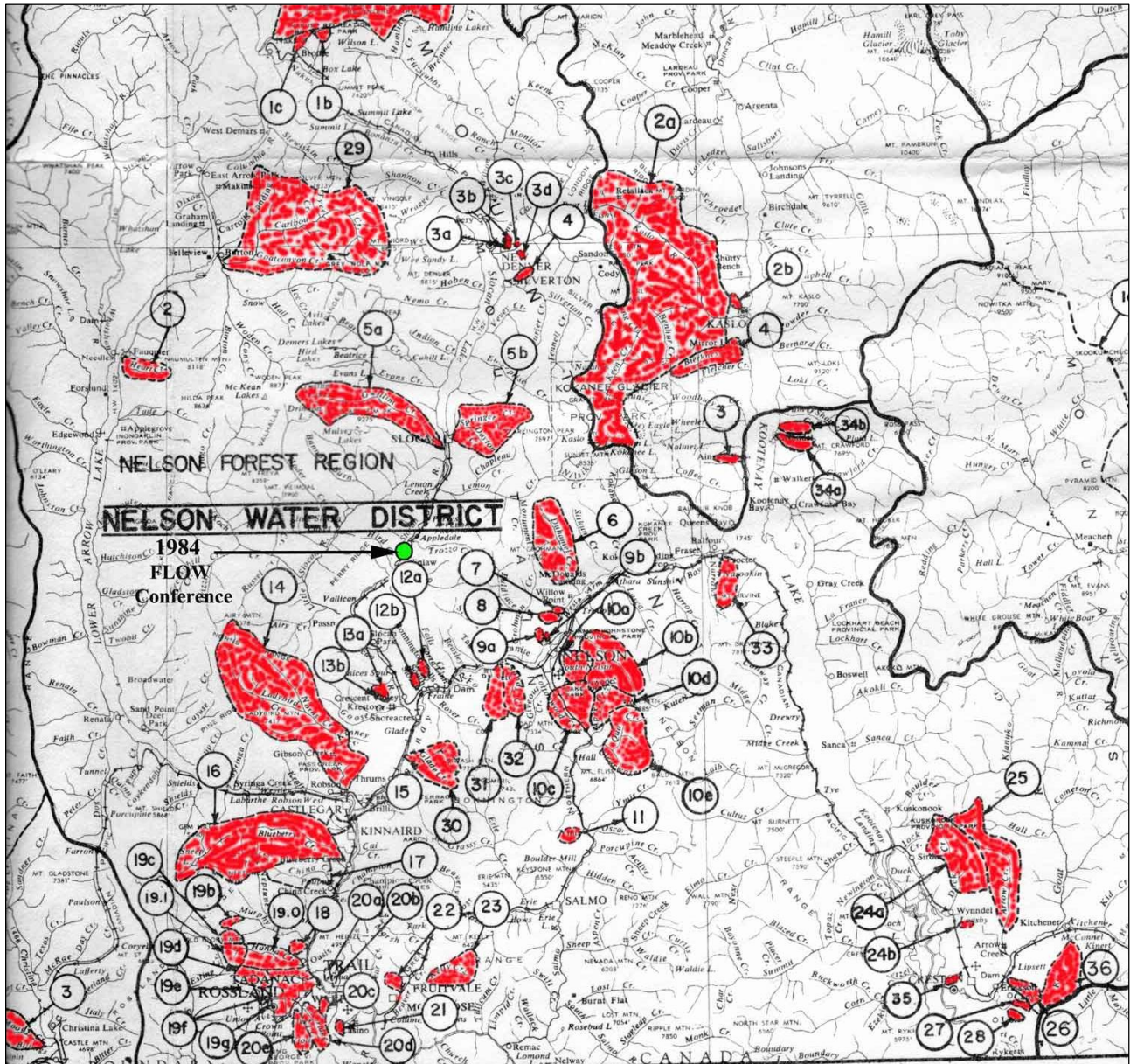
For the conference:

- Nelson City lawyer Donald Skogstad prepared a confidential ten-page legal assessment and a four-page presentation called *Notes on Legal Aspects of Domestic Water Use*, and;
- Vancouver lawyer Gerry Thorne prepared a thirty-page address, *Notes for an Address to the Slocan Valley Watershed Association Conference*, which reviewed federal and provincial legislation and laws on resource use.

However, both presenters and their conference presentation documents failed to identify the *Land Act* administrative instruments and provisions for Crown land Order-in-Council and Map Reserves for community watersheds, identified in provincial Statutes at that time, respectively, as Section 11 and Section 12 Reserves.¹⁵⁶ References were made in the lawyers' presentation assessments to Ecological Reserves, but nothing was explained about how the same *Land Act* legislation allowed for their creation, as the *Land Act* shares the identical provisions in creating almost absolute Crown land protections for both Ecological Reserves and community Watershed Reserves.

¹⁵⁶ Section 11 and Section 12 Reserves as identified in the 1970 revised *Land Act*, were later renamed, respectively, as Section 15 and Section 16 Reserves in the revised 1996 *Land Act*. See Appendix A.

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



The Big Eddy Waterworks District became an enthusiastic member of the BC Watershed Protection Alliance following its formation on October 1, 1984. Membership on the Alliance included the following:

- Argenta Folio Committee; Arrowsmith Ecological Association; ASPECT; Barbizon Magazine; Big Bend Resource Council; Big Eddy Watershed Committee; Blewett Watershed Committee; Blueberry Creek Irrigation District; Buck Creek Residents Association; Citizens Opposing Dumps; Clearwater Improvement District; Crawford Bay &

Area Watershed Committee; Creston Public Advisory Committee; Eastshore Environmental Alliance; Elliott-Anderson Watershed Committee; Elkford, District of; ENGO Standing Committee; Ezra Creek Water Improvement District; Friends of Clayoquot Sound; Friends of the Stikine; Genelle Water Improvement District; the Greater Vancouver Water District;¹⁵⁷ Green Party of B.C.; Gun Lake Ratepayers Association; Hailos Society; Harrop/Procter Water Users; Institute for New Economics; Johnson's Landing Folio Committee; Kootenay Area Indian Council; Kootenay Land Settlement Society; Kootenay Mountaineering Club; Ladysmith, Town of; Lillooet Tribal Council; Mark Creek Public Advisory Group; Merry Creek/Robson Ridge Water Users; Nechako Neyenkut; Nelson Conservation Society; Nelson Watershed Committee; Nlaka'pamux Nation Tribal Council; Parson Watershed Alliance; People's Commission; Perry Ridge Water Users Association; Prince George Environmental Protection Society; Red Mountain Residents Association; Residents for a Free Flowing Stikine; Save the Bulkley; Sherraden Creek Water Users Group; Shuswap Nuclear Study/Action Group; Shuttly Bench Watershed Committee; Sierra Club of Western Canada; Slocan Valley Watershed Alliance; SNAG; South Okanagan Environmental Coalition; South Slocan Water Users; South Island Tribal Council; Society Promoting Environmental Conservation (SPEC); Sproule Creek Watershed Management Committee; Taghum Watershed Committee; Telkwa Foundation; Trozzo Creek Watershed Committee; Valhalla Wilderness Society; West Coast Environmental Law Association; Western Canada Wilderness Committee; Winlaw Creek Watershed Committee; Yalakom Ecological Society; Yellowhead Ecological Society.

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

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

¹⁵⁷ Foresters at the Greater Vancouver Water District joined the Alliance most likely to monitor its proceedings and to report on the matter to outside interested parties. In the late 1990s, the author discovered that the Water District had been a member of the Council of Forest Industries since 1982.

5. THE MINISTRY OF HEALTH AND BC HYDRO

*The results of the investigations carried out to date show that Dolan Creek represents the best and most economical source of water for the Big Eddy Water Works District.*¹⁵⁸

Perhaps one of the last, critical, and influential cases regarding the previous authority and mandate of the Ministry of Health as the provincial agency essentially in charge over the protection and regulation of public drinking watershed sources in BC – just before the Social Credit Party administration was elected and before the Ministry of Health’s powers were eroded – began with a letter from the Vernon Regional Health office in September 1975. That letter was ultimately responsible for two eventualities:

1. Compensation of over one million dollars (\$1,113,000) to the Big Eddy Waterworks District from the B.C. Hydro & Power Authority for an accompanying and alternate source of water, and other related expenditures, primarily related to clearcut logging operations from BC Hydro’s transmission line right-of-ways in the Dolan Creek Watershed Reserve, which degraded its water quality;¹⁵⁹
2. More compensation funding from BC Hydro resulting from the August 1983 Environmental Appeal Board’s decision, and its ruling against future public access and development in the Dolan watershed, a ruling that top administrators in the Ministries of Forests and Environment strongly objected to.

It is undeniable that the initial support from the Ministry of Health’s Environmental Engineering Division would ultimately be responsible as ministerial endorsed leverage for the Big Eddy Trustees’ successful encounters with B.C. Hydro, the Ministry of Environment, and the Ministry of Forests (MoF), a prolonged debate that continued for a period of eight consecutive years, from 1976 to 1983.

The emblematic motto commonly provided at the bottom first page of every former BC Department of Health’s Environmental Health Engineering Division correspondence letterhead stated:

¹⁵⁸ *Comparison of Alternative Sources, Project 1221, Big Eddy Water Supply*, Project Memorandum 1221/7, Alternative Water Sources for Big Eddy, January 31, 1980.

¹⁵⁹ 1978: \$93,000; 1979: \$40,000; 1980: \$572,000; 1981: \$333,000; 1982: \$75,000 (Source: *Impacts of the Revelstoke Canyon Dam Project on Local Government Services and Finances*, Volume 3, *Impacts and Compensation*, Sussex Consultants, December 1985, page 3-25). According to the Big Eddy August 31, 1981 two-page submission to the Revelstoke Community Impact Committee, annual costs by the Big Eddy Waterworks District for the Dolan Creek watershed amounted to \$200 per year prior to B.C. Hydro’s involvement. “*Since the Big Eddy Water District’s beginning, successive Board members have worked very hard and put in many hundreds of hours their free time as well as booking off work without pay to give this community a good supply of excellent water at a low rate as possible. Before British Columbia Hydro & Power Authority became involved with the power line through Dolan Creek water shed, the successive Trustees achieved their goal.*” In a letter of April 26, 1982 to the Director of Water Management, P.M. Brady, “*We do not believe the people in Big Eddy Water District should be required to subsidize the building of the Revelstoke Dam by being required to pay a higher water fee.*”

HEALTH is a state of COMPLETE physical, mental and social well-being and not merely the ABSENCE of disease or infirmity.

5.1. The Letter and Questionnaire to Big Eddy and B.C.'s Water Users

In early January 1973, the Big Eddy Waterworks District received a letter and an accompanying questionnaire from Ben Marr, Chairman of a recently formed provincial review committee, called the *Task Force on the Multiple Use of Watersheds of Community Water Supplies*.¹⁶⁰ According to the Task Force meeting minutes of October 16, 1972, the letter and questionnaire was to be bulk-delivered provincially to 325 water purveyors, i.e., Improvement Districts, Irrigation Districts, Municipalities, Towns, Villages, Water User Communities, Regulated Water Utilities, etc.:

Your Provincial Government has established a Task Force under the Environmental and Land Use Technical Committee to investigate the problem of obtaining wholesome water supply from streams whose watersheds are subject to multiple use. Is the land that contributes runoff to your community water supply used for any other purpose, such as logging, mining or recreation? If it is we would like your assistance in identifying the problems that such multiple use of the watershed creates for your water supply. It is hoped that policies and procedures can be developed that will allow reasonable use of other resources in water supply watersheds while protecting the ability of the watershed to furnish high quality water for human use.

It would be of great assistance to the Task Force in reviewing this problem throughout the Province if you would complete the enclosed questionnaire and return it by January 31st, 1973.

*The Task Force, which will use the information you and others supply through the questionnaire, is composed of members of the following Provincial Government, departments: Water Resources, Lands and Forest Services, and the Departments of Agriculture, Health, Municipal Affairs, Mines, and Recreation and Conservation. Your kind co-operation will be greatly appreciated.*¹⁶¹

There was no information recovered from both Big Eddy Waterworks District and government records concerning Big Eddy's response. If written, the Trustees would likely have provided a letter of strong concern to the Task Force against logging activities in the Dolan Creek Watershed Reserve, recapping their previous requests and tribulations to protect it, as was the case with the majority of other water purveyors. After all, it was because of the widespread acrimonious complaints by water users and purveyors in the 1960s and early 1970s that the Social Credit Party government was forced, reluctantly, to initiate the Task Force review process in February 1972.

Unfortunately, the community watersheds review process was being steered politically by the Deputy Minister of Forests, J.S. Stokes, the assigned chairman of the Environment and Land Use Technical Committee, the Committee which functioned under the authority of the 1970 the Environment and Land Use Act. Stokes was quietly and untowardly interested in opening and

¹⁶⁰ Marr, who became Chief Engineer with the Water Investigations Branch under the Department of Lands, Forests and Water Resources in the mid-1960s, later became Deputy Minister of Environment (1976-1987), Deputy Minister of Forests (1987-1990), and finally served the dual role as Commissioner of the Greater Vancouver Water District and Regional Manager of the Greater Vancouver Regional District (1990-1996).

¹⁶¹ Letter of December 29, 1972.

furthering resource access in the restricted community watersheds, framing the arguments under the resource management umbrella of “Multiple Use,” later coined in the 1980s as “Integrated Resource Management.” The Forest Service incorporated the controversial term “Multiple Use” into the title of the Task Force to help manipulate and force its own concepts on the provincial trusting public, despite the fact that government’s legislation and policy stipulated the protection of these sources, anchored historically through the widespread establishment of Watershed Reserves. As predicted, the title of the Task Force not only helped the Forest Service to gradually trick BC’s water users into thinking and believing that Timber Sales and other resource permitting and tenure licensing was standard practice in Watershed Reserves, it also helped trick and reorient government administrators and staff – everyone would have to tow the line.

5.2. Letters from the Ministry of Health

In a September 18, 1975 letter, Evelyn Pigeon, the Secretary of the Big Eddy Waterworks District, informed Wayne McGrath, the Vernon District Regional Engineer with the former Department of Health’s Environmental Engineering Division, about Big Eddy’s concerns regarding an application by BC Hydro to clear two wide sections of forest for transmission right-of-ways arcing across and within the lower and upper Dolan Watershed Reserve:

Our Water District has a few problems we’d like to discuss with you, if you could meet with the Trustees at your earliest convenience. Firstly, we’re very concerned over B.C. Hydro’s proposed Ashton Creek - Revelstoke KV Transmission Line Right of Way over Dolan Creek Watershed. We would like to see this line go in north of [the] Watershed, thus eliminating any crossings.

The Big Eddy Waterworks District’s concerns actually began a year and a half earlier after learning about the proposed transmission line routes from the proposed Revelstoke Dam on the Columbia River to be constructed some 10 kilometres north of the City of Revelstoke. The Trustees promptly notified the government in a January 3, 1974 letter to the Water Rights Branch. Not satisfied with the eventual responses, the Big Eddy Trustees later contacted the Ministry of Health.

Thereafter, Evelyn Pigeon received a gloomy response letter from Health engineer McGrath, dated September 30, 1975:

Regarding the proposed B.C. Hydro transmission line, the Health Department would be deeply concerned if such a line were situated within the watershed of Dolan Creek. For all practical purposes, this would eliminate Dolan Creek as a source of domestic water. If the proposed line cannot be re-located, it would appear that consideration should be given to utilizing Wells Creek as a source of water supply for the Big Eddy Waterworks District. It should also be pointed out that, although the most recent bacteriological analyses have been acceptable, consideration should be given to protection of the Dolan Creek reservoir e.g. warning signs, fences. If future bacteriological sampling indicates contamination of the water supply, the Health Department would be forced to require continuous disinfection (e.g. chlorination) of the system.

As with the majority of other early 20th Century domestic watershed source distribution operations in BC, the Big Eddy water purveyors never disinfected or treated their “primary” water supply. That’s because of the generally excellent quality of water found in the uninhabited, unroaded, and

yet “unmanaged” forested mountain stream sources (referred to in a 1952 BC Natural Resources conference document as the “maintenance of full virgin forest canopy”), a natural quality that British Columbians deeply treasured and valued.

There were three important considerations raised by engineer McGrath in his response to Big Eddy:

1. Dolan Creek as an untreated source of drinking water was, and had been, “*acceptable*”;
2. Logging and human encroachment were incompatible for drinking water quality; and
3. If logging and human encroachment would occur, chlorination treatment of the Dolan would commence.

The admission from the Ministry of Health about Dolan’s “*acceptable*” state was significant, particularly because of later strangely contrary and retracted remarks made by North Okanagan Medical Health Officer and Vernon Director of Public Health Programs M.R. Smart in 1983, remarks related to undocumented political pressures to do so (see below). In a June 21, 1979 letter, four years before Smart’s contrary controversial statement about Dolan Creek, he stated to the Big Eddy Waterworks District, “*the Dolan Creek water supply is considered acceptable as a Drinking Water.*” His conclusion was based on years of ample evidence, the annual water testing samples taken from Dolan Creek.

In a July 7, 1975 memo from the Minister of Health, Dennis Cocke, addressing another similar circumstance regarding concerns about the Wynndel Irrigation District’s water source from the Duck Creek Watershed Reserve near the Town of Creston, he makes a simple and profound statement:

Preservation of water quality is not only an important component of the Public Health programme, the loss of pure water supply can also cause considerable financial hardship to a small community in the form of costs for treatment or provision of an alternate source.

The acknowledgement of these matters by senior government administrators was well understood at the time, as reflected in the following November 17, 1972 letter from Water Resources Department Deputy Minister Raudsepp to his boss Bob Williams, the Minister of Lands, Forests and Water Resources:

It is expected that even a most carefully undertaken logging operation or any other economic activity in the watershed will cause some temporary disturbance. Many small community waterworks in British Columbia are diverting water from small mountain streams without any treatment of the raw water. The diversion works are usually simple and cheap.... The Community is, therefore, very sensitive towards any economic activity in the watershed. They would like to control the whole watershed in order not to be forced into treatment of the raw water.

On May 6, 1976, the Big Eddy Waterworks District informed Wayne McGrath that they had not reached an agreement at their “*last meeting with B.C. Hydro on April 28th*”:

but they agreed to hold off clearing in the watershed till we had an on-site inspection with them as to where the actual line will be. It was disclosed at the meeting that this line would actually be 3 main lines with as much as 500 to 600 ft. [feet] wide of clearing by the time it’s finished.

The concerns being raised about the future impacts to the Dolan Creek Watershed Reserve led to consultations between the Regional Ministry of Health Vernon office and the Ministry's headquarters in Victoria. This eventually resulted in the Deputy Minister of Community Health, G.R.P. Elliot, dispatching a letter on June 30, 1976, to the Manager of B.C. Hydro's System Engineering Division, H.J. Goldie, regarding the:

MAINTENANCE OF BIG EDDY WATERWORKS DISTRICT WATERSHED

The Health Department is very concerned with the prospect of construction of the proposed transmission line and clearing of right-of-way across the watershed of the Big Eddy Waterworks District. As you are probably aware, the supply at Dolan Creek dam is already marginal and incapable of providing for new customers, and any disruption of the watershed by access roads, logging or clearing could have a serious effect. In addition, there is concern that clearing and construction would provide ready public access to an unprotected watershed area and necessitate installation of treatment and disinfection equipment. I request you, therefore, to give direction that no construction of access roads or clearing will take place in the drainage area supply Dolan Creek until provision has been made for an adequate supply of water to the Big Eddy Waterworks District from another source acceptable to our Department, and I trust that B.C. Hydro will give the District every assistance in this regard. May I also draw the attention of your construction division to the requirements under Section 21 of the Health Act for approval of the design of the water system for the proposed work camp.

5.3. BC Hydro Ignores Internal Orders to Stay Out of Community Watersheds

With numerous provincial hydroelectric development projects underway in the 1960s and 1970s, there was a proliferation of applications by the BC Hydro & Power Authority with the Ministry of Lands for associated transmission line right-of-way tenure and clearing through both Crown and private lands.

Typically, clearing of forested lands for transmission line purposes not only involves the removal of wide swaths of forested terrain, but also includes the building of rough and sometimes very steep access roads, activities that cause initial and sometimes continuous physical damage to and erosion of soils. In addition, B.C. Hydro also regularly practiced attendant toxic herbicide treatment of vegetation on its right-of-ways, often despite community resistance and criticism, the subject of considerable public debate in BC throughout the 1960s, 1970s, 1980s and 1990s. Because these transmission line lands are kept in a denuded to semi-denuded state, regularly brushed and/or herbicided to keep trees from growing too tall or growing at all, they degrade and contaminate water quality and soils.

Following the publication of Rachel Carson's *Silent Spring* in late 1963, community concerns and activism concerning pesticides and herbicides sprouted across British Columbia, eventually invoking the 1973 *Royal Commission of Inquiry into the Use of Pesticides and Herbicides in the Province of British Columbia*. The Royal Commission final report, Volume One, identified on page 210 that B.C. Hydro was regularly applying the toxic herbicide Agent Orange, 2, 4-D, and 2,4, 5-T by helicopter and ground spraying on its electrical transmission right-of-ways. It stated on page 211 in its May 1975 final report that "*the potential for human effects of herbicide spraying on rights-of-way is extremely small.*"

Chapter one of this report dealt with the Commission's findings on the general dangers of herbicides and humans. That Chapter indicated that there is only a remote possibility of any normal use of herbicides having a measurable effect on humans. When this conclusion is combined with the fact that most sprayed rights-of-way are relatively inaccessible to humans (with the exception of highway right-of-way), the possibility of human effects is very remote indeed. It appears prudent, however, to minimize the possibility of happenings such as the inadvertent picking of berries on rights-of-way immediately following a spray application.

The Inquiry report stated that *“the total proposed usage of herbicides by B.C. Hydro and Power Authority on their electrical transmission system during 1973 was 30,000 pounds of active ingredient, the greatest part of which was 2, 4-D and 2, 4, 5-T.”* It also stated that the B.C. Department of Highways used *“37,000 pounds of active ingredients, which is about 80% more than the total use of herbicides by the Forest products companies in the coastal forest regions,”* and that *“usage during 1973 showed that 170,000 pounds of active ingredients were utilized by the three major railroads in British Columbia.”*

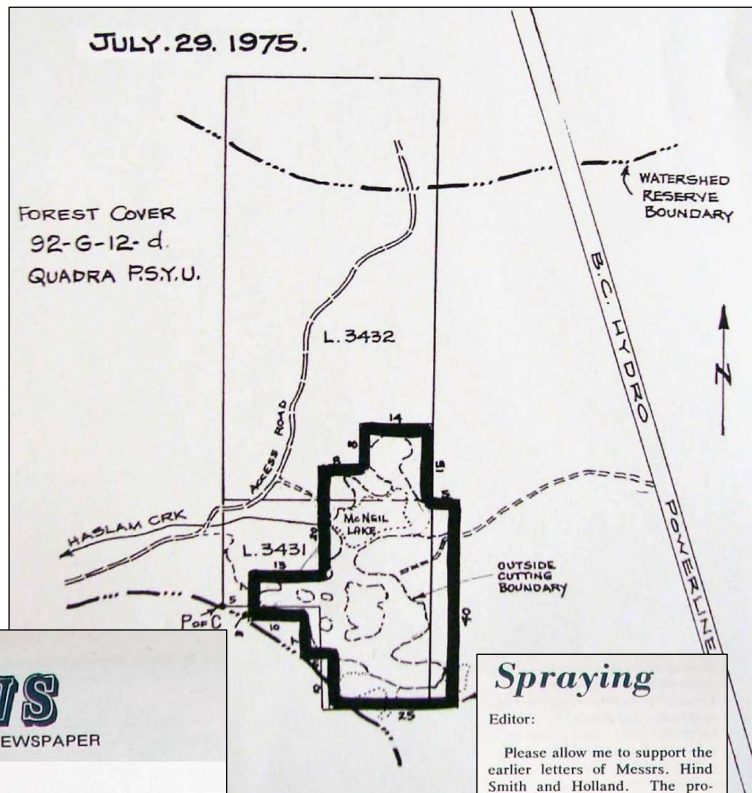
At the time of the BC Commission Hearings – during the end phase of the Vietnam War – Vietnam was being bombarded with Agent Orange. At the Hearings, chemical industry interest representatives appeared, along with B.C. Hydro officials. From the standpoint or position of the Commission, the knowledge about the spectrum of toxicity impacts of Agent Orange on the planet's life forms and elements was apparently crude (so they stated), and the concerns were played down by government, private industry and by the Commission itself.

Eight years later at the *International Symposium on Herbicides and Defoliants in War, The Long-Term Effects on Man and Nature*, held in Ho Chi Minh City in January 1983, over *“seventy ecological and physiological (medical) scientists from some 20 countries, both East and West”* gathered to present their findings in numerous thematic workshops on the application of the *“anti-environmental program”* use of Agent Orange, Agent White, and Agent Blue. Stated on the first page of the symposium proceedings:

It is the Agent Orange that has caused the greatest level of medical concern because of its dioxin contaminant. Dioxin is an extraordinarily toxic animal poison, lethal in minute doses. Moreover, when administered to experimental animals in sublethal quantities it can be teratogenic (result in birth defects), mutagenic (cause genetic damage), and carcinogenic (instigate cancers).

After years of complaints, in 1984 the BC Sunshine Coast community of Pender Harbour complained on June 1st to the government that BC Hydro, a Crown (a provincially-owned) Corporation, had been regularly applying herbicides on its right-of-way located in the South Pender Harbour Waterworks District's source of drinking water, the McNeill Lake Watershed Reserve (a Reserve over two watersheds, Haslam and Silversands Creeks). It is not known how often BC Hydro had been spraying the area ever since the transmission corridor had been carved sometime in the late 1950s. The Watershed Map Reserve had been created in 1973, but the District had been using water from the Haslam watershed for domestic purposes well before 1973. The Waterworks District noted that both BC Hydro and the Ministry of Forests failed to provide the water purveyor with advanced written notice of spraying and logging proposals in its Watershed Reserve:

The only advice required seems to be a legal notice published in a local paper, the descriptions of areas involved are usually less than specific, this means we have to search papers regularly for possible problems. The Department of Health makes regular coliform tests of our water but it is not obligated to test for residual herbicide sprays and in any case it would be detected after the fact, not very reassuring to the consumers. We need prior advice.



2. Coast News, March 29, 1977.

COAST NEWS

A CO-OPERATIVELY AND LOCALLY OWNED NEWSPAPER

Herbicides

In response to some expressed concern by residents of this area about the herbicide program utilized by B. C. Hydro on the power line which runs above all the communities of the Sunshine Coast, last week the Coast News undertook some investigation of the matter. It took some phone calls to locate the appropriate department with stops at offices with Orwellian names such as Vegetation Management Supervisor but eventually the right department was discovered. It is a department of B. C. Hydro which is called the Department of Environmental Services and a Mr. Cy White is the supervisor.

Mr. White turned out to be most patient and helpful. He explained that there were three basic materials that were used by Hydro in their program of vegetation control. They are Tordon 101 which is a mixture of Picloram and 2,4-D and is the basic herbicide for both helicopter and ground spraying; 2,4-D by itself which is used as a ground foliant spray; the third was 2,4-D in combination with 2,4,5-T which goes under the name of Brushkiller and which is used to spray and kill roots of growth which already had been cut down to a height of six inches. Queried about the alleged use of pellets Mr. White said that this was for spot application only and involved a half ounce of Tordon 10K which was applied to the base of a specific tree.

On the subject of the alleged birth defects Mr. White said that this had been caused in Vietnam by an "impurity" in Tordon 101 in the form of Tetra Dioxan and that no such effects could be caused in the amount of spraying done by Hydro.

White listed the agencies of the various government which Hydro had to satisfy before the use of herbicides. They included an Inter-Ministerial Pesticide Committee comprised of representatives

of Departments of Agriculture and the Environment, the B. C. Forest Service, the Federal Environment Protection Service, the Department of Provincial Health and the Department of Recreation and Conservation. B. C. Hydro submits its plans to this committee giving details of the strength of the herbicide to be used and a map of the area to be sprayed. Each agency involved had its buffer zones or so-called set-backs.

According to Environmental Services Supervisor White, the chance of the herbicide washing downhill from the power line into salmon streams or drinking water was virtually negligible since the material was "locked into" the soil or ionized with it so that it didn't move around. He also said that accumulations of the material could not be expected since it tended to break down.

White pointed out that B. C. Hydro uses only about 10% of the herbicide used in this province. Other users are farmers, the forestry, and the railways.

When asked about the suggestion that the ground could be hand-cleared he said this was a provincial government's decision and could not be effected by Hydro without political action. He further pointed out that much of the spraying program took place over the roughest of terrains and Workers' Compensation had confirmed that over such terrain people employed with chain saws could expect to have a high accident rate with consequent days lost from work.

White was reasonable itself during the discussion though at one point he did admit that there was always an element of "by guess and by God" in programs of this type. It is obviously an area to keep one's eye on and to attempt to find out as much as possible about the program as it applies to the Sunshine Coast.

Spraying

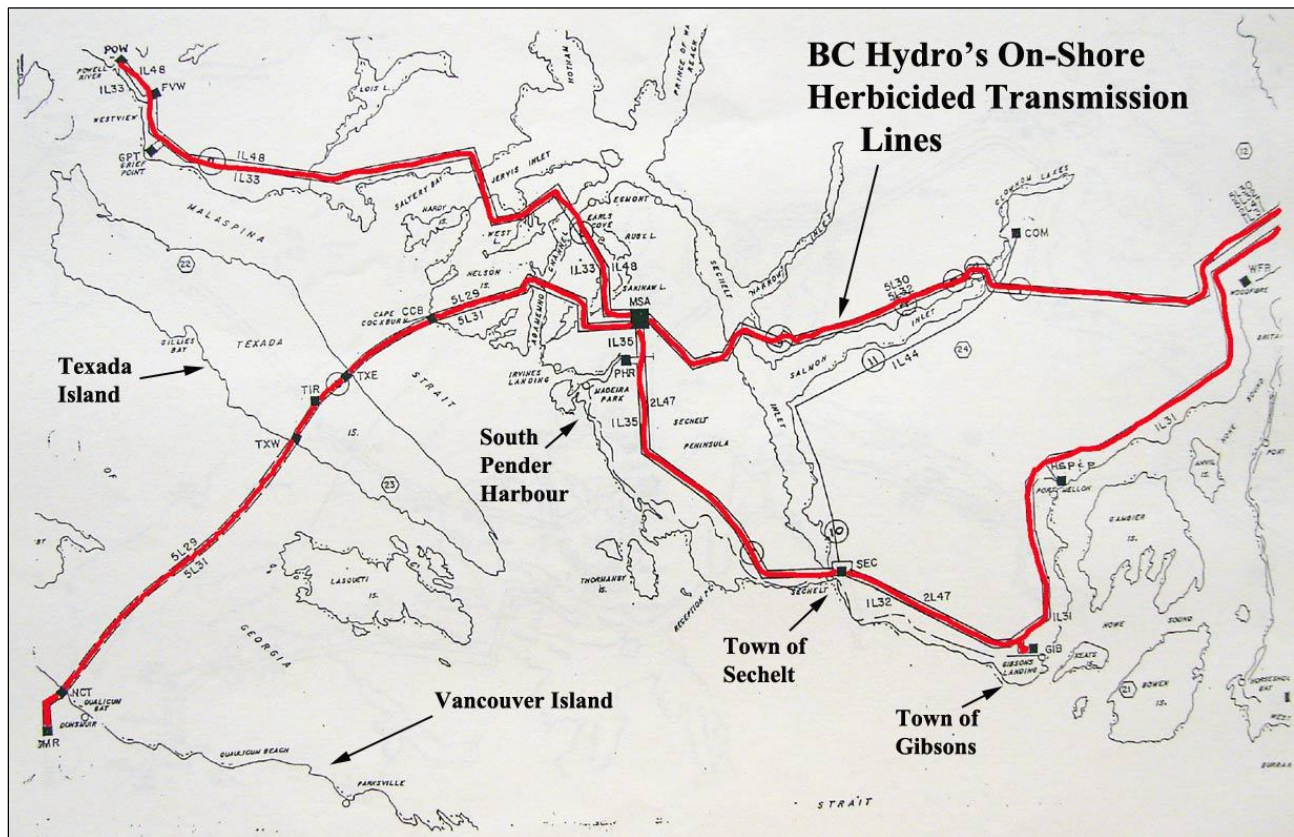
Editor:

Please allow me to support the earlier letters of Messrs. Hind Smith and Holland. The proposed spraying of the chemical 'Tordon 101' by B. C. Hydro should be actively opposed on the basis that:

1. The major substance of Tordon 101 is the chemical 2, 4-D produced by Dow Chemicals. It had been used in chemical warfare in Vietnam, serving not only to defoliate the land, but to poison its inhabitants.
2. We have abundant documents by scientists demonstrating the harmful effects on tested animals. Among these are: genetic mutations, sexual reversal, dwarfing, child-mortality, abortion, birth defects, etc.
3. Throughout British Columbia, birth-defects similar to those found in Vietnam have occurred in babies of residents near power-lines where the chemical had been sprayed.
4. That fish and wildlife crossing the area will suffer significant reductions and health damage.
5. That many Sunshine Coast residents rely on drinking water from creeks which will inevitably be contaminated by the chemical.
6. That even trace elements of the chemical will produce various forms of cancer. The extent of this damage can be fully appreciated only after a decade or more, since cancer requires such a long time to become evident.
7. That a number of North American courts have effectively outlawed the spraying and use of this chemical on the evidence of its far-ranging dangers and questionable benefits.
8. That there are better alternatives. It would be more reasonable and in a broader sense more economical to cut undesired plants and trees manually and with power-saws. This would also be more labour-intensive and benefit the economy and employment situation of our region.

K. Peter Hauke
Roberts Creek

After decades of toxic herbiciding Crown land transmission Right-of-Ways in the Province of British Columbia, and after years of public protests, entreaties, court actions since the 1970s, BC Hydro finally succumbed to pressures by the Sunshine Coast Regional District to initiate public involvement measures on its controversial application of herbicides.



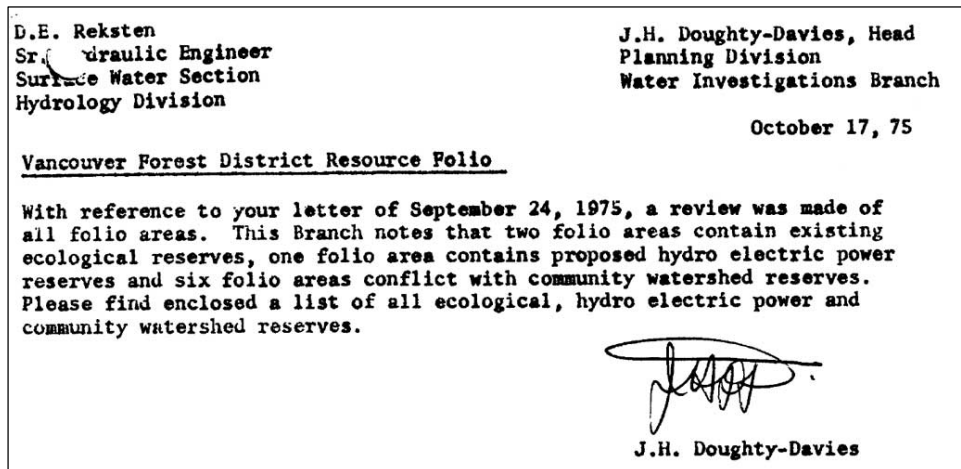
According to BC Hydro's May 1994 third draft of its *Sunshine Coast Vegetation Plan*, in December of 1991 Hydro invited "14 Sunshine Coast interest groups" to form a "Sunshine Coast Vegetation Management Working Group" to assist Hydro "in the development of a long term Vegetation Management Plan for the Sunshine Coast transmission line rights-of-way." Regional public representatives included the Sunshine Coast Regional District, District of Sechelt, Town of Gibsons, South Pender Harbour Water Works District, Pender Harbour Residents Group, the Coastal Association to Protect the Environment, the Sunshine Coast Environmental Protection Project, and the Sechelt Rod and Gun Club. Government representatives included the Coast-Garibaldi Health Unit, the Ministry of Forests, the BC Fish and Wildlife Branch, and the federal Department of Fisheries and Oceans. According to the third draft, Hydro's public involvement process was "new" to BC Hydro, the first time it ever sought to do so since it first began using herbicides over some four decades previous:

Because of some of the potentially negative environmental and social impacts of vegetation control, the residents of the Sunshine Coast area of British Columbia expressed a desire to be involved in and contribute to BC Hydro's vegetation management planning process. The Sunshine Coast Vegetation Management Working Group, comprised of representatives from environmental and special interest groups, government agencies, and BC Hydro, was formed in response to this request.

The draft document also stated that “*Building trust and understanding through integrity can avert conflicts that arise due to lack of communication. Although the Management Plan was developed specifically for use in the Sunshine Coast, it is hoped that it will serve as a model for other parts of the province.*”

The numerous proposals for and location of electrical transmission lines resulted in many resource use conflicts, particularly those related to community and domestic watersheds. In the 1970s, the community watersheds Task Force (1972-1980) and the government’s former Regional Resource Management Committees therefore addressed these issues and instructed BC Hydro to stay away from these sensitive and off-limits source lands in Hydro’s ambitions to develop the least expensive right-of-way transmission line routes.

For instance, in a December 1974 letter from the B.C. Water Investigations Branch to the Secretary of the Community Watersheds Task Force was a serious discussion of the hydroelectric transmission line issue, including a recommendation for BC Hydro to avoid smaller community watersheds altogether from transmission line right-of-way impacts.



I refer to the attached letter dated December 4, 1974 from Mr. D.K. Naumann to Mr. B.E. Marr regarding the transmission line - community watershed question. It should be noted that Mr. Tanner, Water Rights Branch, is representing the Water Resources Service in regards to a preliminary overview study by Ian Hayward and Associates Limited of the 500 KV transmission line proposed for the Nicola - South Okanagan - West Kootenay - Cranbrook area. A meeting regarding this route is planned for December 19, 1974 and I have verbally informed Mr. Tanner of the involvement of this Branch in the community watershed Task Force study. I have also supplied him with a map indicating community watersheds in this area of the Province and indicated our concerns of possible water quality degradation due to construction activities of the transmission lines and the possible effects of chemicals used for retardation of growth along the right-of-way after construction is completed.

The attached letter indicates that British Columbia Hydro is aware of the community watersheds serving Cranbrook. Apparently they were not aware of the watersheds serving several other communities along the potential corridors they are considering. Mr. Tanner will inform them of these land use modifiers at the December 19 meeting. Presumably, some effort will be made by British Columbia Hydro to avoid these watersheds wherever possible. With regard to the questions listed in Mr. D.K. Naumann’s letter, I have the following comments:

1. As outlined above, the presence of a transmission line right-of-way could adversely affect the water quality due to debris and silt entering the stream system during the construction

period. The maintenance of low vegetation after construction may have adverse quality if spraying with chemicals used for this purpose. Access roads, unless properly maintained, can be a future source of water quality problems.

2. The land in community watersheds is frequently Crown owned and it would be extremely difficult to restrict access into these areas along the transmission line routes by snowmobiles, all terrain vehicles, hikers, etc. Problems created by public access (litter, fire hazards, malicious damage, etc.) would be more severe in the smaller more sensitive, watershed areas. Consequently, a policy of avoiding these small (less than 10 square miles) watershed areas wherever possible should be considered by British Columbia Hydro.

3. I am not aware of specifications for the clearing, construction and maintenance of transmission lines in community watershed areas. Perhaps the guidelines for timber harvesting which have been developed by the Forest Service would be useful to British Columbia Hydro. However, these guidelines would have to be modified to take into account the special problems associated with transmission line clearing.

I believe we should send to Mr. Naumann our 1 inch = 10 mile scale maps showing the community watersheds throughout the Province. In addition, it would be worthwhile to suggest a meeting of the Forest Service, British Columbia Hydro and a member of the Task Force to discuss the questions raised in Mr. Naumann's letter.¹⁶²

Oddly, this recommendation to stay out of the “smaller” community watersheds was, for some unknown reason, ignored in BC Hydro’s controversial proposal for two transmission line right-of-ways through the Dolan Creek Watershed Reserve. Perhaps BC Hydro’s intentions to quietly ignore the rights of water purveyors occurred through the ideological and political assistance of the new administrative regime, the Social Credit Party, recently elected to government in mid-December, 1975.

In the summer of 1974, during the New Democratic Party administration, the Community Watersheds Task Force received a letter of concern from a Chilliwack City resident about a proposed transmission line through Dunville Creek, one of Chilliwack City’s three adjacent drinking watershed sources. The Task Force formally registered Dunville Creek, and its companion Elk and Nevin watersheds, as a Category One Watershed Map Reserve, a watershed that had been reserved before the Task Force re-reserved it in 1973.¹⁶³ After deliberating on the matter, the Chairman of the Task Force responded to the concerned resident whereby the Task Force would deny B.C. Hydro’s proposal for a transmission line through the Dunville community watershed:

As indicated to you in a letter dated July 11, 1974 from Mr. B.E. Marr, Deputy Minister, Water Resources Service, the quality of water available from small community watersheds in the Province of British Columbia is of prime importance to the communities served by these sources. Therefore, it is the policy of the Water Resources Service to recommend against the alienation of crown lands in small community watersheds such as the Dunville Creek

¹⁶² R.W. Nichols, Senior Hydraulic Engineer, Planning Section, Water Investigations Branch, to J.D. Watts, Planning and Surveys Division, Water Investigations Branch, December 17, 1974.

¹⁶³ Elk and Dunville Creeks were provided with Watershed Reserves in 1946 for the City of Chilliwack. Refer to the B.C. Tap Water Alliance website for presentation material and government correspondence on the Elk, Nevin and Dunville Creek Watershed Reserves: <http://www.bctwa.org/ElkHomePage.html>

watershed, which has a drainage area of only 2.2 square miles measured upstream of the intake works. We have reviewed the available information regarding your appeal and recommend that permission not be granted for the construction of the road and B.C. Hydro power line on crown land located within the Dunville Creek watershed.¹⁶⁴

Mr J.D. Watts, Chief
Planning and Surveys Division
Water Investigations Branch

R.W. Nichols
Senior Hydraulic Engineer
Planning Section

Transmission Lines and Community Watersheds

December 17, 74

I refer to the attached letter dated December 4, 1974 from Mr. D.K. Naumann to Mr. B.E. Marr regarding the transmission line - community watershed question. It should be noted that Mr. Tanner, Water Rights Branch, is representing the Water Resources Service in regards to a preliminary overview study by Ian Hayward and Associates Limited of the 500 kv transmission line proposed for the Nicola - South Okanagan - West Kootenay - Cranbrook area. A meeting regarding this route is planned for December 19, 1974 and I have verbally informed Mr. Tanner of the involvement of this Branch in the community watershed Task Force study. I have also supplied him with a map indicating community watersheds in this area of the Province and indicated our concerns of possible water quality degradation due to construction activities of the transmission lines and the possible effects of chemicals used for retardation of growth along the right-of-way after construction is completed.

The attached letter indicates that British Columbia Hydro is aware of the community watersheds serving Cranbrook. Apparently they were not aware of the watersheds serving several other communities along the potential corridors which they are considering. Mr. Tanner will inform them of these land use modifiers at the December 19. meeting. Presumably, some effort will be made by British Columbia Hydro to avoid these watersheds wherever possible.

With regard to the questions listed in Mr. D.K. Naumann's letter, I have the following comments:

1. As outlined above, the presence of a transmission line right-of-way could adversely affect the water quality due to debris and silt entering the stream system during the construction period. The maintenance of low vegetation after construction may have adverse affects on water quality if spraying with chemicals is used for this purpose.

Access roads, unless properly maintained, can be a future source of water quality problems.

2. The land in community watersheds is frequently Crown owned and it would be extremely difficult to restrict access into these areas along the transmission line routes by snowmobiles, all terrain vehicles, hikers, etc. Problems created by public access (litter, fire hazards, malicious damage, etc.) would be more severe in the smaller, more sensitive, watershed areas. Consequently, a policy of avoiding these small (less than 10 square miles) watershed areas wherever possible should be considered by British Columbia Hydro.

¹⁶⁴ J.D. Watts, Chief, Planning and Surveys Division, to Viola Southgate, Chilliwack, B.C., November 21, 1975.

The Big Eddy Trustees were left unawares by government agencies and the Regional Resource Management Committee of the internal inter-ministerial instructions to BC Hydro. Given the fact that the 1.7 square mile Dolan Creek Watershed Reserve was twenty percent smaller in area than the Dunville Creek Watershed Reserve, and the fact that BC Hydro was formally notified of the Task Force's concerns to stay out of community watersheds, it is most peculiar that BC Hydro was allowed to continue to propose transmission line and construction access into the Dolan Creek Watershed Reserve. Had Big Eddy known about these internal instructions, dollars to donuts Hydro would never have been allowed to enter the Dolan Reserve.

At a September 8, 1975 Kootenay Regional Resource Management Committee meeting, members discussed the impacts of the proposed 230 K.V. transmission power line locations between the towns of Canal Flats to Golden. The issue was previously referred to in March and December 1974 correspondence between BC Hydro and the Resource Committee, and in a May 1975 research report. According to government files, "*none of the regional resource agencies were consulted in the preparation of the recommendations of that report*" that preferred a transmission route along the "west side". Discussions by the Committee were as follows:

This matter is of course part of a much broader problem of long term planning of energy and communication corridors. Wise land use indicates that there should be inter-authority communication with government agencies to ensure that common route corridors are designated wherever technically and economically feasible. Such a policy is particularly imperative where high value valley lands are involved in this instance.

(a) Water Resources Service

Many sections of the proposed routes could have a considerable impact on private, community or Crown authorized water rights. It is therefore imperative that constraints to all phases of construction are determined and agreed upon prior to implementation of the project. In particular, the Service is concerned with the impact on the watersheds of Goldie - Sunlight Creeks (mile 25 to mile 27.5) which supply domestic and irrigation water to the village of Invermere and the Westside Improvement District; Bruce - Wilmer Creeks (mile 51 to 51.5) which supply domestic and irrigation water to the Wilmer Waterworks District. (Please refer to the attached copy of the letter to your office from Mr. B. Marr dated August 27, 1975.)

There are also numerous water licences on the west side between mile 0 and mile 12. Although the Service concurs with other resource agencies in principle that route # 3 is preferred to route # 1, it is concerned with certain aspects of the proposed location of the former. The location of the line along the "toe" or on the lower slope could have an undesirable effect on the hydrology of most streams and could result in impairment of both quantity and quality of water to the numerous domestic and irrigation users on slopes below. As discussed in 7 above, it is strongly recommended that route # 5 be located as close to the existing Hydro Right-of-Way as feasible.

*In summary, it appears that B.C. Resources did not only ignore the impact construction and maintenance of the transmission line would have on hydrology, but did not recognize that any consumptive uses were being made of water resources along the route.*¹⁶⁵

¹⁶⁵ J.A.D. McDonald, Chairman, Kootenay Regional Resource Committee, to A. Crerar, Director, Environmental and Land Use Secretariat, Victoria, September 19, 1975.

5.4 The Revelstoke Hearings

In the Summer and Fall months of 1976, BC Water Comptroller Howard DeBeck convened public Water Licence Hearings in Revelstoke regarding the overall impacts associated with BC Hydro's proposed Revelstoke dam and transmission line right-of-ways. The Water Comptroller's Hearings were of a legal nature, where government and regional legal counsel representatives appeared, and where public stakeholders could cross-examine other stakeholders and Hearing panel members.¹⁶⁶

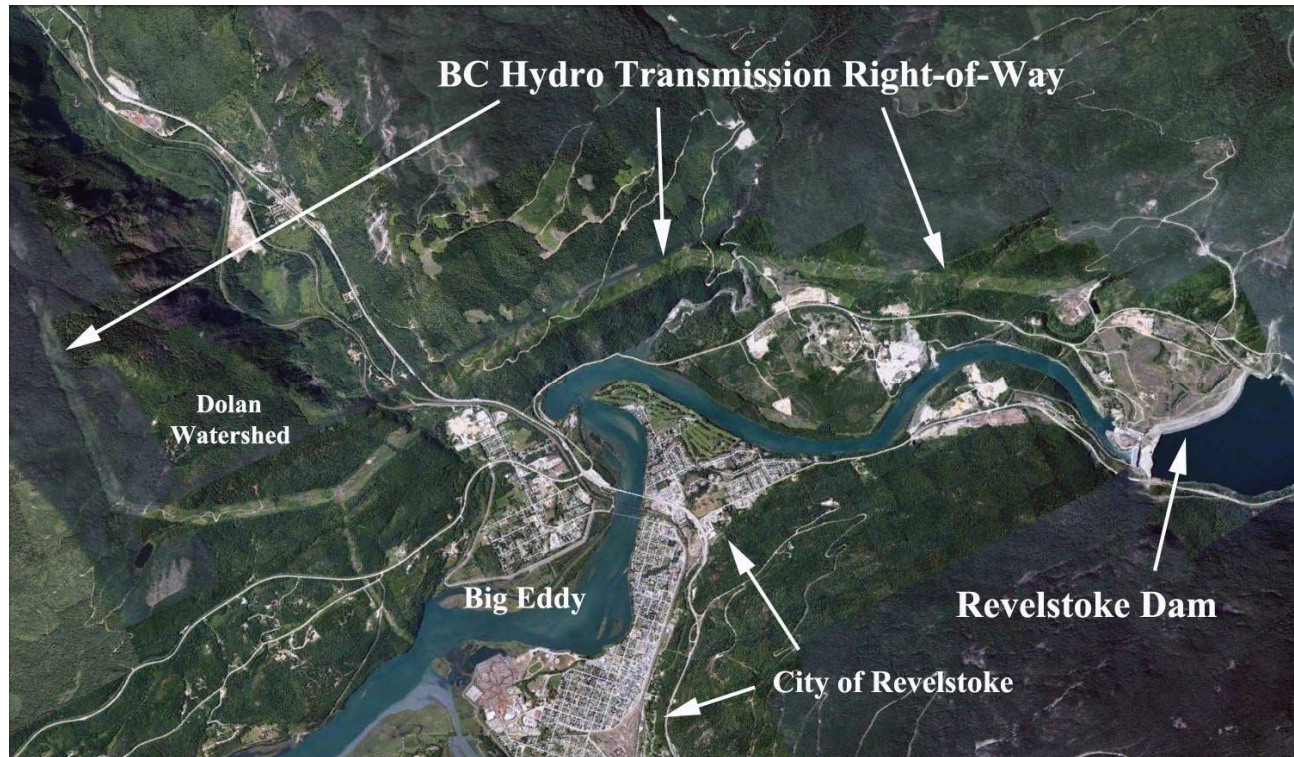


Image from Google Earth showing the present day BC Hydro transmission corridor south of the Revelstoke Dam and through the Dolan Creek Community Watershed Reserve.

The Big Eddy Waterworks District presented a two-page summary to the Water Comptroller on June 21, 1976, outlining its concerns:

The Big Eddy Water District is appearing as an objector to the granting of a water licence to British Columbia Hydro and Power Authority for the construction of a dam on the Columbia River up-stream from the City of Revelstoke, British Columbia, known as the Revelstoke 1880 Dam.

¹⁶⁶ “In the Matter of the Water Act and in the Matter of an Application by the British Columbia Hydro and Power Authority for a Water Licence to Divert, Use and Store, Water out of the Columbia River at a Point About 3 Miles Upstream from Revelstoke, B.C., near the Lower End of the Little Dalles Canyon, and in the Matter of Certain Objections to the Said Application.” Chairman, H.D. DeBeck. Members: Dr. R.J. Buchanan (Water Resources Dept.); D.A. Doyle, Esq.; D. Kettle, Esq.; H.M. Hunt, Esq.; R.J. O’Regan, Esq.; R.P.D. Round, Esq; Secretary W.R. Tuthill, Esq. The transcript volumes were provided by official reporters from the Law Courts in Victoria.

The Big Eddy Trustees' main concern related to the proposed transmission line crossing over and through the Dolan Creek Watershed Reserve which would “bring about a deterioration in quality and quantity of water for the residents of the Water District.” The Trustees requested the Water Comptroller to “deny a licence to British Columbia Hydro and Power Authority until certain conditions are met as outlined below”:

1. *British Columbia Hydro and Power Authority to supply alternate water to the District at or above required volume and quality, to compensate for deterioration of our Dolan shed, and of equal importance provide upgrading and extension of water systems made necessary by the anticipated influx of population in the Big Eddy.*
2. *British Columbia Hydro and Power Authority to set aside monies for future compensation on an unforeseen nature to the Big Eddy Water District, and area B of the Columbia Shuswap Regional District and the City of Revelstoke. This is to be administered by an independent person or persons chosen by or appointed by the Big Eddy Water District, Area B of the Columbia Shuswap Regional District, the City of Revelstoke and British Columbia Hydro and Power Authority or appointed by the Government of British Columbia.*
3. *British Columbia Hydro and Power Authority to make public all results from studies of the Downie slide and proposed dam area. If results of studies to date are inconclusive, to complete such studies as are necessary to assure complete safety of the proposed dam.*
4. *British Columbia Hydro and Power Authority to study health effects of people living in close proximity to high voltage power lines or acquire results of studies from others on this matter and make such studies public.*

5.5. The October 1976 Urban Systems Report

During the Hearings, the Big Eddy Waterworks District required a professional evaluation and Cost Benefit Analysis of Dolan Creek, its waterworks and supply system, and the future requirements of the watershed's protected state. Such a report would be valuable evidence to present to the government's Revelstoke Hearing panel and related committees. In support of the Big Eddy District and the Columbia-Shuswap Regional District's concerns, BC Hydro offered to retain the professional services of Urban Systems Ltd., the engineering and planning consulting firm, for a formal impact evaluation report on the Big Eddy's water system.¹⁶⁷

The 58 page report, *Water Supply & Distribution System Study for the Big Eddy Waterworks District*, was completed in late October 1976, a preliminary draft copy of which was forwarded to BC Hydro representatives on the Water Comptroller's Hearing panel in late September, 1976. The Terms of Reference for the report stemmed from two concerns:

- the “*impact of the transmission line construction on Dolan Creek water quality*”;
- and “*alternate methods for providing substantially greater water supply quantities within the Waterworks District*”.

¹⁶⁷ Noted on pages 1 and 16 of BC Hydro's May 31, 1983 submission to the Environmental Appeal Board.

Recommendations for various cost estimate scenarios for proposed improvements and alternate water supply sources were provided at the end of the report. It identified a number of things about the Dolan Creek Watershed Reserve, the most important of which was that its drinking water quality was considered to be excellent, information that Urban System's researchers retrieved from interviews with civil servants.

In general surface water sources in the Revelstoke area meet or exceed all the Department of Health chemical and physical parameters for drinking water. Chlorination of existing surface water supplies is required when regular bacteriological samples taken by the Department of Health give positive results. The Big Eddy Waterworks District to date has not had to provide chlorination facilities on the Dolan Creek water supply since the Department of Health bacteriological tests have been negative. In comparison to the Department of Health water quality standards also presented in Appendix A, the Dolan Creek water quality exceeds all Department of Health Standards and can therefore be classified as an excellent water source.

¹⁶⁸

The report, however, failed to provide critical background information on why the drinking water was of an excellent nature, namely that a *Land Act* Watershed Reserve had been established to protect it since 1950. Though the Watershed Reserve was officially noted on the Ministry of Lands Departmental Reference Maps and on the Ministry of Forests Forest Atlas Maps, no reference was made in the Urban Systems report to its legal tenure status, nor to the Reserve's recent re-establishment in 1973 as a Watershed Map Reserve by the community watersheds Task Force. In addition to the report's neglect to include the Reserve details, there should have been an acknowledgement of how the Trustees were responsible for maintaining the water quality by their decades-long insistence against logging and public access, information that may have been critical for the Big Eddy Trustees in their later public process skirmishes with the Nelson Ministry of Forests Region.¹⁶⁹ Nevertheless, Urban Systems provided recommendations against road access and road construction in the Dolan watershed, and quoted the recommendations by the Ministry of Health on the introduction of chlorination treatment of the water supply:

*To minimize the effects of the right-of-way, an access road through the Dolan Creek watershed paralleling the hydro line should not be constructed. Access roads should terminate at the point of entering the Dolan watershed on each side.*¹⁷⁰

*The Hydro right-of-way within the Dolan Creek watershed increases probability of positive bacteriological tests and therefore suggests the need for disinfection by chlorination. This conclusion has been confirmed through discussions with Health Branch officials [Wayne McGrath].*¹⁷¹

*Chlorination of the water supply may also result in complaints from the users.*¹⁷²

¹⁶⁸ Pages 9 and 26.

¹⁶⁹ As related later, the Ministry of Forests failed to include this background history in its final Integrated Watershed Management Plan report.

¹⁷⁰ Page 28.

¹⁷¹ Page 27.

¹⁷² Page 53.

Big Eddy tackles Hydro

Big Eddy Water District is in a major fight with B.C. Hydro and unless they can get some support the trustees fear their water supply will be seriously affected by Hydro's plans to construct a 500 k.v. transmission line through their watershed at Dolan Creek and residents of Revelstoke may end up staring at a large swath cut over the western mountains dotted by transmission poles and lines.

A letter dated March 16 to Mr. Hunt of the Water Resources Branch in Victoria from Mr. Kibblewhite, a public relations officer for B.C. Hydro states:

'On the upper portion of the Dolan Creek Watershed the transmission line will cross at approximately right angles to the creek and our preliminary profile shows that it will not be necessary to disturb the creek bed nor the side slopes.'

The letter goes on to state, 'You will appreciate that our line crossing in this fashion should have little if any deleterious effect on the water quality or quantity.'

The Weather

	MAX	MIN	PCPN
April			
6	15	-2	trac
7	15	2	1.3m
8	15	-1	nil.
9	8	0	4.6
10	17	2	nil.
11	15	0	.3
12	15	1	trac

'We have been in touch with the Big Eddy Watershed Committee on several occasions and late last year we agreed with them to relocate the transmission line route so that the easterly routing would be downstream from the Big Eddy Dam. This relocation has been done.'

Clayton L. Stacey, Chairman of the Big Eddy Committee strongly challenged the contents of Kibblewhite's letter charging in a letter of his own to Mr. Hunt.

'The (Big Eddy) Trustees still object to any crossing of our watershed. The revised line still crosses Dolan Creek Watershed and also interferes with watersheds of Wells and Griffith Creeks, ruining any plans we might have for future expansion to our system.'

Mr. Stacey said Big Eddy is trying to get the line put north of Dolan Creek. 'If they carry out their present plans,' said Stacey, 'Big Eddy's water supply would be diminished and machines and workers would disturb the ground, resulting in filthy water for the district.'

According to Stacey, clearing of the area has already been put in the hands of the Forestry who could begin almost immediately.

'Both sides of the dam will be cleared. One side is steep and stuff will slide into the water.'

Stacey added the Forestry has been told to do nothing until they notify Big Eddy but he wasn't particularly confident this would be done.

Mr. Stacey said the pri-

mary concern of the Big Eddy trustees was to keep Hydro out of the watershed but as citizens they also wanted to get Hydro off the mountain. The transmission line will be clearly visible from the city and the natural beauty of the mountain will be completely spoiled by the wide cut and power lines.

The trustees have asked that B.C. Hydro compensate the District by perhaps diverting Wells Creek or Griffith Creek into the present system because Dolan Creek Dam is at capacity; hook-ups now and expansion of services is largely due to the B.C. Hydro proposed Canyon Dam.

They have also asked Mr. Hunt for assistance in negotiating with Hydro. Mr. Stacey said Hunt assured him last Wednesday he would send Hydro people out to confer with Big Eddy but said Stacey,

'He has not control over them. If we haven't heard anything by Tuesday (yesterday) we may have to do something drastic. However I would think they'll be out before that.'

The trustees warned that if action isn't taken citizens could wake up one morning to the ugly sight of the line over the western mountain said Stacey.

'People of Revelstoke don't really realize what they can get themselves into. This power line is only one instance and will affect Revelstoke more than the dam itself.'

The Waterworks District has circulated a petition which last Thursday had over 200 names. A copy will be sent to the Water Rights

Branch, the B.C. Dept. of Health, Bill King, M.L.A. and Robert Bonner, Chairman of B.C. Hydro.

The trustees and Stacey also plan to make pleas for support to the Advisory Planning Commission and expressed the view that the Council and Chamber of Commerce should become involved.



The Revelstoke Kinette awarded the Inter-Club trophies. The attendance at Zone held Mary 27.

Members of the club Levesque, June Jackman, Front row, Kinette, G. Barbara Glover.

This is the first time th

Because of B.C. Hydro's proposed transmission line disturbances to the Dolan Creek Watershed Reserve, along with the expected influx of new residential units to the Big Eddy community from contract labourers to be hired for the Revelstoke dam project, the report recommended that the Big Eddy Waterworks District would either have to find an alternate water source or complement Dolan Creek from another source for additional water supply capacity.¹⁷³

Five options were considered. They involved the combination of water from other local watershed sources to the Dolan Creek supply, such as Wells and Griffith Creeks, nearby groundwater sources, or by tapping into the City of Revelstoke's water source, the Greely Creek Watershed Reserve, located just east of the City. Griffith and Wells Creeks were ruled out as alternate watershed sources due to lower water quality data resulting from previous logging activities and human access. Groundwater sources were also initially rejected because of the hardness of the water supply and possible contamination from wastewater seepage. The protected and intact Greely Creek Watershed Reserve was considered the best possibility:

*Although it is difficult to attach a dollar value to water quality, it is suggested that the extra capital cost of the connection to the City of Revelstoke system is justified from the point of view of the superior water quality achieved.*¹⁷⁴

Estimated capital costs for each of the options were provided, which included the construction of a large holding tank reservoir near the Dolan Creek intake:

- Wells Creek option, \$1,094,000;
- Dolan Creek supplemented by groundwater, \$568,000;
- groundwater only, \$706,000;
- Greely Creek connection, \$845,000 (with a reservoir), or \$672,000 (without).

Due to the anticipated increase of residential housing capacity associated with the Revelstoke Dam construction, both the City of Revelstoke and Big Eddy required detailed planning and cost assessments for upgrading their respective water utilities. As Urban Systems Ltd. recommended the option to connect with the City of Revelstoke's water supply, and to incorporate Big Eddy into the City of Revelstoke,¹⁷⁵ these options were later ruled out by the Big Eddy Trustees due to the implementation of increased residential taxes. As matters evolved, by 1982 BC Hydro would provide almost \$2 million for upgrading costs related to the City of Revelstoke's water distribution system from Greeley Creek. BC Hydro later stated that the \$2 million provided was done in anticipation of Big Eddy coming on line, a situation that never transpired politically.¹⁷⁶

¹⁷³ Urban systems hypothetically projected an influx of about 1,000 residents, for a total of 540 connections. This would double the amount of existing connections in 1976.

¹⁷⁴ Page 55.

¹⁷⁵ "The entire community, including, the City of Revelstoke, Big Eddy, South Revelstoke, Arrow Heights, and the proposed Hydro dam site, should be reincorporated as a single municipality." (Page i, Urban Systems, *Sub-regional planning study*, December 1976.)

¹⁷⁶ B.C. Hydro's submission to the Environmental Appeal Board, May 31, 1983, page 5. "The City insisted that the current upgrading program for a projected area population of 12,000 (cost estimate \$2 million) had to be increased for the projected Big Eddy population of 2,000."

5.6. The September 28th Hearing

On September 28, 1976 the former chairman of the Big Eddy Trustees, Clayton (Clay) Stacey, a sharp-witted, articulate, heavy duty mechanic, cross-examined BC Hydro's representatives Mr. Martin and Harold Gruber on the Water Comptroller Hearing's socio-economic (benefit/cost) panel.¹⁷⁷ Based on the original recommendations from the Ministry of Health for an alternate water supply, Stacey repeatedly asked if BC Hydro "was prepared to meet any and all costs to supply" the Big Eddy Waterworks District "with an alternate supply equal in quality and quantity to Dolan Creek due to the KV line crossing the watershed."



Author's photo of Clay Stacey, 2008

MR. MARTIN: *I think if we are going to stick to a consistent criteria if we are going to damage that supply by virtue of the work we are doing there then, we are obliged to replace it, but up to the limit of our impact on it.*

STACEY: *Then you will in fact supply alternate water up to the existing quality and quantity.*

MR. MARTIN: *Provided it's shown that our work or activity relates to that impact.*

STACEY: *I would think that this power line is part and parcel of the dam. I would think it would be part of the water licence that any deteriorating effect to anything on that particular phase would be almost mandatory that B.C. Hydro would guarantee to absolve this.*

MR. GRUBER: *We recognize that the transmission line is ancillary to Revelstoke 1880 and we are prepared to deal with the impact of that transmission line on the water system, we can live with that for a condition of the licence as long as it doesn't go beyond the realm of technological capability.*

STACEY: *You seem to be prepared to live with that as a condition of the licence but you are still not prepared to give a guarantee to supply water of equal quality and quantity that is now supplied through the Dolan shed.*

MR. GRUBER: *The same qualification would apply. We would guarantee that within the limits of physical and technological capability, which we do not know at this stage.*

¹⁷⁷ Transcripts Volume 16, pages 45-74. Other committees involved at the time were the Revelstoke Community Impact Committee, and the Revelstoke Project Co-Ordinating Committee. BC Hydro was not a regulated utility until 1980, and the BC Utilities Commission was not involved with the Revelstoke hearings.

STACEY: O.K. We can say that you will guarantee - - the original question to supply if technologically possible. Also on the same subject, as you know the Dolan shed is sort of a pressure tank you might say, to the Big Eddy water district, giving us roughly 70 to 75 pounds pressure depending on where we live, a pressure valve. Now with the demolition of the Dolan shed and the Big Eddy water reservoir it means that any supplementary water to that water shed will be at a greater cost due to the fact that we don't have that reservoir effect for pressure. Is B.C. Hydro prepared to shoulder that cost as well, the extra?.... The point that I'm trying to make here is this is a water rights hearing and the fact that things don't come up in this hearing may or may not be mitigated later at Hydro's discretion and if it is a condition of the licence it must be mitigated. As you know, the situation we have there now, we have been attempting for two years to boost our own supply because we are at a maximum and our cheapest way to boost it is to do something with Dolan Creek at a minimal cost and if this is subsequently destroyed it is going to be a very great cost to supply the people of Big Eddy, it's not our fault, we're not putting the power line through there and I would like a guarantee from Hydro that they will shoulder that cost.

5.7. The Debate over an Alternate Source

Immediately following the B.C. Hydro Revelstoke hearings, Wayne McGrath, the Vernon Department of Health Engineer, notified BC Hydro of its mitigation commitment responsibilities regarding an alternative drinking water source to Dolan Creek:

*This will acknowledge receipt of your reply to our Deputy Minister's letter of June 30, 1976 regarding the above referenced waterworks system. I have recently been advised by the Chairman of the District that B.C. Hydro has now offered to provide an alternate source of water supply for the District to replace the Dolan Creek supply. The Health Department is vitally concerned that an alternate source of water supply be obtained and made operable prior to any activity commencing within the Dolan Creek watershed. Considering the time that will be involved with negotiations, design and construction of any alternate source of water supply, we feel that a final decision must be made very shortly as to what alternate source will be provided. Due to the present limited capacity of the Dolan Creek watershed and also due to the uncertainty regarding the future quantity and quality of this supply, the Health Department has imposed a "freeze" on any future expansion of the District's distribution system. Once a definite decision has been made as to a suitable alternate supply, this "freeze" will be lifted. Therefore, could we please be advised when such a decision has been finalized.*¹⁷⁸

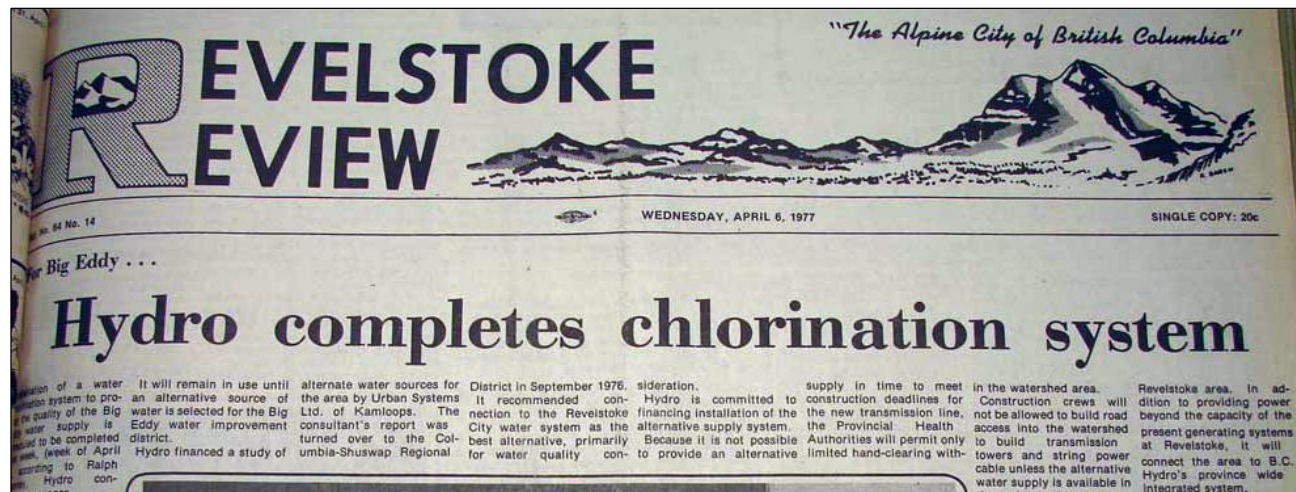
On December 1, 1976, the Comptroller of Water Rights provided a Conditional Water Licence agreement under the *Water Act* for B.C. Hydro's Revelstoke Dam. Under two subsections of the agreement, BC Hydro had to provide for mitigation measures and the approval of environmental guidelines for its construction plans. A separate clause stipulated to whom the fees were to be submitted:

(r) The Licensee shall prepare environmental guidelines for all construction-related activities, for the approval of the Comptroller of Water Rights, and shall in the course of such activities, adhere to environmental guidelines as directed by the Comptroller of Water Rights.

¹⁷⁸ Wayne McGrath, Vernon Department of Health Engineer, to G.J. Goldie, Manager, System Engineering Division, B.C. Hydro & Power Authority, November 5, 1976.

(s) The Licensee shall carry out programmes for the mitigation of adverse impacts on the local community as directed by the Comptroller of Water Rights in accordance with annual budgets prepared in consultation with appropriate local public agencies and approved by the Comptroller of Water Rights.

(x) The licensee shall reimburse the Minister of Finance for the costs and expenses of the PROJECT CO-ORDINATING COMMITTEE, to be appointed by the Comptroller of Water Rights, for the purpose of considering and making recommendations to the Comptroller in respect of the orders and approvals to be given by him with respect to those matters set out in clauses (k), (l), (n), (o), (p), (r), (s) and (v) of this Licence.



In February 1977, Wayne McGrath contacted BC Hydro about its obligation to install a chlorination facility for Dolan Creek. BC Hydro proposed to “provide chlorination facilities at the Dolan Creek intake as a temporary measure to continue providing domestic water to the Big Eddy Waterworks District.”¹⁷⁹ By March 1977, Hydro installed a chlorinator at the Dolan intake and agreed to pay the Big Eddy Waterworks District:

*\$1,500 per month plus the cost of power for operating the chlorinator for as long as it is required. In addition, B.C. Hydro has adopted transmission line construction techniques intended to limit the water-quality related damage to the watershed.*¹⁸⁰

Negotiations and considerations about an alternate source, however, proved to be tedious and difficult, and the negotiation process went into a stalemate for a period of three long years (1977-1979). Urban Systems’ main recommendation was to replace the Dolan Creek supply with the City of Revelstoke’s source at Greeley Creek, as it considered Revelstoke’s source to be slightly superior in quality to Dolan Creek. A second possibility was to simply supplement the Dolan Creek source with Greeley Creek water. Overall, the two Urban Systems reports urged the community of Big Eddy to incorporate itself with the City of Revelstoke. This recommendation led the Big Eddy

¹⁷⁹ February 11, 1977 telephone discussion with Harold Gruber, B.C. Hydro. In Wayne McGrath’s letter to G.J. Goldie, Manager, System Engineering Division, B.C. Hydro & Power Authority, February 14, 1977.

¹⁸⁰ J.W. Webber, Assistant to the Water Rights Comptroller, to R.H. Spinney, B.C. Hydro Construction Manager, April 10, 1978.

Trustees to investigate changes it would have to undergo related to new administrative governance and public taxes.

For instance, Big Eddy received a letter from the Ministry of Municipal Affairs on January 31, 1980, in response to its investigations of becoming a municipal service. The Ministry informed Big Eddy that the government was actively reviewing regional government reform, and provided a long list of administrative procedures for incorporation. The Big Eddy Trustees were both reluctant to complicate administrative matters and costs, and to hand over their autonomy and governance to the City of Revelstoke, as the community had its own strong and simple legal identity. BC Hydro, which was responsible for instigating the debate, found itself caught in the middle of the crossfire.

Matters regarding an alternate source were finally ironed out in a January 31, 1980 seven-page report.¹⁸¹ Regarding bulk water supply from the City of Revelstoke, the City outlined its terms and conditions in a letter to Big Eddy on October 25, 1979. Big Eddy discovered that it would have “*substantial initial and recurring expenses, and that these would be such as to result in a bulk supply from the City being more expensive than either the surface or groundwater alternatives.*”¹⁸² Costs related to other surface-fed watershed sources were also considered too high, and were ruled out, including disadvantages from degraded water quality conditions in other watersheds influenced by “*logging activities*”. The report concluded that:

*The results of the investigations carried out to date show that Dolan Creek represents the best and most economical source of water for the Big Eddy Water Works District. In view of the concerns which have been raised with respect to the possible changes in both the quantity and quality of water from this source if the transmission line is constructed, alternative sources to supply the District during periods of transmission line construction and subsequently to supplement the supply from Dolan Creek during peak demand periods have been examined.*¹⁸³

The alternative source described in the report was to come from nearby groundwater sources:

*It is recommended that the District proceed with the construction of a production well located close to the existing well, and that water be pumped from this well through the water distribution system to a concrete storage reservoir having a capacity of approximately 1400 cubic meters. An additional pipeline from the storage reservoir to tie into the distribution system, and silt control measures at the Dolan Creek intake should also be considered.*¹⁸⁴

With these matters finally settled, BC Hydro could then proceed with its end of the bargain before construction on the transmission power line right-of-way commenced. It then provided capital of \$850,000 for the construction of a 300,000 gallon concrete water storage reservoir beside the Dolan Creek intake, two wells, two 200 gallon-per-minute pumps, and supply line connections.

¹⁸¹ Project 1221, Big Eddy Water Supply, Project Memorandum 1221/7, Alternative Water Sources for Big Eddy, by C.R. Bland, professional engineer.

¹⁸² With the recent addition of a \$7 million filtration plant at Greely Creek, not including annual operations and maintenance costs, the City of Revelstoke now pays a higher premium for its water.

¹⁸³ Page 5.

¹⁸⁴ Pages 6-7.

5.8. The Transmission Line Construction Period through Dolan Creek

Despite never formally referring to Dolan Creek's conflicting legal tenure status as a Watershed Map Reserve – the legislation that excluded all dispositions on Crown lands within the Reserve – the Comptroller of Water Rights, Howard DeBeck, authorized BC Hydro to construct a transmission line through the Crown lands within the Reserve based upon an agreement signed on June 8, 1980. The agreement was conditional upon BC Hydro observing details in a six-page *Environmental Guidelines* document, which was approved by the Revelstoke Project Coordinating Committee on April 24, 1980:

1. Introduction.

The guidelines presented in the memorandum have been prepared on the assumption that an alternative water supply will be provided for the periods during which the transmission line will be constructed, and that Dolan Creek will supply Big Eddy with water after completion of construction. Dolan Creek watershed must be harvested in a manner which will maintain and protect water quality and yield.

2. Guidelines.

Contract documents for all proposed work within the watershed shall be submitted to the Big Eddy Water Works District's engineers for review prior to commencement of work. Access shall be restricted to personnel engaged in the work. No servicing of vehicles and equipment shall be carried out within the watershed except for small hand tools. Extreme caution shall be taken to avoid spills of fuel and oil. All spills that occur shall be cleaned up immediately. Contaminated soil shall be removed from the watershed. Portable self-contained privies shall be placed in areas which men are working, and the use of these at all times shall be strictly observed. No chemicals shall be permitted to be used within the watershed for pest or vegetation control. Fertilizers approved by the Big Eddy Water Works District may be selectively used to promote reestablishment of vegetation on erodible surfaces.

No logging shall be permitted between April 1 and December 1. Logging operations shall only be permitted at times when the snow-pack is determined by the Forest Officer of the Ministry of Forests to be sufficient to adequately protect the site from excessive ground disturbance. Treatment after logging shall not include broadcast burning.

Throughout the period of transmission line clearing and logging activities, the Big Eddy Trustees remained cautious and alert, and carefully and vigilantly monitored the operations.¹⁸⁵ Had the Trustees not done so, BC Hydro and the contractor would have gotten away with breaking a number of the conditions provided in the Water Comptroller's *Agreement*. As it turned out, the *Agreement* had to be amended because of a number of infractions committed by the logging contractor.

The voluntary monitoring of logging activities by the Big Eddy Trustees was extremely important for BC's water users/purveyors. Such actions that scrutinized logging contractors had rarely taken

¹⁸⁵ In early 1980, B.C. Hydro changed the right-of-way location of their transmission line from the location directly above the concrete dam and intake works, westward up the slope. "The dam and reservoir was in the middle of the right of way as evidenced by B.C. Hydro DWG # 50076 - T07 - X24. There was no consultation with Mr. C. Stacey on relocation above the dam. Mr. C. Stacey knew nothing of this route until field inspection in February 1980 with Knight and Piesold engineers, when checking for tributaries on right of way to Dolan." (Clay Stacey letter to Environmental Appeal Board, July 14, 1983.)

place, particularly under the legal circumstances related to a contractual agreement. For instance, the Greater (Metro) Vancouver's concerned citizenry never had the opportunity, and were prevented from monitoring and documenting first-hand the logging and road building activities that took place in the Greater Vancouver Water Districts' three watersheds, the Capilano, Seymour and Coquitlam from the late 1960s to the mid 1990s. As long as the conscientious and critical public was effectively barred from these three watersheds because of an historic no trespassing policy meant to keep the public out, and as long as Water District staff towed the bottom line, the forest industry could maintain its highly controversial standard refrain by government and private industry that logging would "*maintain and enhance*" water quality.

In late November 1980, the Ministry of Forests contracted a local logging company, Joe Kozek Sawmills Ltd., for the transmission line clearing. On December 8, 1980, forester Dave Raven¹⁸⁶ with the Ministry of Forests Revelstoke District office in Big Eddy was contacted by the Ministry of Environment's regional office in Nelson because of complaints that road building and logging had begun "*prior to an alternate source of water being made available to Big Eddy Waterworks District.*"¹⁸⁷ Evidently, things were off to a bad start.

A field inspection on December 17, 1980 by Big Eddy chairman Clay Stacey and MoF forester Dave Raven, discovered that a road right-of-way had an inadequate number of "*culverts constructed for the stream crossings which could create sedimentation problems to Dolan Creek*",¹⁸⁸ and that a clearing project landing was 10 meters distant from an intermittent stream, and 20 meters from Dolan Creek, in violation of the guidelines that called for landings to be situated 100 meters from "*streams and gulleys*". The inspection also noted that the bridge crossing approach would disturb stream banks. A revised guidelines document was then agreed to with the Water Comptroller to accommodate these changes. The Ministry of Environment noted:

*The cutting permit incorporates many of the environmental guidelines set out in the water licence, however some have been amended and will likely result in Dolan Creek receiving sediments and flowing dirty during wet periods of the year. [Mr. Stacey was] advised that their dam on Dolan Creek will require annual maintenance as a result of the heavily sedimented water. It is the opinion of this office that based on the amended environmental guidelines being utilized and the proposed harvesting plan for the transmission line clearing, that every spring freshet and severe rain storm will result in Dolan Creek being unsuitable for domestic use for the next three to five years.*¹⁸⁹

On February 9, 1981, the Big Eddy Trustees forwarded a letter of concern to the Revelstoke Impact Committee, complaining about the transmission line logging:

*The apparent abuse of the environmental guidelines on the clearing of Dolan Creek will necessitate use of the pumping alternative for about ten years. As a result of this the B.C. Hydro & Power Authority should be advised that it may be necessary to fund yet another alternative water supply in the event of failure of the present untested pumping station.*¹⁹⁰

¹⁸⁶ Dave Raven would later be elected as the mayor of Revelstoke City, 2008 following.

¹⁸⁷ Ken Gorsline, Water Management, Nelson, to Comptroller of Water Rights, January 8, 1981.

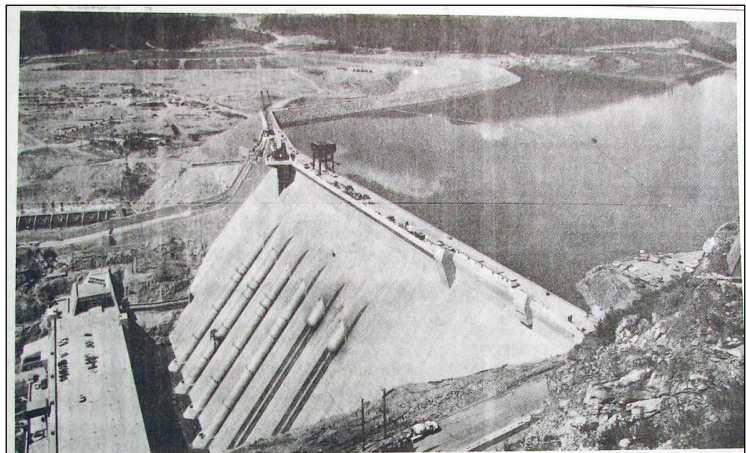
¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Big Eddy to George Evans, Chairman, Revelstoke Impact Committee, February 9, 1981.

As a result, another field trip to the Dolan Creek clearing and construction site was organized, this time with an entourage of visitors: Ken Gorsline and John Dyck of the Water Rights Branch in Nelson City; Kevin Campbell with BC Hydro; Phil DesMazes with Joe Kozek Sawmills; foresters Dave Raven, Paul Dean, and Paul Kuster with the Ministry of Forests District office in Revelstoke; Harry Quesnel and Tom Braumadl with Nelson City Ministry of Forests Regional office; and Clay Stacey and Lloyd Good of the Big Eddy Waterworks District. This resulted in having the forest licensee commit to six further conditions to “complete their obligations”, cleaning out logging debris in the stream channel, removal of a temporary bridge, removal of slash and debris, upgrading road ditching, grass seeding:

*The Forest Service will monitor the Dolan Creek area on a weekly basis (more often during heavy rains or warm spells). This will be done until the breakup period is over.*¹⁹¹



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Five months later, Michael Taylor, the chairman of the Revelstoke Community Impact Committee, provided a summary review report of the transmission line impacts, along with further cost and mitigation recommendations for BC Hydro. The first recommendation called for BC Hydro to pay 70 percent of the operating and maintenance costs for Big Eddy's new groundwater pumping station over the next five years, because, as found in the Water Comptroller's Hearings in 1976, Hydro's Revelstoke dam project was responsible not only for the degradation of Big Eddy's water supply, but also for increased residential occupancy in Big Eddy. These costs, along with a pump alarm system, amounted to an additional \$28,000. The third recommendation involved rehabilitation costs to the Dolan Creek watershed:

Clearing of the transmission line right-of-way in the Dolan Creek watershed by the contractor working on behalf of British Columbia Hydro did not take place in accordance with the environmental guidelines established by the Project Co-ordinating Committee. Concerns raised by the District and others concerning unnecessary damage to the watershed prompted Hydro to agree that a consultant would be retained to assess this damage and consider rehabilitative works. To help ensure that Dolan Creek can provide an acceptable source of

¹⁹¹ L.P. Kuster, Operations Superintendent, Revelstoke Ministry of Forests, Brief Summary of February 25th, 1981 Fieldtrip to Dolan Creek, T.S. A10326.

*domestic water at the end of five years, it is recommended that this assessment be done and that suitable remedial measures be carried out within a suggested budget of \$5,000.*¹⁹²

Had BC Hydro, the BC Forest Service and the Social Credit Party administrative government respected the legislative protective tenure status of the Dolan watershed as a Watershed Map Reserve, all of the combined grief, accumulating financial and environmental costs that had unfolded since 1975 would have been appropriately avoided.

The violation calamity of the Dolan Creek Reserve was symbolic of events unfolding throughout British Columbia's other Watershed Reserves.

¹⁹² July 27, 1981.

6. THE ROAD TO THE ENVIRONMENTAL APPEAL BOARD

In August 1981, there were two outstanding issues that followed the recommendation report of the Revelstoke Community Impact Committee regarding BC Hydro's transmission right-of-way through the Dolan Creek Watershed Reserve:

- the first was related to the rehabilitation of the BC Hydro transmission line construction area in the Dolan Creek watershed which the Big Eddy Trustees continued to carefully monitor, and;
- the second was a dispute from the Big Eddy Water District on insufficient financial compensation costs from B.C. Hydro, a concern that led to a formal complaint to the Environmental Appeal Board.

6.1. Skirmishes about Additional Funding

Clay Stacey, chairman of the Big Eddy Trustees, wrote a letter of response to the Revelstoke Community Impact Committee's report recommendations of July 27, 1981:

We cannot agree with [the] recommendation that British Columbia Hydro not assist in upgrading cost. The Trustees of the Big Eddy Water District have worked very hard to keep cost to a very minimum so as to give our people the benefit of low cost water. We feel that the system now supplied by British Columbia Hydro funding should also be maintained by said British Columbia Hydro & Power Authority to maintain the low rates, or all our work and planning is of no consequence.

The cost of operating system should be closely monitored and funds regulated accordingly. The water flow in Dolan Creek will be considerably reduced from the clearing and because of British Columbia Hydro's activities in the water shed, it will be necessary to chlorinate and possibly filter whenever using Dolan Creek system. We find no allowance or funding made for this expense when we go back to Dolan Creek.

The cost of operating Dolan Creek system prior to British Columbia Hydro's entering our watershed was roughly \$200 a year. Present cost should continue to be Hydro's responsibility until it is proven Dolan Creek is restored to original quality and quantity. The District is also faced with an additional cost of \$1,000 or over for insurance alone for the new system. Since the Big Eddy Water District's beginning, successive Board members have worked very hard and put in many hundreds of hours their free time as well as booking off work without pay to give this community a good supply of excellent water at as low a rate as possible. Before British Columbia Hydro & Power Authority became involved with the power line through Dolan Creek water shed, the successive Trustees achieved their goal. They had done this by good planning, such as building the dam on Dolan Creek so as to allow for easy raising of the height to triple the water reserve to around 300,000 gallons.... These long range economical measures were made redundant by British Columbia Hydro's entering Dolan Creek water shed, thus the system installed and funded by B.C. Hydro was made necessary after attempts to secure service from other sources failed. If all recommendations by Water Management

Branch are followed - how does the present Trustees tell their people they have to support this high cost system made necessary by British Columbia Hydro & Power Authority.

BC Hydro also responded to the Revelstoke Community Impact Committee's report, but not until October 20, 1981. As Hydro stated to the Committee at a meeting on August 13:

*B.C. Hydro will not agree to any additional funding for the Big Eddy Water system unless so directed by the Comptroller of Water Rights. Although B.C. Hydro considers a rehabilitative period of five years for the Dolan Creek watershed to be excessive, B.C. Hydro agrees that an assessment should be made of the measures required to rehabilitate the Dolan Creek watershed from damages caused by transmission line clearing and construction, and to fund such remedial measures up to \$5,000.*¹⁹³

The Big Eddy Waterworks District forwarded a second letter to the Revelstoke Community Impact Committee chairman on December 11, 1981, reinforcing their concerns about financial compensation from BC Hydro.

The Big Eddy Water District would like to point out that the cost of operating, maintaining and replacement of pumps was an expense not required prior to B.C. Hydro's transmission lines entering Dolan Creek watershed. Due to B.C. Hydro's activities in Dolan Creek water shed, some type of filter system will be required before Dolan Creek can be put back in operation. Also reduced water flow during summer months will now have to be compensated by pumping. Enclosed, please find actual cost of operating chlorinator for 1980 - an average of \$250 per month. We believe B.C. Hydro should be required to compensate Big Eddy Waterworks for this extra cost if Dolan is put back in operation. In summary, the many costs to the Water District made necessary by B.C. Hydro & Power Authority entering Dolan water shed, should be paid for by B.C. Hydro as agreed by B.C. Hydro at the hearing into the water licence; the District should not have to pay these extra costs. Why should a small segment of the population of British Columbia be penalized by higher water costs so the rest of B.C. can enjoy cheaper power?

However, it wasn't until March 24, 1982, that P.M. Brady, the new Comptroller of Water Rights, finally responded to concerns forwarded by the Big Eddy Trustees, along with correspondence of support from W.S. King, the New Democratic Party M.L.A. for the Riding of Shuswap-Revelstoke:

I concluded that the impacts of the Revelstoke Project on the District did not warrant compensation over and above the money and works which have already been provided plus the amounts contained in the recommendations. With reference to the twenty-eight thousand dollars proposed as compensation in the July 27, 1981 report, it must be noted that this was simply a set of recommendations from one member, albeit the Chairman, of the Committee. The purpose of the report was to assist the Committee as a whole in reaching a decision. As it turned out, the Committee concluded that something less than the package recommended was appropriate. By providing the report to the District in an effort to be as open as possible, the Committee apparently raised false expectations. However, I did not consider it appropriate to allow this to influence my deliberations.

¹⁹³ R. H. Hunt, Vice President, Engineering Projects, to Chairman G.F. Cox, Revelstoke Community Impact Committee, Water Management Branch, Victoria. October 20, 1981.

Lloyd Good, a railway engineer with the Canadian Pacific Railway Company, and the new chairman of the Big Eddy Trustees who replaced Clay Stacey in April 1982, responded to the Comptroller's letter on April 26, 1982:

We the Trustees of the Big Eddy Waterworks District urge you to reconsider your decision in regards to operating costs of the Big Eddy water system. Enclosed please find the total operating costs from March 1981 to March 1982 [\$12,285] ... these costs are directly related to B.C. Hydro's intrusion in the Dolan Creek watershed. The experts tell us that in 5 to 6 years, the damage done by the transmission lines in Dolan Creek will have repaired itself so that we could go back on this supply. We would like to point out that before Dolan Creek can be used, some type of filter system would have to be installed at the water intake. The cost of this filter is also directly related to B.C. Hydro's activities in Dolan Creek watershed. We do not believe the people in Big Eddy Water District should be required to subsidize the building of the Revelstoke Dam by being required to pay a higher water fee.

The BC Water Comptroller responded on June 4, 1982 by objecting to Good's statement about higher fees being a "subsidy" for the Revelstoke Dam. Brady also made a comparison of rates being paid by other Waterworks Districts, such as Canal Flats, Sicamous, and Sorrento, and stated that Big Eddy was paying less for maintenance and power supply costs than those others. He also stated that he would be writing a press release on this matter.

Lloyd Good then responded with a letter on June 17 and then former chairman Clay Stacey on June 28, where they challenged the Comptroller's arguments and presented him with more costs:

*Due to the large increase in Hydro rates and the long hours the electric pumps are operating, it appears it will be necessary to go back to Dolan Creek water supply as soon as possible. Because heavy rain fall or mild weather will create a heavy run off in Dolan Creek, it will be necessary to build some type of filter system to prevent the storage tank and distributing line from being plugged with silt. Would you please advise what type of filter would be suitable for the Dolan Creek water system; and also a cost estimate to build, install and maintain this filter system.*¹⁹⁴

*In your letter of June 4th, you compare our operating cost with Canal Flats, Sicamous and Sorrento. This I fail to understand: the only fair comparison is our cost before B.C. Hydro & Power Authority entered into Dolan Creek watershed and our operating cost. Furthermore, we are not aware of water rates in Canal Flats or Sorrento, but as a home owner in Sicamous and also a Board member, we are aware of Sicamous rates of \$31.85 for three months or \$127.40 per year which is far from the reasonable rates the Big Eddy Waterworks have been able to provide before B.C. Hydro and Power Authority entered into the Dolan Creek watershed. Possibly the Government's austerity program has had an influence on your decision. In that case it would be a false influence, as the Big Eddy Water District have been on an austerity program since incorporation. Your decision would shift B.C. Hydro's responsibility to the water users of the Big Eddy Water District at the licence hearings in 1977 [sic, 1976]. If this decision of your office is allowed to stand, I still say we are subsidizing B.C. Hydro & Power Authority's 1880 Dam at Revelstoke.*¹⁹⁵

¹⁹⁴ June 17, 1982.

¹⁹⁵ June 28, 1982.

The Water Comptroller responded to both letters on July 13, 1982, wherein Brady concluded that BC Hydro had already provided enough financial compensation for all related costs. He summarized that the “*District has been treated fairly*” and that “*Hydro has met its commitment*”:

Finally, I must comment on your proposal to construct the filtration works. It is my position that the pumping installations and associated works funded by B.C. Hydro and agreed to by the District were constructed to meet the same purpose as the proposed filtration works. Therefore, as this purpose is already met, the costs of these works cannot be attributed to the Revelstoke Project.

On February 3, 1983, G.F. Cox, the Chairman of the Revelstoke Community Impact Committee wrote to the Big Eddy Trustees that final payment was being provided to them from BC Hydro’s Trust Account, in the arrears of \$8,000. The Comptroller of Water Rights also made a final determination on the matter in a February 1, 1983 letter to the Big Eddy Trustees, wherein he also mentioned that Big Eddy had the option to appeal his decision with the Environmental Appeal Board:

*It is well understood that the cost of operation and maintenance is part of the mitigation and cannot be considered as a separate issue. It has also been established by people from your department as well as our engineering firm, that a filter would be necessary before Dolan Creek could be put back into operation. Please advise us the name of the Chairman of the Environmental Appeal Board. We feel it is unfair that after waiting six months for your reply and decision, we are given less than 30 days to appeal. We found no environmental Appeal Board regulations enclosed with your letter. Would it be possible to forward them as soon as possible or have the Chairman of the Environmental Appeal Board contact us.*¹⁹⁶

6.2. The Grazing Permit Application on BC Hydro’s Right-of-Way

To add insult upon injury, the Big Eddy Trustees received a notice from the Ministry of Forests’ Revelstoke Forest District office on February 8, 1983 regarding an agricultural grazing permit application for “*twelve head of horses*” along BC Hydro’s right-of-way within the Dolan Watershed Reserve. They replied:

*The Trustees are very disappointed that fences haven’t been erected at all roads and openings that were built and used by logging contractors who cleared the R/W and also contractors who erected towers; which lead into Dolan Creek watershed. It was our understanding that under the Environmental Guidelines that this work would be done. We strongly object to the grazing of any types of animals or intrusion in the proximity of Dolan Creek watershed, as yet there are no fencing off access to said shed as per agreement. We also intend to resume operation of Dolan Creek as a water supply as soon as possible and any grazing near the said watershed will undoubtedly mean animals would enter our watershed. Hoping this application is denied by your department to protect our water system.*¹⁹⁷

¹⁹⁶ Lloyd Good, Chairman of the Trustees, to P.M. Brady, Water Comptroller, February 8, 1983.

¹⁹⁷ Lloyd Good, Chairman, Big Eddy Waterworks District, to the Ministry of Forests District Manager, Revelstoke, February 14, 1983.

Why Revelstoke Forest District Manager Harvie did not immediately reject the grazing permit is not known. Certainly, given the long, agonized history of the disputes with and position of the Big Eddy Waterworks District, the MoF would have anticipated Big Eddy's response.¹⁹⁸ As expected, the grazing permit application was subsequently denied.

6.3. The Environmental Appeal Board Hearing and Findings Create a Provincial Precedent

On February 23, 1983, the Big Eddy Trustees took Water Comptroller Brady's advice and filed an appeal to the provincial Environmental Appeal Board:

... in connection with compensation and mitigation by B.C. Hydro and Power Authority for damage to Dolan Creek watershed and the cost of operating alternating water supply. We believe the Comptroller has reversed the commitment agreed to at the water licence hearing in September of 1976.

The Trustees received confirmation of their appeal application from the Chairman of the Appeal Board, F.A. Hillier, and were requested to provide more information. On March 15, Hillier notified BC Hydro of the appeal and asked it to provide "*information which would help the Board in coming to a decision on this matter.*" Big Eddy provided the added information to the Appeal Board on March 24, stating:

- (a) Hydro and the Comptroller were not conforming to their commitments as stated during the Hearings in 1976;*
- (b) annual costs related to the pumping of well water were well beyond that which the District expended prior to B.C. Hydro damaging their water supply from Dolan Creek;*
- (c) the District wants B.C. Hydro to pay for "these tremendously high operating and maintenance costs.*

Darlene Barnett, Solicitor for BC Hydro's Legal Division on the 18th floor of its former headquarters located on the corner of Burrard and Nelson Streets in downtown Vancouver, requested the Environmental Appeal Board to forward her a copy of Big Eddy's appeal, in anticipation of the hearing scheduled in Revelstoke's Community Centre on May 31, and June 1, 1983. In a subsequent letter, the Appeal Board stated to Barnett:

You will have the opportunity at the hearing to make a presentation, and will be subject to cross-examination by the appellant, the Comptroller of Water Rights and the Board. You will also have the right of cross-examination.

Barnett prepared a 23-page submission for the Revelstoke hearing. In her cover letter Barnett stated that BC Hydro agreed with the Water Comptroller's February 1, 1983 "*analysis and decision*", and that the Appeal Board "*reject the Appeal*" by the Big Eddy Waterworks District. The submission

¹⁹⁸ The Ministry of Forests has provided cattle and horse grazing permits along BC Hydro's right-of-way in other domestic and community watersheds. These are controversial issues, one of which was reviewed by the Forest Practices Board (June 2002). The BC Tap Water Alliance summarized this review in chapter 5 of its June 30, 2002 presentation to the government's Results Based Code Review Panel, *Results-Based Management of British Columbia's Drinking Water Source Watersheds*.

covered a lot of ground, and detailed, chronologically, the unfolding of events over an eight-year period glossed from transcripts, reports, correspondence, and meeting minutes. In her presentation that summarized facts on why BC Hydro was to provide an alternate source to Dolan Creek, Barnett, however, failed to include the September 1975 correspondence from the Ministry of Health, which was responsible for the directive to do so. All costs incurred by BC Hydro related to the Dolan watershed and an alternate source amounting to \$1,112,538 were included, and Barnett argued that BC Hydro had fulfilled its obligations and provided sufficient funds to date. Barnett also included a summary on the financial advantages and disadvantages of the state of the Dolan watershed and the groundwater alternate site, which included the following:

(f) A disadvantage of a new system is that the wells, at some future date, (approximately 20 years) may have to be redeveloped by acid treatment.

(g) The new pumping system and reservoir require power to operate and the cost of this power is an added liability to the Big Eddy Waterworks District.

(d) The maintenance requirements for the wells be less than those for the Big Eddy Dam intake. During the freshet there would be a relatively high amount of suspended solids in the Dolan Creek which would result in the requirement for annual cleanout of the intake. These suspended solids would also infiltrate into the distribution system and result in sediment in the pipelines which again would result in flushing out of the lines on an annual basis.

*(c) **The quality of water coming from the wells will be more consistent than that of the Dolan Creek watershed supply. The Dolan Creek water supply was a surface water supply and was therefore subject to contamination** [bold emphasis].*

Contrary to the Urban Systems report findings of October 1976 – the consulting company that BC Hydro retained for the Big Eddy Waterworks District – **BC Hydro introduced a new argument, insinuating through Barnett’s section (c), above, that Dolan Creek may not have been such an excellent source of water quality after all!** B.C. Hydro was, apparently, conjuring up this inference in order to make it appear as though the groundwater replacement and augmentation to Dolan Creek was of a superior nature.

To bring credence to BC Hydro’s new twisted line of reasoning, two weeks later the Environmental Appeal Board received a letter from M.R. Smart, Medical Health Officer and Director of the North Okanagan Health Unit, to support and validate the inference by BC Hydro about Dolan Creek being a tainted and unreliable source:

I have been informed by a Mr. Webber of the Ministry of Environment that at the above hearing, representatives of the Big Eddy Water District stated that prior to 1977 no positive samples had been obtained from their water system. I regret that our records prior to 1975 have been destroyed and I therefore cannot provide laboratory evidence of faecal contamination. I can state however that Mr. Kirk, Chief Public Health Inspector for this Unit would be willing to provide you with a statement that beaver were residents of Dolan Creek and the dam basin for a number of years prior to 1977. He and I would not hesitate to state that positive faecal coliform samples were obtained prior to 1974 although we cannot document that fact. From the above results one would have a great deal of difficulty in

*ascertaining when B.C. Hydro intruded into the Dolan Creek watershed. I would respectfully submit that faecal coliform contamination of Dolan Creek was present prior to 1977.*¹⁹⁹

On July 14, justifiably angry Big Eddy Trustee Clay Stacey forwarded a letter to the Environmental Appeal Board stating, emphatically, that beavers had never resided nor been found in Dolan Creek since the Big Eddy Waterworks District began supplying domestic water to its customers:

As for beavers being resident in Dolan dam and creek above dam: we have not at any time found evidence of beavers being in Dolan dam or creek. This is a fast flowing stream barren of poplar trees, the main food source of beavers, so is not conducive to beaver habitat. As anyone knows beavers require slower streams with level grounds to build dams, store food, also available food to store. Mr. Smart evidently is not up to his knowledge of beavers.

The beaver story was becoming a very serious matter. Strangely, Dr. Smart's accusations were in contrast to statements by his own staff, for instance the comments from Public Health Engineer Wayne McGrath in 1975 already mentioned. In a telephone interview by this report's author with Lloyd Good in 2004, Good recalled and described how he personally confronted Dr. Smart concerning his comments about beavers in Dolan Creek at a public meeting, where he openly invited Smart at that meeting to accompany him into the Dolan watershed, and that if Smart would find a tree, or a branch, or even a twig with beaver marks on it, Good promised that he would eat it right in front of him. Good said that Dr. Smart refused to go to the Dolan watershed with him, and then Good emphatically stated to Smart that if he ever brought up the matter again, he would see fit to have the government fire him.

It was apparent to the Big Eddy Trustees that Health Officer Smart was fabricating his account about the beavers. But why would he do so? Was he pressured by someone into it? And if so, who? These are critical questions, and there may be no available answers to them now. It was clearly all tied into BC Hydro's – and therefore the Provincial Government's – liability for disturbing the Dolan Creek Watershed Reserve (while nothing was stated in any documents with the Environmental Appeal Board about the *Land Act* Watershed Map Reserve tenure, and its legislative significance),²⁰⁰ and the financial compensations provided for the Big Eddy Waterworks District during the Appeal Board review.

As part of its decision, the Environmental Appeal Board provided four final recommendations:

- (1) That rehabilitation of the watershed area be expedited by the parties responsible;*
- (2) That all of the remedial measures identified by the representatives of the Water Management Branch be completed by the earliest possible date;*
- (3) That the watershed in future be closed and secured from public access by foot, horseback, and wheeled or tracked vehicle;*

¹⁹⁹ M.R. Smart, M.D., F.R.C.P. (C), Director and Medical Health Officer, to Jack Moore, Chairman, Environmental Appeal Board, Victoria, June 15, 1983.

²⁰⁰ I.e., no references were made to the Dolan's tenure status as a Watershed Reserve in the Appeal Board's *Judgement* (Appeal No. 83/04 Wat).

(4) That the watershed be inspected annually for any indication of environmental disturbance and damage.

These were very important recommendations by the Environmental Appeal Board, the nature of which looked to the future protection of the Dolan Creek watershed. In addition, the Board decided that the final amount of \$8,000 to the Big Eddy Water District, as recommended by the Water Comptroller, should be increased to \$20,000.

Board renders decision on waterworks appeal

A decision from the Environmental Appeal Board has finally been reached on Big Eddy Waterworks' appeal submission, but not all recommendations have satisfied the chairman of the waterworks, Lloyd Good.

In the panel's recommendations, it was stated that rehabilitation of the Dolan Creek watershed area be expedited by parties responsible and that all remedial measures identified by the representatives of the water management branch be completed by the earliest possible date.

It went on to include that the watershed in future be closed and secured from public access by foot, horseback and wheeled or tracked vehicles.

It was also recommended that the watershed be inspected annually for any indication of environmental disturbance and damage.

incursion into the Dolan Creek watershed.


"The comparison clearly suggests that the water district is much better off than before and that it can reasonably expect to resume use of its Dolan Creek watershed in a relatively short period of time, if it so desires," the chairman stated.

Big Eddy Water District Chairman, Lloyd Good said he was satisfied with the recommendations but was disappointed with the amount of money for final payment.

"Sure we received more money than before but it still won't cover the cost of chlorinating our water when we switch from well water back to Dolan Creek.

"It will probably cost the water district about \$250 a month to chlorinate the water and I still believe it is a direct result of B.C. Hydro's intrusion into the watershed," Good stressed.

Reiterating his comments on the recommendations, Good said, "I just hope they are fulfilled. We've lost enough time already and I sure don't want to lose another year."



**LLOYD GOOD
BIG EDDY
WATERWORKS
CHAIRMAN**

There is another aspect related to the findings of the Environmental Appeal Board that was not understood by the Big Eddy Trustees at the time. In the early 1980s, communities in the Kootenays, who were continuing to be opposed to the provincial government issuing commercial tenure resource permits in their drinking watershed sources, demanded the government provide liability compensation for damaging their water supply sources, an issue narrated in Chapter 9. Top administrators in the BC government were therefore very concerned and sensitive about the implications of the Environmental Appeal Board Hearing regarding related issues raised in the Kootenays.

7. THE STRUGGLE FOR CONTROL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.2. More Logging Proposals for Dolan Creek

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI TIMBER MANAGEMENTI. Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B.) *In the fall of 1982, the authorized forest companies in Revelstoke agreed upon 20 Year Operating Areas. According to that exercise, the entire Dolan/MacPherson Management Area made up one of two operating areas for Joe Kozek Sawmills Ltd., and W. & S. Kozek. Their combined Annual Allowable Cut is 9,210 cubic meters. While the 20 Year Operating Area exercise was not etched in stone (i.e., it will be subject to review every 5 years), it does provide a short term scenario and a basis for planning.*

(C.) *Another goal of the Ministry of Forests Harvesting Program is to ensure that in the planning and execution of timber harvesting proposals, due recognition is given to the integration of other resource values in order that they may be maintained or enhanced. This is accomplished primarily through a referral process whereby all interested or concerned groups are identified and consulted (in person, by telephone or by mail) regarding their input towards operational plans. Field trips and/or meetings may be required and operational plans may be subject to change prior to final approval by the Ministry of Forests' District Manager.*²¹⁵

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

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

All lands in the Province of BC are represented and categorized by numeric symbols according to Ownership Codes. Government planning staff always refer to and include these Ownership Codes when making land use permit decisions and tenure dispositions through the standard practice of Clearance status procedures.²¹⁶ Such coding is critical for determining which

lands are and are not subject to forest harvesting and range livestock resource management for the



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

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

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

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

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

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

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

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

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

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

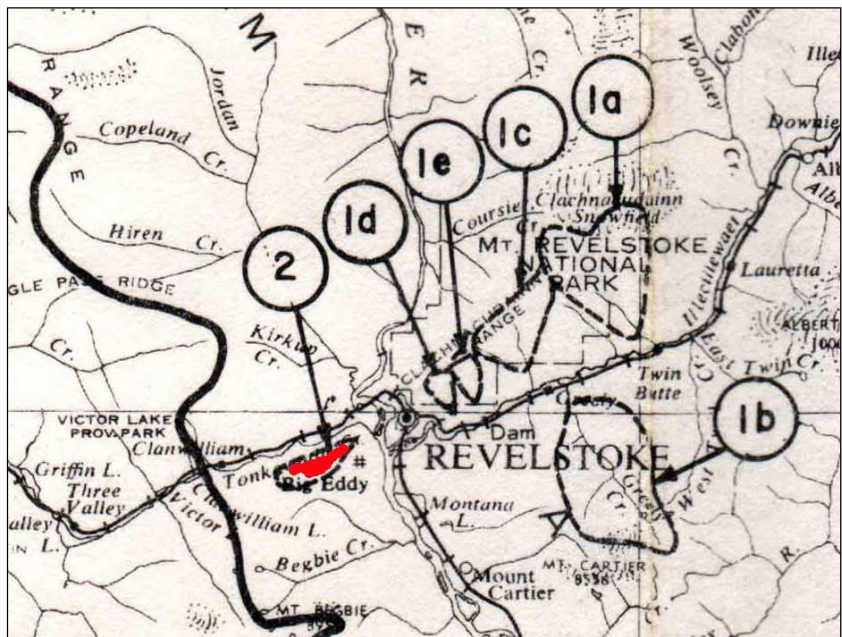
NELSON		FOREST DISTRICT		SECTION 3.7 PAGE 1	
REVELSTOKE		WATER DISTRICT			
WATERSHED		USER		DRAINAGE LAND	
				AREA STATUS	
NO.	SOURCE	NAME	POPULATION	SQ. MILES	
1D	BRIDGE CR	REVELSTOKE (CITY)	210	1.7	CR 100%
2	DOLAN CR	BIG EDDY (IMP DIST)	758	1.7	CR 99%
1C	HAMILTON CR	REVELSTOKE (CITY)	685	5.6	CR 100%
1E	NAPOLEON CR	REVELSTOKE (CITY)	145	1.2	CR 100%

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

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

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

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



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

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

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

Prior to the finalization, publication and government approval of the 1980 Community Watershed Guidelines document, internal recommendations on Category One Watershed Reserves from the Ministry of Forests²²⁰ made it very clear that logging in these Reserves was to be off limits:

*Re your request for comments on the proposals for guidelines for watershed management of Crown land used as community water supplies, I comment as follows. With respect to Class 1 watersheds, i.e., less than six square miles, it is very unlikely that there would be logging development except under the direct management of the community responsible for the watershed.*²²¹

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

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

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

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

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

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

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

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

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

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

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

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

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

7.4. The Government Notifies the New Guinea Pig

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

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

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

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

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

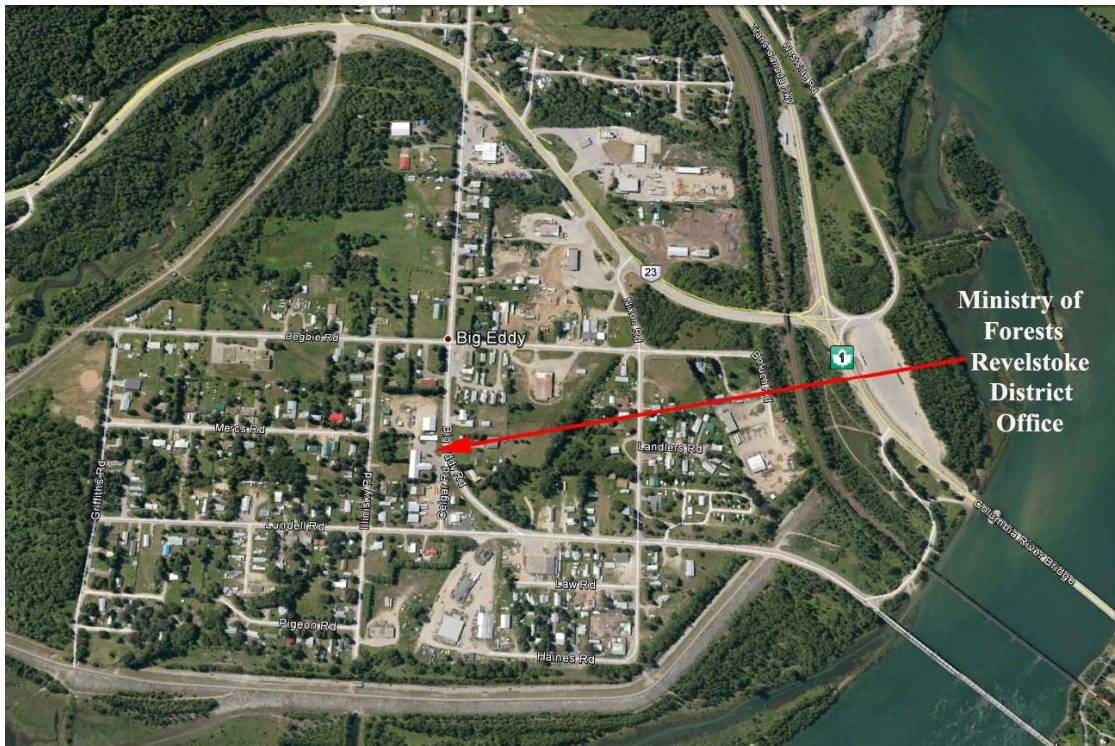
²²⁵ J.P. Sedlack, District Manager, Kootenay Lake Forest District, to Gordon Erlandson, Regional Resource Planner, Nelson, September 25, 1981.

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

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

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

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



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

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

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

Ministry of Forests commences plan

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

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

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

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

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

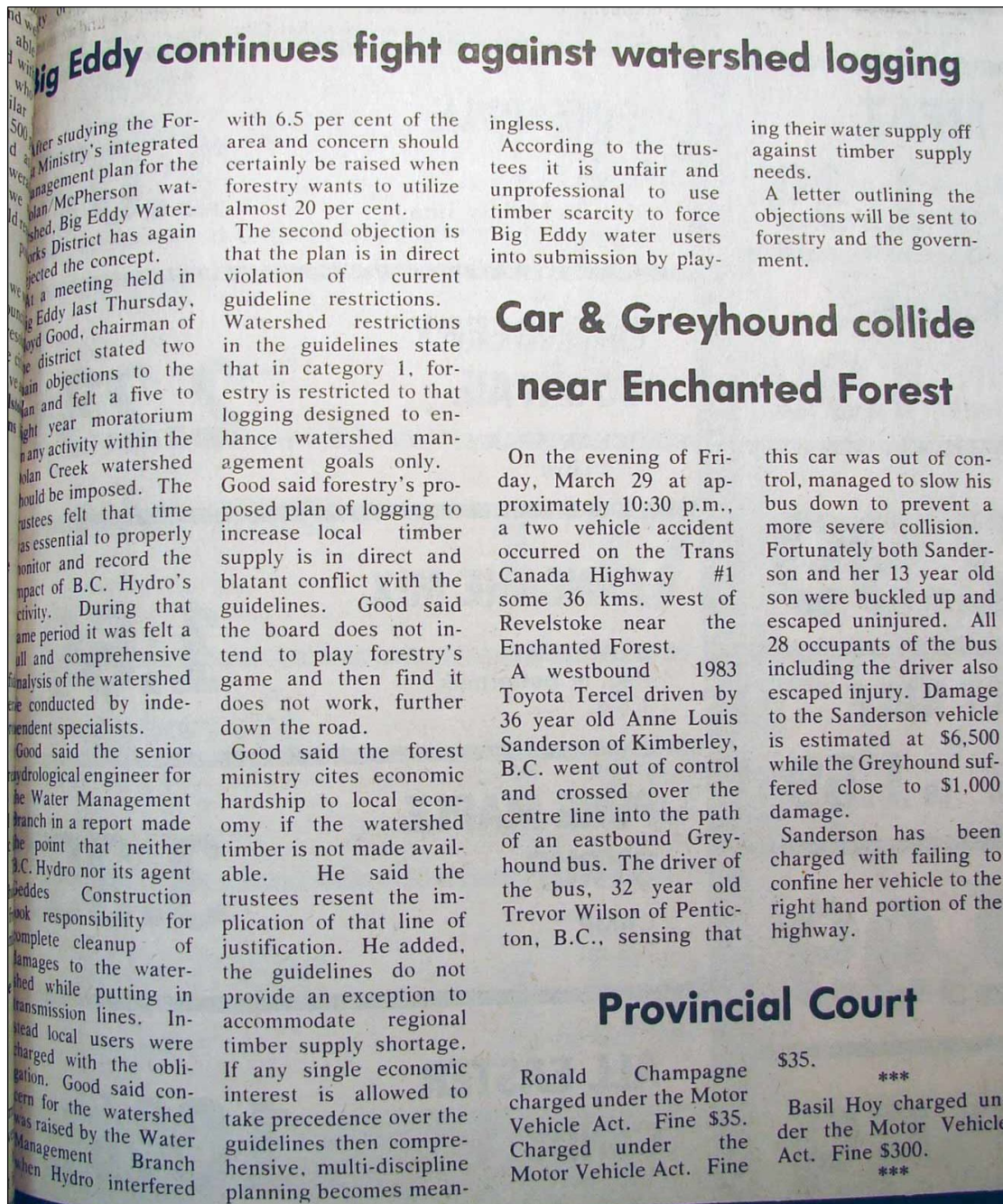
It is expected that a detailed five year development plan will be prepared with an additional 15 years of anticipated development. The resultant 20 year plan will be reviewed annually and updated when necessary. The plan will also be monitored regularly by Ministry of Forests staff to ensure that it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

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

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

7.5. The IWMP Process for Dolan Creek

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



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

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

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

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

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

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

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

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

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

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

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

Fears Dolan Creek logging could damage watershed

by Suzanne Bilic

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

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

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

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

The Forest planners'

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

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

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

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

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

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

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

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

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

Logging of local watershed areas makes some people uneasy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provincial Court

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

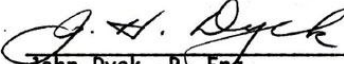
²³² Gordon Erlandson, Planning, Nelson Ministry of Forests Regional office, to Bruce Fraser, Public Involvement Coordinator, Planning Branch, Ministry of Forests, Victoria, October 8, 1981.

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


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

Dolan/MacPherson Integrated Watershed Management Plan
Prepared by
Ministry of Environment, Water Management Branch, Nelson
Ministry of Forests, Revelstoke Forest District

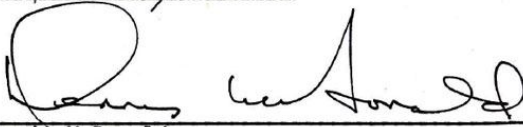
May 1985
Amended November 1986
Amended February 20, 1987

Recommended by: 
John Dyck, P. Eng.
Regional Water Manager
Nelson Region


DATE: May 26, 1987

Recommended by: 
Tom Harvie
District Manager
Revelstoke Forest District

DATE: April 27/87

Approved by: 
Dennis McDonald
Regional Director
Ministry of Environment

DATE: May 29 1987.

Approved by: 
Ross Tozer
Regional Manager
Nelson Forest Region

DATE: 87.09.30

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

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

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

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

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

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

²³⁶ Source: communication with Lloyd Good.

8. The Failed Public Relations Tour of the Blewett Watershed, Etcetera

Attention: Mr. Lloyd Good

Dear Sir:

A tentative date of early June has been set by the Ministry of Forests to tour the Blewett Watershed near Nelson, B.C. The watershed is currently inaccessible and June is the earliest possible tour date. Integrated management plans have been developed for the Blewett Watershed that allows for several resource uses including the production of domestic water supplies and the harvesting of timber.

You are cordially invited by the Ministry of Forests in Revelstoke to attend the tour. The tour will also be attended by local water users as well as local forest industry representatives. In order to keep the tour to a relatively small group, you are asked to keep your party to a limit of two (2) people.

8.1. The Big Eddy Trustees Fail to Take the Bait

The May 1987 final Integrated Watershed Management Plan (IWMP) report for Dolan Creek included a seven-page chronology, a list of related Ministry of Forests (MoF) planning events that occurred over a three year period from January 1984 to January 1987. The chronology, however, ignored a reference to a January 1985 invitation by the MoF for a June 1985 public relations tour of a community watershed (categorized as a “domestic” watershed) located just west of Nelson City called Fortynine (49) Creek, generally referred to as the community of Blewett’s largest watershed. Had the MoF been successful in luring the Trustees to the event, it would have undoubtedly been included in the chronology.

*A tentative date of early June has been set by the Ministry of Forests to tour the Blewett Watershed near Nelson, B.C. Integrated management plans have been developed for the Blewett Watershed that allows for several resource uses including the production of domestic water supplies and the harvesting of timber. You are cordially invited by the Ministry of Forests in Revelstoke to attend the tour. The tour will also be attended by local water users as well as local forest industry representatives. In order to keep the tour to a relatively small group, you are asked to keep your party to a limit of two people.*²³⁷

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

²³⁷ K.B. Lavelle, on behalf of District Manager T. Harvie, to Lloyd Good, chairman, Big Eddy Waterworks District, January 31, 1985.

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

The target zone chosen in the West Kootenays was the small community of Blewett situated just west of Nelson City, and just south of the West Arm Kootenay River Hydro dams. The community is represented within Area E of the operational boundaries of the Regional District of Central Kootenay (RDCK).

When Lloyd Good, Chairman of the Big Eddy Trustees, received the MoF’s invitation to tour Blewett’s watershed he began to carefully investigate the background information, just as the Big Eddy Trustees had now routinely grown accustomed to doing in all related matters brought to them by the MoF and the Ministry of Environment. Good, like many other water purveyor representatives, was suspicious that the government wanted to influence the Trustees to accept logging in their drinking watershed. In his ensuing evaluation, Good quickly discovered that the community of Blewett’s Fortynine Creek watershed, at 2,643 hectares in area, was physically about five times larger in area than Big Eddy’s Dolan watershed. This led Good to investigate what other watersheds in the Nelson Forest Region were comparable in area with the Dolan watershed in order to address the more sensitive nature of smaller watersheds.

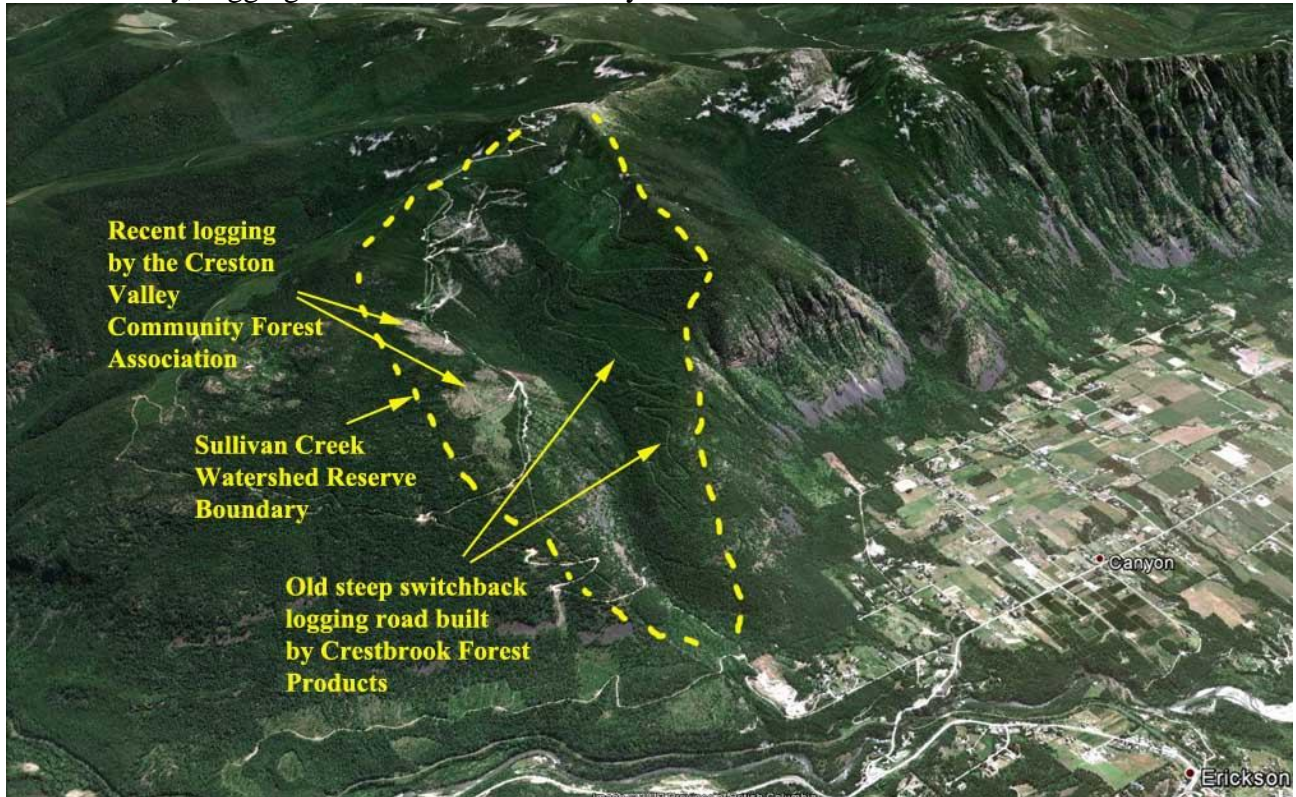
Good investigated a long list of Watershed Reserves in the Nelson Forest Region registered by area category in the lengthy Appendix G of the October 1980 Ministry of Environment document, *Guidelines for Watershed Management for Crown Lands Used as Community Water Supplies*. In that list, which provided data on the areas of each watershed, he found a reference to a community watershed near Creston, the Sullivan Creek Watershed, which was slightly larger in area than the Dolan. Two months had passed before Good forwarded the following information to the Revelstoke MoF:

In reference to your invitation to tour Blewett Watershed, near Nelson, it has come to our attention that this watershed is very large and falls within a 2 or 3 category.²³⁸ Dolan Creek is very small and falls within a category # 1 interpretation (Guidelines for Watershed Management of Crown Lands used as Community Water Supplies). Because of the difference in size of these two watersheds, we believe it would be more informative to tour another category 1 watershed where logging has taken place. The watershed we suggest to tour is Sullivan Creek near Creston, which is 2.2 square miles. Trusting this will meet with your approval, Yours Truly.²³⁹

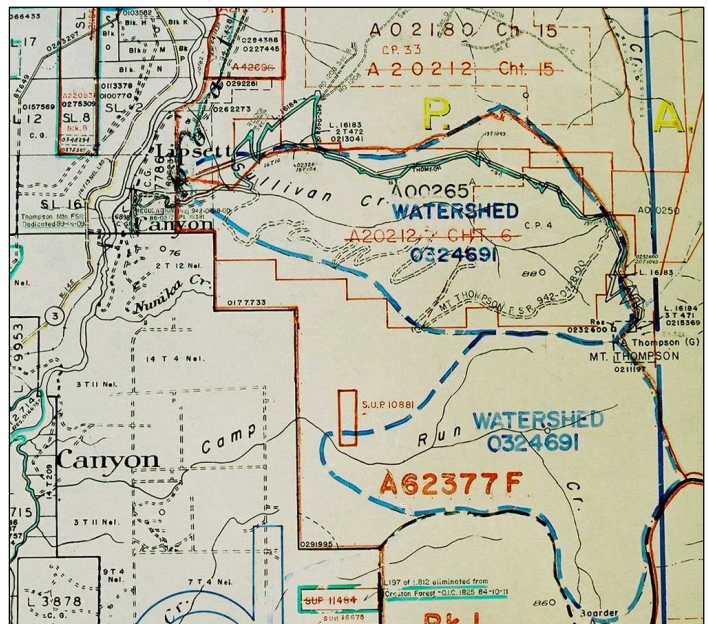
²³⁸ Community watershed Reserves were divided into three size or area categories by the 1972-1980 provincial Community Watershed Task Force, eventually published as *Appendix G*, a long list of almost 300 Watershed Reserves in an October 1980 Guidelines document. Category One watersheds were those under six square miles; Category Two watersheds were between six and thirty-five square miles; and Category Three between thirty-five and 200 square miles. Prior, community watersheds, as Watershed Reserves, had no such area category divisions by government agencies.

²³⁹ March 29, 1985.

Lloyd Good may have been unaware that his suggestion would trigger a highly sensitive nerve and resurrect an embarrassing issue in referencing the visitation proposal of the Sullivan Creek Watershed Reserve. No doubt, when the Revelstoke MoF District office forwarded a copy of Good’s letter to regional MoF headquarters in Nelson, regional staff became gravely concerned. And they knew why. Sullivan Creek was severely damaged by clear-cut logging in the 1960s and 1970s by Crestbrook Forest Industries, the same licensee that was now, ironically and coincidentally, logging in the Blewett community watershed demonstration forest.²⁴⁰



Above: recent image from Google Earth, showing the Sullivan Creek Watershed Reserve. Right: Ministry of Lands Map showing Watershed Reserves over Sullivan and Camp Run Creeks.



The ongoing concerns about clearcut logging and logging road damage in the Sullivan Creek drainage by the Erickson Improvement District Trustees had been well established: numerous letters of correspondence with the government in the 1960s; numerous internal government memos and assessments; the submission brief to the Royal Commission on Forest Resources in 1975; and the numerous articles in greater Creston’s community newspapers:

²⁴⁰ A Forest Service July 7, 1966 memo summarized under forest license X90290, “any silting of stream menaces water supply of Erickson, B.C.”

8. A timber sale that was granted in the Sullivan Creek water shed and is presently being logged, proved to be a disaster for the Sullivan Creek water users in the spring run off of 1974 due to mud slides caused by logging above the Creek. Due to extreme silting caused by the mud slides, the Sullivan Creek water users were without a supply of water from their source for several days. Fortunately the E.C.I.D. [East Creston Irrigation District] was able to supply the Sullivan Creek water users with an emergency supply of clean domestic water, until the Sullivan Creek system cleared.²⁴¹

At the District Annual Meeting the following resolution was presented and passed: Due to the fact that the Sullivan Creek Watershed has suffered extreme damage from conventional logging and road building, we, the members of the Erickson Improvement District, demand that the B.C. Forest Service refrain from any further proposals to harvest timber by conventional logging methods in the Sullivan and Arrow Creek watersheds.²⁴²

Page 2 CRESTON VALLEY ADVANCE—Thursday, July 30, 1998

Local News

Watershed logging opponents surface

By Shauna Lowry
Advance Staff

To log or not to log is no longer the question. Although the purpose of a Monday night meeting was to

provide input into the Creston Valley Forest Corporation's forest plan, discussion centred around opposition to logging in local watersheds, specifically Arrow Creek.

"I tell you it scares me —

the road construction and conventional logging — it scares me," said Elvin Masuch, Area B director for the Regional District of Central Kootenay and a CVFC board member. "I look at Sullivan Creek and what's happened there in the last five years."

Masuch explained at the meeting, attended by two dozen people, how old forestry roads built around the creek on the northwest face of Thompson Mountain 30 years ago are now collapsing and threatening the water.

"Sullivan Creek took a terrible beating," he said. "The shoulder of the road sloughed in. Now we've got major damage. The dam is filled with debris. The water couldn't be used for three weeks."

"There's one thing we've got to say here and I think everybody will agree: if we go in there the watershed will be put at risk. That's why we fought the Forest Service for 24 years on this and they


didn't go in there because they knew the risk was there."

According to Masuch, a 1989 study of the value of water from the Arrow Creek watershed was estimated at \$129 million since it provides for the Columbia Brewery, orchardists and vegetable farmers and the Town of Creston.

The value of 300 loads of logs from the area, including the value of the timber, lumber, wood chips, stumpage, annual rent and taxes, is estimated at \$1.3 million.

"If you look at this thing simply in an economic manner you would say it's not even an issue whether you should put that watershed at risk," Masuch said. "What I see is greed. We want both — the water and the timber. The thing is all I can hope is we don't kill the goose."

Creston resident Audrey Vance questioned the validity of the government providing the CVFC with a community forest licence.



"There's one thing we've got to say here . . . if we go in there the watershed will be put at risk."

— Elvin Masuch

The Sullivan Creek Shadow →

See "Lack..." on page 17.

Following a September 15, 1981 letter of complaint from the Joint Board of Trustees of the Erickson Irrigation District the East Creston Irrigation District forwarded to both Crestbrook Forest Industries and the Ministry of Forests about the Sullivan Creek Watershed Reserve, Woodlands Vice President J.G. Murray of Crestbrook Forest Industries recommended the preparation of a lengthy report on the history of logging since 1963 in Sullivan Creek, *The History of Logging Operations in the Sullivan Creek Watershed*. The letter of complaint demanded that the damaged watershed be repaired, that "no further conventional logging be permitted in the watershed," and

²⁴¹ Brief submitted to the Pearse Royal Commission on Forest Resources by the trustees of the East Creston Irrigation District, September 3, 1975.

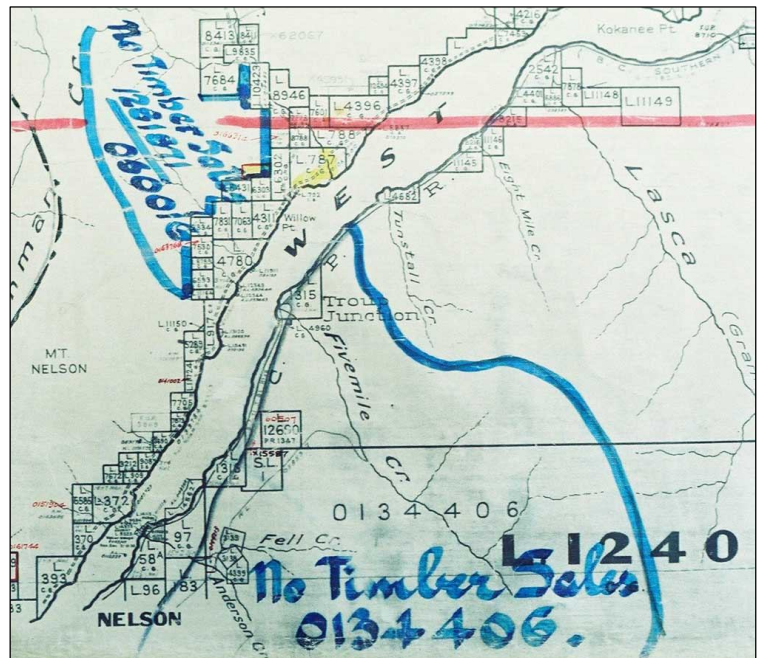
²⁴² L.D. Samuelson, Secretary to the Trustees, Erickson Improvement District, to J.P. Sedlack, District Manager, Kootenay Lake District, Nelson, July 8, 1982.

“that no activity be permitted in the watershed without permission of the Trustees of the Improvement District.”

According to the Erickson Trustees, who at that time had been struggling for a lengthy period to protect the neighbouring, old and intact Arrow Creek Watershed Reserve from being logged, and who also had the water licence for Sullivan Creek, the public’s anger over what occurred in Sullivan Creek later made MoF senior administrators and staff routinely cringe whenever the words “Sullivan Creek” were uttered.²⁴³ It therefore didn’t take very long for MoF administrators to envision the possible and severe public relations damage if the Big Eddy Trustees were to make a political connection and ruckus between Sullivan Creek and the Blewett watershed, with Crestbrook Forest Industries as the main and common denominator. No wonder the Big Eddy Trustees never received a letter of response from the MoF, nor were the Trustees present on the proposed tour of the Blewett watershed that summer.

8.2. Too Much At Stake

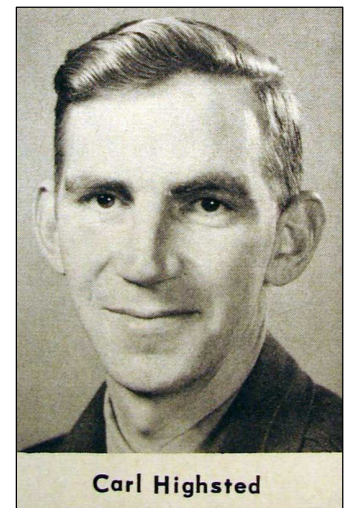
The MoF Nelson Regional office had a principal public deception objective in mind during the 1980s regarding drinking watersheds within its operational boundaries. During this period, the MoF placed considerable pressure on the City of Nelson beginning in 1982 to log its pristine water source, Five Mile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



*team and to be of a standard endorsed by the Ministry of Forests for future planning actions by other planning teams elsewhere. I feel that it is extremely important that we do a top notch job in assisting with the development of the Nelson City Watershed Plan as it will service in addition to the Blewett Watershed experience, it will serve as an example to the myriad of other watersheds that will require forest management development activities in the next 10 to 20 years in this region. Thus, all eyes are upon our efforts in the Nelson City Watershed. While I realize the planning process in any watershed, but specifically the Nelson Watershed, will be a difficult and somewhat arduous process at times, it appears that our chances of success **this time around** are very high indeed and we fully support your efforts from this office.*

It is very important that executive understand the importance of the Nelson City Watershed Plan in developing the remaining watersheds in the Nelson Region. ²⁴⁴ [Bold emphases]

Of particular interest is the memo reference to advising the Ministry of Forests’ “executive” for strategic game plan approval of the controversial and deceptive directive. That “executive” would have included the Assistant Deputy Forest Minister, Chief Forester Bill Young, Deputy Forests Minister Mike Apsey, and Forests Minister Tom Waterland.



Concerns to establish a ‘demonstration forest’ prevailed within the MoF. For instance, the July 1981 statement by the Victoria City headquarters MoF Director of Planning, C.J. Highstead, to Deputy Minister Mike Apsey, that “*there are too few examples of careful watershed harvesting outside of Vancouver and Victoria to reassure most communities about BCFS [BC Forest Service] and Forest Company capabilities.*” ²⁴⁵ Recommendations were made internally to provide the public with “*scientific facts*” to convince the public of the possible merits:

I think we need capability to meet with community watershed groups and provide them with scientific facts on watershed management, some hard facts on hydrological studies.... In short, we need to maintain and bolster our “site-specific” action in this area, rather than embark upon another inter-Ministry “study”. ²⁴⁶

4. District Capability
 Current experience in the field is that Districts lack the planning capability to address detailed watershed concerns. The knowledgeable public is aware of this lack and is therefore opposed to logging in community watersheds because they know we can't deliver either sound plans or strict supervision. Success in the Blewett Watersheds results from strong company commitment to working with the public and to full time local supervision of contractors. In part, the staff-coverage problem can be addressed by insisting on higher company commitments and recognizing the costs.

²⁴⁴ Subject: Nelson and Area Watershed Planning Team Minutes of Meeting held Monday, December 13, 1982. D.L. Oswald, Forestry Manager, Ministry of Forests Nelson Regional Office, December 24, 1982.

²⁴⁵ C.J. Highstead, Director of Planning, Victoria, to Deputy Minister of Forests, Mike Apsey, July 16, 1981. Logging was occurring in both Greater Vancouver’s and Victoria’s water sources, activities which ceased after public protests in the 1990s.

²⁴⁶ C.J. Highstead, Director of Planning, Ministry of Forests, to Bill Young, Chief Forester, March 10, 1981.

However, the MoF failed to initiate logging proposals and an accompanying demonstration forest in Nelson City's water sources due to a united and decades-long majority opposition by City Council and its citizens against logging. The dejected Forest Service therefore quietly reverted to the nearby Blewett community watersheds, situated only a few kilometres to the west of Nelson City, as its primary demonstration forest headquarters alternative to promote and target commercial logging in community watersheds which were located in the Nelson Regional area boundaries. Highstead wrote accordingly:

*Current experiences in the field is that Districts lack the planning capability to address detailed watershed concerns. The knowledgeable public is aware of this lack and is therefore opposed to logging in community watersheds because they know we can't deliver either sound plans or strict supervision. Success in the Blewett Watersheds result from strong company commitment to working with the public and to full time local supervision of contractors.*²⁴⁷

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

The background history of the demonstration forest candidate interests by the Ministry of Forests in Blewett's community watersheds began in 1976 when the government established a Coordinated Resource Development Plan for the area. That resulted in the formation of the Blewett Watershed

C. Highsted

SEMINAR ON PROTECTION OF COMMUNITY WATERSHEDS

DATE: Tuesday, February 9, 1982
 TIME: 9:30 - 4:30
 PLACE: Room 5, Robson Square, Media Centre, Vancouver, B.C.

CHAIRMAN: Mr. Carl Highsted - Ministry of Forests

Morning Session

1. Introduction to Watersheds
 - Don Reksten, Ministry of Environment, will give a 15 - 20 minute introduction on Community Watersheds in British Columbia.
2. Outline of Problems
 - Regional personnel from Forests and Environment will briefly outline the watershed problems in their respective regions.
3. Case study - Blewett Watershed
 - Those involved in the Blewett Watershed will be asked to provide background for others at the seminar. The decision-making process at Blewett and the consequences of the decisions will then be examined by all participants.

**** LUNCH ****

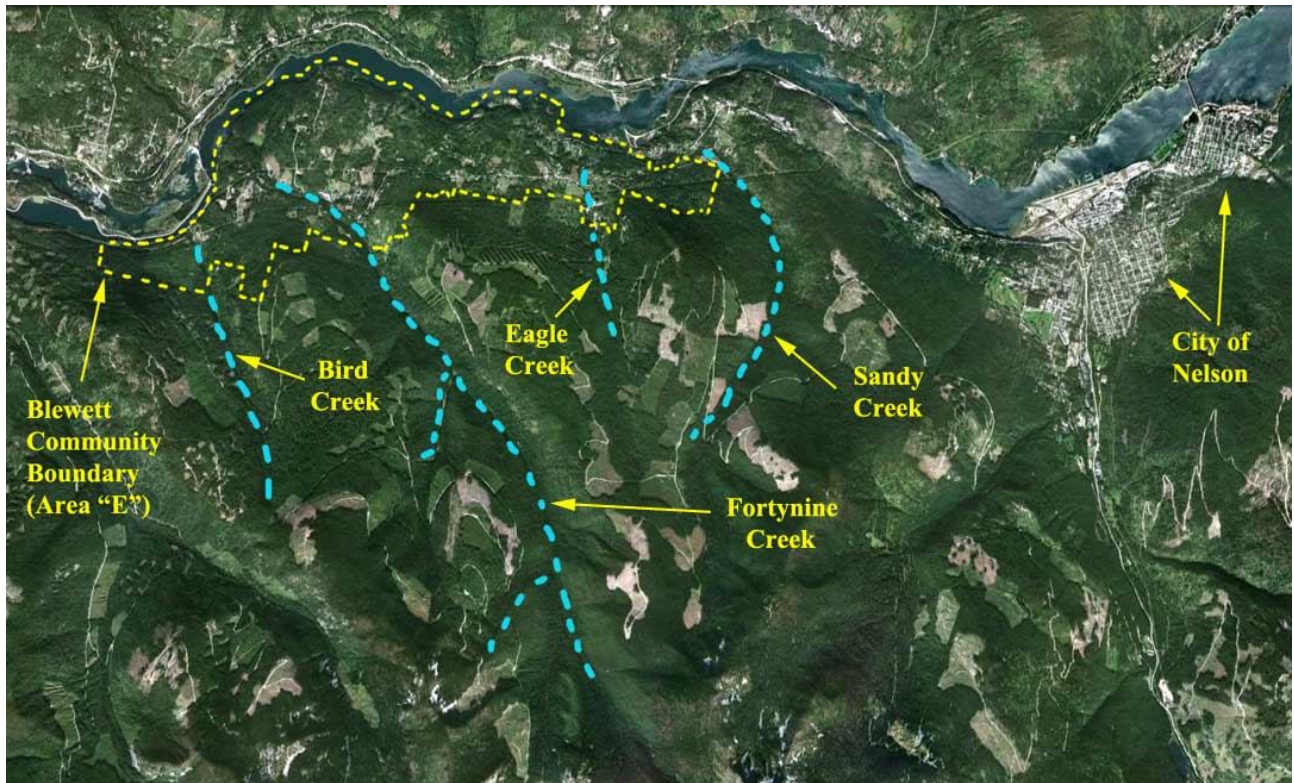
Afternoon Session

4. Draft Policy for Integration of Forestry Planning and Operations in Community Watersheds
 - Bruce Fraser, Ministry of Forests will introduce this draft policy paper.
5. Joint planning
6. Liability for damage
7. Controlling access to Watersheds
8. Monitoring of Watersheds
9. Recommendations for further action

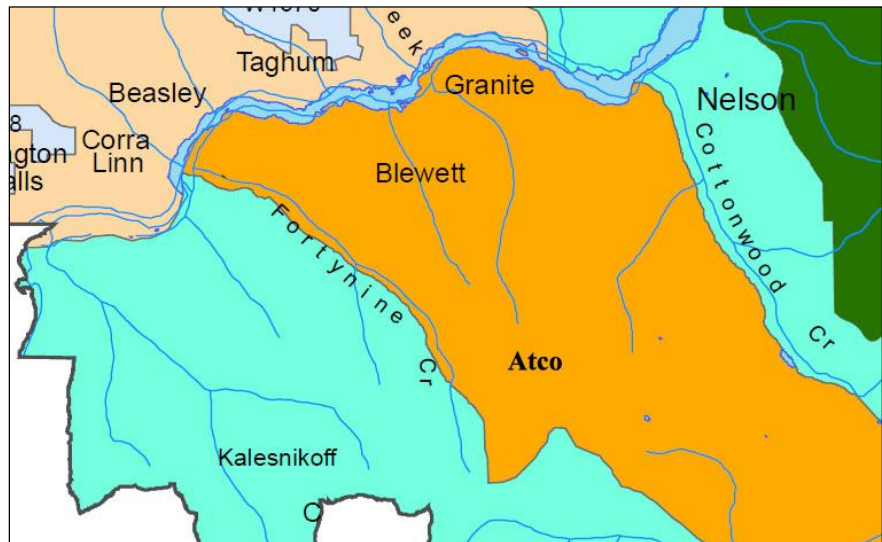
Any questions about the agenda should be directed toward Jim Soles, Ministry of Environment, 387-1161 (Local 314).

²⁴⁷ C.J. Highstead, Director of Planning, Ministry of Forests, and Bruce Fraser, Consultant on Public Involvement, Ministry of Forests, to T.M. Apsey, Deputy Minister of Forests. Draft discussion document on Community Watersheds, July 16, 1981.

Committee. The Resource Folio government representatives included the Forest Service, the Water Rights Branch, Fish and Wildlife, Parks, and the Regional District of Central Kootenay. The forest harvesting licensee was Crestbrook Forest Industries which was operationally headquartered in Cranbrook City.



Above: Recent image from Google Earth. The yellow dots show the boundary of the Blewett community, just west of Nelson City. The watershed creeks identified in blue dots are the domestic water creek sources for the community. The former Blewett demonstration forest tours were conducted mainly in Fortynine Creek. A great deal of logging and logging road access has occurred in these domestic watersheds.



Right: There are presently two forest license tenures or charts in the domestic watersheds. To the left of Fortynine Creek (on the west side of the creek itself (light blue) is Kalesnikoff Lumber Co., and to the right or east of the creek is Atco Wood Products Ltd.'s tenure (orange-brown). The tenure over the Blewett domestic watersheds was formerly with Crestbrook Forest Industries, later divided between the present companies.

Contained in an undated history of the Blewett Watershed Committee²⁴⁸ was a summary of why the Committee was formed:

In 1976, following proposals to cut timber in the watershed which produced a public outcry, a committee of residents was formed to work with the B.C. Forest Service and the Timber Licensee (Crestbrook Forest Industries) in planning the necessary procedures to harvest the timber without damaging the watershed value. In the intervening period the Committee and concerned government agencies have worked cooperatively to oversee the activities of Crestbrook and to date the residents have been satisfied with the way in which the development has proceeded. In summary a situation which in 1976 reflected a great deal of suspicion and fear on the part of the Blewett population has been resolved through cooperation. Residents feel able to voice their concerns knowing that a mechanism exists to discuss and seek solutions to any perceived problem.

In the Spring of 1980, the chairman of the Blewett Watershed Committee, Wilbert Anderson, wrote to R. McClelland, Minister of Energy, Mines and Petroleum Resources, with concerns about “increased mineral claim activity” in the drinking water source. He added: *Our experience with the logging company, Crestbrook Forest Industries, has shown that properly planned and executed work leads to few erosion problems. We expect to receive the same type of consideration from those developing minerals.*²⁴⁹

In the 1980 Spring edition of the Ministry of Forests’s magazine, *Forestalk*, was a special feature promotional, public relations article on logging in the Blewett watersheds, ***Multiple-Use on Trial in the Kootenays***, written by Peter Grant. Here are some excerpts:

With so much uncertainty about the future, the pressure is on the industry to maintain its supply of timber. But with less and less mature timber available to be logged, even in remote areas, operators are forced to look closer to home for their logs – often in some community’s back yard. Here they face a large obstacle: water users who jealously guard their water supplies, and who view critically the industry’s environmental record in logging watersheds.

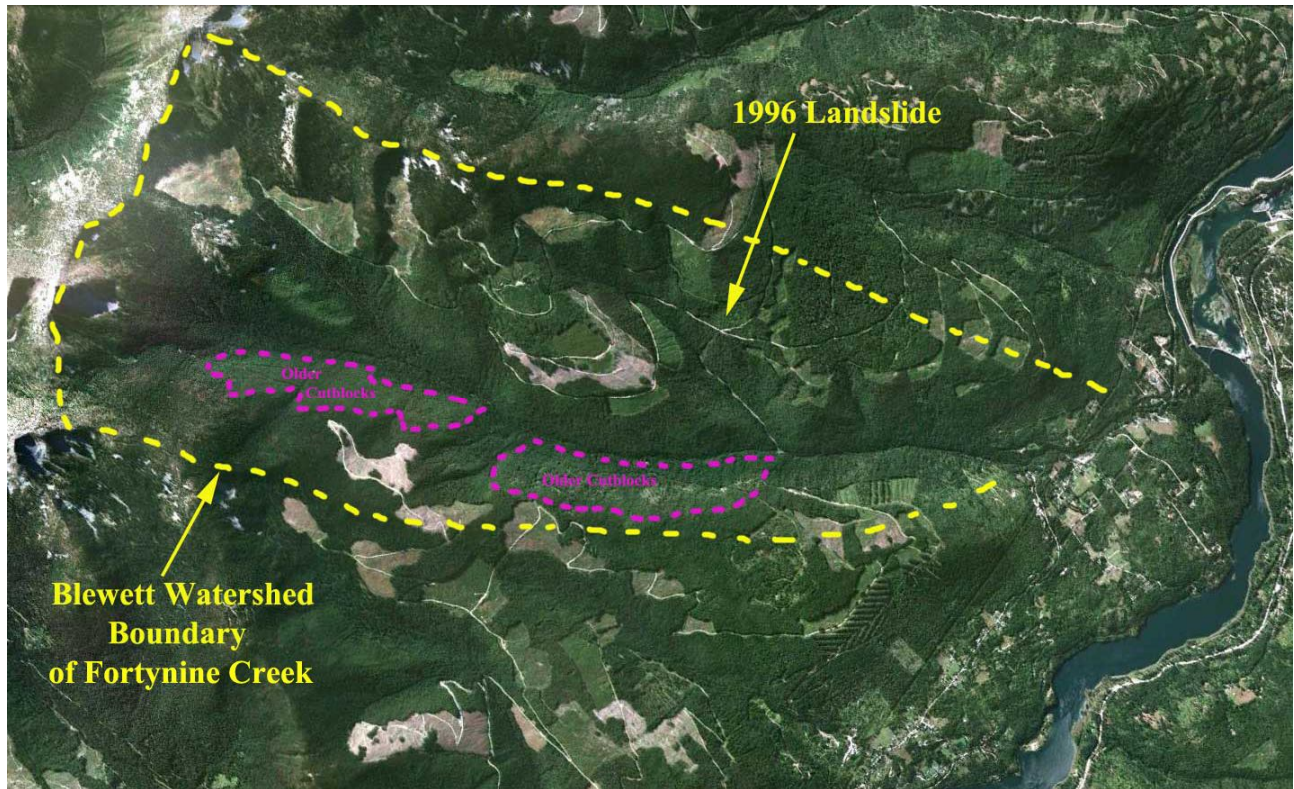
In the Kootenays, scattered rural residents and small communities pipe their water from numerous surface creeks which tumble off the mountain slopes. The thousand-odd residents of the Blewett were more than a bit upset four years ago when Crestbrook Forest Industries first revealed its intention to log the timber above their homes and farms. “I thought it would be the desecration of our water,” recalls Wilbert Anderson, a farmer in the area for 40 years.

At a public meeting in March 1976, several hundred Blewett residents expressed angry doubts, some threatening roadblocks and other acts of civil disobedience if the plan to log went through. Meanwhile, Bruce Fraser, a nine-year Blewett resident and biology instructor at Selkirk College in Castlegar, was working on another tack. As chairman of the stormy meeting, Fraser asked the company if it would be willing to involve the community in planning the logging operation. The company was all for it. The Blewett Water Users

²⁴⁸ Assumed to have been written in 1980.

²⁴⁹ Wilbert Anderson, Chairman, Blewett Watershed Committee, to Hon. R. McClelland, Minister of Energy, Mines and Petroleum Resources, April 28, 1980.

Committee formed at the meeting soon started negotiating with the company, as well as with the Ministry of Forests' regional office, the Fish and Wildlife Branch and the Water Rights Branch, to ensure that logging wouldn't affect their water supply.



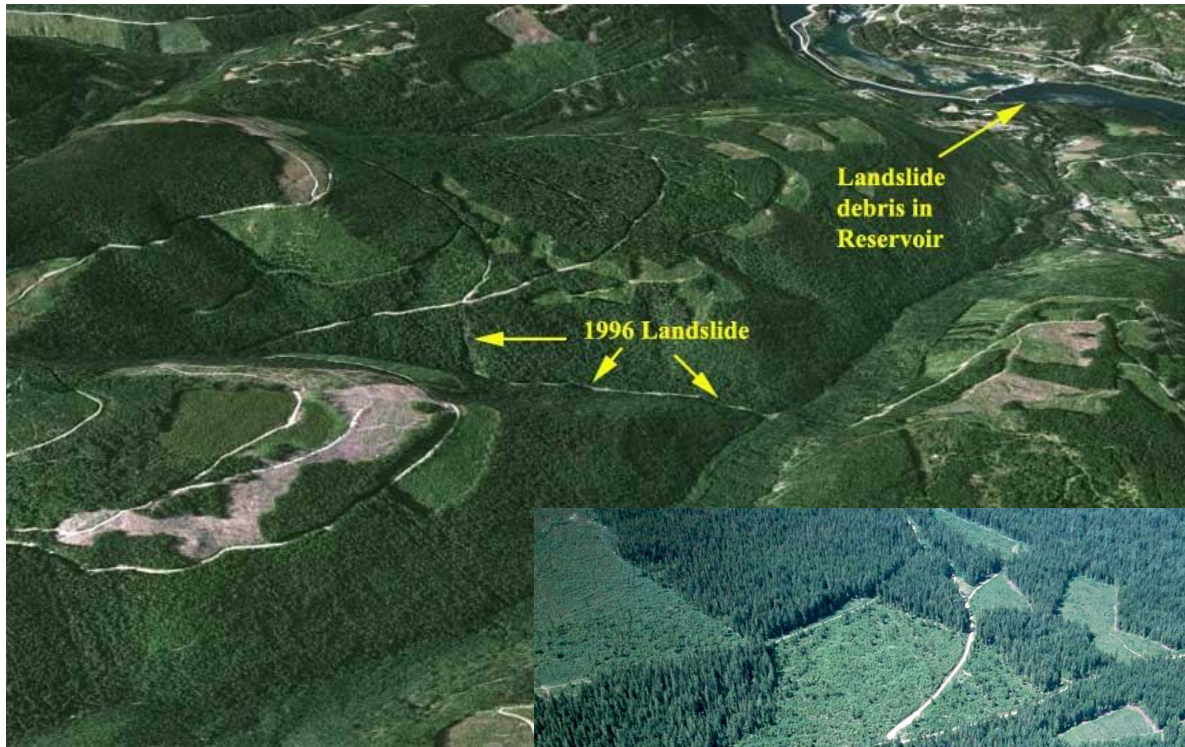
Fortynine Creek, a severely logged Blewett watershed. The purple dots show the older logging by Crestbrook Forest Products. In 1996, the watershed suffered a haemorrhage, when a landslide occurred, which the Ministry of Forests and Environment staff nicknamed the Referendum Creek Slide. (Recent Google Earth image)

The residents' biggest concern was for the protection of the three main creeks draining the slope. "If you look around the Kootenays," Fraser claims, "you'll see a large number of watersheds running brown at freshet time. In many cases that can be attributed directly to bad road building, bad skid road construction or bad hauling techniques."

Crestbrook went more than half way to meet the Blewett residents' demands. Bruce Fraser comments: "They made sure the haul route was properly laid out to avoid populated areas. They hired a full-time supervisor, Joe Tress, to make sure that the local contractors were following the plans. They also promised compensation for any damages to the residents' water supplies, and set up an agency to adjudicate any claims."

All told it took Crestbrook Forest Industries, the Blewett Water Users' Committee and the Ministry of Forests just over three years to complete the negotiating, planning and road building for the relatively small logging operation (about 30,000 cubic metres a year) on the Blewett slope.

With so many contending forces in the Kootenays, and with such widespread interest in land-use issues, multiple-use seems to be the surest path to a compromise.



Right: this photo was taken in May 1997 by government staff during a flight, and was included in an undated power-point presentation called *The Perils of Watershed Planning*. The quote in the photo, highlighted in yellow, is stated in the power-point. The slide started from water runoff over a clearcut spilling onto a road "constructed pre-code by Crestbrook Forest Industries."



Was community spokesperson Bruce Fraser responsible for blowing it in the Blewett? Perhaps. What if he had not chosen to intervene as the compromising moderator, and what if the community had continued to resist and prevented Crestbrook Forest Industries and the Ministry of Forests from setting up shop and logging out the watersheds, just like the Big Eddy did for the Dolan watershed and what the Erickson

Improvement District Trustees did for Arrow Creek? We'll never know now.

Apparently, Fraser later benefited by his role as intervener. By around 1980, Fraser was employed by the Ministry of Forests as its Public Involvement Coordinator. In 1981, Fraser authored a 137-page publication, *Public Involvement Handbook*. By November of 1981, Fraser produced an


internal draft document for the Ministry of Forests, *A Policy for Integration of Forest Planning and Operations in Community Watersheds Lying on Crown Land Within Provincial Forests*. As stated in Will Koop's book *From Wisdom to Tyranny*, Fraser's draft "was the genesis of what would later become the core policy document for *Integrated Watershed Management Plans*, otherwise referred to as *Appendix H* and belatedly included with the *October 1980 Guidelines* document dealing with *Watershed Reserves*."

MULTIPLE-USE ON TRIAL IN THE KOOTENAYS

Bruce Fraser by Peter Grant

Over the past decade the Ministry of Forests has had its hands full trying to accommodate B.C.'s increasing numbers of forest users. One method used to sort out resource-use demands in specific areas has been direct involvement of the public in the land-use planning process. This has proven so successful that a little over a year ago the Ministry of Forests "borrowed" Dr. Bruce Fraser from the education ministry to set up a full-scale Ministry of Forests public involvement program.

Bruce Fraser grew up in so many different B.C. towns that the list looks like a map index. He took his Ph.D. in ecology under University of



British Columbia's eminent ecologist Vladimir Krajina, and has had a varied career that includes being an environmental activist as well as a community college principal. He is perhaps best known for his role in setting up one of B.C.'s first local advisory committees on resource use. The result was a co-operatively-planned logging operation in the Blewett community watershed in the West Kootenay.

While talking optimistically about public involvement in forestland management, Fraser says bluntly that no public participation program will work unless it "meets the needs of the people," and unless the public remains vigilant.

Excerpt from the 1981 Spring edition of *Forestalk*, a profile on Bruce Fraser.

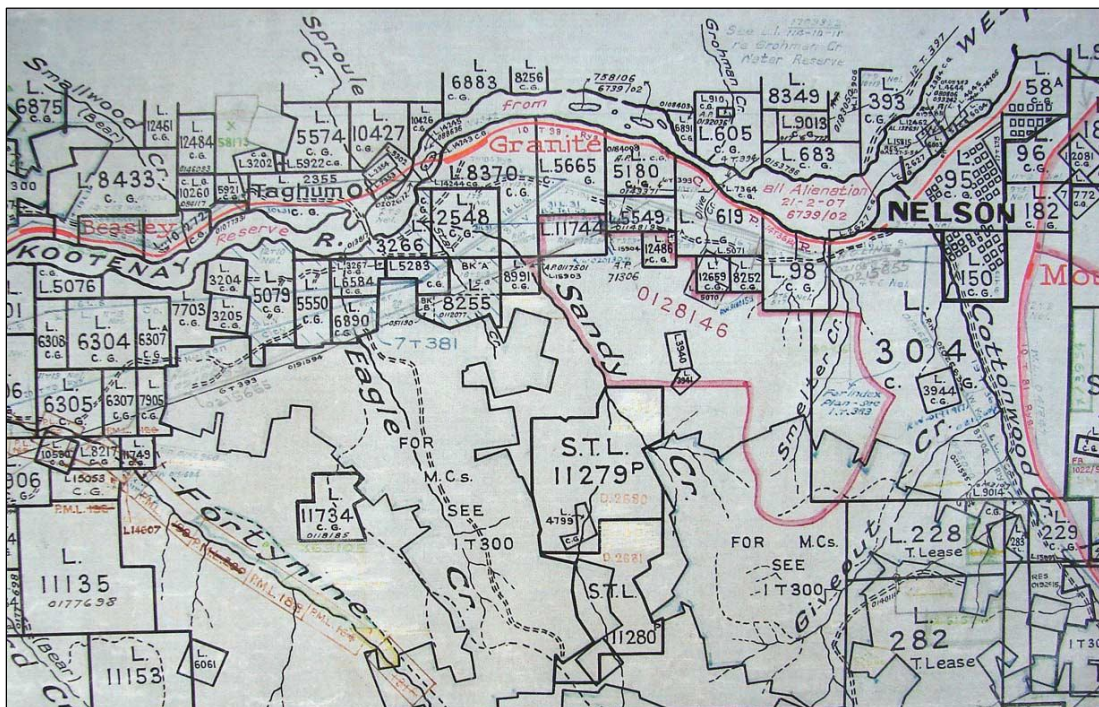
Similar strategic interest for the Dolan Watershed Reserve as a candidate "*demonstration area for all future watershed management areas*" was mentioned in a 1986 letter to the Revelstoke Forest District by the president of Revelstoke City-based Joe Kozek Sawmills Ltd.²⁵⁰ As would be expected, the proposal never saw the light of day.

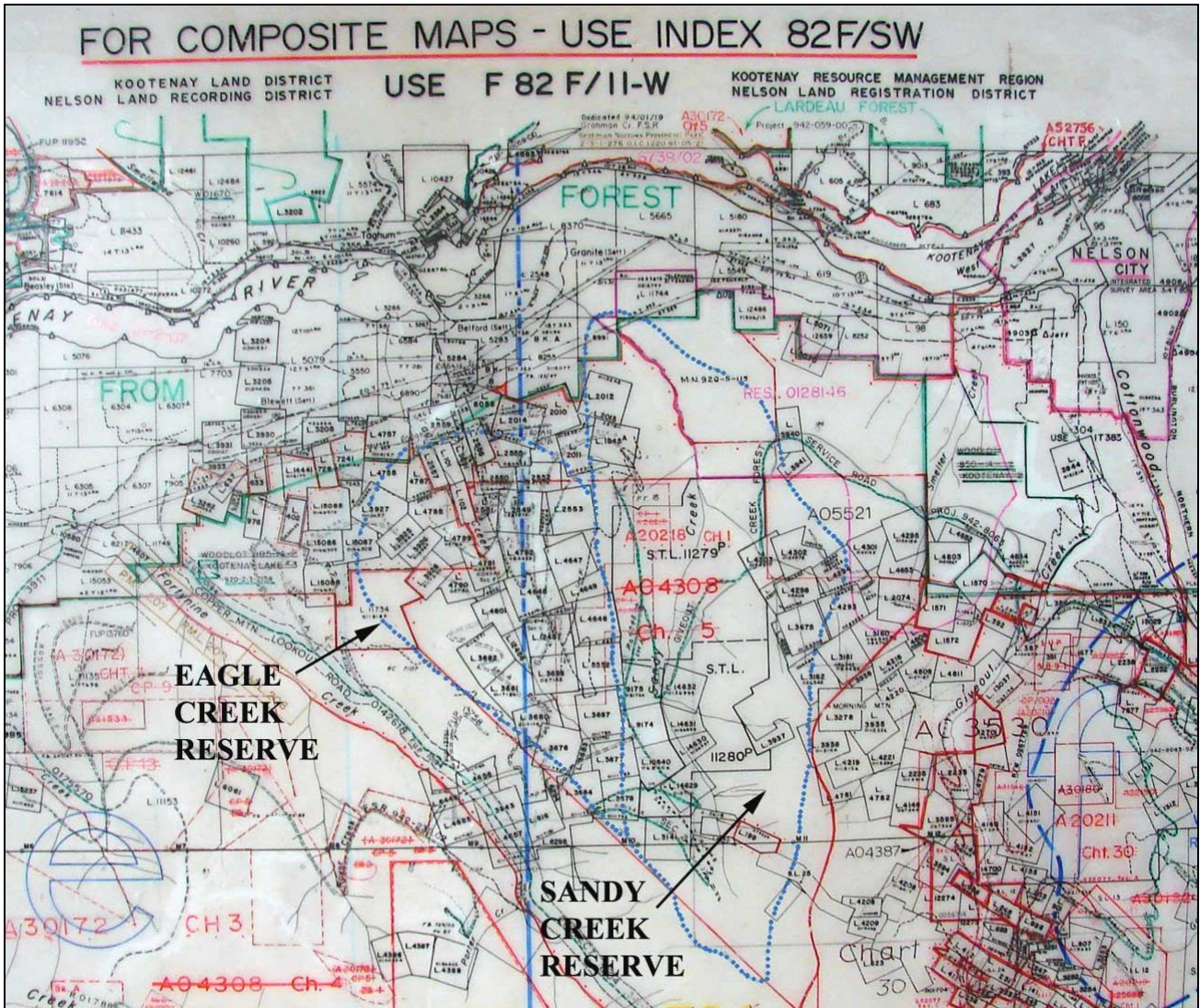
Old Forest Atlas and Lands Department Reference Maps from the 1940s and 1950s reveal that the government had zoned at least two areas near the community of Blewett at that time as sensitive and prohibitive to logging. As shown in the images in the following pages from those maps, one of the zones was by Sandy Creek. Later, in 1973, the community watersheds Task Force created two Category One Watershed Map Reserves: one on Sandy Creek, and the other on Eagle Creek. The other early protective zone flanked three watersheds: the western half of Fortynine Creek, Bird Creek, and the northern half of Rover Creek. How was this early history of protection, and the two Watershed Map Reserves created by the Task Force in 1973, referenced by the Ministry of Forests in the Resource Folio meetings and documents with the community residents of Blewett in 1976 following? Perhaps this history provides credence to why Blewett community residents were up in arms in 1976 when logging was being proposed, due to the early protective status of its forested domestic watershed sources.

²⁵⁰ Joseph A. Kozek, President, Joe Kozek Sawmills Ltd., to Revelstoke Ministry of Forests District Manager, October 14, 1986.



Old Forest Atlas Reference Maps showing the gigantic Reserve area for Nelson City (red boundary to right) and small Reserve area for Sandy Creek (red boundary to left, above), with close up in map below.





Above: Forest Atlas Map from the 1980s, showing the Eagle and Sandy Creek Watershed Map Reserves established in 1973. The original blue lines on the map are faded, and blue dotted lines were added and laid overtop to see the faded blue line paths.

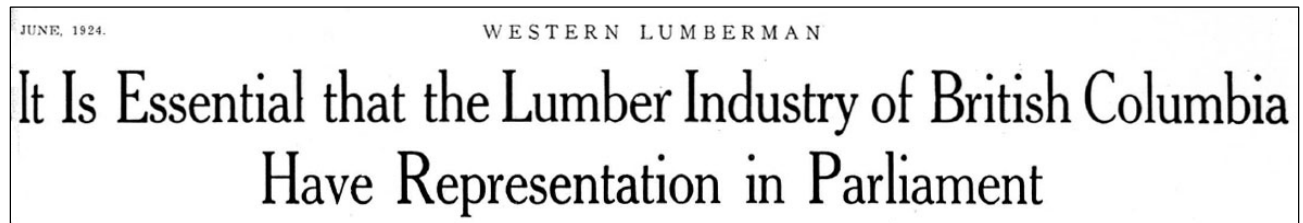


Right: Old Forest Atlas map showing an addition area of protection interest just southwest of Fortynine Creek, over Bird Creek and upper Rover Creek.

8.3. The Capilano Timber Company

Public relations strategies to bring about acceptance of highly controversial logging practices in British Columbia's protected public drinking watershed sources first began about ninety years ago by an American forest company headquartered in Seattle, Washington. The public relations efforts had also been keenly supported by the burgeoning forest industry and its young or then recently created political alliances.

The strategy to do so was controversial because, since the late 1800s, gargantuan efforts had been waged by professional and political revisionists to institute new federal forest management legislative frameworks and policies within American and Canadian governments. These new frameworks included the protection of surface-fed, forested drinking watershed sources. The resource revolution applications were well underway by the early 1900s within the legislative structures of both national governments, to be later tested and uniformly opposed by private forest industry corporations, and ultimately and tragically decades later by government agencies as well.



The Washington State, Seattle City-based Capilano Timber Company established the first and significant public relations operation of its kind in BC and Canada in the early 1920s. The Manager of the Company, G.G. Johnson, attempted to counteract fierce and persistent public opposition to his logging operations in the pristine, old-growth laden Capilano Valley watershed. The watershed was one of metropolitan Vancouver's two sources of water supply at that time.²⁵¹

Shortly after the Capilano Timber Company began its highly unpopular railway logging operations in 1918, Johnson became an influential big wheel in BC's emerging timber industry. He became a Board Director of the newly formed Timber Industries Council of B.C. established in 1921, described as being an "association of associations."²⁵² In 1923, Managing Council Director William McNeil described the Council as "the Central Organization of the whole industry".²⁵³



The existence of a central organization ready to take action in an emergency will undoubtedly be a benefit to the industry at large.... as a record-house of information, as a watch committee

²⁵¹ The other source was the Seymour watershed. The City of New Westminster, and its municipal neighbours, held the water and distribution rights to the federally protected Coquitlam watershed, which later, in 1930, was transferred and incorporated as the third watershed into the metropolitan water system.

²⁵² Western Lumberman Magazine, February 1921, pages 28-29.

²⁵³ Pacific Coast Lumberman magazine, March 1923, p.25: "Mr. McNeill in a happy phrase defined the Council as a "clearing house for trouble" and invited all members of all branches to make use of it with their problems and every assistance would be given towards their solution."

*upon legislation and issues affecting our industry in general.... It is clear that its dealings with the provincial and dominion governments will be many, and we venture to prophesy after glancing at the names of the directors and committees which organized it that the demands of the Council will be justified.... The great value, as we see it, of the new council will be its force as a stabilizing power in the industry.*²⁵⁴

The Timber Industry Council included:

- the Lumber and Shingle Association of B.C.,
- the B.C. Loggers Association (which G.G. Johnson was president of),
- the Shingle Agency of B.C.,
- the B.C. Box Manufacturers Association,
- the Associated Timber Exporters Association,
- the Spruce Mills Association,
- and the pulp and paper manufacturers.

This umbrella group was coordinated to lobby and watch over the government. As President of the B.C. Loggers Association, it was acknowledged that Johnson was “*one of [its] prominent members*”.²⁵⁵ This was a large organization of logging companies, which totalled 79 member companies in 1922, and with 24 associate members. Johnson was also a Trustee with the Forest Products Market Extension Bureau of B.C.²⁵⁶ He was also nominated as the BC forest industry’s Trustee for the 13th Pacific Logging Congress meeting in the United States, an organized annual meeting of the forest industry from eight western states in the United States and British Columbia.

Despite a significant and persistent backlash from the public and the provincial Health Department about logging in the public’s Capilano watershed, Johnson not only had the organized support from the timber industry, but, importantly and controversially, from Minister of Lands T.D. Pattullo himself (the Forest Service was a branch agency under the Lands Department), from Forest Service administrators, and from instructors at the newly established School of Forestry at the University of British Columbia. This allegiance was highlighted in the Pacific Coast Lumberman’s magazine:

*Minister of Lands (Pattullo) Sends Message to the Industry. It seems to me that there is a much better esprit de corps animating the industry now than at any previous time in its history. It is true today, as it always has been, that in unity there is strength, and the co-operation and good feeling which exists throughout the industry is bound to make both for its continuous stability and for its generous expansion.*²⁵⁷

Public concerns against proposed logging in Metropolitan Vancouver’s drinking watershed began as early as 1905 when the Capilano Timber Company purchased private ownership title to a large proportion of and the best Crown (provincial) bottom valley old growth forestlands of the watershed. The Vancouver Province newspaper forecast that the venture by “*American Capitalists*” for timber mining and the establishment of a proposed extensive agricultural colony in the Capilano watershed “*will make Vancouver’s water supply look like an Arizona trout stream in summer.*”²⁵⁸

²⁵⁴ Western Lumberman Magazine, February 1921.

²⁵⁵ Pacific Coast Lumberman Magazine, October 1918, page 23.

²⁵⁶ Ibid., July 1922, page 25.

²⁵⁷ Ibid., Feb.1923.

²⁵⁸ Page 79, in *Capilano: The Story of a River*, by James W. Morton.

Because of unfavourable economic conditions, the Company held on to its new investment, waiting for a more opportune occasion to develop its new assets thirteen years later. Public concerns against logging in the Capilano escalated in the mid 1910s, with government reports and protests by citizens strongly disapproving of imminent proposed logging activity by the Company.

In 1922, four years after the logging began in the Capilano watershed, Provincial Water Comptroller E.A. Cleveland (1919-1925) reinforced Metropolitan Vancouver's opposition to the clearcutting railway logging activities in a lengthy, critical October 1922 provincial report to Lands Minister Pattullo, *The Question of Joint Control of Water Supply to the Cities and Municipalities on Burrard Inlet*:

The alienated timber in the watershed should be completely controlled by those responsible for the supply of water to the Cities and Districts concerned is beyond question," and "The pre-eminent object to be attained is the maintenance of an adequate supply of pure (i.e. unpolluted) water – all other considerations are subordinate: and to that end the watershed should be preserved inviolate. ²⁵⁹

Cleveland recommended that a Metropolitan Water Board be established to not only administer the growing population's water works infrastructure, but to control and protect the watersheds by purchasing all the alienated (private) lands from the timber companies in the two watersheds and to seek a 999-year long term lease of Public forest lands from the government by way of a specific legislative provision that had been established in the *Land Act* in 1908. The Queen's Printer did not publish Cleveland's October 1922 report until three years later in 1925, before which time Lands Minister Pattullo engaged in numerous public controversies in attempts to aid the Capilano Timber Company. In particular, the 1924 heated public controversy over Pattullo's proposal to grant more Crown land timber in the Capilano to the Company, Crown forest lands which had been legislatively protected through an Order-in-Council Reserve in 1905, one of the earliest, if not the first, established Watershed Reserves by the provincial government. A second Order-in-Council Reserve was established in 1906 over the Capilano watershed's partner, the Seymour watershed, where yet other Seattle City-based commercial interests had obtained title to Crown forest lands.

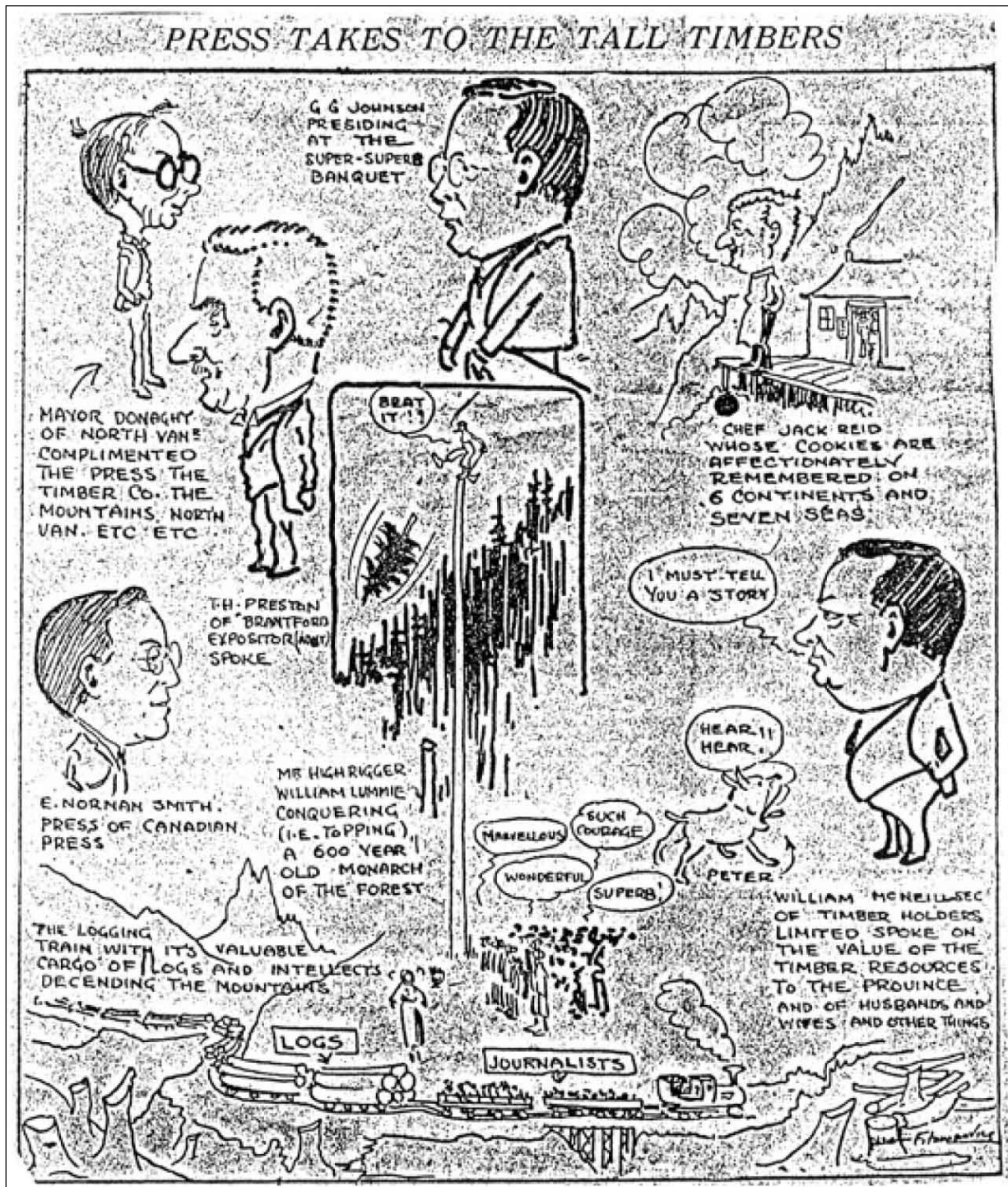
The Capilano Timber Company extended gargantuan efforts to counteract public opposition by hosting and advertising organized public tours of its logging operations, which included, prominently, free rides in open railway cars on its railway logging system, near which large signs were strategically posted, stating, for instance, "*this is where your wood comes from to build your homes in Vancouver.*" In the later operating years from 1922-1931 a total of 290,067,979 f.b.m. (feet per board measure) of mixed conifer species were logged and milled.

The Capilano Timber Company extended free invitations for a tour of its logging operations whenever a prestigious conference was held in Vancouver, such as the annual conferences of the Canadian Press. The Company would go so far as to present delegates with specially made brochures. An undated cartoon in the Vancouver Province newspaper in the summer of 1924 mocked the circus of events on one of these tours:

- where a mass of reporters and delegates watched one of company's most experienced rigger lop off the top section of a 250 foot tall Douglas Fir;

²⁵⁹ Pages 92-93.

- where the Mayor of North Vancouver “complimented the Press, the Timber Company, the Mountains, etc. etc.”;
- where G.G. Johnson provided a “super-superb banquet”;
- where William McNeill the Managing Director of the Timber Industries Council “spoke on the value of the timber resources to the Province and of husbands and wives and other things”, and a rendering of train cars “with its valuable cargo of logs and intellects [and “journalists”] descending the mountains.”



Despite the Capilano Timber Company's extensive public relations efforts, it summarily failed to ultimately sway the public because of two eventualities. A number of important delegates with the 1923 British Empire Commonwealth Forestry Conference went on a special tour of the logging

operations in the Capilano Valley on August 31st. The members, who were paraded through the midst of large barren clearcut landscapes on their tour, were aghast and astounded by the devastating scenes, with logging slash right to the edge of the Capilano River and through tributary streams. The members then followed up on the occasion by chastising the Company's operations in the Commonwealth Forestry Conference's final convention report. The bad publicity was a serious blow to the Capilano Timber Company due to the international and influential representatives at the Conference, which, in turn, also happened to seriously embarrass some provincial government foresters who were in on the game plan. The embarrassment left such a lasting scathing scar with provincial foresters that, according to a government memo, efforts were made some thirty years later by the BC Forest Service to heal the old wounds by telling the public how the lands had recovered through reforestation.

For many years throughout the 1920s, magazine articles in the prominent publications of the Pacific Coast Lumberman and the Western Lumberman promoted the operations:

Capilano Timber Company was visited by Mayor Tisdall, Alderman Pat Gibbens and other high officials of Vancouver May 30. The city officials went over the logging operations there and upon their return to the city the mayor announced that he did not believe that the cutting of the timber in the watershed would in any wise interfere with the future water supply of the city of Vancouver.

However, it was quickly becoming more difficult for the Capilano Timber Company and the forest industry alliances to prod and persuade the public through the print media, particularly with the significant rise of public protests in 1924. University of British Columbia Botany professor, and co-founding member of the Vancouver Natural History Society, John Davidson, vigorously advocated the protection of the Capilano watershed in his famous lecture address, **Wake Up Vancouver**, in early October 1924.²⁶⁰ An eager audience of about 300 people assembled to hear Davidson's lecture at the University.

The second blow on the public relations front occurred in the summer of 1925, which marked the hasty end of the demonstration railway tours. The Capilano Timber Company was responsible for further damaging the Capilano Valley by starting a 3,000 acre fire, being one of 37 fires started by the Company in the watershed during its operations from 1918-1931. Looming and



²⁶⁰ The author wrote his first report on the history of Metro Vancouver's watersheds, *Wake Up Vancouver*, a final version of which was published in April, 1993. It's available on the BC Tap Water Alliance's website.

billowing volcanic-like clouds of menacing smoke rose up from the nearby mountains for days in the summer of 1925, sometimes engulfing part of Vancouver in its smoggy haze. The large fire was responsible for sealing the eventual fate of the Company.

With it came the emergence of the Greater Vancouver Water District that was formed in February 1926 (enabling provincial legislation to form the Water District had already been passed by the BC Legislature in December, 1924, the *Greater Vancouver Water District Act*). E.A. Cleveland left his post as Provincial Water Comptroller and became the Water District's first Commissioner. As Commissioner, with accompanying public support, Cleveland carefully, diligently, and forcefully brought an end to logging in the Capilano watershed, and systematically gained title to all the private lands in the Capilano and Seymour watersheds, and negotiated terms for a 999-year lease of Crown lands in August 1927 over the watersheds established through the *Land Act* legislation of 1908.



8.4 Seattle City's Cedar River Watershed as National and International Demonstration Propaganda

During the 1920s, two large fires were also started in Washington State, Seattle City's Cedar River watershed in May 1922 and in 1923 by another forest company, the Pacific States Lumber Company. The Company had been heavily criticized by Seattle City Council and the public over its controversial logging operations in the City's water supply that began in 1917. The fires were responsible for igniting the indignation of Seattle City Council by way of a legal suit in 1925. Multiple attempts were made by City Council over the following five years to expel the Pacific States Lumber Company from the watershed. And, in a newspaper article published in the *Vancouver Sun* on September 27, 1924, *Watershed Logging Costly for Seattle*, Superintendent of Seattle Board of Public Works George C. Russell warned the Greater Vancouver public against making the mistake of logging their water supplies, "*Time has demonstrated this was a serious error.*"

From November 1942 to the summer of 1943, three Seattle City Councillors, represented by Councillor Scavotto, waged a long and heated political battle to re-protect the City's Cedar River drinking watershed source from further logging. It was an issue which had already been a point of prominent public controversy for 27 long years. City Councillor Scavotto proposed that Seattle City Council conduct a public referendum on the issue of future logging in the Cedar River watershed at the next municipal election to be held in March 1944.²⁶¹ Scavotto also sought permission from the United States Congress to pass a Federal Bill to stop the logging.²⁶² In support of Scavotto's initiative, a large petition by Seattle City public organizations and clubs was forwarded to City Council opposing future logging: "*I have spoken at 15 meetings and I find public opinion overwhelming that logging should be stopped.*"²⁶³ However, in a very close and orchestrated 5 - 4 decision in August 1943, Seattle City Council favoured the continuance of logging.²⁶⁴

²⁶¹ *Cedar River log ballot is asked*, Seattle Times, August 13, 1943.

²⁶² *City may seek watershed law*, Seattle Times, June 3, 1943.

²⁶³ *Logging Question Up for Discussion at Next Council Meeting*, in Seattle Municipal News, Vol.xxxiii, No.36, October 2, 1943.

²⁶⁴ *Cedar River logging measure signed*, Seattle Times, August 18, 1943.

City Council then appointed a three-man Commission²⁶⁵ to write a report to Council on the matter, a directive outlined in City Council Resolution No. 13590. Frank McCaffrey, one of the pro-logging Councillors, advised: “*We should have a board of experts, including men from the University of Washington, the State Forestry Department and professional foresters, tell us whether it is right to ban logging or right to cut timber.*”²⁶⁶

On February 4, 1944, the three-man Commission released its 100-page report, *Report on the Water Supply and the Cedar River Watershed of the City of Seattle, Washington*. Not surprisingly, the report summarized and recommended: “*Continued logging operations will not alter the volume, quality or character of Cedar River water. Future logging should be controlled upon sustained yield basis for benefit of maximum timber production.*”

The January 1945 edition of the American Water Works Association’s (AWWA’s) Journal published a six-page summary review of the Commission’s report, submitted by one of the Commission members, Bror Grondal, a forestry professor at Washington State University. *Relation of Runoff and Water Quality to Land and Forest Use in Cedar River Watershed*, was a copy of Grondal’s May 12, 1944 pro-forest management presentation to the AWWA’s Pacific Northwest Section Meeting in Olympia, Washington: i.e., “*the quality of the water is not adversely affected by the removal of the forest cover;*” and “*“ostrich-like” confidence in a “closed” watershed, instead of controlled intelligent use, will create a false sense of security.*”

The strategic timing of the report’s release in early February 1944, combined with the prominent reputation of the report’s authors, were responsible for curbing the proposed Seattle City anti-logging referendum in the upcoming March municipal election. As a result, an agreement for sustained yield logging in Seattle’s water supply was made the following year in 1945 with forest companies Weyerhaeuser,²⁶⁷ Anacortes Veneer, and Soundview Pulp.²⁶⁸ As Seattle Water Department Superintendent Ray Heath later summarized in 1958, “*this agreement will provide for regulated production of 35,000,000 board feet of timber annually from a productive forest area of 84,040 acres with 110 year rotation.*”²⁶⁹

Seattle’s Water Department Superintendent, W.C. Morse, together with Seattle’s watershed forester, Allen E. Thompson, used the February 1944 Commission’s report as a political wedge and tool to

²⁶⁵ University of Washington State professor of Forestry, Bror L. Grondal; John Hopkins University professor of Sanitary Engineering, Abel Wolman; and Carl Green of John Cunningham and Associates, in Portland, Oregon.

²⁶⁶ *Loggers OK on watershed cutting asked*, Seattle Times, June 15, 1943.

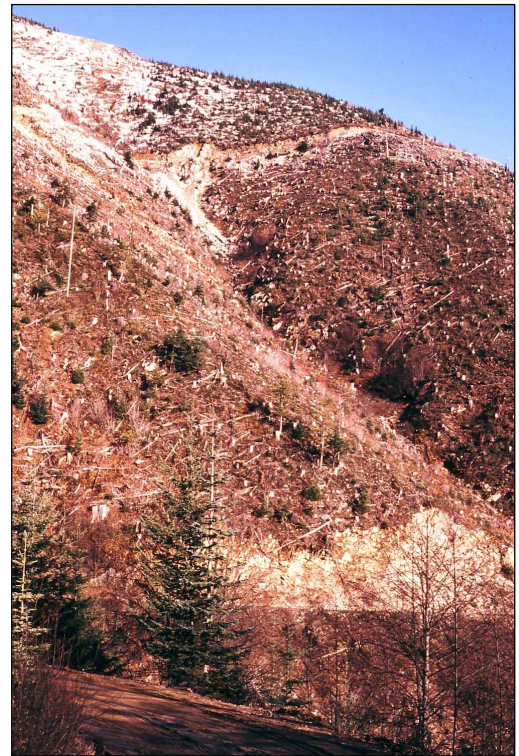
²⁶⁷ Information about Weyerhaeuser’s agreement and assets in Seattle’s water supply with Scott Paper beginning in 1945 was included in a 1968 U.S. Federal court rendering. Weyerhaeuser, which purchased the significant assets and holdings of forest giant MacMillan Bloedel in BC in 2000, continued to log in a number of B.C.’s community watersheds, i.e., Okanagan Basin and in the City of Nanaimo’s water source. For years, Weyerhaeuser cooperated with the Ministry of Forests to promote logging in Penticton City’s water supply under an experimental program, i.e., the Ministry of Forests’ brochure *The Upper Penticton Creek Watershed Experiment*.

²⁶⁸ The Soundview Pulp Company was the Scott Paper Company’s predecessor in the Cedar River watershed, and had contractual arrangements with Weyerhaeuser.

²⁶⁹ Nomination award background information on Allan E. Thompson, prepared for the American Forestry Association. Heath commented that Seattle City’s watershed forester, Allen E. Thompson, had lobbied for and was influential for having a Sustained Yield Agreement involving private timber owners and the Federal Government.

promotionally advocate their, and the forest industry associations', position that it was not only in Greater Seattle's best interests to continue with a program of clear-cut logging and road construction, but also in the best interests to log in municipal water supplies throughout the United States. Greater Seattle archival records document that in 1944 Seattle's Water Department widely circulated the report to:

- public libraries;
- forestry schools;
- universities and forest companies in the United States and Canada;
- U.S. Health Departments;
- the U.S. Department of Agriculture;
- engineering schools;
- forestry journals;
- Seattle clubs;
- Municipalities;
- regional and church newspapers;
- institutions;
- judges;
- court houses;
- U.S. City Waterworks Departments;
- union organizations, and;
- even the Greater Vancouver Water District.²⁷⁰



Forester Mark Wareing's photos of the Cedar River watershed, February 1990, during a forestry propaganda tour.



²⁷⁰ "List of Water Commission report copies issued." King County Archives, Washington State, 1994.

The Cedar River Commission report even reached the attention of the Gordon Sloan Royal Commission on Forestry Hearings in early 1944, and became an energized focus of the local timber industry lobby group in Victoria to support an initiative for a logging program in Victoria's protected municipal watersheds.²⁷¹ It was later reported in the Victoria City newspapers in 1949, "*the successful Cedar River watershed project undertaken by Seattle will be a guide of considerable value*" to "farm" Victoria's watershed forests, because to do so otherwise, "*if left beyond maturity, becomes a wasted asset.*"²⁷²

Executive directives were already underway in the U.S. Forest Service since the early 1940s to part from its decades-old national policy on the full resource protection of drinking watersheds. About one quarter, or 23,550 acres of Seattle's Cedar River watershed's 97,300 total acres were national forestlands. As stated in U.S. Department of Agriculture Under Secretary Paul Appleby's January 1943 letter to Seattle City Council:

In the administration of the national forests, protection of municipal water supplies is recognized as a major use of national forest lands within such watersheds.... A careful review of the Cedar River watershed situation has been made with the objective of developing possibilities for more effective watershed management of the national forest lands along the lines expressed in the recent City Council resolution. Over the years it has been our policy to work closely with city water officials and we are told that the protection and administration of the national forest land has been entirely satisfactory.

Land management for domestic water supply involves the additional consideration of public health. This Department has always recognized that in the administration of lands within municipal watersheds that security of the lives and health of the community takes precedence over all other considerations. However, the Forest Service recognizes that the question of the purity of water supply is outside the realm of forestry and within the special field of public health officers and sanitary engineers.

*The Department believes that it is feasible and desirable to grow and harvest timber from most municipal watersheds. In the Cedar River area, the Forest Service feels that such a program is particularly advisable because of the extensive depletion of timber to support established mills in Seattle and elsewhere on Puget Sound....*²⁷³

Just over three years later – after the public relations schemes about logging in Seattle's watershed were well under way – in July 1946, E. N. Munns, the U.S. Forest Service Chief of the Division of Forest Influences, wrote the following in his paper, *Should Your City Have a Municipal Forest*, which was published in the July 1946 edition of the AWWA's Journal:

Many American cities have land which they are holding for watershed protection or some other protective use on which the growing of timber will in no way interfere with the original purchase of ownership. Yet a large part of this land is not under forestry management. The owners spend what is necessary to protect the areas from fire or trespass but make no attempt to step up the quantity and quality of the tree growth. Here is a

²⁷¹ I.e., pages 954-991, and pages 1389-1402 of the Sloan Commission transcripts.

²⁷² *Watershed Timber*, editorial, Victoria Daily Times, March 14, 1949.

²⁷³ Under Secretary Paul H. Appleby, Department of Agriculture, Washington, D.C., to Seattle City Council, May 6, 1943.

potential source of timber which should be developed in the national interest; it should also be done as a matter of developing a source of income to the community.

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

By 1948, under cooperation of the Washington State forest industry which was headquartered in the Cities of Seattle and Tacoma, Seattle Water District's forester Allen E. Thompson became the industry's motivated messenger. On their behalf, he began a public relations crusade over the next fifteen years that advocated "dual use" and "multiple use" in community water supplies. Thompson composed many articles for magazines and forestry journals, including the *Timberman* magazine and for the *Yale University Forestry News*. Here are some of the references:

- *A City Guards its Water - Seattle Proves Forestry to be Good - and Profitable - Watershed Management*, published in the June 1948 *American Forests Journal*, the magazine of the American Forestry Association;
- *Timber Management - Yes! and Recreation Management - No!*, in the November 1963 *American Forests Journal*;
- and, *Timber and Water - Twin Harvest on Seattle's Cedar River Watershed*, in the April 1960 *American Journal of Forestry*;
- *City Harvests Logs and Water - On Seattle's Cedar River Watershed*, was reproduced in 1958 through courtesy of the *Western Conservation Journal* by the *West Coast Lumberman's Association*.

Thompson also made numerous presentations at annual forestry and engineering conferences, such as:

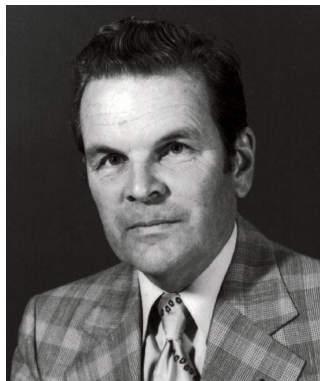
- his paper, *The Use & Development of the Cedar River Watershed*, read at the Boise meeting of the Pacific Northwest section of the AWWA in May 1948;
- his paper, *Forest Management on the Cedar River Watershed*, presented at the American Forestry Society in Seattle on October 13, 1949;
- his paper, *Trees and Water, A Dual Crop*, read at the annual meeting of the Western Forestry and Conservation Association in Portland, Oregon, November 28-30, 1951;
- his paper, *Forests and Water - A Dual Crop*, read at the 45th annual Forestry and Conservation Association in San Francisco, California, December 8-10, 1954;
- a presentation at the May 24, 1954 annual conference of the AWWA in Seattle;
- his presentation, *Forests and Water - Management of Seattle's Cedar River Watershed*, as part of a panel discussion entitled *Practical Conservation of our Parks and Watersheds*, on the program of the Fourteenth Annual Convention of the Truck Loggers Association in Vancouver, BC, January 17, 1957;
- his paper, *Multiple Use and the Management of Municipal Watersheds*, presented at the Fifth World Forestry Congress in Seattle, August 29 - September 10, 1960.

Copies of Thompson's presentations and articles were also circulated in Seattle's public schools and community clubs. The banner of "multiple-use in watersheds" was prominently raised, emanating from the "model of all multiple use watersheds", Seattle's Cedar River watershed.

In the 1950s, prominent and calculating BC consulting foresters privately arranged and escorted key senior administrators from the City of Victoria and the Greater Vancouver Water District to the Cedar River watershed to sucker them on 'show-me tours' with Seattle forester Allen E. Thompson who argued that logging could be and should be accomplished in their respective and protected municipal watersheds.

8.5. The Seymour Demonstration Forest (1987 – 1999)

Perhaps the most nefarious and disingenuous of BC community watershed "demonstration forest" schemes was the one secretly established in Greater (now, Metro) Vancouver's lower Seymour off-catchment watershed in late 1985 by a group of professional foresters, many being active, staunch proponents for logging in BC's community watersheds. Two recently retired senior government Ministry of Forests Executive staff, former Chief Forester Bill Young, and former Deputy Minister of Forests Mike Apsey (who left government in May 1984 and returned to the Council of Forest Industries to become its president in late 1984) attended the inaugural meeting of the Seymour Advisory Committee held on October 31, 1985, Halloween Day. The former bureaucrats didn't appear in scary costumes for the inauspicious meeting, but came as themselves.



Mike Apsey,
Deputy Minister of Forests
(Mr. "Sympathetic Administration")

Above: photos of Bill Young (left) and Mike Apsey. Right: David Bakewell, wearing Seymour Demonstration Forest hat.

Prior to that Halloween meeting, the Greater Vancouver Water District forestry department hired the services of professional forester David Bakewell, the former vice-president of the C.D. Schultz Company.²⁷⁴ Bakewell was associated with the early secretive, underhanded and controversial logging proposals in the 1950s to undo the legislatively protected Greater Vancouver watersheds. Somehow, the company was contractually hired to conduct a forest inventory of the three watersheds, and then published a carefully revised two-volume lengthy report in December 1956 proposing a program of sustained yield

Forests Deputy to head Council of Forest Industries

Victoria, B.C. - Forests Minister Tom Waterland announced recently that Deputy Forests Minister Mike Apsey has resigned to become President of the Council of Forests Industries of British Columbia.

"Mike Apsey is one of British Columbia's outstanding public servants. While I am sorry that he is leaving government service, I am pleased that he will continue to contribute to the management of the province's forest resource in his new position," Waterland said.

Ralph Robbins, Assistant Deputy Minister, Operations, will be Acting Deputy Minister on an interim basis.

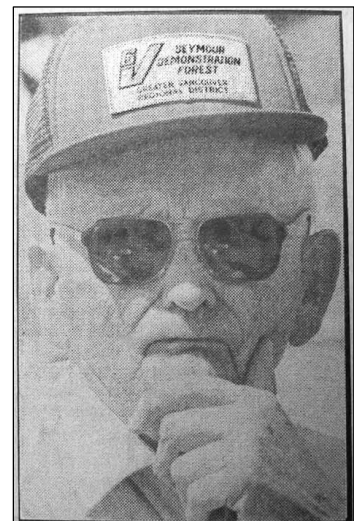
Apsey helped draft the current Ministry of Forests Act, Range Act, and Forest Act as a member of the Forest Policy Advisory Committee set up to advise in the implementation of the 1976 Royal Commission on Forest Resources. He

subsequently implemented the new acts and directed the reorganization of the ministry after being appointed Deputy Minister of Forests in 1978.

He played a leading role in the successful preparation and presentation of the position of the Canadian lumber industry, federal and provincial governments, in response to the U.S. proposal to impose countervailing duties on Canadian lumber exports to the United States.

A graduate in forestry from the University of B.C., Apsey has worked as an economist with the United Nations, B.C. Government and the forest industry. He was previously employed by the Council of Forest Industries of B.C. as vice president responsible for forestry, logging and economic research.

A native of Vernon, he is married with two daughters. Apsey worked in the Revelstoke area in the summer of 1958.



Dave Bakewell

²⁷⁴ Bakewell, who moved to the Sunshine Coast in the early 1990s, recently passed away on June 22, 2013.

logging in the watersheds. Some thirty years later, Bakewell submitted a September 20, 1985 report to the new secret committee on the operational design for a demonstration forest, *Demonstration Watershed in the Lower Seymour Valley*.

The proposal was a culmination of efforts by the forest industry, represented by the Council of Forest Industries, other forestry affiliations, and the MoF to develop demonstration forests throughout the Province of British Columbia. Eventually established in August 1987, and some five years after the failed Nelson City demonstration forest attempt, the Greater Vancouver operation was dubbed the Seymour Demonstration Forest, and was to bring about provincial and international acceptance for logging in community watersheds, programs that were also extended by the early 1990s to solicit students and instructors in Greater Vancouver's elementary and high schools.

I remember sitting in former Greater Vancouver Water District watershed manager and professional forester Dan Jespsen's office at the Association of BC Professional Forester's headquarters in downtown Vancouver's waterfront and happened to overhear Jepsen, the Association's demonstration forest coordinator, discuss matters on the telephone with someone in Australia about the initiation of a demonstration forest somewhere "down" there.

The public relations business to bring public acceptance for resource management activities in drinking water sources went into high gear in the 1980s, and two of the former Ministry of Forests Executive government captains Mike Apsey and Bill Young were there at the helm to help steer it along. Bill Young remained Chairman of the Seymour Advisory Committee for the first two years of its initial operations. He was succeeded by B.C. Forestry Association President Bob Cavill, who in 1993 succeeded outgoing Greater Vancouver Water District forester Ed Hamaguchi to become the District's head forester to oversee the management of its three watersheds during the intense period of public scrutiny about logging in the watersheds. In February 1992, Don Lanskail, a former Mayor of West Vancouver and former president of the Council of Forest Industries (prior to Mike Apsey's return in 1984), replaced Cavill as Chairman of the Seymour Advisory Committee.

The Greater Vancouver Regional District Administration Board eventually disbanded the Seymour Advisory Committee at the end of a spirited February 1999 two-hour special meeting, after its dubious and mischievous history was revealed 14 months previous in a one hundred-page report called *Seymourgate*²⁷⁵ to Metro Vancouver's mayors. After I was provided with a copy of all of the Committee's meeting minutes in late 1994, Paul Hundal (the former president of the Society Promoting Environmental Conservation, SPEC) and I began to carefully monitor the proceedings of the Committee and to carefully investigate its members and their operations. The linkages pointed to the Council of Forest Industries, the Association of BC Professional Foresters, the BC Institute of Technology's foresters, the MoF, etc.

According to financial statements and records, from 1989 to 1993 the Council of Forest Industries had invested/donated \$302,000 to the Demonstration Forest operations, the MoF with \$530,000 of public taxdollars (1989-1995), the Coast Forest Lumber Association \$95,000 (1994-1995), Forestry Canada with \$375,123 of public taxdollars (1986-1994), IWA Canada \$15,000 (1990-1994), and \$2,993,000 from the Greater Vancouver Water District's logging profits in the three watersheds (1986-1995), for a grand total of \$4,310,123 (1986-1995).

²⁷⁵ For a history and detailed account of the Seymour Demonstration Forest, refer to Will Koop's December 10, 1997 report, *Seymourgate*, available on the B.C. Tap Water Alliance's website, and in the Vancouver Public Library: <http://www.bctwa.org/SEYMOURGATE.pdf>

As the MoF Vancouver Regional Manager Ken Collingwood stated in a letter to Greater Vancouver Water Commissioner Ben Marr in October 1994:

*The Ministry of Forests has been a primary supporter of the Seymour Demonstration Forest (SDF), through its participation with the SDF Advisory Committee and as a major funding partner.... I have been advised that the significant reduction in the forest area harvested within the SDF is beginning to limit the area available to demonstrate the full range of silviculture activities.... I cannot underestimate the importance of the Seymour Demonstration Forest, located as it is within easy access to most of British Columbia's urban population.*²⁷⁶

In early 1999, Metro Vancouver's politicians renamed the Seymour Demonstration Forest as the *Lower Seymour Conservation Reserve*, and both the forest management operations and the membership of the Seymour Advisory Committee were officially terminated.

Eight months later on November 10, 1999, following another two-hour meeting, the Administration Board then passed a resolution to re-protect the Greater Vancouver watersheds. In 2002 the Board cancelled the *Amending Indenture*, the agreement that made the Water District a logging company subservient to the MoF, what had otherwise been referred as Tree Farm License No. 42 since 1967.

8.6. Recent Reflections by the Ministry of Forests and the Duhamel Creek Uprising

Without any doubt, the Ministry of Forests' substantial public relations efforts and methodology that seriously took root in 1981 onwards resulted from its internal, concentrated invasion agenda and initiatives into protected community and irrigation Watershed Reserves.

In a recent power-point presentation by a government forester, *Public Involvement, Public Participation, Public Relations Extension*, came the following summary assessment after a proud, presentation history of public relations efforts over 30 years since 1981 by the Ministry of Forests. The presentation began by a quote from a 1982 document called *Cordillera*: "*The Nelson Forest Region ... can be considered, if not the birthplace, then the crucible of the Forest Service Public Involvement Program:*"

So, here we are. Things are surprisingly quiet in terms of public issues. Licensees are generally dealing effectively with water users and other interests. But it's a lot of work, and if things escalate Staff continuity is a big thing. It takes time to build personal and corporate credibility, and this is what will keep you afloat. Keep doing what you're doing. Be patient, be polite, but be firm when you have to be.

More recently, things have not been so "quiet" in the Nelson Forest Region. Over the months of August and September of 2013, water purveyors and residents associated with the Duhamel Creek watershed – located just north of Nelson City on the north side of the West Arm of Kootenay Lake – have been deeply concerned about more logging and road construction proposals in their soil sensitive, steeply sloped drinking watershed, which is under a Ministry of Forests' forest license and chart tenure assigned to the Kalesnikoff Lumber Company Ltd.

²⁷⁶ Ken Collingwood, Ministry of Forests Vancouver Forest Region Manager, to Ben Marr, Water District Commissioner and Greater Vancouver Regional District Manager, October 25, 1994.

In a September 13, 2013 article published in the Nelson Daily, *Duhamel Creek training 'unfortunate,' says ministry*, a designated government public relations point-person for the Ministry of Forests, Brennan Clarke, stated that it was “*unfortunate that some local residents feel the need to resort to direct action,*” whereby “*The Ministry does not condone any activities that support or promote the public in taking unlawful actions that would interfere with legally approved activities on Crown lands.*” The article, and others previous, summarized the frustrations and concerns of local residents and water users, prompting them to consider “*non-violent strategies ... aimed at stopping logging in their watershed.*”

Photo of a meeting with concerned citizens about logging in the Duhamel watershed from the Nelson Daily article.



There may be an intriguing case to be made that the concerns of residents and water purveyor groups to protect their Duhamel watershed are rooted in “the Ministry” perhaps itself having been involved in “unlawful actions” on Crown Lands.

In 1973, the interdepartmental Task Force on community watersheds established a Watershed Map Reserve over Duhamel Creek.

A letter was then sent to the Duhamel Water Works District to notify it about the establishment of the Reserve tenure.

Re: Watershed Reserves

On behalf of the Task Force on Multiple Use of Watersheds of Community Water Supplies, I am requesting that map reserves be placed on the community watersheds located in the Revelstoke, Kaslo and Nelson Water Districts. Attached is a map, scale 1 inch = 10 miles, showing the locations of the watershed areas in these three Water Districts. In addition, maps at 1:50,000 or 1:250,000 scale are attached showing the boundaries of the requested map reserves that are listed below:

Water District	Watershed Number*	Source	User	Reserve Area Requested**
Nelson	2	Whatshan River	Needles W.W.D.***	233.9
"	3a	Rashdell Creek		0.05
"	3b	Aylard Creek	New Denver	0.06
"	3c	Simpson Creek	(Village)	0.18
"	3d	Mountain Chief Creek		0.32
"	4	Bartlett Creek	Silverton (Village)	2.2
"	5a	Gwillam Creek	Slocan (Village)	30.8
"	5b	Springer Creek	Slocan (Village)	19.2
"	6	Duhamel Creek	Duhamel Creek W.W.D.	22.0
"	7	Blunt Creek	Ridgewood I.D.***	0.3
"	8	Four Mile Creek	Nasookin I.D.	1.3
"	9a	Isac Creek	North Shore Water	0.6
"	9b	Sutherland Creek	Utility Nelson Ltd.	0.6
"	10a	Anderson Creek		5.2
"	10b	Five Mile Creek		18.4
"	10c	Cottonwood Creek	City of Nelson	14.9
"	10d	Whitewater Creek		9.1
"	10e	Clearwater Creek		19.2
"	11	Quartz Creek	Ymir Water Utility	2.6
"	12a	Smoky Creek	South Slocan I.D.	1.9
"	12b	Watts Creek	South Slocan I.D.	0.3
"	13a	Langill Creek	Krestova I.D.	1.3
"	13b	McDermid Creek	Krestova I.D.	0.9
"	14	Norns Creek	Raspberry I.D.	62.9
			Robson I.D.	

The Duhamel Watershed Map Reserve was later included and listed in the Ministry of Environment's 1980 Blue Book Guidelines *Appendix G* document as a Category 2 Map Reserve,

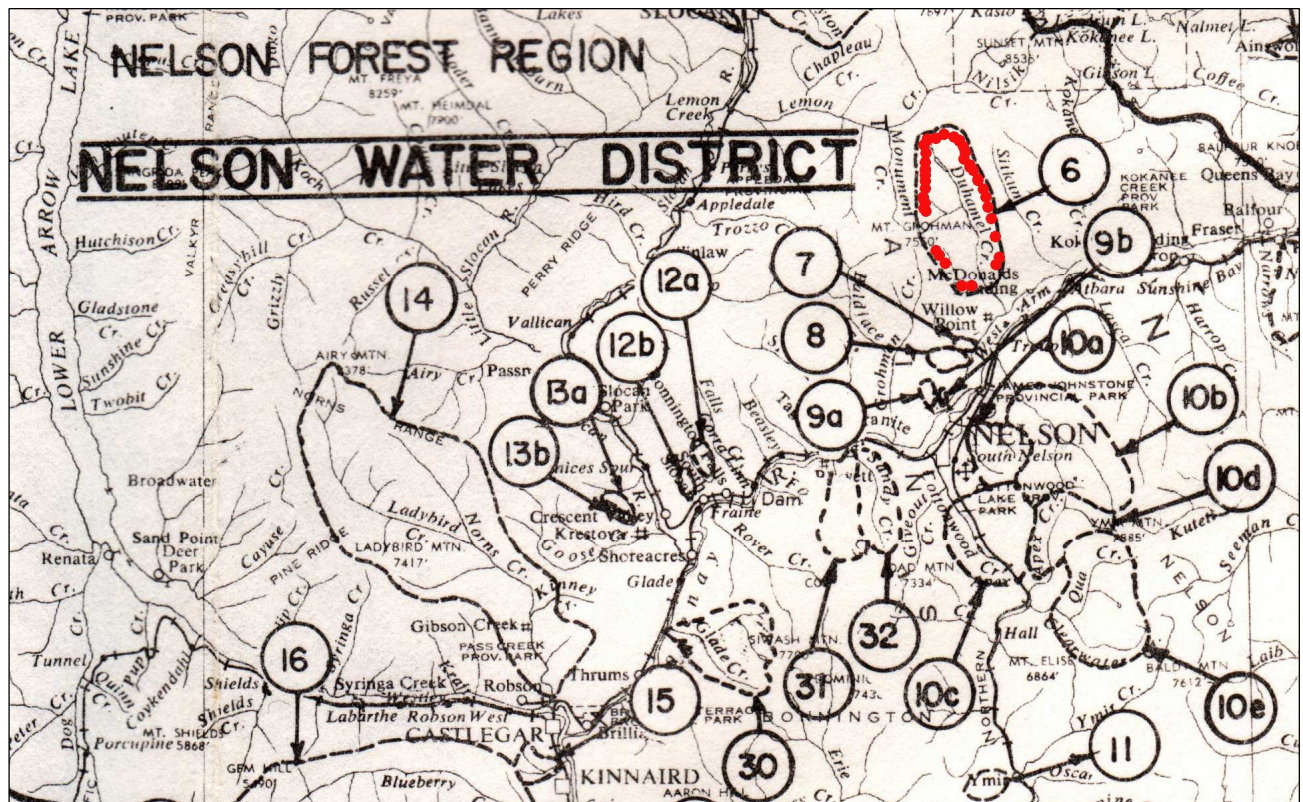
NELSON FOREST DISTRICT SECTION 3.6 PAGE 1

Appendix G

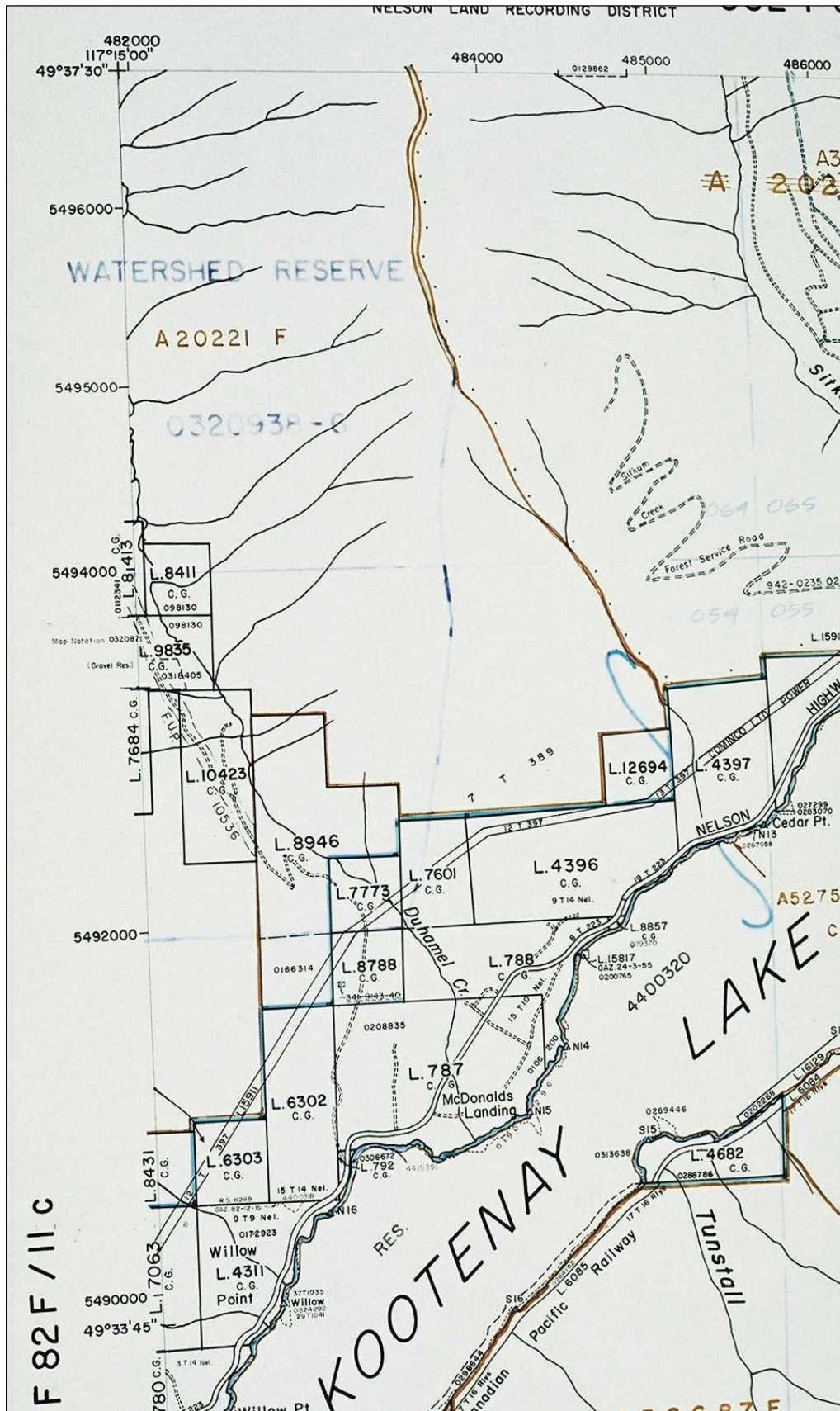
NELSON WATER DISTRICT

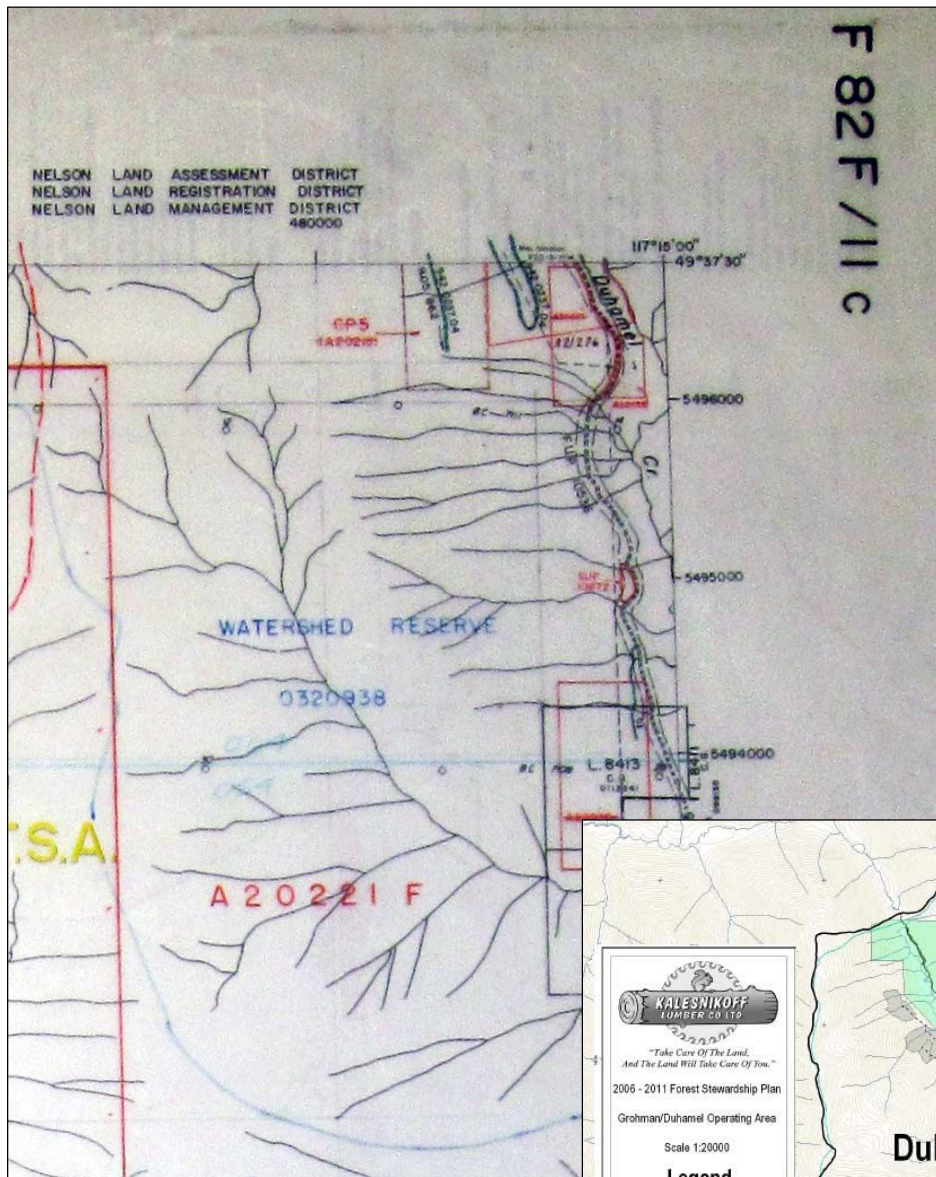
WATERSHED USER			DRAINAGE LAND		
NO.	SOURCE	N A M E	POPULATION	SQ. MILES	STATUS
25A	ARROW CR	EAST CRESTON (IMP DIST)	1350	30.7	CR 96%
10E	CLEARWATER CR	NELSON (CITY)	10	19.2	CR97.5%
10C	COTTONWOOD CR	NELSON (CITY)	10	14.9	CR86.9%
24A	DUCK CR	WYNNDEL (IMP DIST)	700	20.1	CA 96%
6	DUHAMEL CR	DUHAMEL CR (IMP DIST)	600	22.0	CR97.8%
10B	FIVE MILE CR	NELSON (CITY)	4000	18.4	CR 100%
30	GLADE CR	GLADE (IMP DIST)	200	11.5	CA 99%
19.0	HANNA (ROCK) CR	RIVERVALE (REG WATER UTILITY)	300	8.8	CR 99%
2	HEART CR	FAUQUIER (B.C. HYDRO COMM)	100	10.2	CA 98%
23	KELLY CR	FRUITVALE (V9LL175)	2400	9.3	CR 100%
17	POUPORE (CHINA) CR	GENELLE (IMP DIST)	500	10.2	CR 99%
5B	SPRINGER CR	SLOCAN (VILLAGE)	140	19.2	CR 100%
10D	WHITEWATER CR	NELSON (CITY)	3000	9.1	CR 100%

and included in the 1980 *Guidelines* attached maps.



It was entered onto the Ministry of Forests' Forest Atlas Maps as a Watershed Map Reserve.

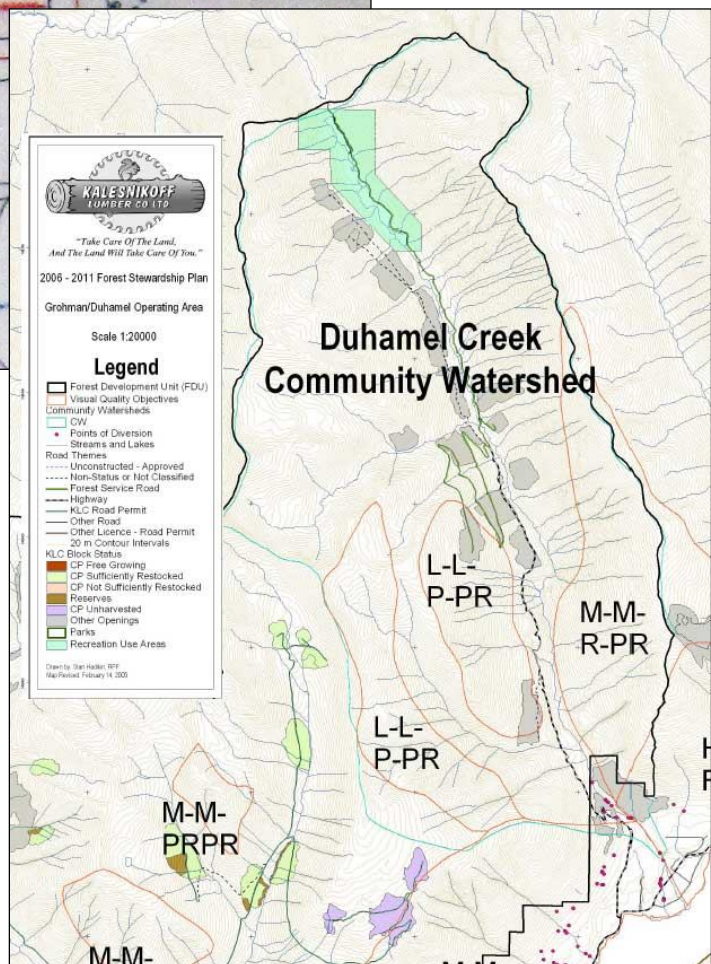




Nothing was mentioned of its Map Reserve tenure status in the *Forest Practices Code Act's* list of community watersheds in 1995.

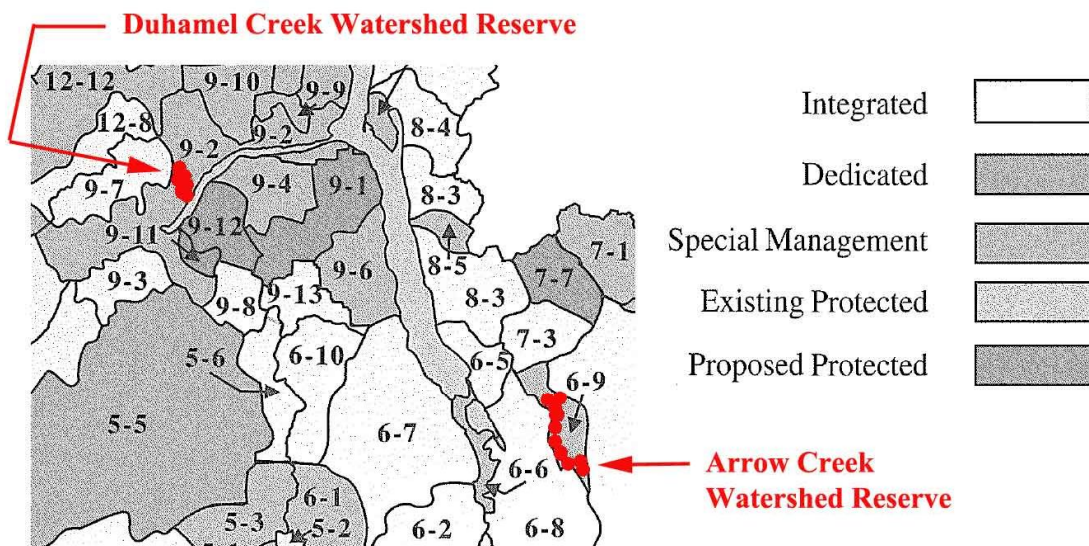
Nothing was noted of its legal tenure status in the October, 1994 *West Kootenay-Boundary Land Use Plan*, nor any mention made by the Land Use Coordinating Office (LUCO) and its public representative officials during public tables and meetings with Committees and residents.

Sometime by the end of the 1990s, the Duhamel Watershed Reserve somehow became part of Kalesnikoff Lumber Company's logging operations, evolving into one of its Chart areas, the Grohman/Duhamel Operating Area (Forest License A30172).



MAP 6

WEST KOOTENAY - BOUNDARY REGION DESIGNATIONS by POLYGON



Polygon Number	Unit Name	Designation	Enhanced Level Management Guidelines	Area (Hectares)
6-6	Creston Wildlife Mgmt. Area	Special Mgmt.	C,H,K,N	6522
6-7	Fish, Summit Creeks	Integrated	C,K,N	50876
6-8	Creston, Duck Creek	Integrated	K,N	38244
6-9	Arrow Creek Watershed	Special Mgmt.	H	8636
6-10	Upper Cultus Creek	Integrated	B,F,H,O	17278
7-1	Malandine Creek	Special Mgmt.	A,B,C,F,H,J,K,O,P	15761
7-2	Upper Kamma, Kid Creeks	Special Mgmt.	A,H,O	25091
7-3	Skelly, Lower Kianuko Creeks	Integrated	H	8830
8-6	Pilot Peninsula	Special Mgmt.	G,H,I,J,K,L,N	3072
9-1	Wilson, upper Kutetl Creeks	Protected		19665
9-2	West Arm Kootenay Lake	Special Mgmt.	G,H,I,J,N	45363
9-3	Upper Blewett	Integrated	J,K	9467
9-4	Lasca, Harrop Creeks	Special Mgmt.	B,C,H,I,J,N	11112
9-5	Kokanee Glacier Park	Protected		24507
9-6	Midge Creek	Special Mgmt.	A,B,C,F,G,H,J,N	15105
9-7	Upper Sproule, Grohman Creeks	Integrated	F,J	13915
9-8	Apex Clearwater	Integrated	A,B,F,H,J,N,O	8156
9-9	Upper Redfish, Liard Creeks	Special Mgmt.	F,H,J	2725
9-10	Kokanee Creek Corridor	Special Mgmt.	B,C,H,I,J,N	8867
9-11	Selous, Ward Creeks	Protected		2338
9-12	5 Mile, Anderson Creeks	Protected		9722

SPECIAL MANAGEMENT AREA #14 (Map 5)

WEST ARM KOOTENAY LAKE

AREA: 30,898 hectares

POLYGON NUMBER: 9-2

LOCATION AND DESCRIPTION:

In the vicinity of Nelson, along the west arm of Kootenay Lake and the Kootenay River including the entire drainage of Sitkum, Duhamel and Cottonwood creeks and the lower reaches of Grohman, Sproule, Falls, Smallwood, Rover and Forty-nine creeks. This area has moderately sloping hills which are forested from the valley bottom to the hilltops.

Cut-outs from the October, 1994 *Kootenay-Boundary Land Use Plan*, where *Land Act* Watershed Map Reserve tenures were all ignored by government. Polygon 9-2 is where the Duhamel Reserve is located, but described as a “Special Management” zone. Another example, showing the Arrow Creek Watershed Reserve, created in 1940, for the Town of Creston area, is also wrongly designated as “Special Management.”

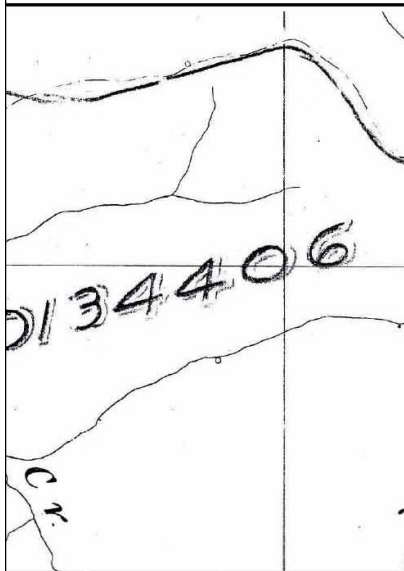
Right: Cut-out / excerpt from Will Koop's book, From Wisdom to Tyranny, page 131, under sub-section 8.4.3, Land Use Plans (LUPs) and Land Resource Management Plans (LRMPs), which is under section 8.4, The 1990s: The Forest Resources Commission, Land Use Plans (LUPs), Land and Resource Management Plans (LRMPs) and the Forest Practices Code Act, which is under Chapter 8, The Battle for Control: The "Lead Agency" Fiasco; Integrated Watershed Management Plans (IWMPs); the Protocol Agreements; the Forest Resources Commission; Crown Land Use Plans, Land and Resource Management Plans (and other Higher Use Plans); and the Forest Practices Code Act.

8.4.4. CORE and LUCO Protection Politics at City of Nelson's Five Mile Creek and Erickson/ Creston's Arrow Creek Watershed Reserves

In the government's clandestine efforts to use regional and sub-regional planning to reclassify *Land Act* Watershed Reserves (and unreserved community watersheds) as Special Resource Management Zones, one exception appeared: Five Mile Creek, the city of Nelson's Category Two Watershed Reserve. The West Kootenay-Boundary Land Use Plan treated this source of Nelson's drinking water quite differently from other Watershed Reserves scattered throughout the East and West Kootenays—they nominated it for provincial park status in late 1994.

Nothing was accurately described about Five Mile Creek's colorful and controversial history in the final October 1994 Land Use Plan. It was one of the earliest BC Interior watersheds to be reserved, and Nelson City Council had continuously fought for its protection. An old Forest Service Forest Atlas map (post-1927) registered it as a Reserve, and it was re-registered over the decades until the 1972 provincial Task Force on Community Watersheds re-reserved it in late 1973. When the Ministry of Forests began to threaten logging plans in Five Mile Creek in the early 1980s, Nelson Council and many other water users put up a fight and held on until the area was finally proclaimed a park in 1994.

Why the Commission on Resources and Environment and the newly implemented Land Use Coordination Office favored the proposal for park status had much to do with local and provincial politics—and very little to do with logic. Five Mile Creek was already designated as a Watershed Reserve, which clearly precluded any dispositions within it. The logical progression for the Reserve was to have its *Land Act* status transferred from a Section 12 Map Reserve to a Section 11 Order-in-Council Reserve. But such a decision would have brought



unwanted public attention to the Ministry of Forests' cover-up of Watershed Reserves, and might have amounted to trouble for the government. So Five Mile Creek became a park instead. The public had no knowledge of this process, but some inside government did. Including Five Mile Creek as a park gobbled up valuable hectares under the 12-percent cap for preserving Crown lands, thus preventing other areas from becoming protected.

9. THE LOOMING ISSUE OF LIABILITY AND ITS DISSIPATION – A DISCUSSION AND REVIEW OF INTERNAL RECORDS

*The ministry, having no mechanism in place to deal with the costs associated with damage to water quality or works, has a very difficult task in public sessions when attempting to convince water users that damage can be avoided or repaired. In fact, the absence of any sort of mechanism to cover such unforeseen costs, has led to prolonged, heated public debate and is at the centre of the problems being encountered in the Slocan Valley, Creston and Nelson watersheds, for example... At present, it would be safe to assume that many watershed areas presently in the AAC [Allowable Annual Cut] will not be harvested unless the government develops a serious, justifiable position on the liability issue.*²⁷⁷

*The final component [of the Community Watershed Planning Policy] is the Operations in Community Watersheds: Responsibilities and Liability Policy. This policy specifically addresses responsibilities and liability in community domestic and irrigation watersheds. It is an entirely new policy which we formerly presented as an “annex” to the government “Community Watershed Planning” policy.*²⁷⁸

As was the case with the Big Eddy Waterworks District Trustees, for the most part the thorny theme and issue of liability raised by provincial water purveyors with the government regarding the damage to water quality primarily from logging has a long and interesting history, a history that became particularly pronounced in the 1980s when the Ministry of Forests (MoF) launched a full assault on many previously restricted and protected drinking watersheds.

The subject of liability was poignantly summarized in 1981 by Bruce Fraser, the MoF’s newly hired Consultant on Public Involvement.²⁷⁹ Fraser had been busily preparing an internal report for the Ministry on a new public policy framework about logging in these politically sensitive community watersheds, the majority of which had been protected with Watershed Reserve tenures, a legal conflicting status that went oddly unidentified in Fraser’s reports:

*The major problem that comes up in discussions with the public are the questions of “Who is accountable and who will be liable for changes in water quality and quantity if there is damage from development?” Our draft addresses this **but you can see it is an area of quicksand!** [bold emphasis]*²⁸⁰

²⁷⁷ R.R. Tozer, Regional Manager, Ministry of Forests memorandum to W.C. Cheston, Assistant Deputy Minister, Operations, August 2, 1985.

²⁷⁸ C.M. Johnson, Acting Director, Integrated Resources Branch, Ministry of Forests, to W.C. Cheston, Assistant Deputy Minister, Forests and Lands Operations, Ministry of Forests, July 13, 1988.

²⁷⁹ See Chapter 8.2 for background information.

²⁸⁰ Bruce Fraser, Consultant on Public Involvement, Planning Branch, Ministry of Forests, to J. Soles, Administrative Assistant, Environmental Management Division, Ministry of Environment, November 23, 1981. Refer to Chapter 7 for more on Bruce Fraser.

As later identified on page 15 in a January 17, 1986 MoF paper, *Liability for Damage to Domestic Water Supplies from Forest Harvesting Activities – A Discussion Paper*, was the following:

determining liability is the crux of the discussion and apparently the real stumbling block in reaching agreements with water users and the forest industry.

Narrated earlier in Chapters 5 and 6, in many ways the Big Eddy Trustees were largely responsible for establishing renewed concerns, discussion, and precedent on liability in the early 1980s, through both the legal agreement with BC Hydro resulting from the Water Comptroller's Public Hearings on the Revelstoke Dam, and through the finding of the Environmental Appeal Board in 1983. These precedents, combined with the unwavering determination of the Big Eddy Trustees against the intrusion of forest management in its small Watershed Reserve, was why certain top administrators in the MoF developed such strong and lasting criticisms against them, even implementing an agenda to subdue them. The Big Eddy Trustees, as with a number of other outspoken water purveyors and users in the Nelson Regional boundaries, were a real threat to these government administrators who were scheming against the public by including community watersheds into the "working forest", lands devoted to the Provincial Harvesting Land Base. These precedents, as revealed here, were also under careful and confidential review by government legal counsel assigned to the MoF by the Attorney General's staff, internal documents which are conveniently restricted from public disclosure through Freedom of Information policies.

9.1. Early Legislative Precedent

Earlier on in the 1900s, both federal and BC provincial legislation and legal agreements regarding fresh water protection for both fish²⁸¹ and humans had specified that "pollution" of fresh water sources by mankind was intolerable and was subject to financial penalties, and even imprisonment.

For instance, the December 1924 provincial legislation which established the incorporation of the Greater Vancouver Water District and its administration over Crown and private forest lands in the Seymour and Capilano watersheds:

88. Penalties for polluting water

*If any person shall bathe the person, or wash or cleanse any cloth, wool, leather, skin of animals, or place any nuisance or offensive thing within or near the source of supply of such waterworks in any lake, river, pond, source, or fountain, or reservoir from which the water of said waterworks is obtained, or shall convey or cast, cause or throw, or put filth, dirt, dead carcasses, or other offensive or objectionable, injurious, or deleterious thing or things therein, or within the distance therefrom as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same or into any part of the system, or cause any other thing to be done whereby the water therein may in anywise be tainted or fouled or become contaminated, he shall be liable, on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a period not exceeding thirty days, with or without hard labour, or to both fine and imprisonment.*²⁸²

²⁸¹ The Federal Fisheries Act.

²⁸² Chapter 22, *An Act to incorporate the Greater Vancouver Water District*, Assented to, December 19, 1924.

Fourteen years earlier, the federal government passed an Order-in-Council in 1910 that protected the drinking watershed boundary of Coquitlam Lake, the source of drinking water for New Westminster City and its neighbouring municipalities. Signs posted at its boundary by the federal government stated:

Public Notice is hereby given that the Government of Canada has reserved, for special purposes, the lands surrounding the neighbourhood of Coquitlam Lake ... Any UNAUTHORIZED person in any manner occupying or taking possession of any portion of these lands, or cutting down or injuring any trees, saplings, shrubs, or any underwood, or otherwise trespassing thereon, will be prosecuted with the utmost vigour of the law. By Order, Robert Rogers, Minister of the Interior of Canada.

Ironically, the Greater Vancouver Water District later undertook to ignore and break its own early provisional laws when it became a logging company under secret negotiations from 1963 to 1966 with the Social Credit government's Minister of Lands, Forests and Water Resources, Ray Williston, leading to the passage of the *Amending Indenture* for the Greater Vancouver Water District in March 1967.

The concerns by government about public liability related to its permit licensing of Crown land use activities in public drinking watershed sources was almost a non-entity until the 1960s. That's when the Forest Service began to controversially authorize commercial logging in former and legislatively protected watersheds in the face of an astonished and opposed public. Even in 1960, the Chief Forester's office recognized, through its own slanted interpretation, the decades-old inter-agency legacy of drinking watershed protection:

*Although the water licence holder does not appear to have any specific legal rights respecting use of timber ... it is necessary to ensure that any such sale is subject to no interference with his water rights and improvements if the sale covers the same area. We also have a moral obligation to attempt to prevent pollution or other adverse effect on his water supply.*²⁸³

Similar sorts of restrictive clauses and understanding were also implemented in drinking watersheds in the United States, most notably Portland City's federally protected Bull Run Watershed Reserve which prohibited human and domestic animal access, that is, until 1958 when the federal Forest Service illegally authorized commercial logging.

By 1976, the newly elected Social Credit administration effectively began to stymie the role of provincial Health Officers as protectors or guardians over the public's drinking watersheds, later ensuring that top administrators in that department would tow a new line. The newly formed and now autonomous MoF then quickly sought to take charge to oversee community watersheds amidst the justifiable protestations and objections by both Ministry of Crown Lands and Ministry of Environment administrators.

²⁸³ Memorandum, December 20, 1960.

9.2. At the Center: Liability

Immediately following the dissolution of the provincial Task Force on community watersheds at the end of 1980²⁸⁴ is when the MoF began to actively frame and implement its own policy about logging in community watersheds. In 1981, the MoF's new Consultant on Public Involvement, Bruce Fraser, authored a November 12, 1981 draft document, *A Policy for Integration of Forest Planning and Operations in Community Watersheds Lying on Crown Land Within Provincial Forests*. It stated the following under a section entitled *Liability for Alternate Water Supply*:

During the life of a forest tenure, the licensee is responsible for making alternate water supply available to licenced water users should changes in water quality and quantity occur which are attributable to logging, road construction, road maintenance or forestry practices which depart from constraints or prescriptions imposed in the final approved Integrated Forest Management Plan. When a forest tenure lapses, the Forest Service is responsible for maintenance of the developed area to keep conditions within the limits imposed by the IFMP and assumes liability for water supply disturbances in place of the licensee. Liability for provision of alternate water supply shall be incorporated into Ministry of Forests contracts with licensees. Contracted liability for provision of alternate water supply shall be invoked by the Forest Service on the licensee, or accepted by the Forest Service itself, only where the Planning Team has inspected the area in question, and has determined that the disruption to water supply is related to licensee operations or Forest Service maintenance activity which departed from the approved Plan. In general, this liability provision shall expect licensees or the Forest Service, to take corrective action to restore natural water supply prior to undertaking alternatives.

According to a series of documents in the MoF's thick, voluminous central file on community watersheds, the theme of liability was discussed and reported on internally by the provincial government throughout the 1980s. This issue and these documents have rarely seen the light of day in a publicized report. The documents, summarized below, suggest that at the height of public concern by numerous provincial water users/purveyors in the 1980s about the consequential disturbance effects of logging in community watersheds, the government eventually decided to ignore and disappear the issue, because the cumulative financial and mitigation consequences to the provincial government had simply become too enormous, overwhelming, unwieldy, and highly embarrassing.

As a result of the growing number of intrusions to public water supply sources, and the public's related concerns and repeated calls for no logging, especially by knowledgeable members of the public in the Kootenays in southeast BC, serious internal discussion about this public movement in the Kootenays arose in June 1985 at the MoF Deputy Minister level.

As you are aware, this is a very high profile topic in this and other Forest Regions.

While this is a discussion between third parties with most tenures, the Ministry of Forests retains development and management responsibilities under the SBEP [Small Business Enterprise Program]. In doing so, we therefore must deal with liability in the event that unforeseen damage results from SBEP harvesting activities.

²⁸⁴ See Chapter 4 for the narrative about the Task Force.

This commitment must be looked at as a cost of doing business in domestic-use watersheds if these areas are expected to continue to contribute to the AAC.

*Related to this matter, this region is currently developing a discussion paper dealing with liability for damage in domestic watersheds under all tenures. Mr. Cuthbert initiated the project prior to leaving this region and we hope to be able to forward a draft for your consideration in the near future.*²⁸⁵


*The ministry having no mechanism in place to deal with the costs associated with damage to water quality or works, has a very difficult task in public sessions when attempting to convince water users that damage can be avoided or repaired. In fact, the absence of any sort of mechanism to cover such unforeseen costs, has led to prolonged, heated public debate and is at the centre of the problems being encountered in the Slocan Valley, Creston and Nelson watersheds, for example.*²⁸⁶

By January 1986, a MoF Nelson Forest District Regional Task Force completed a 22-page discussion paper, *Liability for Damage to Domestic Water Supplies from Forest Harvesting Activities*. The discussion paper was then circulated to all MoF Regional and District managers for comment. In 1986, MoF staff then began questioning the “*legal rights*” of water users, with the suggestion that the Ministry adopt other tactics to deflect such discussion, i.e.:

4) Page 5

The "liability" issue will be a hot one with our forest industry friends. Should we touch base with our legal friends?

cc: C. J. Highsted,
Director,
Planning Branch


W. Young
Chief Forester

*The discussion paper is an (admirable) attempt to find a way around the central problem which we believe could be stated as follows: “In the absence of any legal guarantee of water quality, quantity or flow regime provided by a water licence, the question remains open as to the legal liability of the Ministry of Forests and of licensees to provide compensation for damage or loss to, or replacement or repair of, water supply.” The way around the problem is based on recognition of the purposes and functions of the Ministry in Section 4 of the Ministry of Forests Act. We don’t have any problem with the concept that we must coordinate and integrate the use of the forest resources so that the water resource value can be realized. We do have a problem accepting the view of some water users that their water supply must not be impaired in any way. Impairment in some degree is almost inevitable but as identified under “central problem” above, there is no legal recourse to ensure absolute absence of impairment. It would almost appear, therefore, that a common sense, rational approach to integrated use as advocated by the discussion paper is a better means for us to fulfill our mandate than an attempt to resolve the central problem by defining a legal right of a water user.*²⁸⁷

²⁸⁵ D.L. Oswald, Acting Regional Manager, to W.C. Cheston, Assistant Deputy Minister of Operations, Ministry of Forests, June 13, 1985. “Mr. Cuthbert” became the Chief Forester.

²⁸⁶ R.R. Tozer, Ministry of Forests Nelson Regional Manager, to W.C. Cheston, Assistant Deputy Minister of Operations, Ministry of Forests, June 13, 1985.

²⁸⁷ J.J. Juhasz, Director, Timber Management Branch, to J. Bullen, Manager, Resource Planning, Ministry of Forests, March 11, 1986.

LIABILITY FOR
DAMAGE TO DOMESTIC WATER SUPPLIES
FROM FOREST HARVESTING ACTIVITIES
- A Discussion Paper -

What was omitted or ignored from this discussion was that water user's / purveyor's "legal rights" were inherent in provincially established *Land Act* Watershed Reserves, as these Reserves prevented all crown land "dispositions," which included Timber Sales, to specifically protect the water supply interests of provincial water purveyors and users. Nothing whatsoever is noted about the Watershed Reserves legislation and policy in the discussion paper on liability.

Timber Management Director Julius Juhasz's comments to Resource Manager J. Bullen in the above quotation eventually led Bullen to contact the Legal Services Branch of the Ministry of Attorney General on June 4, 1986 for a legal rendering of the liability concerns. On June 18, 1986, barrister and solicitor Dennis Doyle responded with a two-page letter of response. On July 3rd, a meeting was held with Doyle to "discuss liability in community watersheds." ²⁸⁸

A June 10, 1987 confidential MoF and Ministry of Lands Briefing Note, signed by Assistant Deputy Forests Minister Wes Cheston and Deputy Forests Minister Ben Marr, stated that "Government position to date is that it cannot accept liability for damage caused during any resource development, and that it cannot delegate resource management decisions to a third party."

In the experience of involved Regional and District Managers, it is this question of liability for damage which is the key stumbling block to completion of plans for timber harvest in domestic watersheds. For the process to proceed smoothly to completion, it is necessary for Ministry representatives to have a consistent and logical statement of responsibilities and liabilities for the parties involved (forest industry, water users and the Crown). Existing Ministry statutes and policy do not provide the direction required for such a statement.

In response to this apparent policy shortfall, a regional task group was formed by the Nelson Regional Manager to examine liability and responsibility of each of the involved parties and how responsibility should be determined. Existing statutes, policy, procedures and basic assumptions were examined by the group.

The Briefing Note attached three options, of which option number 1 was recommended:

1. To issue cutting permits when the District Manager is satisfied that adequate safeguards are in place.
2. To issue cutting permits only when government has accepted liability and agreed to third party arbitration.
3. **To exclude timber in domestic watersheds from the allowable annual cut.** [Bold emphasis]

Under the heading *Potential Questions and Responses*:

How can government justify not accepting liability for damage caused by logging or other resource activity in watersheds? Response: We will hold the resource developer liable for damage caused by his actions. For damage resulting from events outside of his control, we reserve the right to decide what should be done.

²⁸⁸ These letters and memos were "whited-out" under Section 14 of the *Freedom of Information Act*.

9.3. The South East Kelowna Improvement District Demands Accountability

A protracted, heated debate about liability occurred in the Okanagan Valley with the Trustees of the South East Kelowna Improvement District (SEKID) from 1987 to 1989. These water purveyors had a water license over Hydraulic Creek, a Category 2 Watershed Reserve (a re-defined area category of Watershed Reserve made by the 1972-1980 community watersheds Task Force) of some 14,000 hectares in area. The water license dates back to 1908.²⁸⁹ Logging already began in 1981 under strong opposition by the SEKID regarding the MoF's plans to "combat" the mountain pine beetle, with both Weyerhaeuser Timber Co. and Gorman Bros. Logging Company getting the majority of the Crown land logging permit contracts.

More salvage logging was proposed. This resulted in the MoF hiring University of BC Associate Forest Hydrology professor Doug Golding to write a report which was released in 1986, *Hydrological Implications of Salvage Harvesting Lodgepole Pine in Hydraulic Creek Watershed*. Golding recommended that an additional 25 percent of the watershed could be logged.

At the time, Golding was conducting a twin-basin forest hydrology/logging experiment in Greater (now, Metro) Vancouver's Seymour drinking watershed. About 15 percent of the old growth forest cover had been removed in the 'treatment' Jamieson Creek sub-drainage basin from 1977 to 1984 through road construction and clearcut logging. No final report was ever published about this expensive experiment supplemented from federal, provincial and regional government tax dollars. In fact, after the author of this report had investigated the history and records of the Jamieson experiment held by the Greater Vancouver Water District in 1997 following, Golding had evidently misconstrued total logging percentage data upwards by five percent in his conference presentation reports to make it appear that logging twenty percent (rather than fifteen percent) of a relatively small drainage produced no or little alteration damage to stream characteristics and with little alteration of sediment rates. In November 1990, a large landslide that initiated at the top of one the four clearcuts in the experimental drainage caused extensive damage to the Seymour watershed and shut down the Seymour Reservoir water supply for three weeks!

In 1987, Golding's Hydraulic Creek report was assessed in a five-page report critique by D.A. Dobson, the Engineering Section Head with the Ministry of Environment's Water Management Program, *Concerns of Logging Impacts on Hydraulic Creek as a Domestic & Irrigation Water Supply for the South East Kelowna Irrigation District*. Dobson's review originated by concerns forwarded to him by the SEKID regarding a major amendment to the timber cutting plans in Hydraulic Creek.

In his first paragraph, Dobson summarized that the "*results of this review are alarming*". Dobson provided annual figures on the amounts of logging in Hydraulic Creek since 1962, the year prior to the Okanagan Basin becoming Public Sustained Yield Unit number 25. Over a 25-year period, with the majority logged between 1968 and 1987, a total of 3,503 hectares were clear-cut, out of an overall total of the 12,851 hectares of forest cover. Golding overlooked describing this basic summary information in his 1986 report.

²⁸⁹ According to the Water Rights Branch 1926 report, *South East Kelowna Irrigation District*, the "*development of fruit lands in this district practically commenced with the activities of the Canyon Creek Irrigation Company Limited, 1910-1911 and the South Kelowna Land Company Limited in 1912.*" The Improvement District was formed on November 2, 1920. For more interesting details on this history, see *Paying for Rain: A History of the South East Kelowna Irrigation District*, by Jay Ruzesky and Tom Carter.

The report by Dr. Golding indicated that clearcut logging should not adversely impact the water supply. These conclusions were questioned by both the Water Management Program and SEKID since they did not appear to be in agreement with research work carried out by Dr. Cheng in other watersheds in the Okanagan, namely Camp Creek. In this case the research using actual field measurements, not modelling results, show that when 30% of the forested area of a watershed is in clearcut, that the water quantity is increased by 21% on average.

The water quality study indicated that there were observable changes to water quality due to logging. It appeared that the net effect, for 1986, was an increase in the chlorine consumption by the SEKID. The long term impacts are not known so the study has been extended through 1987.

When an area is clearcut it produces more water than when it was forested. In the area below McCulloch Reservoir [“it is this area that provides the District with their early spring water supply”] there will be a number of sub-drainages that will have 50% + of the area in clearcut. An increase in water yield will mean that streams will carry greater flows than their channels capacity. To accommodate these higher flows the channels will erode their beds and thus degrade the water quality. A second threat and possibly more serious is the risk of slope failure in the lower portions of these sub-drainages into the mainstem of Hydraulic Creek. The watershed has had Erosion Potential mapping completed. The high erosion potential areas are those steep slopes adjacent to Hydraulic Creek below Hydraulic Lake. With large areas upslope in this area in clearcut means that both surface water and ground water yields will increase. If these lower slopes should become saturated and fail or if the streams should cause significant erosion in this area, there could be a blockage of Hydraulic Creek above the SEKID intake. A slide has already occurred in this area from some previous logging. Fortunately, it did not reach Hydraulic Creek. This concern is again supported by the research carried out by Cheng. If a slide should block Hydraulic Creek above the SEKID intake, the District will lose the use of the creek as a water supply for an indeterminate period of time.

If the water supply is degraded due to channel erosion and/or sediment laden water from the logged area, the water supply could be deemed unpotable by the Ministry of Health.

The loss of Hydraulic Creek to SEKID for even a short period of time would mean that 3,500 people would be without water. The District has no operational backup supply to meet even the domestic requirements at this time. If Hydraulic Creek were lost to the District for an extended period of time, the impact on the agricultural industry would be in the millions of dollars.

In summary, extensive logging of the Hydraulic Creek watershed particularly the area below McCulloch Reservoir (both current and proposed) is exposing the water supply of the South East Kelowna Irrigation District to severe risk. Since it appears unlikely that this situation will improve and that this risk is being imposed on the District as a result of timber harvesting, that steps be taken to develop a contingency plan for an alternate, domestic only, water supply to be operational for the spring of 1988.

As a result of Dobson's report, from late 1987 into the following year the SEKID and the government exchanged letters of correspondence, with the major concern by the SEKID about liability and demands for an alternate and government-financed back-up water supply. The SEKID held a meeting with the MoF on October 23, 1987 to discuss the option of an alternate source of

water supply, where it was agreed by both parties that the SEKID “develop a plan which could provide an alternate source of domestic water supply”.

The SEKID pointed out in its letter of November 5, 1987, that silt in its distribution system “would have extremely serious ramifications”, because to shut down the system would necessitate automating the intake’s shut off valves, with a cost valued at \$25,000. Furthermore, on the event of a system shut down, the SEKID would have to pump water from two groundwater wells which had a combined capacity of 1,700 U.S. gallons per minute, a quantity that “would just be adequate for normal residential use”. To do so, the District would have to install three booster pump stations, at a cost of \$188,000, and that private lands would have to be purchased to house the new pump stations. The total costs were estimated at \$213,000.

The SEKID stated that, “the possibility of a problem developing is much more likely with the very large clearcut blocks that are being proposed”:

The increase in peak flows combined with ground disturbances caused by logging operations greatly increases the likelihood of a landslide or slope failure into Hydraulic Creek which would require a temporary shut down of the water system. It should be noted that one major slide resulting from logging activities has already occurred in Hydraulic Creek. The Trustees believe that the large increases in clearcut areas will result in an unacceptable level of risk to the water supply system and an emergency supply must be developed. Since this increased risk results from logging activities which are beyond the control of the District, the Ministry of Forests and/or the forest companies must provide a large share of the cost of implementing an emergency scheme. It should be noted that to successfully implement the alternate supply system as outlined above by April 1, 1988, materials and equipment must be ordered by no later than January 1, 1988, with construction to commence by February 15, 1988.

On December 10, 1987, Penticton MoF District Manager J.H. Wenger wrote a memo to Kamloops MoF Regional Manager Peter Levy entitled, *Ministry Financial Responsibilities for Remedial Actions - Hydraulic Creek Watershed*:

Hydrologically, effects on water quantity and likely quality can be anticipated in a watershed as forest cover denudation occurs at a rate greater than thirty percent. Under normal forest management as many as four planned passes may occur in a watershed during rotation in order to maintain a rate of denudation less than thirty percent at any one time. With the beetle epidemic, normal forest management strategies have been set aside and, as a result, we are now facing a denudation of about forty percent in a very critical portion of the watershed; the area between the storage dam and the intake to SEKID’s distribution system. In addition, much of this harvesting is being done over soil types designated as being environmentally sensitive.

Wenger then went on to discuss “The Problem” under two subsections of his memo, “Who Accepts the Risk” and “Precedent”:

Does SEKID, the Ministry of Environment and Parks or the Ministry of Forests and Lands in whole or in part or on a shared basis accept the risk of disruption of water supply caused by logging? Acceptance of risk can be equated to acceptance of responsibility. In this case it is our Ministry that is directing the increased rate of harvest in this area and as such, I

believe, must thereby assume the risk of its actions. An extension of this responsibility would be to develop a contingency plan (including capital works) to provide for alternate water supplies. Should the Ministry accept the risk and responsibility, especially making funding available to provide remedial measures, is there a concern on setting a precedent for other situations in the Province?

Wenger then provided an estimate of timber stumpage payments accruing from the pine-beetle logging over the 1987-1989 period at \$1,767,500: “*in addition there are another 3,830 hectares containing susceptible pine in the watershed having an estimated stumpage value of \$7,400,000.*” Wenger then recommended that “*this year’s*” stumpage be used to write off the \$213,000 costs for the SEKID as “*the option of stopping further harvesting was not considered viable in view of the Crown revenue that would be foregone.*”

By early January 1988, the concerns had worked their way up the chain of command to the Chief Forester and Deputy Minister levels. Wes Cheston, the Assistant Deputy Minister of Forests and Lands Operations wrote on January 5th, after a meeting with Deputy Forests Minister Ben Marr (the former first chairman of the 1972-1980 Community Watersheds Task Force), that:

If it is positively indicated that harvesting has resulted in an adverse impact then we will entertain consideration of making funding available to provide remedial measures. It would not be appropriate to fund an alternate water supply at this time based on speculation.

An eighty-one page legal assessment was provided for the MoF by the Attorney General’s department at that time, a document withheld from public knowledge under Section 14 of the *Freedom of Information Act* in documents supplied to the author of this report by the MoF in late 1998.

On January 8, 1988, S.B. Mould, Manager of the SEKID, wrote to Deputy Forests Minister Ben Marr. Since District Manager Wenger advised the SEKID that a decision about the “*emergency plan*” could not be made for another sixty days, “*the Trustees request that logging operations in the watershed below McCulloch Reservoir be immediately stopped in order to minimize the risk to the water system.*”

Given the explosive politics of the day, Ben Marr replied on March 7, 1988 that “*the District Manager in Penticton has temporarily suspended logging in the Hydraulic Creek Watershed*”, and that in future “*harvesting activities have a minimum impact on water quality and quantity through sound planning and appropriate operational techniques.*” Marr ended the letter by stating that, “*I must confirm that our Ministry is not prepared to fund the back up water system that SEKID has proposed.*”

Given Marr’s background as previous Deputy Minister of Environment (1975-1986), and as former Chair of the Community Watersheds Task Force (1972-1975), he failed to mention to the SEKID in his letter that before any more logging be authorized in Hydraulic Creek the government needed to undertake an Integrated Watershed Management Plan (IWMP), as mandated for Watershed Reserves under Appendix H of the 1980 Community Watershed Guidelines document. Moreover, Marr’s position on “*watershed liability*” was influenced by almost two years of internal government review on this issue, of which he was familiar with.

On March 18, 1988, the SEKID sent a four-page letter of reply to Ben Marr:

The Trustees were shocked and dismayed by the position taken regarding the integrity of the District's water supply. We can only assume you must not have been aware of all the facts relating to this particular problem. In this regard we would like to take the opportunity to detail some of the background and reasons for our concern. In 1985, the District began experiencing a measurable deterioration in water quality. Since timber harvesting was the only major activity in the watershed, it was obvious to us that logging was the likely cause. Ministry of Forests officials were, however, not convinced and two detailed studies were undertaken over a two-year period to substantiate and quantify the impacts on water quality or water quantity. The District again co-operated by participating and providing funds for these studies. Not surprisingly, the studies confirmed that the District's water supply is being adversely affected by timber harvesting even though the amount of clear cut area is still less than 30% of the watershed. Now that funding for the contingency plan has been turned down, we understand that Mr. Wenger [was] directed to review alternatives and to continue harvesting. The District must strongly oppose further harvesting until we are satisfied that no additional risk will be placed on our water supply. As best we can ascertain, there are no documented examples of a community water supply watershed being logged to the degree that ours is, either in Canada or U.S.A. We are in an area of very limited technological experience and cannot afford to be used as an experimental guinea pig.

Contrary to the concerns of Forest District Manager Wenger about the government setting a precedent to compensate the SEKID with a temporary alternate water source, as revealed in Chapter 6 the "precedent" had already been established by the Big Eddy Water District with B.C. Hydro. In fact, an October 26, 1987 MoF memo regarding "Watershed Liability" made reference to the B.C. Hydro and Big Eddy compensation issue. In it, D.A. Currie, the Planning Forester and coordinator in the government's discussions about liability in drinking watersheds, provided a general discussion on obtaining "background information from which an estimate of liability might be extracted" for "most watershed problems":

Due to a wide range in the types and severity of events there is also a wide range in associated cost estimates. Costs can reasonably be expected to range from several hundred dollars to in excess of one quarter of a million dollars.

9.4. Union of B.C. Municipalities' Resolutions Concerning Liability

In 1988, the City of Nelson, which remained undaunted by the Provincial Government's lack of response to its entreaties about drinking watershed protection, presented the following resolution on the issue of compensation from damages to drinking water supplies:

LR5. COMPENSATION FOR DAMAGES TO WATERSHED AREAS

WHEREAS there is a growing concern throughout the Province of British Columbia regarding resource extraction in watershed areas because of the possible negative impact of such resource extraction on the quality of potable water and because of the difficulties, extreme costs and virtual impossibility of litigation in the event of damages;

AND WHEREAS the preservation of watershed areas and the potable water resources they contain is vital to the health of a community, repairs must be instituted immediately in the event of damage:

***THEREFORE BE IT RESOLVED** that: (a) The Provincial Government establish a no fault insurance pool to pay for costs for immediate repairs to such assets and water supply areas and water supplies damaged through resource extraction; (b) The funding for such an insurance pool come from resource extraction companies through posted bonds or similar funding and through royalties and stumpage fees paid to the Province; (c) Liability for the damage to be proportioned through an arbitration board decision and the fund reimbursed accordingly. Such arbitration board to be established prior to resource extraction being instituted. The composition of the arbitration board to include municipal (regional) representation for the area affected, technical expert acting for the municipality (region) affected, appropriate ministry representative, the industry involved plus a fifth party to be chosen by the other four members as an impartial voting member.*

B36. WATER LICENSEE INDEMNIFICATION

WHEREAS the Provincial Government is responsible for issuing licences for the extraction or use of provincial resources which at time lead to conflicts between the uses licenced;

AND WHEREAS municipalities, regional districts, water improvement districts and others holding a priority use licence for domestic water supply have found that subsequently issued licences for uses such as logging have resulted in financial hardship to the prior use licensee and have caused deterioration of the prior use of resources:

***THEREFORE BE IT RESOLVED** that the Provincial Government be requested to reimburse a prior use licensee where the issuance of a subsequent licence results in financial or resource loss to the priority user and the Provincial Government seek its own reimbursement of costs from the licensee causing damage.*

The UBCM Resolutions Committee later commented:

The Resolutions Committee notes that this resolution (B36-1986; A38-1982) was previously considered and endorsed. The Provincial Government indicated in response that it should not be held liable or have to pay damages resulting from the use or extraction of resources under licence. The Provincial Government is reviewing the issue and is attempting to propose a policy which would solve the problem.

The following year, the City of Nelson passed another resolution pertaining once again to the subject of compensation of injury to water users from those responsible for issuing and performing resource activities in community watersheds:

B46. COMPENSATION FOR DAMAGES TO WATERSHED AREAS

WHEREAS there is a growing concern throughout the Province about resource extraction in watershed areas, and the negative impact of such resource extraction on the quality of

potable water; AND WHEREAS it is difficult, if not impossible, to prove fault in the case of damage to watershed areas:

THEREFORE BE IT RESOLVED that the Provincial Government be urged to provide no fault compensation for areas damaged by resource extraction. (Endorsed by the Association of Kootenay and Boundary Municipalities)

9.5. Provincial Legal Counsel Quietly Cans Liability

By the end of 1989, after numerous years of internal reviews and reports, public complaints and demands for compensation costs for watershed damages to water supply sources and requests for liability contract clauses, the MoF produced three interrelated draft watershed policies:

- *Community Watershed Management;*
- *Community Watershed Planning; and*
- *Reparation of Damages to Water Supplies and Delivery Systems.*²⁹⁰

Prior to the final tweaking of these policies, government staff at a joint Environment and Forests meeting in Nelson on January 23, 1989 made a significant revision to “*reflect a general re-thinking of the intent of the proposed policy which formerly dealt with liability for damage*”, namely, the “***deletion of all references to liability as a result of advice from legal counsel.***” [Bold emphasis]

The Update also commented on the “*acceptance of the University of Calgary Environmental Law report contention that “water quality” is implicitly guaranteed through English Common Law.*”

The *Watershed Policies Update* memo conveniently and shamelessly passed on the buck to the water purveyors at the end of the document, adding that:

*However, you must realize that the water licensee also must share in overall responsibility. He or she must be aware that the water delivery systems they install must be capable of dealing with natural sediment load. The licensee must also be willing to accept a reasonable level of risk. I like to view the situation as a cooperative effort. Government, forest and range licensees and water licensees are in this together and must share the attendant responsibilities.*²⁹¹

²⁹⁰ Previously called *Responsibility for Liability in Community Consumptive Use Watersheds* in the July 11, 1988 draft version. “*Purpose: The purpose of this policy is to clarify liability for reparation of damage to consumptive use water supplies or delivery systems necessitated as a result of timber harvesting (including silvicultural treatments and protection activities) or grazing activities.*”

²⁹¹ D.A. Currie, Planning Forester, Integrated Resources Branch, to J.R. Cuthbert, Chief Forester, regarding *Proposed Watershed Policies*, March 2, 1989.

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

*Private land logging legislation proposal will go to Cabinet in two weeks.*²⁹²

In addition to bitter, persistent complaints from BC's water purveyors in the 1960s about the provincial government's meddling and mismanagement of Public land drinking watershed and irrigation sources, forest land use management practices on private lands also became a constant irritation and threat. The statistical information on these complaints were initially compiled from about 325 BC water purveyor response forms returned to the 1972–1980 community watersheds Task Force in 1973, after questionnaires were bulk-forwarded to them in late 1972.²⁹³ The main conflict identified on BC private lands was logging, practices often conducted indiscriminately. The other registered conflict on private lands was agricultural practices, primarily by way of domestic livestock and various concerns about infecting and polluting water sources.

A number of BC's community watersheds constituted a mix of both private

3. If development of use potential considered to be undesirable, discussion is required on:
(a) how can this be restricted on Crown lands?
(b) how can this be restricted on private lands?

Controls to restrict undesirable use development

and public lands, and others were constituted as either fully public or private lands. Provincial legislation and regulations apparently never provided any control measures over the management of private lands located in the hydrographic boundaries of community drinking watersheds, or, for that matter, on influential impacts to groundwater sources. This left the Task Force with the responsibility of registering the first formal recommendations to do so. However, the Task Force's recommendations over private lands were ignored by the incoming Social Credit Party administration (1976–1991), despite repeated recommendations by senior government ministerial managers and administrators. The reason for the repeated failures by BC governments to pass legislation to limit or prohibit private land activities in drinking sources was because it was a hot political potatoe, as the Big Eddy Trustees were to discover in the 1980s and 1990s.

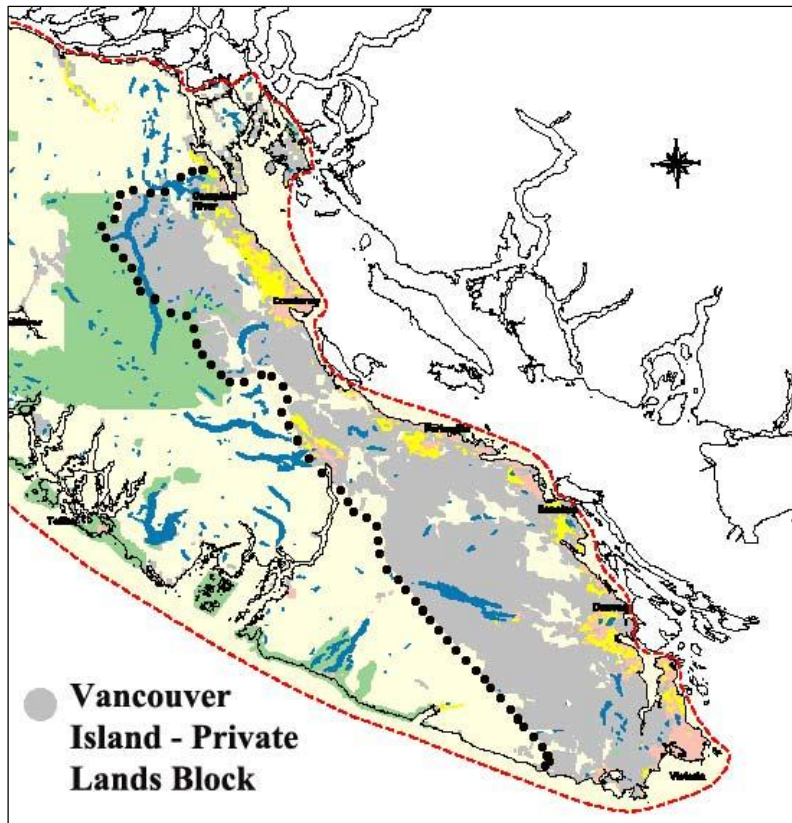
As indicated in the attached letter, map reserves have been placed on the watersheds serving communities throughout the Province. The establishment of these map reserves by the Lands Service will enable decisions regarding Crown land use to take cognizance of the water supply function of these lands. A similar control of proposed land use activities on privately-owned community watershed lands by Provincial authorities is not possible under existing legislation.

The regional districts and municipalities could control changes in the use of privately-owned community watershed lands by designating these lands as watershed areas on official-regional plans and regulating the land use activities by means of zoning bylaws.

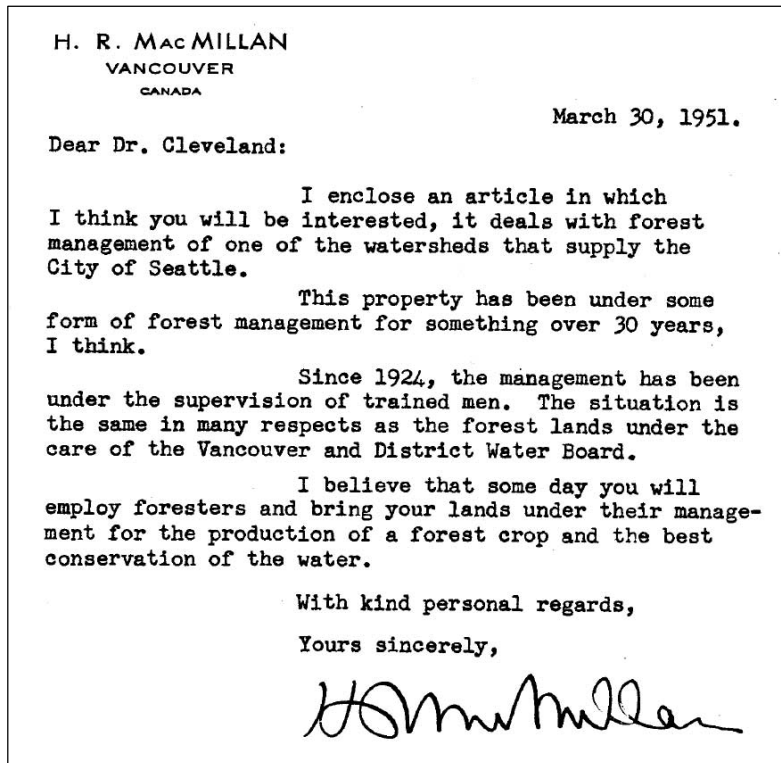
²⁹² Minutes, Inter-Agency Watershed Management Meeting, February 1, 1990.

²⁹³ The Task Force later provided simple data on the land ownership status of each of the provincial community Watershed Reserves in a document called *Appendix G*, included in the Ministry of Environment's 1980 community watershed Guidelines document. This Watershed Reserve catalogue identified the name of each registered watershed, its jurisdictional location, area, names of water purveyors, and the percentage of ownership in terms of private or public lands.

Private land logging was wreaking havoc on water supplies, particularly evidenced on southeast Vancouver Island. These domestic watershed sources are located within a large rectangular block of private lands comprising some two million acres, usually called the E&N Railway lands. The federal and provincial governments conditionally transferred the Crown title of these vast lands into private hands in the late 1800s in exchange for establishing and financing a railway transportation system. Similar and controversial land title transfers to railway barons had also occurred in the United States, some of which were later contested in lengthy court cases.²⁹⁴



Logging in many of the drinking watershed sources in Vancouver Island's railway lands either began or escalated in the 1950s when the forest industry's agenda to erode the provincial government's single-use / water-only policy began in earnest. A prime complaint example was the logging that began in the City of Nanaimo's Jump Creek watershed in the mid-1950s. Aerial and topographic photographs confirm the watershed's undeveloped pristine nature at the time. Jump Creek was then owned by forestry tycoon H.R. MacMillan, BC's former and first Chief Forester, who acquired the private lands in the late 1940s from the Victoria Lumber Company. It is not known if MacMillan had made any conciliatory offers to the City of Nanaimo to purchase his Jump Creek lands before MacMillan chose to log the watershed in order for the City to protect its long-term interests.



²⁹⁴ I.e., a BC Supreme Court suit was recently launched against the BC government by Canadian Pacific Railways on May 30, 2013 concerning land resource rights ownership conflicts in the Okanagan and Kootenay areas over areas totalling some 324,000 hectares.

Records held at the Vancouver Archives indicate that MacMillan was in favour of logging in community watersheds by way of a letter he personally sent to Greater Vancouver Water District Commissioner E.A. Cleveland in 1951, where he encouraged the central guardian over the public's protected watersheds to begin logging them. Like other BC timber barons and forest companies in that period, efforts were being made to persuade federal, provincial and third order government administrators to abandon their principles and policies in order for the private sector to reap short-term profits from the protected timberlands.

In 1950, H.R. MacMillan's forest land and industrial empire merged with another to become MacMillan Bloedel, later acquired in 2000 by corporate forestry giant Weyerhaeuser that bought out the empire for some \$3 billion under harsh criticism from BC residents. Weyerhaeuser is the American family-owned and integrated company that had been logging in Seattle City's Cedar River watershed private lands from the 1930s onwards. When public resistance mounted in 1943 against future logging in Seattle's water supply by many organizations and elected officials, Weyerhaeuser helped invigorate and spearhead an international agenda to log in protected American and Canadian drinking watershed sources, through the advocacy of "dual-use" by Seattle City's watershed forester Allen E. Thompson (see Chapter 8.4). Weyerhaeuser would also later reap its rewards with timber harvesting licenses in BC's Interior, in the Okanagan drinking and irrigation watersheds.

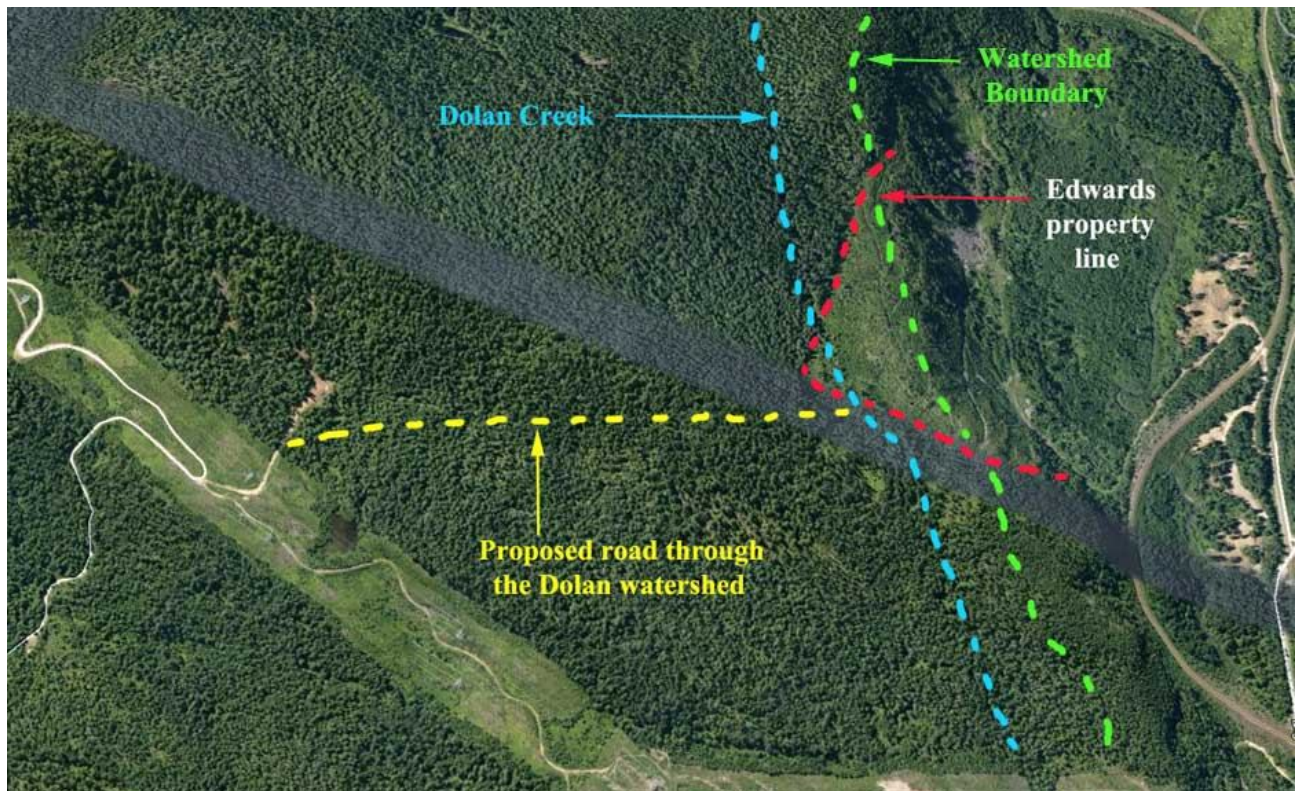
By 1994, BC's forest licensees banded together to form the Private Forest Landowners Association (PFLA) prior to the New Democratic Party government's intentions to legislate controls over their privately owned forestlands. The PFLA was successful in limiting the legislation, and by May 2002 the BC Liberal Party with its majority control in the Legislature (77 out of 79 seats), and with its strong financial and ideological ties to the forest industry, removed the private land legislation introduced by the NDP in 1994. Of greater concern, the BC Liberals were also intent on developing privatization initiatives and legislation of Public forestlands.

10.1. The Request for Access through Crown Lands on the Dolan

As narrated in Chapter 7.2, before the Big Eddy Trustees were advised of Kozek Sawmills' Crown land application to log Dolan Creek in early February 1984, they were contesting an application with the Ministry of Forests (MoF) regarding a Crown land road access to be constructed directly across the lower Dolan Watershed Reserve. The proposed road was to run from south to north (parallel to the Columbia River Valley) to connect with the upper portion plateau area of Gordon and Lillian Edwards' private lot, which lay along and beside the Dolan Creek stream channel, and not far distant and upslope from B.C. Hydro's lower transmission line right-of-way.

According to Ministry of Forests' records, the Edwards' property was alienated "*long before*" the incorporation of the Big Eddy Waterworks District in March 1950, only 10 hectares of private land which was in the hydrographic boundaries of the Dolan Watershed Reserve. The remaining 52 hectares of the Edwards' private lands lay on both very steep northward facing terrain a good vertical distance below the Dolan watershed and on the valley bottom of Tonkawatla Creek, just next to the Canadian National Railway line. To access the 10 hectares in the Dolan watershed from the Edwards' lands below would necessitate building an expensive switchback road across very difficult and very steep terrain – the Edwards wanted a cheaper alternative route through the Dolan Reserve to access and log off their property.

Since the 1983 road access proposal by the Edwards, it took almost ten years of negotiations with government and related delays before logging of the 10 hectares occurred in 1993. Due to the numerous delays and impasses following 1983, the Edwards sold their property to logger Barry Rothenberger in 1992. After failing to negotiate a land swap with the government, Rothenberger built a steep switchback road up his new property from Tonkawatla Creek to clearcut the 10-hectare corner lot section in the Dolan watershed. The clear cutting resulted in more damage to the Dolan watershed due to strong winds that later blew over both the narrow row of trees left standing as a protective stream buffer and the standing forest on Crown lands marking the rectangular edges of the clearcut. The fallen trees with their uprooted mats and soils caused the stream to be diverted thereby created turbidity problems and controversy about costly remediation and rehabilitation measures in the mid-1990s.



Recent image from Google Earth showing the lower portion of the Dolan Reserve, the rough location of Edwards' proposed logging access road (in yellow), the Edwards' property boundary (in red), the northern boundary of the Dolan watershed (in green), and the course of Dolan Creek (in blue). The image shows the later logging that occurred in 1993 by later property owner Barry Rothenberger. The steep switchback access road is just visible built from Rothenberger's lower property to the area Rothenberger clearcut in the Dolan Reserve.

The Edwards stated in their November 17, 1983 letter to the MoF that the only feasible access to their timber on the 10-hectare portion beside Dolan Creek would be to build:

One thousand meters of skidder skid trail from our property to a log landing that already has logging truck access. The skidder skid trail would be built on the snow pack and used only during the snow months of February and March. There will be no disturbance to the ground and all signs of its use will be obliterated on the melting of the snow pack.

Other promises were made in the Edwards' letter to "prevent stream damage" to Dolan Creek. The Edwards based their proposed logging prescriptions on the 1980 Water Comptroller's Environmental Guidelines for B.C. Hydro's transmission line crossing which they received a copy of from the Ministry of Forests. The Edwards also received a copy of the 1980 Ministry of Environment's Community Watershed Guidelines document about the Watershed Reserves.

Big Eddy Waterworks fights logging in watershed

Lloyd Good of the Big Eddy Waterworks presented City Council Monday with information on the problems of the Ministry of Forests plan for logging of the Dolan Creek watershed which provides water to Big Eddy.

Good said the watershed provides water to about 1000 people and at present the water does not need to be chlorinated.

In 1983 the ministry came up with a proposal to have Kozek Sawmills log 100 - 150 year old hemlock in the area. Although the hemlock has no commercial value, according to Good, the ministry wants to reseed

the area.

Also according to Good, Gordon Edwards wants to log his private property in that area. The Waterworks had earlier refused Edwards permission to come through the watershed. Now the ministry is allowing Edwards to build a logging road so he can truck out "40-50 truckloads of logs." Good said that would cause a faster runoff and cause silt in the water, making chlorination "probably necessary." It would also open up the area to snowmobiles, dirt bikers and cross country skiers. Good maintained costs of maintaining the watershed would increase.

Big Eddy Waterworks has requested the road permit be put on hold until a public meeting can be held.

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section**

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The *Forest Act* contained a provision for conditional access to private forestlands through Public lands, if no other means were available to access it. Permission to do so could be obtained upon the discretion of a senior Forests manager:

Where a person who has a right to harvest timber does not have access to the timber over an existing road on Crown or private land, and the most efficient means of providing access to the timber is by building or modification of a road on Crown land or by the use of a forest service road, the regional manager or district manager shall, subject to this Part, grant a road permit to the person to provide access to the timber. [Under Section 92 (1) (b) (i), the district manager] "shall determine (i) a right of way that, in his opinion, will provide access to the timber without causing unnecessary disturbance to the natural environment." ²⁹⁵

In accordance with the provisions in the *Forest Act*, the Ministry of Forests advised the Big Eddy Trustees that it:

took great care in reviewing Mr. Edwards' application before we were satisfied that a skid trail could be built and used without causing any environmental damage. We have advised Mr. Edwards that we are prepared to issue him a road permit only when conditions are suitable to avoid environmental damage. Suitable conditions would include the ground being frozen and an adequate snowpack of at least 0.8 meters in depth. Once a road permit has been issued it is

²⁹⁵ *Forest Act*, RSBC, c.140, Section 91.

Big Eddy residents confront Forestry representatives

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Guarantees were what the Big Eddy residents asked for, from the Ministry of Forests Monday evening, but they didn't get any. That was the end result of a meeting between the residents and representatives from the Ministry of Forests. Spectators at the meeting included some members of City Council, Mayor Tony Coueffin and MLA Cliff Michael. There is still a great deal of concern by residents in the Big Eddy that their water will no longer be pure with the intrusion of logging in the Dolan Creek Watershed. It covers an area of about 1.7 miles, which includes an area of about 20 acres of private land. Forestry recently allotted the owner of the land, Gordon Edwards, a permit to put in an access road to his property. The road would cut across the watershed, although Edwards has decided not to use it. Another fear is that Forestry themselves have plans to log the watershed and the local residents feel they will get the end results of polluted water, damage to the watershed area and in the end, higher costs to cover chlorination. The residents say it has happened before with B.C. Hydro except that Hydro paid for the chlorination and a new water supply. Forestry is not promising the same.

Presiding over the meeting on the watershed issue was Lloyd Good who told forestry he believed the people had a right to be able to drink uncontaminated water and that could happen only if there was no or limited activity in the watershed. He reviewed the problems that arose when B.C. Hydro put power lines in the area and residents ended with alternate chlorinated water and only recently in 1984 had returned to the Dolan Creek supply. He said they expect to have to use the alternate source during spring run-off which they had never had to do in years prior to Hydro clearing for their power lines. He asked Forestry if they would consider waiting 5-8 years before logging until the full impact of the Hydro clearing was established. Good added that he would rather not have the area logged at all.

Paul Kuster, operations superintendent for the Ministry of Forests said their main concern was to maintain both the quality and quantity of water. But there are two things the department has to contend with. One is the fact of private property in the watershed. Kuster said by law they cannot deny access of an owner to his property unless it could be proven to cause environmental damage. After a careful review the forestry department decided to issue a road permit to Edwards to be used only when the disturbance is minimal and conditions are suitable. Kuster said this year those conditions were prevalent. He said there were clauses to protect the watershed and the operations would be closely monitored. If the water were affected in an adverse way, Kuster said they would shut down the operations.

The second item was the fact that the department's job was to manage all areas of the forests. Recognizing water as the number one resource in Dolan Creek watershed, Kuster said it was not the only resource adding that forestry and wildlife were important too as well as the electricity in the power lines.

In trying to manage the forests a five year plan is being put together and should be complete by early March. Kuster invited interested people to review the plans at an Open House and to comment or put in suggestions. He said no decision would be made until that time.

But those who live in the Big Eddy area were not buying the bill of goods being offered. They said Hydro had said the same thing and still their water became polluted. Good spoke for the majority when he said, "If Paul (Kuster) has a plan that works then I'm from Missouri." Good is a long time resident of Revelstoke, Big Eddy area.

One of Good's questions was on responsibility should damage occur. Mayor Tony Coueffin also expressed amazement at the letting of a permit which absolves

the crown of any liability should damage occur. Coueffin stated his concern was also for Greely Creek which is the watershed for Revelstoke and which Kuster said they are also looking to log in the future. The mayor said should damage run into thousands of dollars, the small logging owner could not cover the costs.

"I don't feel good about it," said Coueffin. According to Kuster, only if the license breaks the conditions of the permit is he responsible, leaving no one accountable if the contractor stays within the conditions and damage still occurs.

It was noted by Good that Hydro had paid a considerable sum to erect an eight foot fence while Forestry sees fit to open up the entire area. In putting in an access road and/or logging it would lead to an influx of wildlife and perhaps man, which Good said, would add to the damage.

A great deal of timberland has been already lost to the Ministry of Forests through the Rev-

elstoke and McNaughton reservoirs, double tracking with CP Rail, Mount Mackenzie Ski Hill and National Parks. If they start making allowances for areas that cause a stir in communities such as the Dolan Creek watershed, according to the ministry of forests representatives, they would soon run out of timber to log.

Kuster reiterated that although they believed a considerable part of the Dolan Creek area could be logged with out damage, they could give no guarantees as to "acts of nature."

The residents left the meeting still not satisfied with what they feel is another injustice and forestry members left feeling they were heard but not understood. Another meeting is scheduled in March once forestry's management plans have been reviewed. MLA Cliff Michael will be looking into the mandate of the forestry department while Kuster and Good will be searching and viewing other watersheds comparable to Dolan that have already been successfully logged.

²⁹⁶ L.P. Kuster, Ministry of Forests Revelstoke District office, to Lloyd Good, Chairman, Big Eddy Waterworks District, January 23, 1984.

The Ministry of Forests, which had planned to log between 220-300 hectares of the 469 hectare Dolan watershed, ironically and contradictorily notified the Edwards in late January 1984 that Dolan Creek was a “*Category 1 Community Watershed and is subject to maximum protection measures*”, and that “*the maintenance of water quality and quantity is our primary concern*”. Due to the winter conditions that year, the Ministry of Forests recommended to the Edwards that:

*... with a lack of snowfall during January it appears unlikely that we'll get suitable conditions this winter. If you look at this year and last year as examples it may be some time before conditions are ideal. In the meantime you may wish to consider alternate ways of removing the timber from your land. One such method could be the use of a helicopter.*²⁹⁷

Conditions remained unsuitable for the proposed skidder trail entry in early 1984. One year later in January 1985, with the onset of snowfall and the freezing of the forest soils, the Edwards again notified the Big Eddy Trustees of their intent to access their timber through the Dolan Watershed Reserve. The Big Eddy Trustees then complained to Operations Superintendent Paul Kuster at the Ministry of Forests Revelstoke District office that five days notice was insufficient time:

*Due to the extra increase costs and deterioration of water quality a road of this nature will create, it is our feeling that a Public Enquiry should be held, so that each and every member of this community who is a water consumer can be fully informed and have an opportunity to address this situation. We therefore request that road permit R01267 to Gordon and Lillian Edwards dated January 16th, 1985, be put on hold and not issued until a public meeting is held to inform the residence and water consumers of Big Eddy Water District.*²⁹⁸

After their public meeting, the Big Eddy Trustees wrote two letters, one to the Revelstoke District Ministry of Forests office manager Harvie and another to the Forests Minister Tom Waterland, that they:

*Strongly protest the granting of road permit #1267 to Gordon Edwards through Dolan Creek water supply. This protest was brought to the attention of the Forest Service in Revelstoke to no avail. Due to B.C. Hydro's activities in our water shed and deterioration of our water supply, we request that no more activities occur in our watershed for at least 5 years or until the previous damage can be properly assessed.*²⁹⁹

And:

If you persist with the Road permit, the Big Eddy Water District will expect the same mitigation from B.C. Forest and Mr. Edwards, as B.C. Hydro were subject to during their operation in Dolan Creek Watershed. When the power line was installed by B.C. Hydro, the Forestry Department were to supervise all phases of clearing operation and construction. The Forestry were very lax in their supervision, which resulted in extreme environmental damage to our watershed; and extremely costly to our Water District. We cannot afford a repeat of such operations. We're barely rehabilitated from the last intrusion to where we

²⁹⁷ L.P. Kuster, Ministry of Forests Revelstoke District office, to Mr. and Mrs. Edwards, January 23, 1984.

²⁹⁸ Lloyd Good, Chairman, Big Eddy Waterworks District, to L.P. Kuster, Revelstoke Ministry of Forests, January 14, 1985.

²⁹⁹ L.H. Good, Chairman of Trustees, to Tom Waterland, Minister of Forests, January 24, 1985.

*can use Dolan Creek water supply, that we're faced again with further unnecessary disturbance.*³⁰⁰

On January 23, 1985, the Edwards notified the Ministry of Forests that due to the poor log market situation they would not be going forward with their logging plans that year.

In an earlier letter dated November 25, 1983, the Ministry of Forests asked the Big Eddy Trustees if they had considered purchasing the private land in the Dolan watershed, as the agency would “*find it difficult to deny access to Mr. Edwards' private land unless we have an excellent reason.*” The Big Eddy Trustees were not willing to do so at the time, and by late February 1985 the Edwards notified the Trustees that “*we do not want to conduct operations in the Dolan Creek Watershed*”, and that they had written the Minister of Lands, Parks and Housing to arrange a “*swap of land*”.

3. A second major deficiency of both policies as they now stand is neither of them requires the integration of land use planning on private lands within watersheds. In many cases, the uncontrolled use of private lands in a watershed can totally destroy the benefits derived from integrated planning on the surrounding Crown lands. Perhaps the Water Act should be amended and the Environment Management Act used to legally require private land owners to work through the planning arms of Regional Districts to insure the uses made of their lands is compatible with the land and water use objectives established for Crown lands in watersheds. It should be remembered the Water Act does not currently distinguish between Crown and privately owned lands so it is likely the best vehicle to accomplish this.

In support of the land swap, the Edwards then wrote a letter of defence for Big Eddy's concerns:

*We must say that the Government of B.C. must regard the Dolan Watershed as a most sensitive area. If not, why all the restrictions, conditions, guidelines and monitoring documents required by B.C. Hydro, B.C. Forest Service and the Ministry of Environment. Any activity in the watershed will have a detrimental effect. Why should the Water District play Russian Roulette, when there are alternatives? The swap, which is most reasonable, should be negotiated and approved. We are pursuing our priority to obtain a swap, with all our vigor and integrity. MAY JUSTICE PREVAIL. Your cause is right and just. The Crown should relinquish all right in the Dolan Creek Watershed and transfer the management of the watershed to the vitally concerned people.*³⁰¹

The issue simmered unresolved for almost six years until the winter of 1990 when the Edwards notified the two parties once again about their renewed intentions to log in the Dolan Reserve. This time, after a meeting with the stakeholders on December 12, 1990, the Ministry of Forests blamed the Big Eddy Trustees for providing unconstructive reasons against the proposed logging and for

³⁰⁰ L.H. Good, Chairman of Trustees, to T. Harvie, District Manager, Revelstoke Forest Service, January 24, 1985.

³⁰¹ Mr. & Mrs. Edwards, to Big Eddy Waterworks District, February 28, 1985.

being critical about the final Integrated Watershed Management Plan of 1987. The Ministry of Forests then issued the road permit for the Edwards, which the Big Eddy Trustees immediately rejected.

During a meeting on December 12th, 1990, we pointed out the many violations to the Integrated Watershed Management Plan, but nobody wanted to listen. We were accused by Mr. Raven in his letter of January 14th, 1991, that we contributed no constructive thoughts, reasons or alternatives, and that the Big Eddy Waterworks was trying to delay or preclude any activity in the Dolan Creek Watershed. Consequently, the Ministry of Forests was issuing a road permit to Gordon Edwards, subject to conditions stated in IWMP. Our complaints at this meeting, to Mr. Huettmeyer, was that we were never informed of the many trips into the watershed during the summer of 1990, and our position was that any inspection for road location be made during the spring run off or wet season, as per Dolan Creek IWMP. The reason BEWD [Big Eddy Water District] wanted all field reconnaissance made during spring run off, is to establish a before and after effect. There was never any provisions in the IWMP to have a skid trail of 1.8 km. It states skid trails should be kept as short as possible to eliminate environmental damage. I could find no provisions for skidding with a tractor except on steep grades when the snow is 1.7 meters deep; and certainly not skidding with the horsepower Mr. Sihlis is planning to use. IWMP recommends rubber tire skidders with wide flotation tubes.... At 3 P.M. February 4th, inspection of John Sihlis' cat revealed his machine to be 126 H.P John Deere, and has 2 inch high ice lugs welded on tracks.”³⁰²

The Revelstoke Forest District office notified the Edwards on February 5, 1991 that their road permit was suspended “*due to heavy rain and mild temperatures, conditions that are not acceptable to continue with accessing your private lot and adhere to the Dolan/MacPherson Integrated Watershed Guidelines.*”

The nature of the private land logging dispute and its outcomes was not isolated to the Big Eddy Waterworks District, but involved numerous other and similar conflict accounts that have been ongoing in BC for over 40 years. For instance, the following lengthy quotation from a legal opinion to the Western Canada Wilderness Committee in 1990 which included an evaluation of Regional District of Central Kootenay's actions against a logging company operating on private lands near Nelson City:

Logging on watersheds has been a matter of concern to citizens in B.C. for some time now. On June 4, 1990, the Supreme Court of British Columbia granted an ex parte injunction to the Regional District of Central Kootenay, enjoining L. & W. Sawmills Limited from logging or clearing of timber and brush on lands that fell within the South Slokan Watershed. The lands described in the order are a checkerboard of privately-held, Crown, and watershed-owned lands. No reasons were given for the order; however, we undertook to speak to counsel for the Regional District of Central Kootenay, to the Chairman of the South Slokan Water District, and the District Administrator for Central Kootenay. The facts of this case are as follows: the lands in question had been privately held for some generations until April 20, 1990, when L. & W. Sawmills acquired the land. The new owners were “notorious” sawmill operators, who planned to log 80% of the parcel. The Central

³⁰² L.H. Good, Chairman of Trustees, to D. McDonald, Regional Director, Ministry of Environment, and to R. Tozer, Regional Manager, Ministry of Forests, Nelson, February 4, 1991.

Kootenay District had adopted guidelines stating that a watershed could not be logged more than 30% overall. If L. & W. Sawmills went ahead and logged 80% of their land, no other land owner in the watershed would be able to log, because the quota would be exhausted. The District sought the order to enjoin the logging company from proceeding until a management plan that met everyone's approval could be worked out with L. & W. Sawmills Limited.

The guidelines they referred to were set out in Guidelines for Watershed Management of Crown Lands used as Community Water Supplies, October 1980, published by the Ministries of Environment, Health, Agriculture, Energy, Forests, Municipal Affairs, Lands, Parks and Housing. These guidelines are not law, but only policy. The Regional District of Central Kootenay has sought for many years to have these guidelines made law, without success. The District would like to see the provincial government assume direct responsibility for the regulation of logging on private lands, and to maintain control of all community watersheds, including those located in tree farm licences, in order to offer better protection for the environment in general, and community watersheds in particular.

The Water Act, R.S.B.C. 1979, c.429, as it now exists does not provide for any protection or regulation of watersheds to ensure the proper maintenance of quantity as well as protection of quality of water so that it will continue to meet Ministry of Health requirements for drinking water quality. Given this gap in the law, counsel for the Regional District of Central Kootenay has framed his action on nuisance grounds, relying on Steadman v. Erickson Gold Mining Corporation (1989), 35 B.C.L.R. (2d) 130. There a single plaintiff alleged that the defendant had contaminated his water, which emanated from a small spring-fed dugout located on his land. When the defendant built a road uphill from the plaintiff's land, he caused silt to contaminate the plaintiff's water system. The plaintiff sued in nuisance.

The court found that he had a right to maintain the action because his use of the water was lawful, even though he did not hold a water licence. The defendant appealed that order. In the Court of Appeal, the plaintiff was held to have a fragile right to use the water as long as there was no one else licenced to use it. Further, he had a right to demand that the defendant not make the water unusable until such time as a water licence was issued to someone else. The court found that even though you cannot own water, interference with one's lawful use of water is a nuisance, and that no one has a right to contaminate the source of that water so as to prevent his neighbour from having the full value of his right of appropriation. The case of Schillinger v. H. Williamson Blacktop & Landscaping Limited (1977), 4 B.C.L.R. 394, another case of water contamination, was distinguished because in that case the plaintiff had unlawfully diverted a flow of water for industrial purposes. It might be argued by analogy that the citizens of Vancouver have a right to uncontaminated water, and that interference with that right would support an Action in nuisance.

The common law standard for water quality is found in Munshaw Colour Service Ltd. v. city of Vancouver (1960), 22 D.L.R. (2d) 197, rev'd on other grounds 29 D.L.R. (2d) 240. There the city, in "flushing out" its sewers [sic, 'water mains'], placed silt and sediment in the water, which damaged the plaintiff's films. The city was found to be under an obligation to supply water that was wholesome or ordinarily pure and fit for domestic purposes or human consumption. The standards of the U.S. Public Health Service were adopted as a useful

guide. Now there are Guidelines for Canada Drinking Water Quality (1978), antedating Munshaw, which may be referred to as a standard for water quality.

*The burden of proving that the water is contaminated in such an action would be on the plaintiff. It is a far more onerous burden of proof that that required for a strict liability offence. This case may be difficult to make out. In Canada, there is no authority for the nominate tort of statutory breach, rather breach of a statute goes to proving negligence. (R. v. Sask. Wheat Pool, [1983] 3 W.W.R. 97, applied Palmer et al. v. Stora Kopparbergs Bergslags Aktiebolag e.o.b. Nova Scotia Forest Industries (1983), 26 C.C.L.T. 22.) Each element of the offense must be proved, i.e. causation and damages. Indeed, in the South Slokan Watershed case, counsel for the Regional District of Central Kootenay is concerned about the lack of jurisprudence and legal framework for an action regarding logging on a watershed. He expects that a negotiation between the logging company and the Regional District will take place, whereby the District will acquire the property concerned, and together with the logging company will work out a logging management plan. If they are successful in this negotiation, the case will go no farther.*³⁰³

10.2. To Swap, or Not to Swap, 10 Hectares

During the renewed malaise with the Edwards over the Dolan Watershed Reserve, the Big Eddy Water Works District held a special landowners meeting on February 8, 1991. Two motions were unanimously passed to “convince someone in government to trade land with Mr. Edwards and get this problem of logging activities in our watershed cleared up once and for all”, and to “see if a cash settlement could be made to Gordon Edwards for the land.”

Prior to the meeting, the Big Eddy Trustees had written the City of Revelstoke’s Mayor and Council to entreat their support “to help bring about this exchange of properties through the Ministry; as a portion of SW 1/4, Sec.29, unlogged, is in the Dolan Creek watershed”, and as “logging in this area would have great detrimental effects on our water system.”³⁰⁴

In the Spring of 1991, the Edwards subsequently sold their land to Barry Rothenberger, a private contract logger. After contacting the new landowner, the Big Eddy Trustees notified the Ministry of Crown Lands Regional office in Kamloops that Rothenberger was willing to swap the land “for equivalent land around Cherryville, B.C.”, that “this would be an excellent way of returning this portion of the Dolan watershed to Crown land.”³⁰⁵

The Kamloops Ministry of Lands regional office rejected the proposal, stating that it had “no interest” in acquiring the land, and that the land “would not provide a specific benefit to the

³⁰³ Part of a 14-page legal opinion by McCarthy Tetrault, Barristers & Solicitors, June 28, 1990, regarding a proposed court action against the Greater Vancouver Water District for logging in the three Greater Vancouver (now, Metro Vancouver) drinking watersheds. Oddly, contrary to its long-held concerns, the Regional District of Central Kootenay’s vigilant role as public arbitrator on the protection of drinking watersheds is now effectively and politically silenced, and has since the late 1990s become a logging partner with the Creston Valley Forest Corporation, which holds a community forest logging license to operate in four drinking watershed sources near Creston, B.C., most of which are Watershed Reserves.

³⁰⁴ L.H. Good, Chairman of Trustees to the City of Revelstoke, January 27, 1992.

³⁰⁵ L.H. Good, Chairman of Trustees, to Kamloops Regional Manager of Crown Lands, June 20, 1991.

Ministry.”³⁰⁶ Okanagan North MLA and Transportation and Highways Minister Lyall Hansen wrote to Rothenberger on September 4, 1991 formally stating that it had agreed with the Kamloops Lands office rejection.

According to a letter from Rothenberger in early 1992, he had purchased the Edwards’ property based on an unwritten statement from the Department of Highways that a swap of land would be in order because if the property were logged it would create an unsightly blight regarding tourism, being situated next to the Trans Canada Highway directly west of Revelstoke.³⁰⁷

The Big Eddy Trustees went to the top and wrote to Dan Miller and John Cashore, the recently appointed Ministers of Forests and of Environment, Lands and Parks, requesting their assistance and support in the matter:

*Our purpose in writing to you is to support the application of Mr. Barry Rothenberger as contained in his letter of February 3rd, 1992 for a land trade. The interest which we hold in this matter relates to our desire to prevent the potential despoilation of our watershed resulting from a plan to clear cut the private land now held by Mr. Rothenberger. If it is logged as private land, there is a limited power of the Crown to set and control standards. Conversely if the Ministry acquires this land in Right of the Crown, then standards which properly reflect the interest and protection of our Water District measures can be set.*³⁰⁸

In turn, the Executive Director of the Ministry of Lands Operations Division, J.T. Hall, replied to Rothenberger on March 27, 1992 on behalf of Lands Minister Cashore:

This Ministry’s position is to consider exchanging land only where the province requires the parcel for a specific program and the parcel cannot be purchased directly.... I encourage you to continue to work with the Big Eddy Water District to coordinate any timber harvesting on the site with the protection of the water resource that they rely on for their community.

On May 28, 1992, the Ministry of Lands provided a two page Backgrounder and Discussion Analysis of the *Revelstoke Land Exchange request by Barry Rothenberger*. The Backgrounder identified that both the Big Eddy Water Works District and the City of Revelstoke supported the 10-hectare exchange, and that Rothenberger wished to acquire:

*... below market price for Crown agriculture land at Cherryville as he is not farming. However, he is not eligible to acquire Crown agricultural land as he is not farming. His present property is committed to his woodlot licence.*³⁰⁹

³⁰⁶ Reg Bose, Manager, Land Administration, Kamloops, to Barry Rothenberger, July 23, 1991.

³⁰⁷ Barry Rothenberger to Minister of Forests, Dan Miller, and Minister of Environment, John Cashore, February 3, 1992.

³⁰⁸ L.H. Good, Chairman of Trustees, February 10, 1992.

³⁰⁹ An enormous controversy erupted in the late 1980s when logging company operators began to acquire private farming lands to log off the forest assets during the time when former forestry consultant Dave Parker was Social Credit’s Minister of Forests. The numerous instances, which received wide investigative attention in the press, created enormous conflicts with neighbouring landowners, but reaped large profits for the loggers, who then sold the cleared land. Taxpayers were left wondering why Forests Minister Parker suddenly became Minister of Lands, in charge of Crown land management decisions, a position he held until late 1991. The new NDP government was taking a dim view of the previous government’s decisions about these controversial land use decisions.

The Ministry of Lands had already rejected four proposals for land exchanges in the Kootenay Regional boundaries over the previous 12 months, two of which were related to drinking water sources identified in the Backgrounder:

Request by the City of Cranbrook to exchange 120 hectares of private land proposed for logging adjacent to the main City Water Reservoir. Request by the City of Rossland to exchange 300 ha. of private property in its watershed, that has already been logged and used for recreation.

According to the Briefing Note:

Supporting this exchange would be a significant precedent: Watershed and visual landscape impacts from timber harvesting on private land are an issue for many communities around this region and supporting this exchange request could suggest to other groups that they should receive similar consideration.

The Ministry of Lands' document therefore recommended that the Big Eddy Water Works District revert to its "alternate well water supply" to address "unacceptable water quality" that would result from the logging operations.

At the beginning of August 1992, two weeks prior to Rothenberger's intentions to begin logging in the Dolan Reserve, Trustee Chairman Lloyd Good sent a letter of desperation to NDP Premier Mike Harcourt. In the letter, Good related Big Eddy's recent tribulations with B.C. Hydro, the damage incurred to the water quality, and how expensive it was for two motors to pump water from the wells. He related to the Premier that his MLA Jim Doyle "assured me he would do everything he could to see this logging did not occur", and reminded Harcourt of how he personally assured the Big Eddy Water Works District in October 1991 "that watersheds would receive top priority if your Government were elected," because "during the election campaign of 1991, it was stated by your Party that community watersheds would be protected."³¹⁰

Hundreds of communities had enormous difficulties with the previous Social Credit Party administration (1976–1991) and were extremely vexed about the issue of logging, mining and cattle grazing in community and domestic watersheds. The NDP opposition Party, acutely aware of this, promised to protect these sources during the provincial campaign in the late spring and summer of 1991. For instance, the Creston Valley Advance newspaper ran a series of stories starting on June 1, 1991 where NDP Opposition Leader Mike Harcourt and ex-logger and candidate hopeful Corky Evans promised local citizens that they would protect the community's interests regarding the Arrow Creek Watershed Reserve, which the residents had been fighting to protect for about twenty years:

Alderman Vaughan Mosher was applauded for relating the Town of Creston's opposition to conventional logging in the Arrow Creek watershed, as did Area B director Elvin Masuch for his remarks on the Erickson Improvement District's opposition as well. He received added applause when he said the improvement district would use every means possible - including going to court - to prevent logging by conventional methods.

³¹⁰ L.H. Good, Chairman of Trustees, to Premier Harcourt, July 14, 1992.

Corky Evans, a logger from Winlaw who is seeking the local New Democratic Party constituency nomination, said ownership of critical watersheds should be transferred to the municipalities that use their water. This would ensure there would be no damage to water supplies, he maintained.

Corky Evans' statement aroused great political sympathy with the communities of greater Creston. In fact, an article in the Advance four days previous, on June 1, Evans declares opposition to logging, Evans openly declared his opposition to the logging plans in the Arrow and Duck watershed Reserves in an interview during a 3-day NDP conference in Creston. As part of the front-page coverage of June 1st, the Advance featured comments from Mike Harcourt, the NDP opposition leader, who promised his party would advocate an initiative to "stop logging on lands, especially in watersheds, used by communities."

Unfortunately, as time has revealed, Harcourt and Evans never lived up to their promises to the community [and to BC communities], but rather, capitalized on the public's emotions. As a result, logging and opposition to logging by communities throughout British Columbia continued throughout the 1990s during the NDP government's stay in government, and "government policies concerning resource use activities and the access for community control over their watersheds were further weakened and defied by government agencies."

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In addition, Lloyd Good was also critical of the Kamloops Regional Lands Manager's comments and assurances about logging in the Dolan watershed:

Mr. T.J. Hall ... seems to believe there will be no problem in logging in this watershed as long as Mr. Rothenberger works closely with the Water District to minimize impacts from logging. Apparently Mr. Hall is not aware that there are no rules, regulations or guidelines and laws that apply to private lands in community watersheds. This seems to be the only Province in Canada that does not supply this kind of protection.

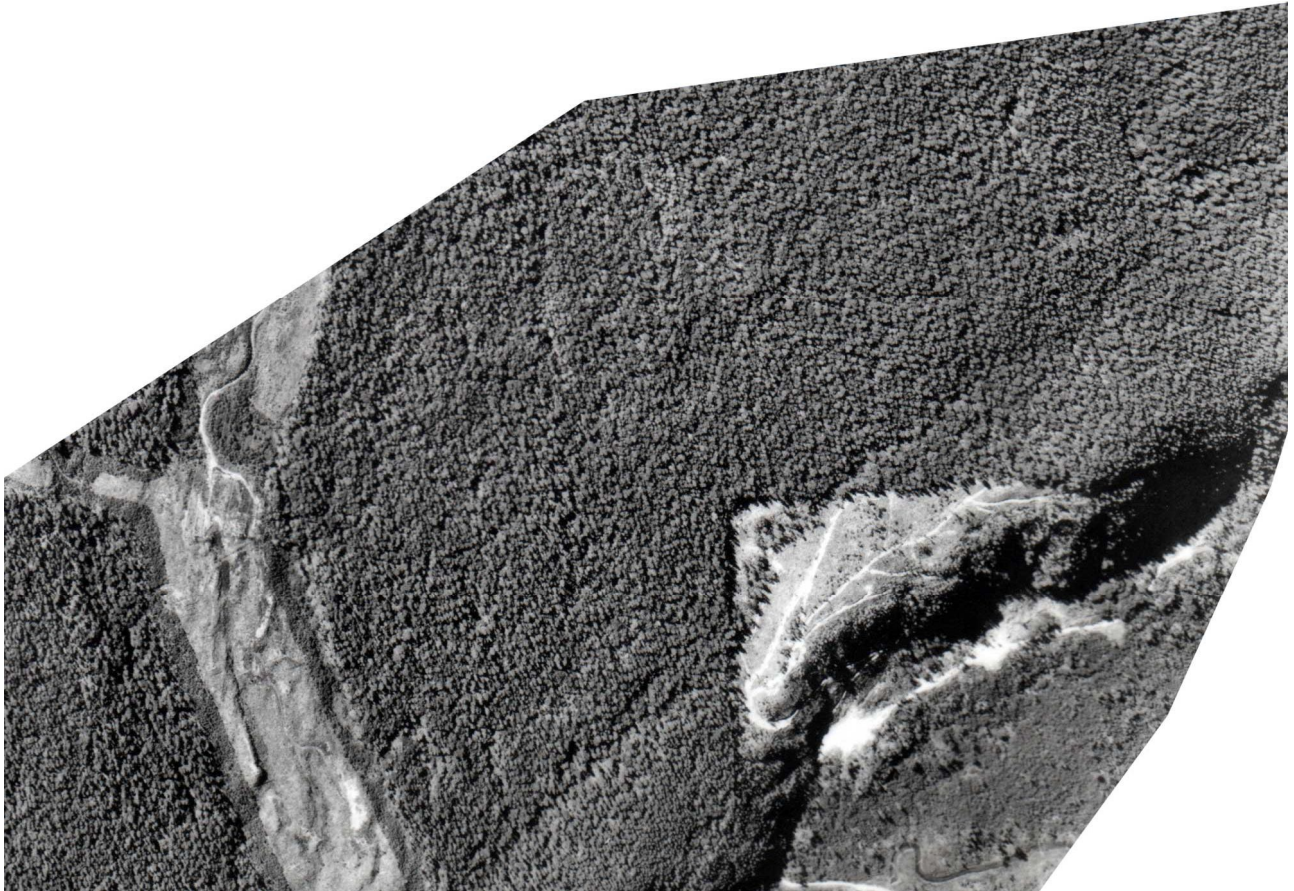
Rothenberger's logging operations were postponed until the Spring of 1993, before which time the Big Eddy Trustees notified Rothenberger of their "objections":

We regret that we have been unable to date to reach a mutually satisfactory resolution to our conflict within the Dolan. You have an interest in the value of timber on your land and we wish to protect an economic and health source of pure water for our community.

Unfortunately the unilateral solution which you have undertaken will we believe lead to both short term and long term negative consequences for our water supply. Your current actions serve only your own interests and will result in significant additional operating and maintenance costs for residents of the Big Eddy. Your use of cat-skidder logging methods with the Dolan during the period of spring break-up is extremely distressing. At the best of times

³¹¹ Quote from Chapter 14 of Will Koop's January 2002 case history study on the Arrow Creek watershed reserve, *The Arrow Creek Community Watershed - Community Resistance to Logging and Mining in a Community Watershed*, <http://www.bctwa.org/ArrowCreekHistory-Jan21-2002.pdf>. The first two paragraphs are quotes from the June 5th edition of the Creston Valley Advance. After Premier Harcourt resigned from office, Premier Glen Clark later contrarily and defiantly announced in Nelson in 1997 that his administration "logged" in community watersheds.

*such methods cause extensive ground disturbance. During wet spring conditions we feel that such activity in our very small Category one watershed (1.7 square mile total area) will have disastrous results. We close by respectfully asking you to reconsider your decision to log within the Dolan Creek. We will work very hard with you to ensure that you are fairly compensated. Should you decide to continue logging in the Dolan Creek, and should your actions impact the residents of the Big Eddy we will expect to be fully compensated by you for any and all costs the Big Eddy Waterworks District incurs.*³¹²



Aerial photo showing the recent logging by Rothenberger of his private lands in the Dolan Creek Reserve, the second intrusion within the Reserve. The thin standing forest buffer around Dolan Creek, and the clearcut-forest edge on many sectors, were later blown down from strong winds, uprooting soils, the cause of turbidity. The steep switchback access road from the property lands below are faintly noticeable. BC Hydro's wide transmission right-of-way is to the left.

During the logging, the Big Eddy Trustees carefully monitored the operation and even provided Rothenberger with a summary letter of their concerns on May 20, 1993, noting that his skidder was leaking engine coolant and hydraulic oil. They also recommended that his fuel containers be stored outside of the watershed, that fuelling and servicing activities be done outside of the watershed, that logging slash and "*prescribed burning*" were a serious concern related to starting a fire in the Dolan watershed, and that the skidder cease "*skidding logs ... within the watershed*".

³¹² L.H. Good, to Barry Rothenberger, April 19, 1993. Copies were sent to MLA Jim Doyle, Ministries of Health, Environment and Forests, and to the City of Revelstoke.



Big Eddy Trustees' photos of the blowdown damage to Dolan Creek from Rotherberger's logging. Above: Clay Stacey.





The blowdown trees caused the diversion of the creek's streamflow, the erosion of soils, and fouling of water.





Below, Lloyd Good examines the aftermath in late Spring. Culverts can plug up, the cause of great damage. The Big Eddy Trustees were passionate about protecting their drinking water, and were infuriated over Rothenberger's logging.



Due to their ongoing tribulations with the private land in the Dolan Reserve, the Big Eddy Trustees had some strong-minded words about the matter in a written submission to the NDP's Technical Advisory Committee on Community Watersheds that was holding public meeting forums in BC in early 1993:

*If you are really sincere in protecting the quantity and quality of water in community watersheds, there are two things in your discussion paper that have to be changed; one is the word guideline and two is the regulations of private land in community watersheds. It is our contention that if good quality drinking water is going to be protected, all private land in watersheds that provide Community drinking water, should be exchanged for Crown land elsewhere where the private land owners are willing and where cost to taxpayers are kept to a minimum. When private land owners do not wish to make an exchange, rules and regulations should be applied to protect water quantity and quality.*³¹³

From photos taken by the Trustees in following years, and from a 1996 government aerial photograph, Rothenberger had left a very narrow buffer zone of trees on either side of Dolan Creek, and that he had crossed the creek to remove all the trees to the southern edge of his property about 100 meters distant from the Creek. A series of skid trails and a main haul road were also built and scattered through the small seven-hectare clear-cut.

From 1993–1994, high winds knocked over many of the trees in the buffer zone and along the south and southeast perimeter of the clear-cut. The uprooted trees directly beside Dolan Creek were responsible for muddying the water and caused the creek to be blocked, diverting the creek onto the forest floor and eroding the soils. This resulted in some heavy deposits of debris and material farther down the creek to become deposited, piled, and lodged behind fallen logs. Lloyd Good explained how members of the Big Eddy Water Works District had to hike in to the site and cut a number of the fallen trees at their bases and then had to put their backs into it by pushing the vertical root masses back into place in their uprooted craters to try and alleviate some of the damage. All the Big Eddy Trustees' warnings and concerns to government and to Rothenberger had once again been realized.

The Big Eddy Trustees notified the Nelson Ministry of Environment Regional Manager, John Dyck, the following year on October 18, 1994, that “*due to logging done on private property, the watershed in Dolan Creek has been badly damaged*”, and that they “*expect compensation for all pumping costs and any other expenses that occur due to this damage.*” In response, Dyck immediately notified Barry Rothenberger on October 21st that the Ministry was issuing an “Order” under the *Water Act* to immediately “*waterbar/cross-ditch the skid trail at naturally occurring low spots and at intervals not exceeding 20 meters.*” On October 27, Rothenberger notified the Big Eddy Water Works District that he signed a \$1,000 cheque to help offset the pumping expenses for the two well water pumps, due to the turbidity entering Dolan Creek from his skidding trails and from the damaged buffer zone.

Responding to Lloyd Good's November 21, 1994 letter of concern, Environment, Lands and Parks Minister Moe Sihota wrote to console the Big Eddy residents, as so many other Ministers been accustomed to before him:

³¹³ L.H. Good, Chairman of Trustees, Big Eddy Waterworks District, submission to the Technical Advisory Committee on Community Watersheds, Ministry of Environment, March 11, 1993.

While reviewing the background information on your letter, it became apparent that there has been a long standing and contentious relationship between the Big Eddy Waterworks District and staff from both the Ministry of Environment, Lands and Parks and the Ministry of Forests, which is unfortunate. I can assure you that BC Environment and Ministry of Forests staff are concerned and will work toward the best interests of all of the people of British Columbia, and I would encourage you to work cooperatively with these agencies.



At the end of February 1995, Lloyd Good sent a two-page letter of concern to the Nelson Environment Ministry Regional Director, Dennis McDonald, complaining of “*four rotten, mouldy contaminated hay bales*” that Rothenberger had placed in Dolan Creek:

*I immediately left the Rothenberger property and turned off the creek. The Ministry of Health had nothing to do with this action. However, I phoned him the next day (Dennis Clarkson, Chief Health Inspector for Okanagan), to inform him that we had shut the creek down and were now operating on the wells because of the contamination in the creek put there by the landowner on the instructions from the personnel of Water Management, Nelson.”*³¹⁴

³¹⁴ L.H. Good, Chairman of Trustees, February 21, 1995.

10.3. Thirty Years of Repeated Concerns and Recommendations

I have followed up further on the proposal to introduce legislation to control logging on private land, which was initiated by Dennis MacDonald, of the Ministry of Environment, Kootenay Region. I have since spoken to Erik Karlsen of Municipal Affairs and Sandra Smith of Water Management Branch.... Amendment to the Water Act to provide powers to prepare Integrated Watershed Management Plans; A proposal to prepare a Forest Practices Act; Amendments to the Municipal Act, to broaden the existing powers regarding tree cutting permits. ³¹⁵

3. *A second major deficiency of both policies [the Ministry of Forests' and Ministry of Environment's] as they now stand is neither of them requires the integration of land use planning on private lands within watersheds. In many cases, the uncontrolled use of private lands in a watershed can totally destroy the benefits derived from integrated planning on the surrounding Crown lands. Perhaps the Water Act should be amended and the Environment Management Act used to legally require private land owners to work through the planning arms of Regional Districts to insure the uses made of their lands is compatible with the land and water use objectives established for Crown lands in watersheds. It should be remembered the Water Act does not currently distinguish between Crown and privately owned lands so it is likely the best vehicle to accomplish this.* ³¹⁶

Conflicts concerning private land ownership in BC's community drinking watershed sources have been ongoing for over one hundred years. Many of these concerns originated in early provincial legislation that permitted indiscriminate alienation of large tracts of Crown lands, most of which ended after legislation was passed to end the sale of Crown lands in December 1907. ³¹⁷

When prime, low elevation Crown forest lands of old growth Red Cedar, Douglas Fir, and Hemlock and scattered Spruce were alienated in the Capilano and Seymour watersheds to timber speculators from Seattle City in 1905, Vancouver City Council and neighbouring municipalities vigorously protested the matter which resulted in the provincial government placing two Order-in-Council *Land Act* reserves over the remaining Crown lands in the Capilano in 1905 ³¹⁸ and in the Seymour in 1906, ³¹⁹ the water supply sources for Vancouver and its neighbour municipalities. However, motions and warnings by Vancouver City Council to buy out the Capilano Timber Company's and the Robinson Estate's private land holdings in the Capilano and Seymour watersheds from 1905 to 1917 were left unresolved, which led to the severe clear cutting and railway grade and bridge-tressle building demise of the Capilano watershed between 1918 and 1931.

³¹⁵ Denis K O'Gorman, Manager, Resource Planning, Integrated Resources Branch, to John Cuthbert, Chief Forester, and J. Biickert, Director, Integrated Resources Branch, Ministry of Forests, July 6, 1989.

³¹⁶ Dennis McDonald, Nelson Ministry of Environment Regional Manager, to P. Brady, Director, Water Management Branch, Victoria, June 12, 1984.

³¹⁷ "That from and after the date hereof all lands in the Province of British Columbia not lawfully held by preemption, purchase, lease or Crown Grant be reserved from alienation under the Land Act by way of timber licence." (OIC #901, approved on December 23, 1907) "That whenever any timber licences or lease, or portion thereof, in the Province of British Columbia, shall be surrendered, cancelled, or in any other way terminated, such timber licence or lease, or portion thereof, shall forthwith be reserved from pre-emption, sale, or other alienation under the Land Act." (OIC #902, approved on December 24, 1907)

³¹⁸ Order-in-Council No. 184, March 30, 1905.

³¹⁹ Order-in-Council No.505, August 23, 1906.

D. Precedent Re: Private Lands Purchase

As far as I know, there is no precedent regarding the purchase of private lands on community watersheds by the Government with a view to protecting the watershed from water quality deterioration. However, the Greater Vancouver Water District and the District of North Vancouver have leased their watersheds from the Crown for 999 years with the timber vested with the Lessee, but the net proceeds of the sale of timber payable to the Lessor. The Cities of Fernie and Enderby have 99-year leases for watershed protection only, and the City of Vernon has a 21-year lease for watershed purposes only. In the case of the Greater Victoria Water District, the watershed is owned by the District.

Outright ownership of the watershed lands or a lease gives substantially complete control to the local water authority except in regard to mineral exploration activity.

Fortunately, the Greater Vancouver Water District, which began its operations in February 1926, immediately commenced negotiations to purchase all the private timberlands in the Seymour watershed, including those that were still un-logged and in a pristine state above the Seymour water intake (then located some five kilometres distant and below the present intake at the Seymour Reservoir). Over the next twenty years, the Water District wisely purchased all remaining private lands, long-term investment measures that brought complete control of forestlands within the watersheds to the Greater Vancouver Water District. Given the large population's tax base and top credit ratings, the Water District was able to do what many other communities could not as readily afford. Related, the City of Victoria's water supply lands were also under private ownership, and the majority of those lands were also purchased by the City in 1925 to provide it with complete control over land use activities.

C) Administration of Private Lands in Community Watersheds

The attached letter dated October 7, 1974 outlines a suggested approach regarding the control of land use activities on private lands located in community watershed areas. No action appears to have resulted from this request for co-operation from Mr. B. E. Marr to the Department of Municipal Affairs.

With the onset of the Community Watersheds Task Force in 1972, an initial review of land use conflicts was undertaken by the Water Investigations Branch based upon findings from a questionnaire sent back from most provincial water users. Results from the Task Force's questionnaire mailed out to 325 provincial water users in early 1973 determined that:

Forestry use conflicts, indicated as the main problem for community water supply users, appear to be concentrated in the Vancouver Island, New Westminster, Vernon and Nelson Water Districts,³²⁰ and, only 4% of the land area on Vancouver Island is in community

³²⁰ Ben Marr, Chairman, Community Watersheds Task Force, to J.S. Stokes, Chairman, Environment and Land Use Technical Committee, April 18, 1973.

2. Matters Arising From Previous Minutes

2a) Minute No. 1 a)

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

Many of these concerns stemmed from cities and communities along the eastern lower half of Vancouver Island, lands that had been alienated through an old Railway agreement, forests of which were being denuded at a rapid and uncontrolled rate. As a result, the Task Force determined that the issue of private land holdings in drinking watersheds was a critical issue that needed to be resolved.

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

For instance, the Task Force's *Progress Report* for September 1974 identified the concerns about private land logging in the Nanaimo Regional District's boundaries and from Invermere City's watershed. A year and half earlier, Nanaimo Regional District's Planning Director, W.S MacKay, wrote V. Raudsepp, the Deputy Minister of Water Resources on March 20, 1973, requesting that he help "ensure that sufficient protection is given to the principle watersheds", requesting if it was "possible for your branch to establish reserves on watershed areas."

B. Administration of Land Use Activities in Community Watersheds on Private and Crown Lands

Ownership of "typical" community watershed lands by the Crown would simplify the administration of land use activities, with a view to reducing water quality degradation, in these areas. The existing legislation or procedures provides less control of land use activities on private lands than on Crown lands.

On Crown lands, even in cases where specific legislation or requirements regarding water quality degradation do not exist, the placing of map reserves on community watershed areas has permitted the water supply function to be considered in the adjudication process. However, due to a lack of specific guidelines or controls land use activities on Crown lands are subject to adhoc solutions to specific problems (i.e. the grazing conflicts in the Naramata community watershed)

Crown lands in a "typical" community watershed area is used for timber harvesting and grazing whereas, on private lands, problems often arise from additional sources such as homesites (septic tanks) and farming.

On private lands, there is no existing control of pollution sources by Government Agencies from timber harvesting activities, private road construction, discharges from animal and plant wastes from traditional farming operations or the maintenance of homesite (septic tank) installations. Consequently, water quality degradation from these activities on private lands can occur, to the detriment of the water user licensee. Although there are expropriation rights available (Water Act) concerning land control by the licensee which would prevent pollution of the water authorized to be diverted this option may be too expensive for a small water authority to undertake.

C. Need for Private Land Acquisition - Goldie Creek Watershed

³²¹ Summary of meeting notes by the Community Watersheds Task Force on January 21, 1974.

The Acting Director for the Water Resources Services, P.M. Brady, replied to the Regional District of Nanaimo's letter of March 20, 1973 one and a half years later on September 19, 1974, providing the following comments regarding problems related to private lands:

Practically all the lands are privately owned. This latter characteristic poses severe limitations on the control of land use activities under existing legislation.... Essentially, control of land use on private lands is presently vested in the Regional Districts via Official Plans and Zoning Bylaws. We would suggest that you and your Regional Board give some consideration to establishing these controls with a view to providing a high priority to the water supply function of these watershed lands.

On June 13, 1973, the Vancouver Island Regional District of Comox-Strathcona wrote I.T. Cameron, the provincial Chief Forester, about the District's "responsibilities" of "bulk water supply to the communities of Courtenay and Comox", as "the larger part of the watersheds which generate our supply are made up of privately held lands primarily in the ownership of Crown Zellerbach and which are in the course of being actively logged."

Regional District of Comox-Strathcona

NO. 4, 463 FIFTH STREET, COURTENAY, B.C.
TELEPHONE 334-4452

June 13, 1973

Mr. I. T. Cameron,
Chief Forester,
Department of Lands, Forests,
and Water Resources,
(Forest Service),
Parliament Buildings,
Victoria, B.C.

DEPT. OF LANDS FORESTS
AND WATER RESOURCES
FOREST SERVICE

JUN 15 1973

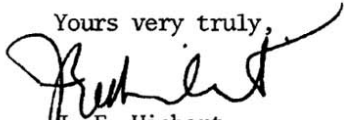
MAIL ROOM
VICTORIA, B. C.

Dear Mr. Cameron:

Re: Watershed Protection

One of the responsibilities of the Regional District is that of bulk water supply to the communities of Courtenay and Comox. The larger part of the watersheds which generate our supply are made up of privately held lands primarily in the ownership of Crown Zellerbach and which are in course of being actively logged.

Since gaining the responsibility for bulk water supply the Board has made continuing attempts to ensure that activities in the watershed areas be regulated so as not to endanger the capacity or quality of the supply. So far we have had little success but do understand that a Provincial interdepartmental task force has been asked to investigate and report on the subject. We further understand that the task force is being guided by your Branch and we would be greatly obliged for any information that you can give as to the present status of the investigation.

Yours very truly,

J. E. Hiebert,
Secretary-Treasurer

Later that year, the Regional District tabled resolution No. 52 at the annual Union of B.C. Municipalities (UBCM) conference, to ensure that the privately held lands along the eastern length of their region comply with health standards and proper protection:

WHEREAS it is desirable that watersheds forming water sources for community water supplies should be protected and regulated by competent authority to ensure that quality and quantity of water supply be continuously maintained;
AND WHEREAS major areas of watersheds are often in private ownership;
AND WHEREAS it has been ruled by the Department of Health the "Sanitary Regulations Governing Watersheds" issued pursuant to the Health Act are not applicable to privately held lands within such watersheds;
THEREFORE BE IT RESOLVED that the Provincial Government be requested to establish standards for all community watershed areas; these standards to give the Health authorities a guideline which will enable them to determine any deterioration in water quality whatever the cause; and further that the Health authorities be authorized to enforce the required remedial action.

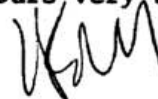
**Mr. J.E. Hiebert
Secretary-Treasurer
Regional District of Comox-Strathcona
4795 Headquarters Road
Courtenay, B.C.**

Dear Mr. Hiebert:

I refer to your letter dated December 19, 1975 regarding a map reserve for the Oyster River. The Planning and Surveys Division of the Water Investigations Branch requested, on behalf of the Task Force on Multiple Use of Watersheds of Community Water Supplies, that map reserves be placed on all existing community watersheds in the Province. The placing of map reserves on watershed lands enables decisions regarding applications for Crown land use to take cognizance of the water supply function of these lands. It should be noted that proposed land use activities on private lands are not covered by this map reserve referral system.

I would suggest that you inform Mr. J.D. Watts, Chief, Planning and Surveys Division, of the proposed location of your future intake works on the Oyster River. This Division will ensure that a map reserve is placed on the drainage area of the Oyster River which is located upstream of the proposed intake works.

Yours very truly



**B.E. Marr
Deputy Minister**

RWN/am

**B
RWN**

Stemming from complaints by the Winfield & Okanagan Centre Irrigation District in February 1972 about private land logging in the Irrigation District's watershed by Premier W.A.C. Bennett's sons, R.J. Bennett and W. Bennett, the Kamloops Forest Service noted in an internal March 24, 1972 memo that:

It is noted from the first paragraph on the second page of Mr. Brodie's letter, of January 12th, to the Honourable Mrs. Pat J. Jordan that the Irrigation District has a remedy to protect the water supply under the Provisions of the Water Act. It is considered unlikely that further legislation would be approved for submission to the Legislature, when the Irrigation District can protect the water supply under existing legislation.

Dear Mr. Marr:

I refer to your letter dated June 8, 1976, which requested that the Task Force on Multiple Use of Watersheds of Community Water Supplies investigate and comment on Resolution No. 15 of the Associated Boards of Health of British Columbia.

The Task Force met on August 16th and 31st to discuss this resolution. A consensus was reached by the Task Force that it could not support the resolution as passed, in that it would provide the Medical Health Officer with a veto power regarding all activities in a community watershed applying to both Crown and private lands. While the drafters of the resolution probably envisaged a small watershed comprised predominantly of Crown land, there are also many large watersheds in the Province containing large areas of private land as well as Crown land and where the impact of a veto power by the Medical Health Officer could be severe, and at variance with Provincial and Local Authority objectives. The administration of such a veto power also could be costly and time-consuming.

Concerns arising from private land conflicts by the Village of Invermere in southeast BC were detailed in an August 27, 1974 four-page memo. It described Goldie Creek as a 12.5 square mile watershed, 9.8 square miles of which was Crown lands and 2.7 square miles as private lands, a dual status relationship described as "*a typical example*" of land status relationships for BC's drinking watersheds.

The memo also identified that the private land use conflicts were related to "*cattle grazing, homesites, and recreational uses,*" and that the main tributary Sunlight Creek "*flows through a corral*". Due to the placement of a watershed Map Reserve on Goldie Creek, it prevented any further land alienation.

Senior Hydraulic Engineer R.W. Nichols provided a general explanation of the differences in management policies between the two types of ownerships, with the application of the recently adopted policy of "multiple use" the government was in hot water over with water users:

Crown lands in a "typical" community watershed area are used for timber harvesting and grazing whereas, on private lands, problems arise from additional sources such as homesites (septic tanks) and farming. On private lands, there is no existing control of pollution sources

*by Government Agencies from timber harvesting activities, private road construction, discharges from animal and plant wastes from traditional farming operations or the maintenance of homesite septic tank installations. Consequently, water quality degradation from these activities on private lands can occur, to the detriment of the water user licensee. Although there are expropriation rights available (Water Act) concerning land control by the licensee which would prevent pollution of the water authorized to be diverted this option may be too expensive for a small water authority to undertake.*³²²

Nichols went on to describe the difficulties involved in attempting to expropriate the lands, and that many related problems would persist. He suggested that it “*would be unwise for the Province to turn over the purchased land to the small authority to administer*” because of its lack of “*administrative, financial and technical capability.*” From his understanding, Nichols knew of “*no precedent regarding the purchase of private lands on community watersheds by the Government with a view to protecting the watershed from water quality deterioration.*” In contrast, Nichols then went on to describe how Crown land leases were provided to the Greater Vancouver Water District (999 years), the City of Fernie (99 years), the City of Enderby (99 years), and the City of Vernon (21 years), and that these leases provide “*substantially complete control to the local water authority*”. He also stated that the City of Victoria has complete control because it owns the watershed lands. With the possibility of there being no other way to overcome conflicts, Nichols recommended that provincial legislation be pursued to do so whereby “*it may be necessary to apply sections of the Water Act (Section 41 and Section 24 attached) to specific pollution source areas.*”

(6) So far the problems have been related to Crown lands only but if any of the benefits recited are to be fully realized, it would seem similar restrictions should be imposed on privately owned lands as well.

(7) If we expand the problem to include privately owned lands, do we merely consider privately owned lands with agricultural potential or all privately owned lands?

I am pleased that you have raised this problem and would be interested in how the solution suggested in the Okanagan Basin study dealt with points recited above.

The Lands Service is postulating for a stronger role in management of the Crown lands of the Province and the problem you have raised, if it can be satisfactorily resolved, is one which would strengthen this role.

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

³²² R.W. Nichols, Senior Hydraulic Engineer, Water Resources Service, to J.D. Watts, Chief, Basin Planning and Power Division, Water Investigations Branch, August 27, 1974.

*The establishment of these map reserves by the Lands Service will enable decisions regarding Crown land use to take cognizance of the water supply function of these lands. A similar control of proposed land use activities on privately-owned community watershed lands by Provincial authorities is not possible under existing legislation. The regional districts and municipalities could control changes in the use of privately-owned community watershed areas on official-regional plans and regulating the land use activities by means of zoning bylaws. In discussions between officials of our departments, it has been agreed that a request should be made to the regional districts to show the community watersheds on their official regional plans.... It was also agreed that the request to the regional districts should emanate from your office. I would therefore request that this action be taken.”*³²³

According to the Agenda package prepared for the Community Watersheds Task Force meeting of August 16, 1976, it was stated that after almost two years “no action appears to have resulted from this [October 7, 1974] request for co-operation from Mr. B.E. Marr to the Department of Municipal Affairs.”³²⁴ As a result of this review information, Municipal Affairs representative W.J. Larter promised that he “would look into the matter from the point of view of the Department of Municipal Affairs and report his findings to the Task Force at the next meeting:”

*Mr. Larter stated that the October 7, 1974 letter from Mr. B.E. Marr to Mr. R.W. Prittie, concerning a request to regional districts to indicate community watersheds on their official regional plans, would be acted upon. Mr. Larter noted that Municipal Affairs would only be advising the regional districts in this matter. It would be up to the districts to institute land use controls on private lands in community watersheds as they deem necessary. Mr. Harkness [Municipal Affairs] noted that Municipal Affairs is in the process of defining the content of settlement plans. He stated that this may be enshrined in legislation by next year and that a priority concern would be that of community watersheds. Mr. Harkness indicated that he was hopeful that the importance of community watersheds will be recognized by the regional districts. If this proves to be true, then the matter could be handled internally rather than by legislative means. He noted that the proposed action by Municipal Affairs in advising the regional districts appeared eminently reasonable.*³²⁵

Both the affected Vancouver Island Regional Districts and the community watersheds Task Force were very concerned about the extensive private land holdings over Vancouver Island’s drinking watershed sources. Both the draft June 1977 and the final October 1980 Community Watersheds Guideline documents reflected these concerns and provided a recommendation for Regional Districts to resolve the conflicts through existing legislative means:

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

³²³ Ben Marr, Associate Deputy Minister of Water Resources Service, to R.W. Prittie, Associate Deputy Minister of Municipal Affairs, October 7, 1974.

³²⁴ Appendix A, Background Information and Progress Report.

³²⁵ Minutes of the August 31, 1976 meeting of the Community Watersheds Task Force.

*is done, Crown Lands within the by-law area can be managed to be compatible with overall land use goals.*³²⁶

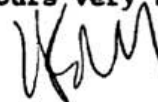
**Mr. J.E. Hiebert
Secretary-Treasurer
Regional District of Comox-Strathcona
4795 Headquarters Road
Courtenay, B.C.**

Dear Mr. Hiebert:

I refer to your letter dated December 19, 1975 regarding a map reserve for the Oyster River. The Planning and Surveys Division of the Water Investigations Branch requested, on behalf of the Task Force on Multiple Use of Watersheds of Community Water Supplies, that map reserves be placed on all existing community watersheds in the Province. The placing of map reserves on watershed lands enables decisions regarding applications for Crown land use to take cognizance of the water supply function of these lands. It should be noted that proposed land use activities on private lands are not covered by this map reserve referral system.

I would suggest that you inform Mr. J.D. Watts, Chief, Planning and Surveys Division, of the proposed location of your future intake works on the Oyster River. This Division will ensure that a map reserve is placed on the drainage area of the Oyster River which is located upstream of the proposed intake works.

Yours very truly



**B.E. Marr
Deputy Minister**

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RWN/am Rm

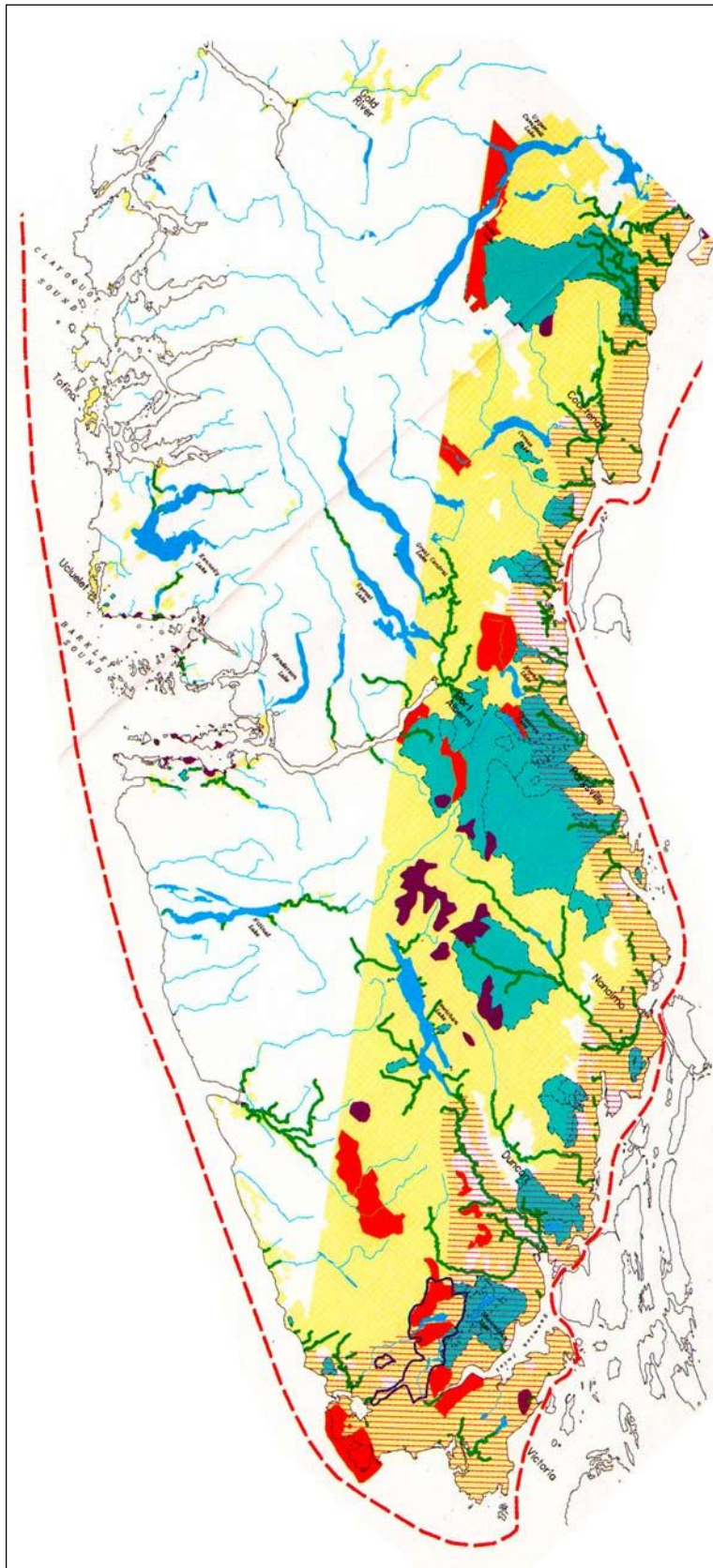
At a February 15, 2001 public forum in Nanaimo City's Beban Community Center, concerned citizens revealed that Nanaimo City's Jump Creek drinking watershed had been un-logged prior to the mid-1950s. The information was based on aerial photography information from 1955 to the present. Since 1955, roughly 85%, or more, of the drainage had been clear-cut and roaded, also impacting the habitat headwaters of the highly endangered Vancouver Island Marmot. Recent investigations also determined that the timber company Weyerhaeuser, which had taken over the assets and holdings of former timber giant MacMillan Bloedel, was, according to newspaper articles and radio interviews, responsible for planting seedlings laced with toxic fertilizers, and with clearcutting a 400 hectare stand of remaining old forest that was home to a herd of white-tailed deer a contracted wildlife biologist was in the midst of monitoring.

During the comment and review process of the draft Community Watersheds Guidelines document in 1979, it was suggested by an Environment Ministry biologist that the government consider re-purchasing private lands within Category One watershed reserves, given their extreme sensitivity

³²⁶ Pages 16-17.

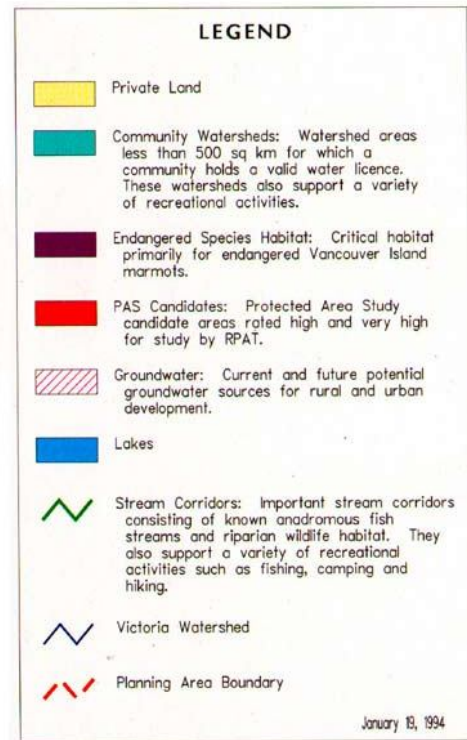


1980 map showing the Watershed Reserves in southwestern BC – 54 are shown here on southern Vancouver Island. Many of these Reserves in the private lands sector were later cancelled by government.



SOUTHERN HALF OF VANCOUVER ISLAND

Source: Vancouver Island Land Use Plan Map, showing identified community watersheds within Private Lands, 1994



status by the Task Force.³²⁷ Later that year, the City of Cranbrook tabled a resolution adopted by the Union of B.C. Municipalities on the protection of provincial drinking watersheds. Resolution No. 100 stated:

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

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

Resolutions passed at the annual Municipalities conferences are forwarded to provincial Ministers and their related ministry administrators. Municipal Affairs Minister R.W. Long sent a copy of *Resolution No. 100* to Environment Deputy Minister Ben Marr on January 28, 1980, detailing the following:

Enclosed please find the resolutions endorsed by the Union of British Columbia Municipalities at their 1979 convention. They have been sent to inform you of the position of the U.B.C.M. as it relates to your Ministry, and to obtain your response to the subject matter of the resolutions. In some cases the subject matter of resolutions is familiar, but we are nevertheless interested in your current position. Would you please respond to the resolutions by stating your position on the matter, commenting on the validity of the argument presented in the resolution, specifying any points with which you take issue, and suggesting, where applicable, an appropriate position for Mr. Vander Zalm to take in discussing the issue with U.B.C.M. representatives.”

Nearing the closure of input for ministerial comments on the final version of the Ministry of Environment’s Community Watersheds Guidelines document, the chairman of the community watersheds Task Force, J.D. Watts, sent a related memo on February 15, 1980 to P.M. Brady, the Director of the Water Investigations Branch, asking that he respond to Deputy Minister Ben Marr’s request for action on UBCM *Resolution No. 100*:

(1) The Ministry of Environment is actively investigating the practicality of placing a freeze on sales and leases of crown land in some 150 watersheds which are currently held under map reserves for administrative purposes. These 150 watersheds are those which are less than six square miles in area and substantially free from present public uses. There are an additional 126 map reserves on watersheds ranging in size from six square miles to 200 square miles [Categories] (2) and (3). As a result of investigations by a Task Force set up to consider multiple use problems of watersheds used as community water supplies, it does not appear practical to place a freeze on, or to overly restrict agricultural and public activities in watersheds much in excess of six square miles in area in which there are extensive existing public and/or resource activities. It is noted that Joseph Creek, the watershed of the City of Cranbrook, the municipality sponsoring this resolution, falls into this category as it is 32.7 square miles in area and contains much agricultural land. In a few of the smaller watersheds, individual municipalities may find it advantageous to buy critical areas of privately owned

³²⁷ W. Hubbard, biologist, Prince George, to W.R. Redel, Assistant Deputy Minister, Lands Branch, March 21, 1979.

land within watersheds for protection purposes. However, the Provincial Government should not be expected to participate in this, as it is already making substantial contribution in holding the majority of the land in these areas under map reserve for water supply purposes. (4) The Minister, Mr. Vander Zalm, should advise that specific watershed management problems should be referred to the Water Investigations Branch of the Ministry of Environment.

Despite the ongoing recommendations by senior government administrators and by the Community Watersheds Task Force little transpired, until the issue resurfaced again and again throughout the 1980s. During internal senior administrative level discussions on the implementation of Integrated Watershed Management Plans (IWMPs),³²⁸ recognition was once again made in 1984 about the critical concerns related to private land logging:

3. A second major deficiency of both policies [the Ministry of Forests' and Ministry of Environment's] as they now stand is neither of them requires the integration of land use planning on private lands within watersheds. In many cases, the uncontrolled use of private lands in a watershed can totally destroy the benefits derived from integrated planning on the surrounding Crown lands. Perhaps the Water Act should be amended and the Environment Management Act used to legally require private land owners to work through the planning arms of Regional Districts to insure the uses made of their lands is compatible with the land and water use objectives established for Crown lands in watersheds. It should be remembered the Water Act does not currently distinguish between Crown and privately owned lands so it is likely the best vehicle to accomplish this.³²⁹

During the U.B.C.M. annual meeting in 1982, Nelson City, another member of the Kootenay Regional District, presented a resolution on community water supply watersheds, which was passed as resolution A38:

*CONTROL AND MAINTENANCE OF WATERSHEDS. WHEREAS the maintenance of the high quality and adequate quantities of supplies of water is of prime concern to all purveyors of water in the Province of British Columbia;
AND WHEREAS there is widespread pressure by the Ministry of Forests and the logging industry to open watersheds on Crown lands to logging operations and other developments;
AND WHEREAS in the past, some logging operations, associated road building and other development have been carried out in such a manner as to damage community water supplies; AND WHEREAS at present, authority over watersheds on Crown lands is vested in the Ministry of Forests:
THEREFORE BE IT RESOLVED THAT U.B.C.M. request the Provincial Government to alter any purveyor of water the right and power to participate with the Ministry of Forests, any other Ministries involved and any involved industry in the planning and execution of any operations within the watersheds of that purveyor and that decisions to proceed with such operations must be made by consensus of the parties involved.*

³²⁸ See Chapter 7 for the narrative on IWMPs, and in Will Koop's book, *From Wisdom to Tyranny*.

³²⁹ Dennis McDonald, Nelson Ministry of Environment Regional Manager, to P. Brady, Director, Water Management Branch, Victoria, June 12, 1984, regarding *Policy for Integration of Forest and Water Management Planning on Crown land within Community Watersheds and related Ministry Policy concerning "Management of Community Watersheds on Crown Land*.

Again, the recommendations about private land logging in community watersheds went into abeyance, until the matter erupted two years later, and at consecutive annual conferences of the UBCM. The Central Kootenay Regional District presented resolution B-31 in 1986 regarding logging on private lands and its consequences for water supplies:

B31. LOGGING GUIDELINES.

WHEREAS there is a growing concern amongst residents that the Province of British Columbia does not have regulations regarding commercial logging on private property; AND WHEREAS the Province of British Columbia does have regulations regarding commercial logging on Crown Land and the said regulations encourage responsible logging practices to the extent of providing protection of community water systems, protection from soil erosion and protection from excessive fire hazards:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Provincial Government to develop suitable guidelines that could be referred to by commercial loggers when logging on private property.

ENDORSED BY THE ASSOCIATION OF KOOTENAY & BOUNDARY MUNICIPALITIES.

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

I have followed up further on the proposal to introduce legislation to control logging on private land, which was initiated by Dennis MacDonald, of the Ministry of Environment, Kootenay Region.

I have since spoken to Erik Karlsen of Municipal Affairs and Sandra Smith of Water Management Branch.... Amendment to the Water Act to provide powers to prepare Integrated Watershed Management Plans; A proposal to prepare a Forest Practices Act; Amendments to the Municipal Act, to broaden the existing powers regarding tree cutting permits.

Sandra indicated that this reply also responds to Dennis McDonald's proposal to his ADM [Assistant Deputy Minister] in which he advances the case for the use of the Environment Management Act. He is being heavily pressured by the Central Kootenay Regional District for action.

We should note that this same Regional District has brought issues forward at the UBCM, and that the UBCM has recently written a letter to our Minister conveying various resolutions advocating legislation to control logging on private land.³³⁰

The 1989 conference, held in the Okanagan Basin City of Penticton, was particularly focussed on the logging issue. A representative from the Regional District of Central Kootenay stood and read at length five pages from a prepared paper, *Logging in Watersheds*, into the floor conference

³³⁰ Denis K O'Gorman, Manager, Resource Planning, Integrated Resources Branch, to John Cuthbert, Chief Forester, and J. Biickert, Director, Integrated Resources Branch, Ministry of Forests, July 6, 1989.

microphone before a captive audience, where a number of representatives from the provincial government sat and listened to the entreaties:

Water, as much as the air we breathe, is so essential to our everyday life that we react - - sometimes violently and with anger, and understandably so - - when it is threatened. Increasingly water is being diminished in quantity and quality by resource extraction for the benefit of others.... We are, generally, very pleased with our mountain water both in purity and quantity. Suddenly we find someone wants to log our watershed. Visions of muddy debris-filled creeks from hastily-built roads; all sorts of activity above us from machinery and humans. We will have to boil our water, install filters to protect our hot water tanks and washing machines; next comes chlorination or other treatment demanded by the health authorities because our watersheds are invalid and violated.

When Forestry issues the guidelines and signs the contracts and is in control of the terms of the contracts, it would appear that they should then assume the responsibility for the consequences. This Ministry should recover the costs whatever they may be for repairing damage done through performance bonds required at the time of the contract signing. The repairs should be made immediately, the logging stopped and then the investigations and questions asked.... As the Agricultural Land Reserve protects our farm lands - - or was supposed to - - a similar piece of legislation - - without the loopholes - - should protect our watersheds and landscapes.

The Minister of Forests (Dave Parker) - - who is viewed increasingly by many as the Minister FOR Forestry - - has shown no great concern for us. The Council of Forest Industries - - the greatest pressure lobby and special interest group in the Province - - is concerned because we want to prevent the destruction of our watersheds.

We urgently need legislation to control many of the issues that the forest service has made no mandate to supervise. We require legislation to place the protection of our watersheds where they rightfully should be under the Water Rights Branch of the Ministry of Environment and under the Ministry of Health. Even with the imminent change in Ministers, without changing the responsibility of preserving our community watersheds, we face a continuing losing, confrontational battle.

Immediately following the public uproar at the 1989 UBCM conference, once again a series of memos were dispatched and meetings set up within government to address the concerns. In particular, senior provincial administrators had prepared a document for Cabinet on February 1, 1990 on introducing legislation regarding the thorny issue of private lands in drinking watershed sources: “Private land logging legislation proposal will go to Cabinet in two weeks.”³³¹

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

³³¹ Minutes, Inter-Agency Watershed Management Meeting, February 1, 1990.

In 1994-1995, B.C.'s largest private timber landowners, TimberWest (Fletcher Challenge Corporation) and MacMillan Bloedel,³³² were primarily responsible for the creation of a lobby organization, called the Private Forest Landowners Association (PFLA). This occurred prior to the introduction of the new *Forest Practices Code Act* in the late Spring of 1995, and a year after the creation of the *Forest Land Reserve Act* on July 8, 1994 with the establishment of a provincial Forest Land Reserve Commission:



This Act designated all private land classed as managed forest land under the Assessment Act and all private land subject to a tree farm license under the Forest Act as a special land use zone called the Forest Land Reserve (FLR).

Initially the FLR included only private managed forest land encompassing 920,000 hectares. In 1995, after land use plans were completed for Vancouver Island, the Cariboo and Kootenay regions, the Provincial government added 15 million hectares of Crown Provincial Forest land to the FLR.

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

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

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

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

*The Forest Land Reserve Act sets the legislative framework for the establishment and administration of the forest land reserve program and the forest management requirements on private forest lands.*³³³

The PFLA was deeply concerned about the government's intentions to regulate private forestlands under the new *Forest Practices Code Act*, and successfully lobbied to prevent it from occurring.

³³² Timber West, formerly Fletcher Challenge, formerly B.C. Forest Products; in 2000, Weyerhaeuser became the new owner of timber giant MacMillan Bloedel and later sold many of its new assets to Brookfield Asset Management.

³³³ Information provided on the government website with the Provincial Agricultural Land Commission, February 2003.

Moreover, the Forest Land Reserve legislation was a preventative measure for private forest landowners from divesting their forest lands for subdivision and commercial development purposes, highlighted in newspapers and on television broadcasts in the early 1990s. For instance, the actions of citizens on Galiano Island to prevent MacMillan Bloedel's large scale developments on lands being stripped by clear-cut logging.

Almost four years after the establishment of the *Forest Practices Code Act*, the provincial government issued a press release on January 6, 1999, declaring that it was undertaking a new regulatory model for forest practices with the Private Forest Landowners Association “to protect key public environmental values”, particularly related to drinking watersheds:

Landowners will conduct their harvesting, silviculture and road building so as not to harm water quality and fish habitat.... Landowners will work with water purveyors to ensure drinking water is not adversely affected. The Ministry of Environment may require landowners to take action to address water quality concerns. Pesticide and fertilizer use around streams is restricted.

The following year in April 2000, the provincial government merged the administration over both private forestlands and the Agricultural Land Reserves under one body, called the Land Reserve Commission.

The change in provincial government administration in May 2001 to the majority elect B.C. Liberal Party, with 77 out of 79 seats, brought about the swift and ongoing introduction of significant changes to key provincial legislations on land use during the first three sittings of Parliament. The Gordon Campbell government, with its party slogan of “*B.C. Open For Business*”, steadily relaxed regulations and altered and dismantled long-held legislations to accommodate its business party member politics. Of significance was the removal of the word “Environment” (which it later reinstated) from the former Ministry of Environment, Lands and Parks, under the new and ambiguous auspices of “Sustainable” Resource Management. The government also passed legislation on May 14, 2002, Bill 21, the *Agricultural Land Commission Act*, without public consultation.³³⁴ Its deceptive title did not accurately convey the substance of the *Act* that also regulates the administration of all provincial private forestlands. As a result, the passage of the *Act*, and its implications, was provided with very little coverage in the media, and went by almost unnoticed to British Columbians.

During the Second Reading of *Bill 21* on April 30, 2002, the Minister of Sustainable Resource Management, Stan Hagan, declared the following:

Hon. S. Hagen: *This bill is an important step in facilitating improved management of both our agricultural and private forest lands. This bill gives statutory meaning to our core review direction and the new-era commitment to make the Land Reserve Commission more regionally responsive to community needs.*

³³⁴ Refer to Appendix D, a partial copy of West Coast Environmental Law's May 1, 2002 submission to the late Stan Hagan, former Minister of Sustainable Resource Management. It relates the concerns and implications of the *Act*, and states the absence of public consultation prior to its passage. As a result, Hagan promised that “*consultation with stakeholders*” would occur after the passage of the legislation over the following 3 months. Stan Hagan's riding of Comox Valley was on the east coast of Vancouver Island, in the area of the former large private forest landowners, TimberWest and Weyerhaeuser.

The Land Reserve Commission has undergone a comprehensive core services review to examine how it can become more efficient, effective and accountable while better reflecting the needs of each region of the province. New legislation is required to implement this direction. With passage of this bill, three pieces of legislation currently under the Land Reserve Commission's jurisdiction will be repealed: the Land Reserve Commission Act, Agricultural Land Reserve Act and Soil Conservation Act.

Land use provisions of the Forest Land Reserve Act and related land use regulations will be repealed. Provisions of the act which establish the reserve and provide for the regulation of forest practices on private FLR and managed forest ALR by the commission will be retained. ALR regulations will be repealed and replaced with a single regulation for use, subdivision and application procedures in the ALR under the new legislation. Consequential amendments of a minor nature will need to be made to the Local Government Act and the Land Title Act, as well as other minor amendments to statutes which make reference to the Agricultural Land Reserve Act.

This bill will establish the provincial Agricultural Land Commission, outline its purpose or mandate and operations; establish authority for managing the ALR and regulating land use in the ALR; establish procedures for applications and the authority for cabinet to pass regulations; and provide new enforcement and compliance powers for the commission.”³³⁵

In the debates of the House during the Third Reading of *Bill 21*, opposition leader Joy MacPhail provided the following criticism of Hagen's Bill:

The effect of these changes to sections 64 through 80, which essentially gut the Forest Land Reserve Act, repeals the fundamental purpose of why the forest land reserve was created. I'm going to put that on the record. The intent of the reserve was to provide a more open and accountable process for the conversion of managed forest land to urban and rural development. That was a trade-off that was actually agreed upon as a counterbalance to the generous property tax treatment that such land receives under the Assessment Act.

Privately held forest land got very, very beneficial tax assessments, so to counterbalance that, there was an act created, and it was agreed upon, frankly. It was agreed upon - there's no question - by community, forest companies and local governments that the trade-off for that favourable tax treatment was that the forest companies who were going to convert it from managed forest land to urban or even, in some cases, rural development would have to live with the tenets of the Forest Land Reserve Act.

It was a major issue. I'm surprised that the member who represents the Gulf Islands, for instance, is not up speaking to this, because this was a key issue in the Gulf Islands and also on eastern Vancouver Island where forest companies were getting into the real estate development business. They were selling off large private forest land holdings. They didn't conduct very much in the way of public process, and then, with the sale of that private forest land, they increasingly turned to the use of publicly owned Crown forest land for timber harvesting. There was a shift in pressure from the private lands to the publicly owned forest

³³⁵ Second Reading of Bill 21, Official Report of Debates of the Legislative Assembly, Tuesday April 30, 2002, page 3074.

lands with no accountability by the forest companies for that shift. All the while, the forest companies also benefited from very favourable tax treatment under the Assessment Act.

*This agreement, this covenant, this legislation that had been agreed upon by all to hold that shift somehow in check or to provide balance is gone now with the repeal of the Forest Land Reserve Act. It was a bit surprising that neither the explanatory notes in this legislation nor the minister's comments at either first or second reading in any way hinted that that balance now was gone completely with the repeal. In fact, the minister said the repeal of these sections of the Forest Land Reserve Act was an important step in facilitating improved management of both our agricultural and private forest lands.*³³⁶

Bill 21 was not assented until November 1, 2002, which officially repealed the 1994 Forest Land Reserve Act. The significance of this Act, and related revisions, releases the controls by the provincial government on these issues to its former condition prior to 1994, and will help to liberate the constraints placed upon the private lands from tax assessment legislation.

The land use and subdivision provisions in the Forest Land Reserve Act will be repealed. The Commission will no longer be responsible for adjudicating applications for non-forestry uses or subdivisions of FLR land and will no longer receive or process these applications.

The sections dealing with recapture tax for land excluded from the FLR will be repealed. The section that allowed Cabinet to designate Crown land as FLR will be repealed.

Sometime during 2003 the FLR will be phased out in its entirety and local governments will need to review, and possibly amend existing official community plans and zoning bylaws to reflect this change. If a local government wishes to adopt a bylaw after November 1, 2002 that would have the effect of restricting forest management activities relating to timber production and harvesting it should be aware that the government has committed to maintain the right to harvest on private lands with Managed Forest classification.

During the first phase the Commission will also continue to oversee forest practices on private forest land and ALR land with Managed Forest classification through administration of the Private Land Forest Practices Regulation.

*The remaining provisions of the Forest Land Reserve Act will be repealed in conjunction with the devolution of the private land forest practices regulations to a new agency sometime in 2003. A target date of April 1, 2003 has been set but additional time may be needed to complete the transition.*³³⁷

³³⁶ Official Report of the Debates of the Legislative Assembly, May 14, 2002, afternoon session, pages 3451-3452.

³³⁷ Information provided on the government website with the Provincial Agricultural Land Commission, February 2003: Information Bulletin #8 - *Changes to the Forest Land Reserve system as a result of repeals to the Forest Land Reserve Act with the bringing into force of the Agricultural Land Commission Act.* The government's intention was to set up a Public Private Partnership oversight to replace the Commission, and to establish self-regulation of private lands.

CHAPTER 11. BATTLING THE NEW ORDER

Mr. Lloyd Good, Chairman of the Big Eddy Waterworks Ltd., has informed me that he has received a double registered letter indicating that the Big Eddy Waterworks did not meet B.C. Safe Drinking Water Regulations It seems a good part of the problem was as a result of a logging operation, on private land within the Dolan Creek watershed. This logging operation was not monitored by government, and this neglect led in turn to the problems of water purity.

Since 1994, the watershed has through the hard work of the Trustees been able to provide potable water to its water users. This is a hard working and dedicated group of Trustees who believe in responsible maintenance of their water source. If government had been vigilant [sic] over the years to protect this watershed, the Big Eddy Waterworks Ltd., would not be faced with double registered letters and the threat of Section 6 of the Safe Drinking Water Regulation.³³⁸

I, Norman Clarkson, Certified Public Health Inspector, Interior Health Authority, Vernon hereby Order, pursuant to Section 63 of the Health Act that upon receipt of this Order, you ... 1. Immediately stop using the Dolan Creek source ... 2. Sever the pipe supply water from the Dolan Creek source in the pump house, and fill the ends of the pipe with concrete by August 19, 2002.... Failure to comply will result in a report filed with Crown Counsel for action that their Office deems appropriate.³³⁹



As a result of the multiple incursions to drinking water sources from the provincial government's shady implementations of resource management policies, spearheaded by the Ministry of Forests, the 1990s witnessed a new directive by the government of the day and the Ministry of Health to unilaterally impose water disinfection and treatments as band-aids or remedies. This didn't sit very well with a number of water users/purveyors who were long accustomed to obtaining their water in its natural state, from primary sources they had long fought to protect.

Time had well demonstrated that these were simple, inexpensive, efficient, and dependable water systems, systems now under attack by political forces meant to stick it to them, to force them to be responsible for the irresponsible actions of others. The end of an era was thrust upon them and many put up a new fight to protect their heritage. Try as they may, they were all doomed to dance to the new provincial pipers.

³³⁸ Jim Doyle, Columbia River-Revelstoke MLA, to Andrew Petter, Minister of Health, March 24, 1996.

³³⁹ Norman Clarkson CPHI, Manager, Health Protection, Okanagan Service Area, Interior Health Authority, Vernon, B.C., to the Big Eddy Waterworks District, July 8, 2002.

11.1. IMPLEMENTATION OF THE 1992 SAFE DRINKING WATER REGULATION

Jack Bryck, president of the BC Water & Waste Association headquartered in Burnaby City, sent a letter to the Big Eddy Water District Trustees and provincial water users on December 18, 1990 to encourage their participation in an upcoming seminar to learn about the federal government's new *Canadian Drinking Water Guidelines*:

The recent mailout on small water systems brought a response indicating that there was a great deal of interest in improving water quality and learning about the impact of the new "Canadian Drinking Water Guidelines." I would like to bring your attention a seminar, which will take place on February 25th and 26th, 1991 at the Delta River Inn in Richmond on Drinking Water Quality. This seminar will deal with "state of the art" water quality procedures and should be of interest to anyone operating a water system and concerned with maintaining a high standard. Participants will come away with an in-depth appreciation of the factors involved in water quality and procedures necessary to ensure safe, high quality drinking water. This seminar provides an opportunity to meet other small system operators and water supply experts to discuss any problems or solutions you have experienced.

In 1973, the American Water Works Association (AWWA) set up shop in B.C. by forming the BC Water & Waste Association. Aside from private industry that largely steers the AWWA in the United States, professional membership includes representations from governments (local, State, National) and academia. The larger national group, the Canadian Water & Waste Association, was later formed in 1986 after other emerging provincial satellite groups banded together. According to information on its website posted in the mid-1990s, the AWWA, and its close affiliate the American based Water Environment Federation, have generally adopted the forest industry's views on integrated resource watershed management ("multiple use"/ "integrated use") for drinking water sources, along with their strong support for Private-Public Partnerships, as presented at their numerous more recent conferences and seminars. The AWWA's website stated in 2004 that it is "*dedicated to the safeguarding of public health and the environment through the sharing of skills, knowledge and experience in the water and wastewater industries.*"

The federal government's new *Drinking Water Guidelines*, however, failed to mention or advocate the protection of drinking water sources, and merely provided for what it described as "*high standards*" of water quality through artificial and technological "*treatment*". This technology, in its various forms, became a growing business in BC in the 1990s following, most of which was a direct response to the impacts and politics of increasing industrial and agricultural activities in hundreds of surface sources, impacts which were also affecting the Province's groundwater sources.

According to Ministry of Health statistics, the 1980s marked the beginning of a significant rise in water-borne illnesses in BC, mostly attributed to contamination by domestic livestock and a few isolated incidents of migrating beavers on water supply systems. In 1986, the Ministry of Health ordered 19 of BC's communities on "boil water advisories". By 1992, the number of community boil advisories had increased dramatically to 121. Aside from the impacts from a few transient beavers immediately removed by water purveyors from their water sources, medical health officials were concerned about the government's controversial policy, implemented through the Ministry of Forests, that permitted livestock grazing, and the long term repercussions from logging and mining practices, all of which had recently been integrated within the government's inter-ministerial policies for Crown land drinking watershed sources.

Following the government's interference on visionary calls in September 1975 by the Associated Boards of Health for veto powers over resource activities in community watersheds,³⁴⁰ the issues behind the water-borne illnesses began to loom and provoke a number of concerned provincial medical health officers and officials to formally express their united opposition to the BC and federal governments about cumulative commercial resource intrusions to drinking water sources. The **BC Committee for Safe Drinking Water** therefore began calling for a moratorium on all industrial activities. Both provincial and federal governments ignored them.

Andy Hazelwood, Executive Director of the Ministry of Health's Environmental Health Service, summarized those concerns in December 1992 at a public forum in Revelstoke:

*One of the areas that lobbied hard and long in trying to get government to address these issues as they saw it, was a coalition of groups called the BC Committee for Safe Drinking Water....That group got together and really tried to put a case forward that the economic impact and health issue that BC has largely not addressed over the years with a comprehensive safe drinking water policy and legislation to support it, that we were deficient in that area, and that we should get moving on that.*³⁴¹

The concern and controversy about the industrial and commercial operations in drinking water sources was also much debated by delegates at the annual conferences of the Union of BC Municipalities (UBCM) in the 1980s, primarily reflected in resolutions focussed on logging impacts on public and private forestland sources. By 1989, the ongoing concerns and acrimony raised through resolutions at the UBCM finally prompted the provincial government in late 1989 to initiate an inter-ministerial review body called the *Interagency Community Watershed Management Committee*. Nothing, however, was done to prohibit, reduce or curb the policies that permitted the degradations to drinking water sources – the issue was once again left to eddy, purposely, in committee meetings.

In May 2002, this report's author published *Doctoring Our Water - From a Policy of Protection to a Policy of Submission*,³⁴² in which he unearthed the general history of the Ministry of Health over a period of a century (1900-2000), beginning with its long-held former role as guardian and protector over public drinking water sources and its shady political transition to the opposite. Based on research findings, the Ministry's role was divided into four historical periods:

- guardianship over resource protection, 1900-1939;
- continued guardianship under pressure by professional foresters, 1940 to early 1960s;

³⁴⁰ *Resolution #15. RE: PROTECTION OF WATERSHEDS. WHEREAS many domestic waterworks systems depend upon surface supplies as a source of water, AND WHEREAS many conflicting activities prevail within the watersheds of these surface water supplies which may degrade the water quality and/damage the constructed works e.g. logging, cattle grazing, recreation, mining, residential development, etc., AND WHEREAS the Lands Service of the Department of Lands, Forests and Water Resources presently issue permits authorizing various activities within watersheds, THEREFORE BE IT RESOLVED that the Associated Boards of Health urge the provincial government to enact, or amend, legislation which: (a) would authorize the Medical Health Officer to restrict or prohibit any activity within a watershed which he feels may have a deleterious effect on the domestic water supply and, (b) would require the Lands Service to seek the concurrence of the Medical Health Officer before issuing a permit without authorizing any activity within a watershed.*

³⁴¹ Andy Hazelwood, Ministry of Health, December 2, 1992, videotape transcript. More below.

³⁴² Available on the BC Tap Water Alliance website and in the Vancouver Public Library.

- under pressure to conform to the provincial government's imposition of multiple use, early 1960s to late 1970s;
- finally, the period of darkness, late 1970s to present.

The report was a critical response to the Provincial Health Officer's *Annual Report for 2000 - Drinking Water Quality in British Columbia: The Public Health Perspective*, which the author interpreted as a continuing shameful compromise on the degradation and ruination of the public's greatest assets, with the questionable remedy by the Ministry of Health that technology is the saviour of all our problems, that is, at the expense of public coffers and watershed sources. Apparently, a new angle on the 'mental health' of forestry workers, the possible stress related to losing jobs in community watersheds, became a big concern to BC's health authorities.

Unlike most of Canada, the majority of British Columbia's surface drinking water sources are tapped from mountainous forest regions, where fresh water molecules are in generally rapid and constant movement, where water temperatures are usually very cool, especially if the forest canopy is left intact and the forest protected, conditions critical for excellent water quality. These features and conditions were proudly reported upon in earlier Ministry of Health annual reports of 1937, 1941 and 1953:

***WATER-SUPPLIES.** North Vancouver City and District receives its water-supply from seven sources, all located on a guarded watershed. The fact that the shed is not exposed to contamination by disease of human origin obviates the necessity of treatment by filtration and chlorination, thereby effecting a considerable saving to taxpayers. There have been no epidemics of water-borne disease in the history of the Health Unit; culture of water samples shows freedom of those germs which cause human disease.*³⁴³

***WATER-SUPPLIES.** In British Columbia, due to the nature of the terrain and the climatic conditions, the problem of obtaining a good water-supply from most communities is relatively easy. Centres of population are located close to mountainous watersheds, making possible in most cases a gravity supply. In addition, most of these watersheds are uninhabited, making the chances of contamination of the public water-supply relatively slight. Some of our watersheds have been created health districts for watershed purposes. These are guarded in order to keep the public off the watersheds.*³⁴⁴

*There are very few water-treatment plants in British Columbia. This is because in British Columbia most sources of water provide satisfactory water for domestic consumption without expensive treatment. It is estimated that 80 to 85 percent of the population of British Columbia receives water through public water-supply systems. The fact that there has been no evidence of water-borne illnesses in British Columbia for the past several years speaks well for the care that is being taken in British Columbia by water authorities to provide for a safe water for the citizens.*³⁴⁵

³⁴³ H.E. Young, Provincial Health Officer, Annual Provincial Board of Health Report, provincial Sessional Papers, 1937.

³⁴⁴ R. Bowering, Public Health Engineer and Chief Sanitary Inspector, Report of the Public Health Engineering Division, Annual Provincial Board of Health Report, provincial Sessional Papers, 1941.

³⁴⁵ Division of Public Health Engineering, Provincial Ministry of Health, Annual Report, 1953.

In a flimsy response to the increasing boil water advisories, and associated concerns by the **BC Committee for Safe Drinking Water** and BC's water purveyors about the government's inappropriate policies linked to the private forestry sector that were degrading their water sources, on July 3, 1992 the newly elected New Democratic Party (NDP) government issued Order-in-Council No. 1072, the *Safe Drinking Water Regulation*. It mandated by way of federal government directives that all provincial water users had to disinfect their "surface water" sources.

Section 6 of the *Safe Drinking Water Regulation* stated:

A water purveyor must

(a) disinfect all surface water,

(b) record the results of all analyses and tests required by the medical health officer or public health inspector to measure free chlorine residuals or the results of other approved disinfection treatment, and

(c) provide the results of all these analyses and tests to the medical health officer or public health inspector.

Information about the new *Regulation* was bulk-delivered by the government to BC water users with an explanation of its implications and when the *Regulation* would come into effect:

*The Regulation becomes effective October 1, 1992 and applies to all waterworks systems, water bottling plants, motels, and campgrounds, etc. It also applies to water delivery trucks. Waterworks systems which are in need of upgrading should be contacting their consulting engineers to submit plans for approval. It is our expectation that these improvements will be phased in, with the highest priority being the systems under a current boil advisory.*³⁴⁶

However, in the new *Safe Drinking Water Regulation* the provincial government once again refused to pay the medical health officers and water purveyor communities any heed in their demands to stop commercial and domestic livestock activities in drinking water sources, and no measures related to the protection of surface water sources were included or stated, despite the pre-election campaign promises by the newly instated NDP government to do so: the obfuscation merely continued, as it continued under previous and subsequent provincial government administrations.

On the spin-offs from this new climate of resource business opportunities, author Joyce Nelson, a long-time critic and investigator of international corporations and accompanying public relation schemes, published two articles in Victoria City's Monday Magazine in 1996 and in Vancouver's Georgia Straight in 1997. She drew attention to the cozy relationships of prominent BC forest company executives on the Board of BC Gas and the formation of a new merger with U.S. Denver-based CH2M Hill Inc., called the TAP Water Group. The new company was part of an emerging program in Canada by the new "water privateers", looking to profit by ventures in Public-Private-Partnerships. They were linked to the 1993 formation of the Canadian Council of Public Private Partnerships, an affiliate of the U.S. National Council of Public Private Partnerships. Nelson drew attention to the intrigue and conflict of interest between forest companies double profiting from logging in domestic watersheds and then by impositions placed on local governments to install elaborate water treatment facilities as a result of their water sources being degraded – they could have their cake and eat it too.

³⁴⁶ Norman Clarkson, Chief Environmental Health Officer, North Okanagan Health Unit, to All Community Water System Operators, North Okanagan Health Unit, July 20, 1992.

11.2. The Community that Did - The Battle Against the Devil's Chemical

*Since 1984, every watershed in B.C. has been under attack. A.G. Hazelwood, executive Director, Environmental Health Protection Service, stated when defending the safe drinking water regulation, that water borne diseases, like giardiasis have increased.... This increase can be attributed directly to traffic in watersheds, such as clearcut logging, mining, road building, power line right of way and recreation.*³⁴⁷

11.2.1. The Anti-Chlorination League

Despite what some might say otherwise, the anti-chlorine controversy is not a recent phenomenon, but has been a prevalent and long-standing issue in BC. For instance, in 1941 Greater Vancouver Water District Commissioner E.A. Cleveland emphatically stated, “*People here won't drink chlorinated water.*”³⁴⁸ Now forgotten by British Columbians, was a public movement some seventy years ago specifically against the use of chlorine as a disinfectant for public drinking water. It was called the Anti-Chlorination League.

Cleveland was heralded by many as the provincial spokesperson for this movement. Cleveland maintained a strong public position against the use of chlorine, which he and others wrote about in professional journals. Some fifty years later in 1994 when Greater Vancouver Health officials proposed chloramine as a disinfectant for Greater Vancouver residents, intense public opposition followed, with concurrent findings from federal fisheries scientists on the negative consequences and impacts to stream environments and fish from its prolonged residual contact time and toxic concentration levels. The Greater Vancouver Regional District then rejected the proposal.

Greater Vancouver's water supply never used chlorine as a disinfectant when its sources were first tapped in the late 1880s until the early 1940s.³⁴⁹ During the onset of the Second World War, the federal government announced that the Greater Vancouver Water District should protect its population against possible enemy sabotage by Japanese troops which might poison the region's water supply, and ordered that chlorine be implemented to counteract such a threat. It was not stated or argued at the time if chlorine would render those poisonous chemicals harmless. Cleveland put up a big fight, and the federal government used its legislative hammer against the Water District. The Water District insisted the federal government, as the initiator of the plan, pay all the attendant costs for the chlorine stations and chlorine supplies, and that after the War the Water District would remove the said stations and go back to natural. Some twenty years later after the end of the Second World War, when logging started again in the watersheds in the 1960s, the Water District began adding chlorine.

³⁴⁷ Submission by the Big Eddy Waterworks District to the Ministry of Environment's Technical Advisory Committee on Community Watersheds, March 11, 1993.

³⁴⁸ E.A. Cleveland, June 4, 1941, regarding metropolitan Vancouver residents' opposition to chlorine in their drinking water. Transcript of legal hearing at a public meeting regarding the proposed protection of Hollyburn Ridge. Vancouver Archives, 65-A-3, file #3.

³⁴⁹ There was a brief period in the early 1930s when chlorine was added to the water supply because of construction work by the B.C. Electric Railway Company for a hydro-electric transmission right-of-way through the Capilano watershed on private lands owned by the Capilano Timber Company. All expenses for the chlorinator and its usage was born by the Company at no cost to the Water District.

In the 1940s, taxpayers in Victoria established the Anti-Chlorination League, a large movement against the application of the devil's chemical in their drinking water. They also battled to keep Greater Victoria's drinking water source protected, which was under considerable threat from commercial logging by relentless timber lobbyists.

We have on hand a large file of letters from citizens everywhere. If you will permit it, I shall be pleased to read a summary or some of these letters, in order that the Editor of the Victoria Times may have the opportunity of knowing that there is serious evidence against chlorination, which he knows nothing about and which he has so often challenged.

I think we should discuss the pamphlet issued by the Department of Health, and distributed by Aldermen Worthington and others, with the avowed object of discrediting the vote of the people, and the work of the Anti-Chlorination League. It can now be definitely stated that this Council is pro-chlorinationist, as a result of listening to and reading the words of Health Officers, who have presented their own professional side. It is now time for this Council and the people to hear the answer to the allegations made, and this we are now ready to present to this Council, and to the people at large. We therefore ask that the same facilities for publicity be granted to our League, which represents the over-whelming vote of the people against chlorination. We make this suggestion, and we hope it may result in a motion before the Council, today, that the Anti-Chlorination League be asked to submit a pamphlet dealing with the subject of chlorination of Victoria water, and that such pamphlet shall be printed and distributed, at the expense of the City, to all electors on the city's voting list, together with the pamphlet, which I shall refer to as Alderman Worthington's pamphlet, in order that the citizens may be better informed on both sides of the question of chlorination, and in a position to vote "yea" or "nay" as their conscience dictates.

Reference should be made to correspondence, dealt with in part before the Council, and somewhat in full, as far as letters from Dr. Cleveland, of the Greater Vancouver Water Board, are concerned. The public, like myself, are mystified, and speaking for myself, we have been entirely misled by what has appeared in the press under such headings as "Mainland Water Commissioner Supports Victoria Chlorination", and editorially in the Times "Anti-Chlorination Epitaph". The Editor of that paper goes on to say: "Unless they search the rushes of adjoining lakes and ponds and emerge with a new Moses, it would appear that Greater Victoria's anti-chlorination forces might relegate to a dear departed past the theories that treatment of this community's water is unnecessary or ill-advised." This editorial is based on a statement by Dr. Hunter in the Council, that myself and the League have accepted Dr. Cleveland as our champion against chlorination. Alderman Hunter is credited with this statement:

In the first portion of his report, Dr. Hunter read excerpts from numerous briefs submitted to the council by Harry Langley, chairman of the Anti-Chlorination League, which referred to Dr. Cleveland as a 'bulwark' of the anti-chlorination group and a desirable expert whose opinion should be sought.

What is the scientific verdict in regard to Vancouver's water? Four inter-national water experts have reported that they differ entirely with Dr. Dolman's scientific findings of fact. Dr. Cleveland himself challenged our Provincial Bacteriologist, Dolman, and our Provincial Health Officer, Dr. Amyot, and Vancouver's numerous health officers, all of whom declared that Vancouver's water should be chlorinated. Do we need to refer to the

strong indictment referred to in the Cleveland Report, which leaves our Provincial chlorination experts in the sorry predicament, that they did not conduct a scientific investigation, that our chlorinators could not properly read and determine their own findings of fact, and finally, that Vancouver has such a fine water system and water supply, that it would be sacrilegious to poison it with chlorine and ammonia. Are these British Columbia chlorination scientists yet satisfied? Not at all. Chlorination in Vancouver has been stopped. Cleveland has won a great Victory - a noble victory. And the people were never so happy, after three years of suffering and shame; their water poisoned by order-in-council, without the slightest effort on the part of the great scientist who did it, taking the trouble to even visit the water sheds. Yet our noble editor, and some of our gallant aldermen would have the people believe that it is as if God had spoken, and God himself had declared that our water wasn't fit to drink, unless it is poisoned by chlorine and ammonia.

Never in the history of this Dominion was there a case where the scientists have been in such disagreement on principles; never have they been so divided; and I am sorry to add, that never before have there been such sharp reprisals, such words of reproach as have been hurled between scientist and scientist. The defeated scientists will not down, and their words are quoted by editors and aldermen, as if the Almighty had spoken in Sinai thunder, his warning to the people of this earth, not to drink of this water, because they who drink of it (like Adam and Eve in the garden, the forbidden fruit) shall surely die. But, there has been no death; Vancouver citizens have been singing songs of joy, and they are thankful to Cleveland and the American experts, who have saved their sparkling Capilano water from the vandalism of the pseudo-scientists. In a small way, it is, with God's Grace, our fervent hope, that with the help of the overwhelming majority of people in this community, we shall yet save (in spite of the Council) the pure and safe water, which has blessed the people of this community for over forty years, and which Mr. H.A. Leverin, an official of the Department of the Interior, declared, after a first hand examination of the watershed in 1938: "The water system of Victoria ranks with the finest in the world. The water is crystal clear and pure." The movement against chlorination in Vancouver was a layman's movement, and it is now declared to be a layman's victory, supported and subscribed to by honest scientists," who refuse to be threatened. So may ours be a Victory for the common people in Victoria. When experts disagree, it is peculiarly a matter for a jury. So say our great jurists. It is part of our democratic prerogative to determine questions of fact, and whether the editor of the Times likes it or not, the people will go on determining questions of fact, based on experience.

Our correspondence with the Council will disclose that we had sufficient confidence in Dr. Cleveland that we would recommend his employment to make a scientific investigation of our water-sheds, in order that he might assist us to determine what course of action should be taken to protect our water supply from the necessity for chlorination. And this only became important in relation to the gradually weakening position of the aldermen who believed the silly statements of the Health Officer concerning presumptive tests, to the extent that samples of water were sent to Vancouver and elsewhere for test, against the strong findings of fact contained in the Cleveland report, that water tests were only relevant in relation to an examination on the ground, and in relation to the history of water-borne disease, or otherwise. These reports still disclose no pathogenic bacteria, nothing disease-producing; and if we take the presumptive tests in relation to the history of our water, then it is a history of safety. Never have we had a single case of water-borne disease. Therefore it can be presumed, as Leverin said and as he found, that our water is not only safe, but lovely,

and we ought to be willing to give thanks for such crystal pure water, and we ought to be willing to believe and tell the world, as he did: "The water system of Victoria ranks with the finest in the world."

Dr. Cleveland goes on to speak on the uncontrolled character of the water-shed, due in part to the existence of public highways. And there is the rub. What has the city done to perfect its water system, such as Cleveland did in Vancouver? Nothing. There is a mere handful of people in the vicinity of these roads, and by arrangement with the Provincial Government, these roads can be closed. We can therefore do away with trespass. In Leechtown, there is only one property paying taxes, and this has been in default. An energetic water board would make overtures to the Government to have this water area closed, because it is important to the safety of our water, and it is the city's duty to protect these water sheds at all cost. Nothing has been done, and all our opponents say in reply to their ineptitude is, we don't care about the watersheds, we will just chlorinate. If we had the time to discuss it thoroughly, we should submit, strongly, that simply to chlorinate an unprotected area would be no guarantee of its safety. The inference to be taken from Dr. Cleveland's remarks is just this: Why don't you protect your watersheds? Why didn't you invite me over to Victoria and let me show you how to make your water safe, by protecting your watersheds, and making chlorination unnecessary -- as unnecessary as it is in Vancouver, because, I, Cleveland, made sure of the safety of my watersheds. But does Dr. Dolman agree with Cleveland and his safe watersheds? No. As the experts have said, "Water from Heaven would not satisfy Dolman." Hence, Dr. Cleveland only advises, if he advises at all, on a condition which results from our neglect, and he says in fact, "Well, gentlemen, if you can't perform the first essential of protection, well then, stupid people, of course, chlorinate." Had Cleveland been invited to make a thorough inspection of the watershed (Japan Gulch) there is no doubt he would recommend that the area should be enlarged, the roads closed at all cost. That our pure water is more important than preserving a few shacks. Then there is next the question of the Railway, which touches a portion of the shed. We discussed this objection with Dr. Cleveland, and his answer was quick and responsive. Why can't you have the Railway Company have these toilets closed by order when the train is crossing the water shed? That sounds reasonable, and it is a precaution taken by railway companies all over the world. But, gentlemen, when you are looking for a case, you can make one, if only you refuse to take precautions, and do nothing. Our water is our greatest asset, and if we do not soon protect it from danger, then the Government will soon take it over, and they will create a water board which will perfect a water system and water supply as good and safe as exists in Vancouver. Not anything that will be satisfactory to Dr. Dolman, and his satellites, but safe and satisfactory to the common people, who are the people concerned.

Having failed to comply with the repeated request that the city call in a water expert to investigate on the ground, and to make recommendations for the better protection of our pure water supply, the only value of this report of Cleveland's, and it is of value to our side, is the strong case which is made for the proper protection of the watersheds, by the elimination of roads, so little used, and the protection by closing the toilets on trains, or else the removal of the line altogether from the watershed. There is nothing too great which can be done to protect our pure water supply.

Looking at Dr. Cleveland's Report to the Provincial Govt. on the question of Joint Control of Water Supply to the Cities and Municipalities of Greater Vancouver, prior to the formation of a Greater Vancouver Water Board, we find the same conditions had to be

overcome as have been complained of at Japan Gulch and Humpback. Lumber interests, and areas which were occupied by a few settlers, had to be cleared up, and they were cleared up until Dr. Cleveland created what is stated to be the most magnificent Water system on the American Continent. Yet this did not please Dr. Dolman, although not long prior to chlorination Dr. Dolman had voiced the highest praise of Vancouver's water.

There is so much of prestige involved in this matter, so much of loyalty to the Department of Health, and to the particular school of thought, that the public should view with suspicion any and all attempts to pass on this question from the technical standpoint. Science has brought us to the most dangerous period in the history of man. It behooves our democracy to regain control and maintain absolute control where experts are concerned. The people are concerned in this, and before it is too late, we must call a halt to this base attempt, by experts, to doom mankind to a gainful existence, and perhaps to final extinction of man as living, vital, spiritual force, without faith, without hope, and without purpose.³⁵⁰

11.2.2. The Greater Revelstoke Revolt

About three months after the *Safe Drinking Water Regulation* was passed in July 1992, representatives from the City of Revelstoke and the community of Big Eddy began to mount a local community campaign against the intent of Section 6 in the new *Regulation* that mandated BC water purveyors apply chlorine as a disinfectant. The reason for the Revelstoke resident revolt, with its population of about 8,000, was because the City had never disinfected its drinking water source since tapping its water supply from Greeley Creek in 1931, an intact, or pristine, federal Watershed Reserve source protected since 1917 (protected 14 years before it was tapped) which the provincial government later re-reserved in late 1973, calling it a Category Two *Land Act* Watershed Map Reserve.

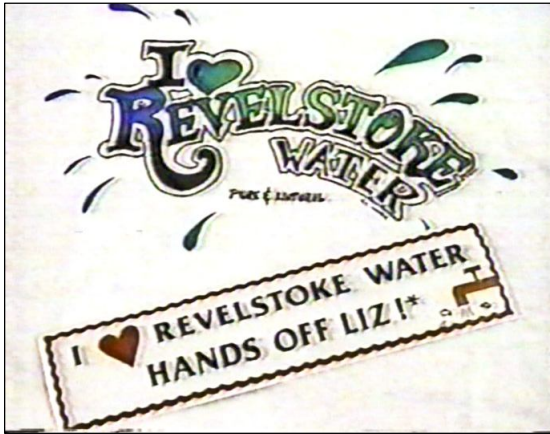
Revelstokians were extremely proud of their “pure” water from Greeley Creek because it was a “protected” source and had never been accessed before by roads or logging, and the public was barred from its boundaries. A water bottling company in Revelstoke had been marketing Greeley Creek water internationally, and was also proud of its high quality and its protected state. Though the neighbouring community of Big Eddy, with its population of some 1,000 residents, had been ordered to chlorinate its water for about two years in the early 1980s when BC Hydro constructed the transmission power line from the Revelstoke dam through the Dolan watershed, it had since terminated the chlorine treatment and the Big Eddy Trustees and residents were happily back to “normal”.



Four inter-community representatives, Shelby Harvey, Oscar Noblaw, Lloyd Good, and Clancy Battger organized a petition opposed to the new *Safe Drinking Water Regulation* that would force their inter-community water purveyors to chlorinate. They quickly canvassed over four thousand signatures, representing about one half of the combined populations of Big Eddy and the City of Revelstoke.

Shelby Harvie.

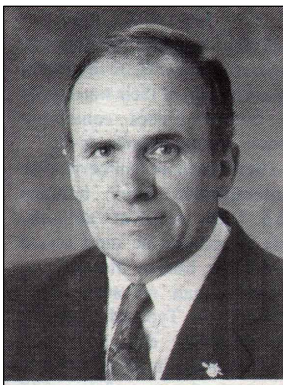
³⁵⁰ Presentation to Victoria City Council, September 12, 1946, Harry Langley, Chairman, Anti-Chlorination League.



Shelby Harvey, who later became the City's Mayor in the November 1993 municipal election as a result of her outspokenness, founded the Revelstoke Water Committee. Many letters were promptly sent to the Ministry of Health and to NDP Jim Doyle, the Revelstoke area MLA. Automobile bumper stickers were circulated gearing up the local campaign criticizing the Minister of Health, Elizabeth Cull, saying "I love our water - hands off Elizabeth!"

In November 1992, the Revelstoke Water Committee sent a copy of the large petition to Minister Cull, along with an invitation for her to come to a community meeting scheduled for December 2, 1992. On the day before the public meeting, the Revelstoke Times Review published two letters, one by Minister Cull, and the other by MLA Jim Doyle:

*Thankyou for your letter of Oct.2, 1992, regarding the safe drinking water regulation pursuant to the Health Act and your concerns about the requirement of this regulation that drinking water suppliers, including the City of Revelstoke, must disinfect surface water before delivery to its users. I can understand that you have concerns about this legislated requirement and, in particular, that your community will need to consider providing some form of disinfection and/or treatment, including, perhaps, chlorination, for the continuous protection of the public. You should be aware that this regulation was brought into force by government in response to many concerns raised about unsafe drinking water and, in particular, because of increasing concerns about waterborne disease outbreaks in British Columbia. Surface water sources are the most vulnerable to contamination by man and animals. If disinfection is not provided, the public is at risk, and will continue, regardless of a history that indicates to date that there have been no disease outbreaks. The safety of any community's water supply is a matter which requires assessment and evaluation, taking into consideration a number of factors. This is the responsibility of the local medical health officer in your area, as well as the water purveyor, who is required to ensure that the water he provides is potable, safe to drink, and fit for domestic purposes without further treatment. It is essential that the citizens of Revelstoke understand the risks, and what may be required to resolve them. I am sure that Dr. Andrew Ross, medical health officer for the City of Revelstoke, will be taking every opportunity to inform the residents of his concerns.*³⁵¹



Jim Doyle, MLA
Columbia River-Revelstoke

I want to begin again stressing that I strongly believe that the new safe drinking water regulations announced by Health Minister Cull on July 8 of this year are an important part of this government's commitment to ensuring the highest levels of public health. Many communities in B.C. have long required additional water testing and treatment but, due to the cost or lack of community concern, the programs were never implemented. We've backed up our commitment to public health by offering to help regional districts and municipalities cover the costs associated with bringing their water systems up to the new standards. I

³⁵¹ Residents must understand risk of not disinfecting water, by Elizabeth Cull, Minister of Health. A copy of a letter to City of Revelstoke's lawyer, Christopher Johnston.

*also want to repeat something else I said in my press release - increased testing, and not treatment, is the priority, as drinking water quality is not currently a problem in Revelstoke. I was very pleased to note that your letter confirmed your own commitment to ensuring safe drinking water and that, should a problem with water quality develop, the health minister could count on your full support in correcting it as quick as possible. Based on the other concerns raised in your letter, I have again met with Health Ministry officials and they have initiated a comprehensive review of the discretionary authority available to local health staff. I will, of course, be reporting on the progress of that review when I meet with the community this week. That being said, it is already quite clear that the drinking water regulations do allow for a thorough review and discussion of all important factors, prior to requiring disinfection of surface water.*³⁵²

Many of the local residents who read the newspaper were very quick to note the plain-as-day oversight by both authors in failing to convey the fact that government policies were themselves responsible for ruining drinking water quality in British Columbia by allowing industrial and agricultural practices and human and recreational access in drinking water sources. Many other water user communities and purveyors outside of Revelstoke were also highly critical and suspicious of the government's intentions in the passing of the new *Regulation* and its neglect to protect drinking water sources.

As a result of the concerns raised over a period of two months by the community action group, the Revelstoke City Council, and the local newspaper, more than 500 people filled the December 2nd meeting in Revelstoke's community hall, overflowing its capacity and leaving people standing in the foyer. On the evening's panel were, in order of speakers:



- Revelstoke Mayor Dr. Geoff Battersby;
- Lloyd Good, Chairman of the Big Eddy Waterworks District;
- NDP MLA Jim Doyle;
- Andy Hazelwood, Executive Director of the Environmental Health Protection Service;
- Andrew Ross, Medical Health officer for the North Okanagan Health Unit;
- and John Miller, BC's Provincial Health Officer.

Health Minister Cull had ducked out from attending the public meeting and sent Andy Hazelwood as her substitute. Norm Clarkson, Chief Environmental Health Officer for the North Okanagan Health Unit, who sat at the far end of the table alongside other government panel members, did not rise to speak at the meeting, or may have been ordered not to.

Shelby Harvey, who chaired the meeting, began by summarizing the concerns of greater Revelstoke citizens:³⁵³

³⁵² *Testing, not treatment, the priority for Revelstoke's water*, by Jim Doyle. A copy of a letter to Revelstoke mayor Geoff Battersby.

³⁵³ I transcribed all the following quotations from the December meeting from a video tape provided by Lloyd Good.

The consensus of the residents of Revelstoke is that we are absolutely opposed to having any form of disinfection added to our water. If it isn't broken, don't fix it. As my mother would say, what is good for the goose is not necessarily good for the gander. The recent petition in Revelstoke circulated over a six-week period gathered 4,035 signatures. Yes, we had 4,035 signatures, half of our population. This was sent to the Ministry of Health, attention Elizabeth Cull, on November 19. To date, we have not received a reply, but I am certain that this had a tremendous impact in Victoria.



We Revelstokians want to share with our invited guests how important our water is to us. Our water is a commodity you do not find just anywhere in the world. Here are some points taken from Chris Boleos' hand-delivered letter to Elizabeth Cull. The first thing every morning, and the last thing every night, what the people of Revelstoke do is have a glass of Revelstoke water. The last thing when you leave Revelstoke, and the first thing when you get back home, we have a big glass of Revelstoke water. When we go on holidays, or when my children or your children go on to college, they've got their suitcase full of Revelstoke water. Our

water is being allowed to be shipped to those who don't have acceptable drinking water. Millions of gallons of Revelstoke water marketed throughout the world. My family is a third generation family, and we have many families that have lived here for five and six generations without ever having a case of beaver fever, or a disease of our water. The state of the purity of our precious water that has come tumbling down off a glacier has been continuously analyzed. The City of Revelstoke's public works department has always maintained a preventative maintenance program on our water and since 1960 has had tests done. And at one time it was bi-weekly, but now for a long time it has been done on a weekly basis by Jim Knox who is the public health officer.

To our invited guests. Is there any reason why you would truly want to spoil or ruin such a good thing? If it isn't broken, don't fix it! We question why the Order-In-Council 1072 cannot be amended, and why our City Council, to today's date, has not had a reply back from the Ministry of Health that they sent on September 17, 1992. Another factor that I have a big problem with is the cost. Hundreds of thousands of dollars that our government doesn't have, and certainly the City of Revelstoke doesn't have. The referendum that was held in Victoria in the last two weeks on the sewage plant was voted down due to the costs. If there should have been a referendum, it should have been here in Revelstoke over our water.

Revelstoke Mayor Geoff Battersby then rose to speak. Battersby endorsed his constituents' opposition to Section 6 of the *Safe Drinking Water Regulation*, elaborated on the high quality water from Greeley Creek, and on the importance of having the Greeley watershed protected from resource development and human entry:

Order-In-Council 1072 is the reason we are here tonight. Shelby has covered things most admirably.



It is quite obvious by the crowd that is here that City Council has full support of this community in adamantly opposed to have our water chlorinated or otherwise disinfected. We've always cooperated in all testing required and we've had virtually 100% record of contaminant free samples. An incident of unsatisfactory specimen in the Court House area a few years ago was attributed to taps within the building rather than something within our system. There has never been any cases of illnesses within our community that have been attributable to our water system. There have never been any cases of giardia attributable to our water system, and in fact, a few people from this area who have had giardia have traced the area of infection far removed from Revelstoke. I am not aware of any evidence from wildlife in the north Columbia mountains are infested with giardia. Giardia, better known as beaver fever, and any warm-blooded animal can be a host for that organism. There is little wildlife in the Greeley drainage to the point that Brian Jackson, the local trapper, who has trapping rights in the Greeley basin, doesn't even bother to set traps there because he says there is nothing to trap. This City's forefathers served long and hard for a water source for this City that they felt would stand the test of time and not becoming contaminated. Their wisdom has stood an eighty-year test. It was during the first decade of this century when that source was established.

With weather permitting, we are looking forward tomorrow morning in providing our visitors with a helicopter trip over the Greeley basin so that they can appreciate how naturally protected that area is. Our main lines from Greeley are in the final stages of complete upgrading. City Council is embarking on a proactive program on maintaining the security of the watershed. We are pleased that the Revelstoke Forest Service has declared the area inoperable in its current five-year plan, and we are seeking protection from logging at any time in the future. We will take what steps are available to us to keep people out of the watershed.

Gentlemen. The quality of our Revelstoke water has been bespoken to you by Shelby already. It is a great source of pride to this community. It is a local asset to be prized highly. We are adamant that we don't want disinfection without further need, we want the Order-In-Council changed to reflect proof of need before mandatory sterilization.



Lloyd Good, Chairman of the Big Eddy Trustees, was next to speak, and in his short presentation he summarized the history of high quality, unsterilized drinking water from Dolan Creek, with added concerns about BC Hydro's transmission line clearing:

When I first read the Safe Drinking Water Regulation I went from disgusted, to mad, to totally disappointed. I was more disappointed in what was not in the Bill than what is. How can highly educated professional people draw up a regulation that says that all surface water must be disinfected and no provision for the protection of clean coliform-free drinking water or no regulation pertaining to activities on private land within a watershed that provides community drinking water. This is the only province in Canada that gives the local population free access in posted watersheds that provide community drinking water. It is no wonder that the water-borne diseases outbreaks is higher in BC than any other place in Canada. The Big Eddy

Trustees have always been on the lookout for any conditions that could and will change the quality of the water.



The next speaker, MLA Jim Doyle, the elected provincial representative, made a surprise announcement to the audience. In a last-ditched effort before the highly publicized public meeting, the Ministry of Health drafted an amendment to the new *Safe Drinking Water Regulation* that would provide discretionary powers to a medical health officer whereby a drinking water source would not have to undergo disinfection:

I would like to, tonight, bring some good news to you, for I agree as was mentioned, as Mrs. Harvey mentioned so very, very well, that Revelstoke water doesn't need fixing, and that if it does need fixing, that none of us can see in the foreseeable future, we would gladly fix it. I was speaking with Elizabeth Cull. There is an amendment going to be made to the Order-In-Council 1072, and it is an assurance from - this hasn't yet gone to Cabinet, but it will be going - from Mrs. Cull to the Cabinet, as Minister of Health. The proposed amendment is, there will a waiver from the Medical Health Officer that the community may be considered for release, where the documents demonstrate measures to protect the safety of the water supplied, and ensures measures are in place to provide potable water during an emergency. I feel that this amendment to the Order-in-Council will, as I feel the mayor will also agree, that Revelstoke would not have their water treated if it does not need to. And I think that you, and most other people in the province, are now convinced of that, then Revelstoke water is just fine and leave it alone. I am here to say that your water will not be treated and I feel your water is as good as you say it is. There are many people here tonight that can better explain the tests that have gone on and will go on in the future to ensure that the water keeps up to the standard which we no doubt will and has in the last 80 years.

The announcement brought much cheering and applause from the audience. Andy Hazelwood elaborated on the nature of the amendment and provided the large audience with some background information on the recent rise in water-borne illnesses.

*The proposed amendment that will be going forward to Cabinet is really a clarification of the intent behind the Regulations in the first place. And if those Regulations weren't clear I guess I can shoulder much of the blame for that. The purpose behind that Regulation is really no different than what I heard discussed here tonight, and certainly what I've discussed with Shelby Harvey over the past several weeks, and that is safe potable drinking water.*³⁵⁴ There



³⁵⁴ Contrary to the concerns of Revelstokians, “potable” water, as Hazelwood stated, is actually defined in the new Regulation as fresh water that has been “treated” or “disinfected”. Health Canada: “Potable water” means water that is free of pathogenic bacteria and is of such a composition that, when five 10-millilitre portions thereof are examined according to the standard procedure outlined in the latest edition of *Standard Methods for the Examination of Water and Sewage*, published by the American Public Health Association,

are a variety of ways to ensure that, and certainly we can't change the system we have in BC overnight, and I'll go a bit into the history of how we got here today. And I think we do have problem, generally, with drinking water in BC.



A member of the audience immediately interrupted Hazelwood, who stood up and appropriately interjected: "Not in Revelstoke!" Unfazed, Hazelwood continued his delivery.

And the amendment will address that. Generally, I think there is an issue. Medical Health Officers can't deal with these issues overnight. We can't solve the problems in areas that do have a real problem to solve by looking at the risk or by passing a regulation. There needs to be that time, he or she needs that discretion in order to make those good judgements over time.

Certainly, somewhere in the process, that either got watered down or didn't get resolved to the rest of the regulations. The proposal that will go forward will make that very clear, that medical health officers do need that discretion that they have to deal with communities individually, rather than on a blanket. I think that has been consistent over history with public health. Part of the issue of what we talked about in British Columbia is the fact that the majority of the population gets their drinking water from surface supplies. That chart there says that 86 percent of the population gets their drinking water from a surface source which is subject to contamination, as compared to groundwater at 13 percent. The other issue we have to deal with, and again, this is on a provincial basis, is that we have over 1,200 drinking systems in the province. Most of those are very small. We have 638 drinking systems, community-owned systems, serving populations of less than 100. We have another 388 serving 100 to a 1,000, and again another small number serving a large part of the population. What we really have here is two inverse relationships. We have 638 systems serving 1 percent of the population, and 59 systems serving 68 percent. It is an awful lot of very small systems, very difficult to manage, all or the majority from surface water supplies. Here is a recent history of major water-borne outbreaks we've had in British Columbia. Just to go through some of the list. Nakusp, 100 Mile House, Kimberly, Chilliwack, Creston, Penticton, Black Mountain, Kelowna, Kamloops, Lytton, Kitimat, Creston, Fernie, Trail, Rossland, Matsqui, Barriere, Gran Isle, and Fort Fraser. The treatment options that are available, if there is a problem, again there is the disinfection, and again it could be either through the use of chlorine, ozone, or ultraviolet, and certainly the more expensive process of filtration. And again that is dependent upon the source and the quality of the water. The system, upside-down, by simply passing a regulation. We knew this would take consultation and discussion, which is



not more than one portion thereof shows the presence of organisms of the coliform group, that is to say, the most probable number is not greater than 2.2 per 100 millilitres; (eau potable). Raw Water: "means water that is not potable water; (eau brute)".



certainly this type of meeting, unfortunate that it had to occur because of this. But I think what we need are these type of events and this type of discussion throughout British Columbia over the next four or five and years beyond. I certainly share your concerns about drinking water. The concern that I have provincially is that we seem to have on average a deteriorating drinking water quality in BC and that would be a shame for that to continue. There are communities that really do need some form of protection and treatment - they need it now or should of had it some years ago. There are other communities

that through unique and visionary thinking years ago have water systems that you have here in Revelstoke.

Hazelwood failed to elaborate on the profound implications of his final sentence, nor did he elaborate on summarizing the central controversy about the provincial government's policy of integrated resource management. Although the majority of communities had that "visionary thinking" in place, the main problem was that it was being forcefully countered by provincial government authorities in their questionable determination for commercial resource developments and activities, reflected in the now-submissive policies of the Ministry of Health.

The final speaker, Provincial Health Officer Dr. John Miller, provided a very brief and placated diplomatic address, summarizing that the City of Revelstoke was a healthy community, not only in terms of its physical health, but also in its self-determination and its abilities to make good decisions:




It shows in my view a community that is obviously extremely healthy. I wish you the very best in remaining healthy with a good water supply. And I think the other side of this is in this particular instance you have been able to generate a great deal of interest in the issue of water in the community and bring people together, and then in Victoria to have a government that is willing to listen to you and make the appropriate changes.

Shelby Harvey ended the forum by reading a letter from one of Revelstoke's City Councillors who could not attend the meeting, with the emphasis on obtaining community control and maintaining protection of the Greeley watershed:

I support the maintenance of our pure water supply without disinfection. A reference to the letter from the North Okanagan Health Unit, July 20, 1992, it is in my opinion that Council supports fully all the points made, except No.7, "disinfection of all surface water". Citizens along with City Council must work hard to have Order-In-Council 1072, and in particular section 6(a), and on page four of the Regulation, Disinfection of Water, removed or amended for our sake. We must be proactive and attempt to achieve the following: Complete control of the Greeley watershed, establish a watershed management plan, work in cooperation with the

North Okanagan Health Unit to increase the testing of our water, and to search for improved testing methods and data.



TIMES REVIEW

SERVING THE COMMUNITY OF REVELSTOKE, BRITISH COLUMBIA

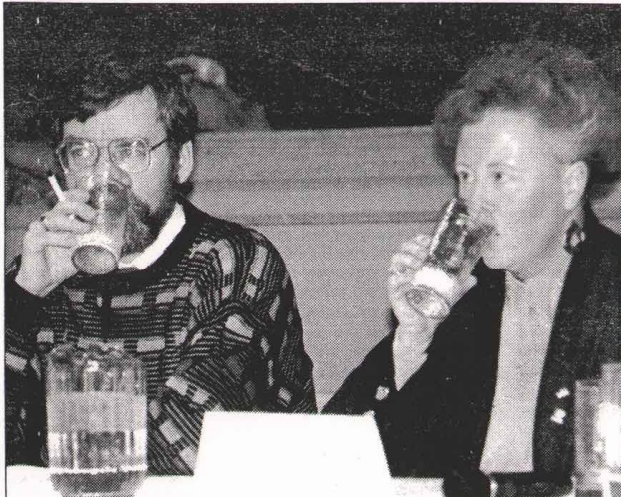
**WEEKEND
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Revelstoke claims win in water war



SANDRA SMITH/TIMES REVIEW

Gov't says it will amend safe drinking law to give local health officials power to waive disinfection rule

GREGG CHAMBERLAIN
Staff Writer

Revelstoke residents are claiming a victory this week in convincing the provincial government to change its mind about revising the new safe drinking water regulations for B.C.

During a public information meeting Wednesday, Columbia River-Revelstoke MLA Jim Doyle announced that Health Minister Elizabeth Cull has agreed to an amendment to the regulations which will exempt Revelstoke from the mandatory disinfection rule.

"Your water will not be treated," Doyle told a cheering crowd of more than 500 residents packed into the community centre auditorium.

"I do feel it is a victory," said Shelby Harvey of the Revelstoke Water Committee. She said the committee will now focus attention on seeing that "all the paperwork is done and the amendment is signed and sealed."

The original safe drinking water regulations required mandatory disinfection of water from surface sources like lakes and streams. The proposed amendment gives regional medical health officials the power to waive the rule for communities which can demonstrate their supply source is safe from contamination and that steps have been taken to prevent contamination in future and ensure clean drinking water is available in case of emergency.

"The wording of the amendment is fine," said Mayor Geoff Battersby. "We've just got to make sure it goes through."

The city already conducts twice-weekly water quality inspections and has indicated that it's willing to accept responsibility for ensuring the Greeley Creek watershed, which supplies the city's drinking water, is secure from activities which could contaminate the water.

Andrew Hazelwood of the provincial Health Ministry (left) and Revelstoke clean water lobbyist Shelby Harvey sip the city's water during Wednesday's public forum.

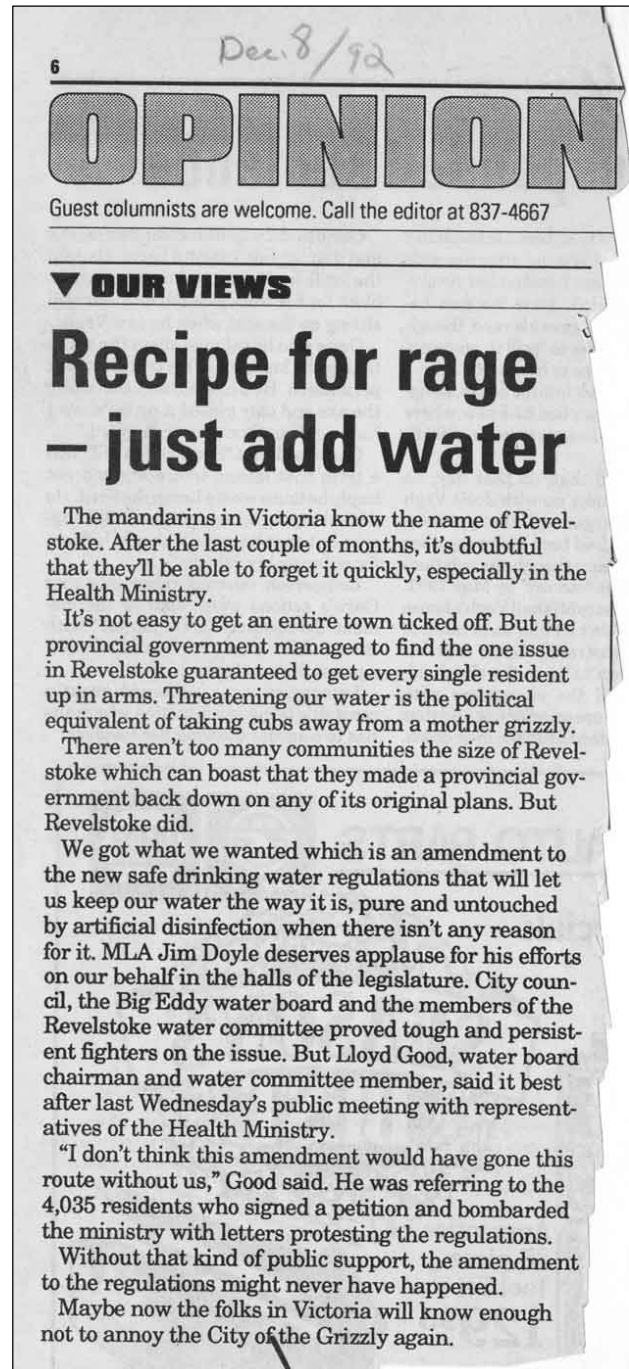
The Weekend Edition of the Times Review ran a photograph of Andy Hazelwood and Shelby Harvey sitting at the panel table both drinking "untreated Greeley Creek" water under the caption, *Revelstoke claims win in water war - Gov't says it will amend safe drinking law to give local health officials power to waive disinfection rule:*

Revelstoke residents are claiming a victory this week in convincing the provincial government to change its mind about revising the new drinking water regulations in B.C. During a public information meeting Wednesday, Columbia River-Revelstoke MLA Jim Doyle announced that Health Minister Elizabeth Cull has agreed to an amendment to the regulation which will exempt Revelstoke from the mandatory disinfection rule. "Your water will not be treated," Doyle told a cheering crowd of more than 500 residents packed into the community centre auditorium. "I do feel it is a victory," said Shelby Harvey of the Revelstoke Water Committee. She said the committee will now focus attention on seeing that "all the paperwork is done and the amendment is signed and sealed." The original safe drinking water regulations required mandatory disinfection of water from surface sources like lakes and streams. The proposed amendment gives regional medical health officials the power to waive the rule for communities which can demonstrate their supply source is safe from contamination in future and ensure

clean drinking water is available in case of emergency. "The wording of the amendment is fine," said Mayor Geoff Battersby. "We've just got to make sure it goes through." The city already conducts twice-weekly water quality inspections and has indicated that it's willing to accept responsibility for ensuring the Greeley Creek watershed, which supplies the city's drinking water, is secure from activities which could contaminate the water.

The newspaper's December 8th opinion page, *Recipe for Rage - Just Add Water*, offered a succinct rendering of the force of the public meeting regarding the new amendment:

The mandarins in Victoria know the name of Revelstoke. After the last couple of months, it's doubtful that they'll be able to forget it quickly, especially in the Health Ministry. It's not easy to get an entire town ticked off. But the provincial government managed to find the one issue in Revelstoke guaranteed to get every single resident up in arms. Threatening our water is the political equivalent of taking cubs from a mother grizzly. There aren't too many communities the size of Revelstoke which can boast that they made a provincial government back down on any of its plans. But Revelstoke did. We got what we wanted which is an amendment to the new safe drinking water regulations that will let us keep our water the way it is, pure and untouched by artificial disinfection when there isn't any reason for it. MLA Jim Doyle deserves applause for his efforts on our behalf in the halls of the legislature. City council, the Big Eddy water board and the members of the Revelstoke water committee proved tough and persistent fighters on the issue. But Lloyd Good, water board chairman and water committee member, said it best after last Wednesday's public meeting with representatives of the Health Ministry. "I don't think this amendment would have gone this route without us," Good said. He was referring to the 4,035 residents who signed a petition and bombarded the ministry with letters protesting the regulations. Without that kind of support, the amendment to the regulations might never have happened. Maybe now the folks in Victoria will know enough not to annoy the City of the Grizzly again.

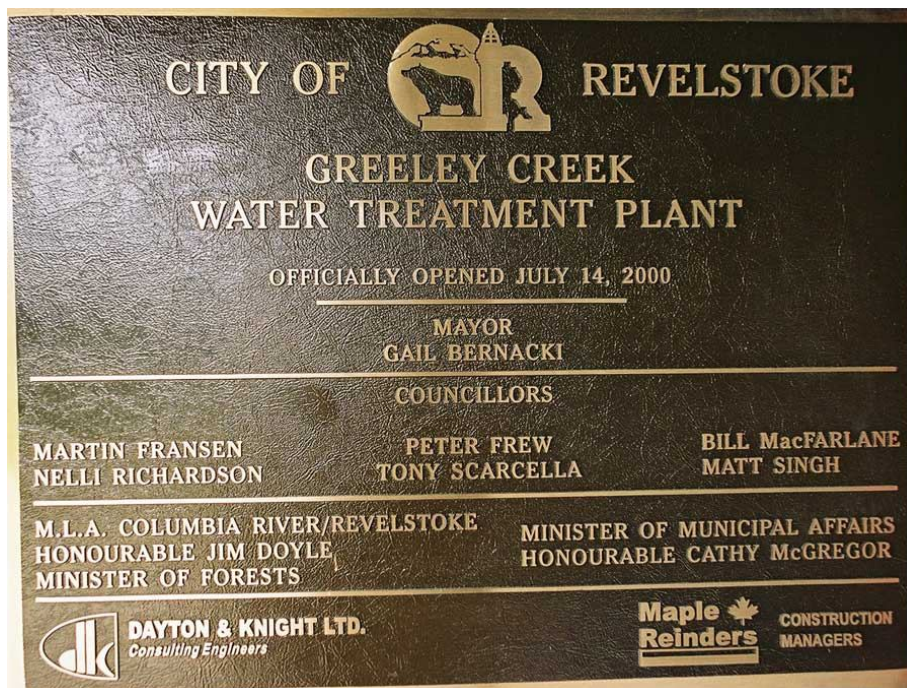


The amendment to the *Safe Drinking Water Regulation* was passed on February 24, 1993, as Order-in-Council 206, which stated the following:

(1) Section 6 is amended by renumbering it as subsection (1), and adding the following subsections: (2) Notwithstanding subsection (1), where, after receiving a written request and relevant supporting information from a water purveyor, the medical health officer considers that (a) the surface water does not require disinfection, (b) the water purveyor has taken adequate measures to protect and maintain the potability, quality and safety of the surface water and its source, storage, transmission and distribution facilities, and (c) the water purveyor has taken adequate measures to provide for the immediate disinfection of the surface water, or to otherwise provide potable water to all users, in the event of an emergency, the medical health officer may waive the requirement set out in subsection (1) (a) and may, at any time, attach terms and conditions to the waiver. (3) The medical health officer may, at any time, revoke a waiver given under subsection 2 if a term or condition is no longer being complied with.

In their position and challenge to the government concerning the amendment to the *Safe Drinking Water Regulation*, the Revelstokians and Big Eddyists accomplished something very critical for British Columbians. However, the main difficulty and inherent weakness of the amended *Regulation* for provincial water users was centred in subsection (2) (b), which identified the ambiguous matter of “*protection*”. The government, once again, neglected to include a reference to legislative powers for water users to protect drinking water sources in the *Regulation*, and once again, though not directly stated, the “onus” or “burden” for providing high quality water was being shouldered on water purveyors.

Another weakness of the amended *Regulation*, as water users were later to discover, were the discretionary powers given to Medical Health Officers, some of which later proved to be quite onerous with water purveyors, as the Erickson Improvement District tragically experienced in the late 1990s. The Revelstokians and Big Eddyists were also in for more trouble in following years.



Unfortunately for Revelstokians, there was a mysterious water contamination issue in early 1995 that infected about 100 people, the source of which was left largely unidentified by health investigators. The incident brought swift judgement by the provincial government upon the advocates who had boasted of the City’s long historic record of high quality water and who were opposed to chlorination. This resulted

in orders to the City of Revelstoke to immediately treat their water supply. After deliberations, an expensive water filtration plant was eventually built, located near the Greeley Creek intake.



Photo, taken in 2002, of Revelstoke City's New water filtration plant and the plaque erected to the left of the main entrance doors, as shown on previous page. Below, the still-intact Greeley Creek Watershed Reserve.



11.3. The End of the Dolan?

According to a December 5, 1996 letter to Big Eddy Waterworks District Trustee chairman Lloyd Good from Dr. Andrew Ross, the assigned Medical Health Officer from the North Okanagan Health Unit, he was unwilling to *waive the disinfection requirements on the Dolan Creek supply* under Section 6(2) of the *Safe Drinking Water Regulation*. Ross made reference to the “*outbreak in Revelstoke last year.*” He also made reference to “*the Grandview Improvement District in Spallumcheen*” which apparently had a similar “*stream source with partial filtration*” as did Big Eddy on the Dolan’s intake.

For reasons cited in the letter, Ross stated:

I am not satisfied that the Dolan source can be operated safely without disinfection and therefore will not issue a waiver.... Accordingly, the use of Dolan Creek without disinfection is a violation of Section 6(1) of the Regulations. I must also note that the alteration of the intake structure without approval of the Public Health Engineer is a violation of Section 2(1) of the Regulations.

We now require from you, an operational plan to show how you will provide safe water for your consumers and bring the Waterworks District into compliance with the Safe Drinking Water Regulations. This may involve the continued use of the Creek with disinfection or restricting the use to the well sources. It may also involve a change to the water system. Any changes to the water system must be approved pursuant to the Safe Drinking Water Regulations. Have your design engineer submit sealed drawings to Mr. Ron Johnston, Public Health Engineer, if changes are proposed.

Ever since Big Eddy began using Dolan Creek as a domestic water source, this was the first time the community had ever received such an ultimatum from government. Big Eddy wasn’t about to give in, and the Trustees put up a fight. The following is Big Eddy’s letter of response, January 27, 1997.

Regarding your letter of December 5, 1996, received in our office on December 23, 1996. This letter raises far more questions than it gives answers. However, before dealing with them we would like a better explanation as to what part of Section 6(c) of the Safe Drinking Water Regulations have we not complied with.

Since the Order in Council No 1072, Safe Drinking Water Regulation effective October 1, 1992, the weekly test done by the Health Inspector has shown that all requirements to the Canadian Drinking Water Quality Guidelines have been met. As you know, Order in Council No. 0206 approved and ordered on February 24, 1992, B.C. Regulation #230/92 the Safe Drinking Water Regulation was the result of a public meeting held in Revelstoke on December 2, 1991. Present at that meeting was M.L.A., Jim Doyle and Andy Haselwood, Executive Director of Environment and Health, both of who promised we would not have to drink chlorinated water. Was this just a smoke screen to calm the crowd? Was the Order in Council No. 0206 just some kind of a joke?

You say Dolan Creek cannot be operated safely without disinfection. Please explain how it has provided safe, sanitary drinking water to the people of this district since 1944. Since the

intrusion of B.C. Hydro with its power line, there have been times during spring run off that we had to switch to ground water. Now with the 12 hectares of clear cut on the private portion this has happened more often. Even under these conditions, the Big Eddy Water Trustees have managed to maintain a <1 coliform count. You say your greatest concern is Giardia and Cryptosporidium. Last summer the water consumers of Penticton and Cranbrook experienced a terrible epidemic and I understand their water is chlorinated.

Because neither you nor Health Inspector will meet with the Big Eddy Waterworks consumers, or allow the news media to be present at any of our meetings with you, the Big Eddy Waterworks trustees have decided that all communications between our two offices will be published in the local paper. That way the water consumers will be kept informed as to what is happening with their water.

Copies of the letter were sent to Premier Glen Clark, to Minister of Health Joy MacPhail, to Rob Rounds in charge of Improvement Districts with the Ministry of Municipal Affairs, to Public Health Engineer Ron Johnston, to Environmental Health Officer Jim Knox in Revelstoke City, to Environment Minister Cathy McGregor, and to NDP MLA Jim Doyle.

Dr. Andrew Ross responded in February 3, 1997 as follows:

1. The section of the Safe Drinking Water Regulations that you have not complied with as stated in our December 5 letter is Section 6(1), not 6(c) as you quote. Section 6(1) requires the disinfection of all surface water supplies, but gives a Medical Health Officer the authority to grant a waiver if he feels it is justified.

2. At the public meeting in Revelstoke in 1992, it was announced that the Safe Drinking Water Regulations were amended to allow the Medical Health Officer to grant the waiver for the disinfection requirement if he feels it is not required. There was no promise that you would not have to disinfect your water. Also, if you use the wells, there would be no need to disinfect the water.

3. We have followed up on your request for the waiver for the Dolan Creek supply, and found that there are natural sources of contamination upstream of the intake. There has also been logging activity. Coliform sampling cannot protect your water users against a waterborne disease outbreak like the one which occurred in Revelstoke in 1995. This outbreak stopped when chlorination was added to the supply, and there has been no repeated outbreaks despite the regular occurrence of Giardia and Cryptosporidium organisms when tested at the Creek intake.

I don't agree that we have been avoiding the public on the issue of disinfection, since there have already been two public meetings on this issue in the City of Revelstoke last year. If you wish to give copies of our correspondence to the media, we have no objection, in fact we would encourage it, so that they are aware of the situation.

In our letter of December 5 1996 we requested an operational plan to show how you intend to provide safe water for the residents of Big Eddy, either with disinfection of the Dolan Creek source, or with the use of the wells. We are still waiting for a response on this.

Dr. Andrew Ross also forwarded the following to Rob Rounds, the Manager of Improvement District Services with the Ministry of Municipal Affairs:

On May 23, 1996, our staff met with the trustees of the Big Eddy Water District in an attempt to resolve the water quality issues.

The trustees said it was their intention to pursue a waiver from the chlorination requirements on the Dolan Creek supply. We agreed to inspect the watershed with Lloyd Good on August 22, 1996 and we reviewed the documentation submitted in support of the waiver. The request was denied and a copy of our letter to this effect is enclosed. It is our feeling that the creek cannot be operated safely without disinfection.

In our letter dated December 5, 1996 we requested an operational plan showing either disinfection of the creek supply or restricting the sources to the wells. The recent letter from Lloyd Good (enclosed) does not have this operational plan.

At this point we are growing concerned about the use of Dolan Creek, especially following the 1995 disease outbreak in Revelstoke. They are currently using the creek. We are now asking if there is anything your Ministry can do to assist us in achieving a safe water supply for the residents of Big Eddy.


Lloyd Good made good on Dr. Andrew Ross's challenge on his approval to bring in the media, so on February 20, 1997, the Revelstoke City Unique magazine published Dr. Andrew's letter of December 6, 1996 and Big Eddy's response letter of January 27, 1997.

On March 4, 1997, Big Eddy raised the matter up a notch. The Trustees fired off a letter to the federal East Kootenay Member of Parliament (MP) Jim Abbott, requesting that a "Cancer Study" be initiated on the use of chlorine as a water treatment disinfectant:

As trustees of the Big Eddy Waterworks District, we would like to present a proposal to the Federal Government in reference to chlorination of drinking water and its relationship to the risk of cancer.

For sometime there has been a growing concern about the risk of developing bladder, colon and rectal cancer from long term consumption of chlorinated drinking water. Studies have been done and are still being done in Ontario with some surprising results. Enclosed is a copy of a report put out by Health Canada. These studies were done with people who were all using water from a treated system.

We would like to propose a study comparing our untreated system to a treated one of comparable size and nature. We are enclosing a map of the City of Revelstoke showing the



City of Revelstoke

**Community Water
Advisory Committee**

The City of Revelstoke is establishing a new committee to assist Council in making the decisions preferred by the community regarding the long term supply, treatment and distribution of water.

If you would be interested in serving on this committee, please submit a letter and a brief resume outlining your qualifications and ideas.

All applications for this committee appointment should be submitted to the undersigned by 4:30 p.m. on Monday, March 3, 1997.

If you need further information concerning the work involved on this committee please contact:

**Bryant Yeomans
Public Works Superintendent
Box 170
Revelstoke, B.C.
V0E 2S0
Phone: 837-3637
Fax: 837-3632**

Big Eddy area. The City and the Big Eddy are divided by the Columbia River and use water from different mountain ranges and different terrain. Since we have one of the few untreated systems left in Canada, we feel that it would be of great value in helping to determine the benefits or hazards of chlorination. We have a fairly isolated system that services approximately 1000 people. It would not be difficult to monitor the results of its usage. We are proposing this study at this time because we may be forced to chlorinate in the near future. If this happens, any chance of a comprehensive and conclusive study will no longer be feasible. Please let us know if the Federal Government is interested in a study of this nature. With millions of dollars a year being spent on finding a cure for cancer, we feel this could provide vital information for preventing the disease.

Big Eddy also notified Dr. Andrew Ross of the same on March 6, 1997:

In response to your letter of February 3, 1997, the Big Eddy Waterworks District Trustees feel that they have complied with every part of Schedule B.C. Reg. 230/92 except the medical health officers personal opinion. Our drinking water has been safe for nearly 50 years and now it is suddenly a hazard to our health.

Because of the growing concern that chlorination can cause bladder and colon cancer, we are asking the Provincial Ministry of Health to do a study using our untreated water to help determine the actual risks involved in long term usage of chlorine. Health Canada did such a study in Ontario, but they did not have an un-chlorinated water source to compare with the chlorinated ones. Your estimate of one in a million cases does not agree with the results of the Health Canada tests. Perhaps a detailed study will bring a definitive answer to the question, "To chlorinate or not to chlorinate". We hope you will support us in this endeavour.

Big Eddy sent a letter to the Minister of Health, asking her to advocate the following:

Order in Council No. 1072 makes it mandatory that all surface water used for drinking must be disinfected and chlorination seems to be the method most economically feasible. The Medical Health Officers are demanding 4.5 P.P.M. of chlorine be used at this time, and there is a growing concern about the risks of cancer over the long term. In 1995 the Federal Government did a study in Ontario that indicated an increase in bladder and colon cancer occurring in people who were long term consumers of chlorinated water. Health Canada released the report on this study in December of 1995.

We would like to propose a study comparing our untreated system to a treated one of comparable size and nature. We are enclosing a map of the City of Revelstoke showing the Big Eddy area. The City and the Big Eddy are divided by the Columbia River and use water from different mountain ranges and different terrain. Since we have one of the few untreated systems left in British Columbia, we feel that it would be of great value in helping to determine the benefits or hazards of chlorination. We have a fairly isolated system that services approximately 1000 people. It would not be difficult to monitor the results of its usage.

It is our hope that your office could approach the Federal Government with this proposal and support us in doing a program of this nature.

The North Okanagan Chief Environmental Health Engineer Norman Clarkson responded on April 2, 1997, stating that “we see no value in repeating a study in the Big Eddy area with the small population using your water system:”

Health Canada has determined an interim maximum allowable concentration (IMAC) for total Trihalomethanes in their 1996 Guidelines for Canadian Drinking Water Quality. These are the by-products of chlorination, and the level established is 0.1 mg/l. The Supporting Documentation for the Guideline indicates that at this level the increased risk of cancer is about 1:275,000. The level of trihalomethanes in the City of Revelstoke water is substantially below 0.1 mg/l, even with the high level of chlorine used. The potential for forming trihalomethanes in the Dolan Creek water is unknown because chlorine is not being used, but none of the water supplies in the North Okanagan exceed the Guidelines for trihalomethanes.

As you are aware, the Medical Health Officer, Dr. Ross, has stated in a letter to you dated December 5, 1996, that in his opinion, the Dolan Creek water is not safe to use without disinfection, and that a disinfection waiver would not be issued.

If you return to the use of the well sources and can demonstrate that the Dolan Creek water has been successfully flushed from the reservoir and distribution system, we can discuss the relaxation of this requirement in writing on a temporary basis. Your Permit to Operate the Water System will therefore be altered and re-issued accordingly, stating that the customers must be notified on a monthly basis that the water needs to be boiled to make it safe for drinking.

I hope that you can appreciate our concern about the risk associated with using a creek water source without disinfection. If the waterborne disease outbreaks that have taken place in British Columbia and in the rest of the world haven't convinced you to take even the most fundamental precautions to protect your consumers, then stronger action may be needed in future.

The Big Eddy Trustees were faced with a big decision. They didn't want to use chlorine, and the government of the day exempted the use of chlorine if groundwater was used. Eventually they sent a letter to Norman Clarkson on June 2, 1997:

This is to advise that an Emergency Response Plan has been set up for this waterworks district, and a community Phone Tree has been set up and put into place. We have enclosed a copy of the Emergency Phone Contact List. All items on the Checklist for Emergency Response Plan Preparation have been covered. Should an emergency arise, the nature and response to it will be properly recorded.

In accordance with licence requirements, a 'Boil Water Advisory' is being issued to each user on a monthly basis whenever the system is using water from Dolan Creek. At the present, we are on the wells and project that we will be using them 75% of time. Plans are in the works to improve the wells so that they will be the primary source of water.

Eventually, Norman Clarkson sent a letter to Big Eddy on March 15, 2002 advising the Waterworks District to shut down Dolan Creek as a water source. In response, Big Eddy wrote on April 8, 2002 that:

The people of the Big Eddy have been drinking Dolan Creek water for 61 years with no sign of any adverse effects on their health. Tests showing the effects of chlorine on the human body do not show the same results. (Health Canada Tests, 1995/96).

The Big Eddy Trustees would appreciate any suggestions or advice on how to make the water in Dolan Creek any safer or purer than it already is. All disinfecting systems that we have studied appear to be cost prohibitive and chlorinated water is not an acceptable option.

The end of the Dolan was fast approaching. On May 29, 2002, R.H. Johnston, Public Health Engineer for the Okanagan Region, sent the following recommendation to Dr. David Bowering, the Medical Health Officer for Okanagan North:

The Dolan Creek source is not disinfected. The present practice of the District of issuing a boil advisory when they turn on Dolan Creek is not acceptable. With constant use, a boil advisory loses its effectiveness and some customers may ignore it. This could result in a waterborne disease outbreak and even death. It is recommended that this source not be used under any circumstances. It is further recommended that if the District wants to use this source, a treatment system be devised to provide a minimum of 3 log reduction of Giardia according to the USEPA guidelines. This proposal must be submitted to this office for approval prior to implementation.

It is recommended that the wells be used as the sole source of water for the District.

It is recommended that the intake line between Dolan Creek and the distribution system be completely severed so that it cannot be used.

On July 8, 2002, Norman Clarkson, of the Interior Health Authority, issued an *Order*. Among listed statements, it said that “*The Water System has been operated in a manner that poses a danger to the users of the System - namely the Dolan Creek source has been used extensively without the disinfection system required by the Safe Drinking Water Regulation.*”

Therefore, I hereby Order, pursuant to Section 63 of the Health Act that upon receipt of this Order, you:

- 1. Immediately stop using the Dolan Creek source, and all water thereafter supplied through the Water System must come from the well water sources. The Dolan Creek Source can not be used in future until and unless:
 - a. plans are prepared by a Professional Engineer licensed to practice in British Columbia, and the plans are approved by the Public Health Engineer for a disinfection system which is adequately designed to protect the health of the residents, and*
 - b. the disinfection system is installed, and the installation is inspected and certified by the Professional Engineer.**
- 2. Sever the pipe supplying water from the Dolan Creek source in the pump house, and fill the ends of the pipe with concrete by August 19, 2002. A key for the pump house must be supplied to our Public Health Inspector in Revelstoke.*

On July 15, 2002, Big Eddy responded with the following:

In response to the above mentioned order, the Trustees of the Big Eddy Waterworks

District are issuing an appeal to that order because of the following:

- 1. The Interior Health Authority has not, as promised in previous correspondence, met with the consumers to explain and discuss the discontinuation of Dolan Creek.*
- 2. Dolan Creek is needed as a backup source to the wells for purposes of fire fighting, or in the event of aquifer contamination.*

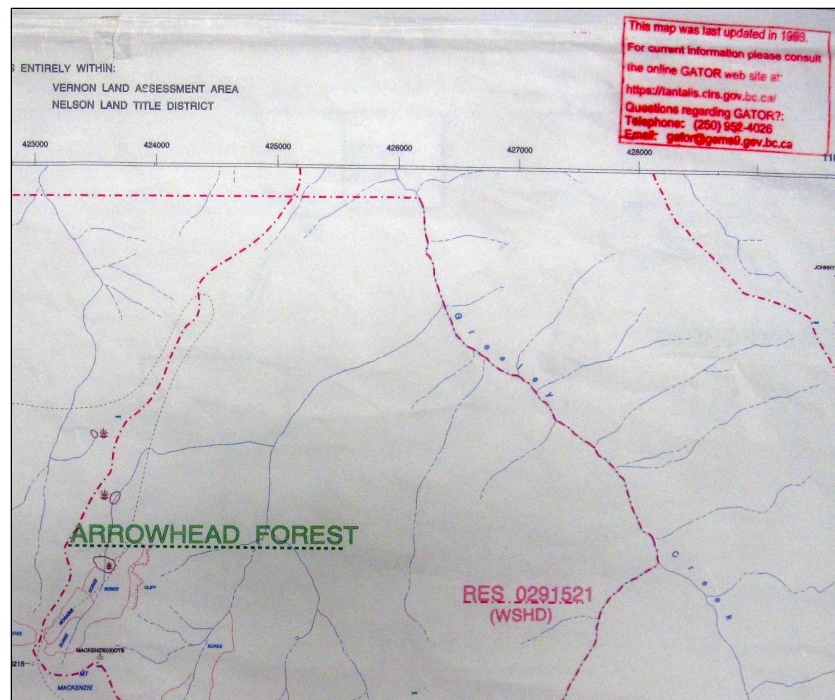
Please advise when and where a meeting can be arranged for these discussions.

11.4. The Disappearance Mystery of the Dolan and Greeley Reserves

As stated in *Appendix A* of this report, Policy Manager Bruce Morgan with the Ministry of Environment, Lands and Parks forwarded a long list of Watershed Reserves to the B.C. Tap Water Alliance in August 1997. Among a number of Reserves established by government since 1973 or earlier that were oddly no longer on Morgan’s “active” or “cancelled” Reserves category list, they also included the Dolan and Greeley Watershed Reserves, the statutory Reserves established for the Big Eddy Waterworks District since 1950 and the City of Revelstoke since 1917. Did these and other Watershed Reserve tenures simply vanish and disappear out of thin air?

No formal notification by government was found in Big Eddy’s files about a possible cancellation of its Reserve over Dolan Creek prior to 1998. The same is most likely true of Revelstoke City, as of June 3, 2013 Mayor David Raven, the former 20-year long Revelstoke Forest District Manager, with its operations headquarters in the hamlet of Big Eddy, thought his City still had an active Watershed Reserve tenure status over Greeley Creek.³⁵⁵ In calls to the Ministry of Lands Front Counter regional office in Cranbrook in late May 2013, the portfolio administrator confirmed that both the Greeley and Dolan Reserves were not registered or found on the government’s central computer data files.

When the B.C. Tap Water Alliance received a copy of the government’s Reserve file on Greeley Creek in late 2008, no paperwork was found to indicate or even suggest that the Reserve had been cancelled or made inactive. Secondly, information on Departmental Reference Maps dated May 5, 1994 registers Greeley Creek as an active Watershed Reserve (image, above).



³⁵⁵ Related, see Appendix E. Unbeknownst to the B.C. Tap Water Alliance in its June 4, 2013 letter to Revelstoke City Council, Mayor David Raven had sent a letter to government the previous day, June 3, making reference to the protection status of the Greeley Creek as a Watershed Reserve.

In aid of solving this profound mystery, particularly as it relates to the disappearance of two Reserves near Revelstoke City, some of the answers may lie within the two-or-so-year period of legal government planning related to the West Kootenay-Boundary Land Use Plan mandate and final report of October, 1994. In that report, no references, whatsoever, are made to community and irrigation Watershed Reserve tenures within the operational boundaries of the Nelson Forest Region, even though they were plainly registered on Departmental Reference and Forest Atlas Maps. Nothing is mentioned about them even in the Glossary section. This is particularly disconcerting for two reasons:

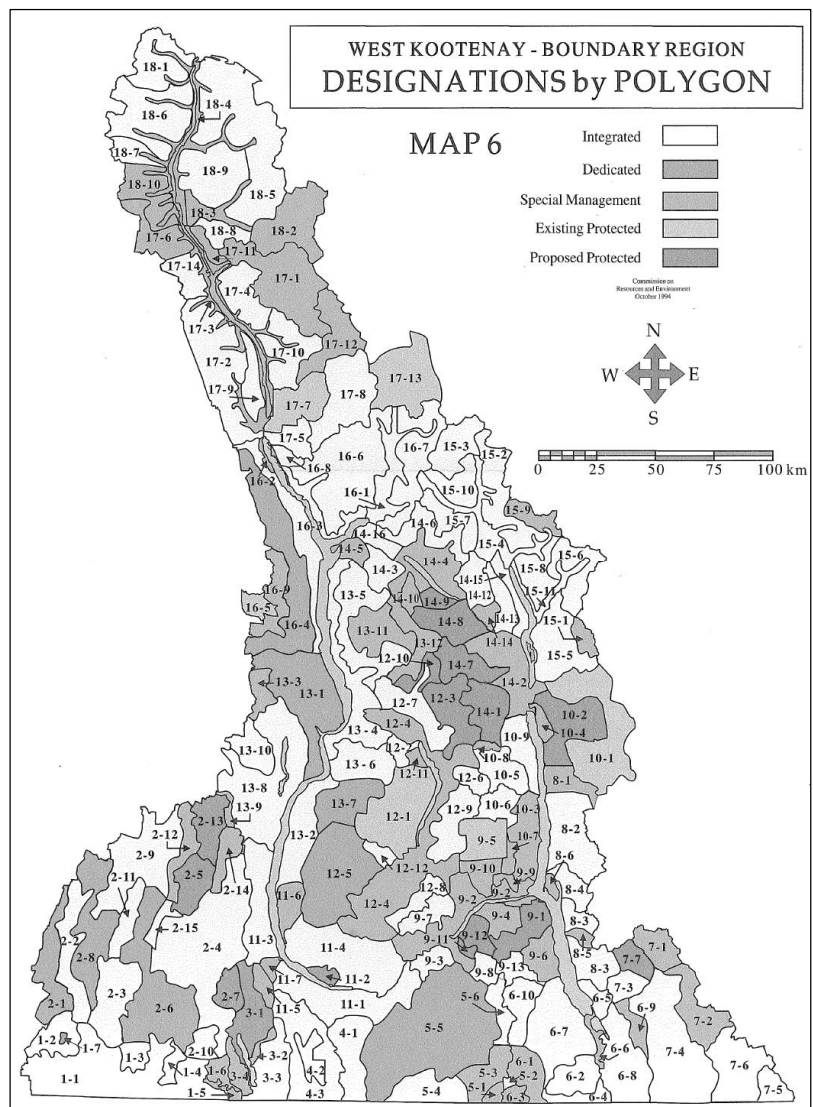
- As stated in Section 8.4.3., *Land Use Plans (LUPs) and Land Resource Management Plans (LRMPs)*, contained in Chapter 8 our book, *From Wisdom to Tyranny: A History of British Columbia's Watershed Reserves*, government agencies and committees were mandated to inform the public and stakeholders of all tenure information in the Kootenay Boundary Land Use Plan processes and reporting. For some unknown reason, government lapsed and apparently failed to report on the Watershed Reserve tenures, a serious and negligent oversight.

- Bruce Morgan's August 1997 Reserve list included a number of "Active" statutory Watershed Reserve tenures within the Nelson Forest Region.

Appendix 5, *Land Use Plan: Designation and Management Guidelines by Polygon*, in the October 1994 *West Kootenay-Boundary Land Use Plan*, all areas within the Nelson Forest Region were stautused with numbered polygons, detailed in Appendix 5, and cross-referenced in other sections of the report. All Watershed Reserve tenures under the *Land Act* were included in either one or two polygon

8.4. The 1990s: The Forest Resources Commission, Land Use Plans (LUPs), Land and Resource Management Plans (LRMPs) and the *Forest Practices Code Act*

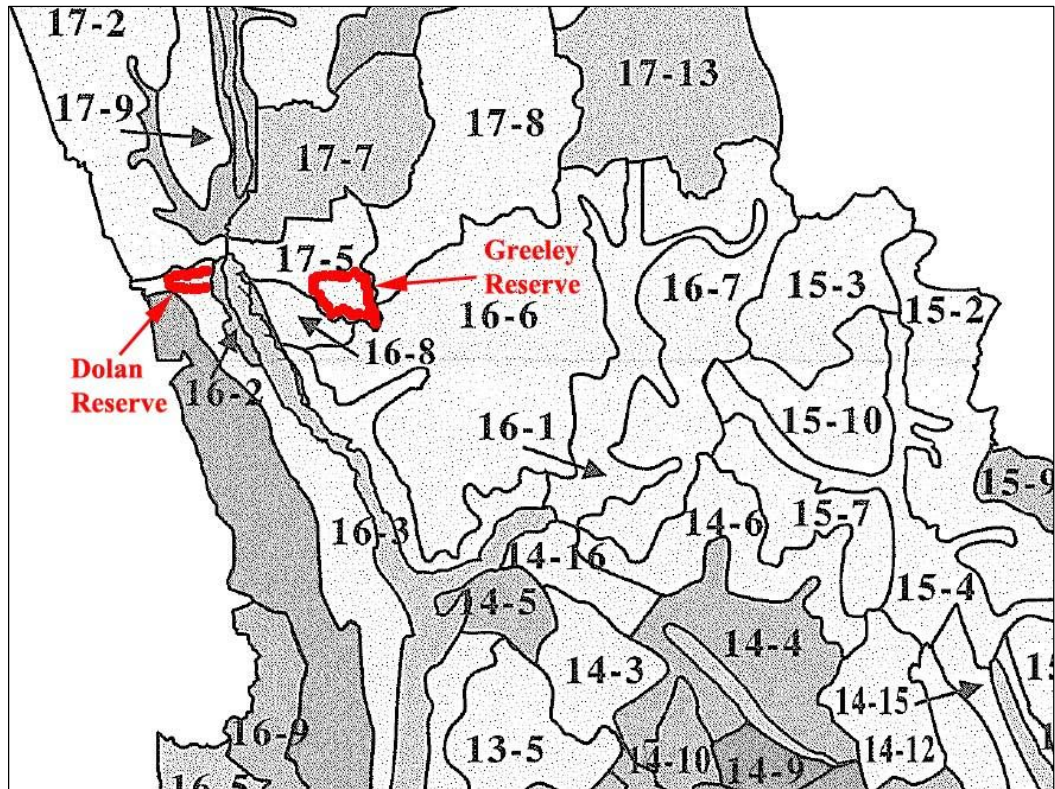
Land Act Community Watershed Reserves are legal and statutory entities. Because their status was not formally recognized and considered during the regional and sub-regional planning processes (and was, in fact, neglected and ignored), it can be argued that those processes were illegitimate.



categories, where community watersheds were now subject to land resource permit licensing, contrary to their statutory function:

- Integrated Management
- Special Management.

Excerpts / cut-outs from Appendix 5 of the October 1994 *West Kootenay-Boundary Land Use Plan*, showing the location of the Dolan and Greeley Watershed Reserve tenures now within conflicting Integrated Management zones that were placed overtop of the invisible Reserves.



Polygon Number	Unit Name	Designation	Enhanced Level Management Guidelines	Area (Hectares)
16-2	Revelstoke (bottom land to Grahams Creek)	Special Mgmt.	G,H,K,O	5024
<u>16-3</u>	Upper Arrow Lake (east and west side)	→ Integrated	K,L,N	54920
<u>17-5</u>	Illecillewaet River and Greeley Creek	→ Integrated	B,C,K,L,N	11028
17-6	Liberty Creek	Special Mgmt.	B,F,H,J,K,L,O	18167
17-7	Revelstoke National Park	Protected		26042
17-8	Illecillewaet, lower Tangier Rivers	Integrated	B,C,F,J,K,L,N	40325

It is as yet not known how government agency planners, administrators and managers overlooked the tenure status of all the Watershed Reserves long-registered by government within the legal boundaries of the West Kootenay-Boundary Land Use Plan area. Evidently, the public was being fooled about the Reserves. Obviously, some plan or agenda by unknown parties was underfoot to do so.

APPENDIX A: LAND ACT RESERVES LEGISLATION, LISTS AND FOREST SERVICE OWNERSHIP CODES

1. Land Act Reserve Legislation and Policy Manuals

Since 1888, the *Land Act* has defined the ability of government to Reserve (set apart) Crown (Public) lands in rather simple, overarching terms, as follows:

*The Lieutenant-Governor in Council may, from time to time, by notice in the British Columbia Gazette, reserve and set apart for the recreation and enjoyment of the public, for municipal purposes, or agricultural societies, or for cemetery purposes, or for the site of a church or place for divine worship, so much of the Crown lands as may be deemed necessary.*³⁵⁶

After 82 years in the Provincial Statutes, the BC Legislature amended/revised the *Land Act* on April 3, 1970, whereby Crown Land Reserve administrative instruments were elaborated upon. The Reserves were divided into three categories: Section 11 Order-In-Council Reserves; Section 12 Map Reserves; and Section 13 Notations of Interest. Previous to 1970, the *Land Act* provided only simple statements about the functions of the Reserve legislation, while definitions and descriptions of Reserve powers were documented in Land policy manuals and regulations.

Section 11 and Section 12 statutory Reserves provided the instrument, whereby the Lieutenant-Governor and the Lands Minister were authorized to “*withdraw Crown land from disposition.*”

The Interpretation Section of the 1970 *Land Act* defined “*disposition*” as that which “*includes every act of the Crown whereby Crown lands or any right,*

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

Reserves.	<p>11. (1) The Lieutenant-Governor in Council may, for any purpose that he considers advisable in the public interest, by notice signed by the minister and published in the Gazette, reserve Crown land from disposition under the provisions of this Act.</p> <p>(2) The Lieutenant-Governor in Council may, by notice signed by the minister and published in the Gazette, amend or cancel in whole or in part any reserve of Crown land established under this Act or any former Act.</p>
Power of minister to withdraw Crown land from disposition.	<p>12. The minister may, for any purpose that he considers advisable in the public interest, temporarily withdraw Crown land from disposition under this Act, and he may amend or cancel such withdrawal.</p>
Power of minister to withdraw Crown land from disposition, except for designated use.	<p>13. The minister may, if he considers it advisable in the public interest, designate the most desirable use of any area or portion of Crown land, and he may withdraw such area or portion of Crown land from disposition under this Act for any purpose other than the use so designated, and he may amend or cancel the withdrawal.</p>

The following year government passed the *Environment and Land Use Act* on April 2, 1971, which was hailed as the “*Magna Carta of the Ecology*” (Hansard, March 23, 1971). The *Act* established authority through an **Environment and Land Use Committee** “*consisting of a chairman and such other members of the Executive Council,*” which had the following duties:

³⁵⁶ I.e., Chapter 113, *An Act to Amend and Consolidate the Law affecting Crown Lands*, Revised Statutes, 1897.

1. *Establish and recommend programmes designed to foster increased public concern and awareness of the environment;*
2. *Ensure that all the aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development commensurate with a maximum beneficial land use, and minimize and prevent waste of such resources, and despoliation of the environment occasioned thereby;*
3. *If advisable, make recommendations to the Lieutenant-Governor in Council respecting any matter relating to the environment and the development and use of the land and other natural resources;*
4. *Inquire into and study any matter pertaining to the environment and, and or land use; and*
5. *Prepare reports, and, if advisable, make recommendations for submission to the Lieutenant-Governor in Council.*

Due to mounting public concerns about commercial and industrial incursions into Community and Irrigation District Watershed Reserves, the Environment and Land Use Committee Executive consisting of Deputy Ministers established a provincial inter-departmental Task Force on community watersheds in February 1972, which was active until late 1980. As a result of written recommendations from Task Force Chairman Ben Marr, in May 1973, the Environment and Land Use Committee Executive authorized the Task Force to establish statutory Community Watershed Map Reserves under Section 12 of the *Land Act* over all candidate community watersheds determined to be so by the Task Force. Task Force correspondence indicates that almost 300 Watershed Reserves were ordered to be established by the end of 1973. As stipulated in the *Land Act* legislation above, the Crown lands within these Reserves were withdrawn “*from disposition under this or any other Act.*” The statutory Watershed Reserves were formal Crown land tenures.

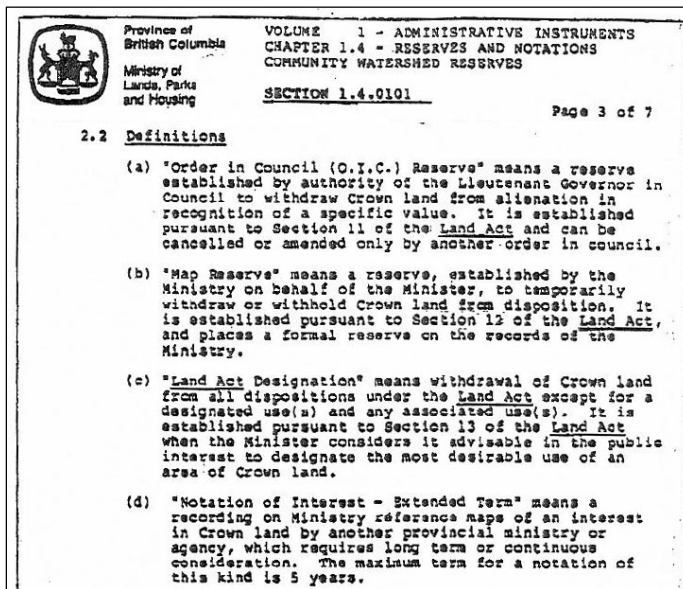
Following the enactment of the 1970 *Land Act*, the Lands Department / Ministry created policy manuals and drafted regulations on the administration of Crown Lands, which included a policy section on the interpretation and definition of Crown Land Reserves. Later, the new *Ministry of Lands and Housing* produced a Land Administration Manual (LAM), and later a Land Management Manual (LMM), which provided comprehensive policy interpretations for all the *Land Act* instruments and designations, including numerous Memorandums of Understanding and administrative protocols with other Ministries concerning land and resource use. The LAM and LMM went through numerous revisions, but continued to abide by the same definitions for Crown Reserves.

Following upon the final proceedings and subsequent findings of the Community Watersheds Task Force (1972-1980),³⁵⁷ the Ministry of Lands, Parks and Housing created a separate policy on September 1, 1980, published in the Lands, Parks and Housing Manual, under subsection 4.490, called ***Watersheds Used for Community Water Supplies***. That policy states that the Ministry of Environment had charge over BC’s community watersheds, specifically referring to the administration of all the *Land Act* Section 11 Order-in-Council Reserves and Section 12 Map Reserves that were officially registered with/under the October 1980 document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*. The September 1980 policy document states that “**new dispositions**,” i.e., a Timber Sale, “*may be made where the activity is compatible with the intent of the Guidelines and not detrimental to the community water supplies and **where the land is not affected by an Order-in-Council or Map Reserve***” [bold/underline emphasis].”

³⁵⁷ Refer to Chapter 4 for the narrative.

As reported by the BC Tap Water Alliance in its 2006 book, *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*, somehow "new dispositions" were being approved in established Section 12 Community Watershed Map Reserves, and even perhaps in Section 11 Order-in-Council Watershed Reserves, despite the provincial government's strict and straight-forward policy governing the statutory Reserves.

In the amended May 1, 1983 Reserve policy document, the Ministry of Lands, Parks and Housing "reformatted" the September 1, 1980 policy and renamed the policy as **Community Watershed Reserves**. The amended policy document set forth definitions for Sections 11 through 13 of the



Land Act, including a separate weaker instrument, a "Notation of Interest," not classified as a Reserve under the *Land Act*:

(a) "Order in Council (O.I.C.) Reserve" means a reserve established by authority of the Lieutenant Governor in Council to withdraw Crown land from alienation in recognition of a specific value. It is established pursuant to Section 11 of the Land Act and can be cancelled or amended by another order in council.

(b) "Map Reserve" means a reserve, established by the Ministry on behalf of the Minister, to temporarily withdraw or withhold Crown land from disposition. It is

established pursuant to Section 12 of the Land Act, and places a formal reserve on the records of the Ministry.

(c) "Land Act Designation" means withdrawal of Crown land from all dispositions under the Land Act except for a designated use(s) and any associated use(s). It is established pursuant to Section 13 of the Land Act when the Minister considers it advisable in the public interest to designate the most desirable use of an area of Crown land.

(d) "Notation of Interest – Extended Term" means a recording on Ministry reference maps of an interest in Crown land by another provincial Ministry or agency, which requires long term or continuous consideration. The maximum term for a notation of this kind is 5 years.

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In conformity with the 1970 *Land Act* and the September 1980 Reserve policy about "new dispositions", the May 1983 amended policy document states in section 3.3, under *Land Application Activities*, that "**applications are not accepted in watersheds which have been reserved from alienation under Section 11 or 12 of the Land Act.**"

According to an updated June 16, 1993 *Protocol on Crown Land Administration and Forestry Activity Between BC Forest Service and BC Lands*, both the terms "applications" and

³⁵⁸ A February 16, 1987 LAM *Crown Land Policy Summary* policy document stated that a Notation of Interest "is not a reserve, withdrawal or designation under the Land Act."

“dispositions” were defined as follows, including a definition of “tenure” as an alternate for the term “disposition”:

- Application – “means a request received by BC Lands of the Ministry of Forests for a disposition or use of Crown land”;
- Disposition – “means the issuance of a tenure such as a permit, licence, lease, right-of-way or easement for the use of Crown land. It also includes sale of Crown land in fee simple (pursuant to the Land Act or the Ministry of Lands, Parks and Housing Act). It also includes cooperative arrangements between the Ministry of Forests and a public group or individual for the management of the recreational resource.”
- Tenure – “means a disposition granting permission under the Land Act, the Lands, Parks and Housing Act, the Forest Act, the Range Act, or the Ministry of Forests Act to enter upon the land for a given use and under certain conditions. Tenure contracts contain obligations on both parties.”

On October 12, 1990, the BC government produced a Land Policy Branch agreement, *Crown Land for Environmental Management*. It was published in Volume One of *Administrative Instruments*, under Chapter 1.3, *Interagency Agreement*. As set out in the document, “this agreement conforms with the Protocol between the Ministry of Environment and the Ministry of Crown Lands, respecting matters of mutual concern.” Under the *Definitions* Section 2.0, both Section 11 and Section 12 *Land Act* Reserves were defined as lands “withdrawn from disposition for a specified purpose.” Under Appendix 1, *Options Under the Land Act for Securing Crown Land for Environmental Management*, it identified that for Map Reserves, “This designation may be used as a temporary method to reserve land while preparing the appropriate documentation for Section 11 Reserve or Section 101 Transfer.”

The May 1, 1983 Community Watershed Reserves policy document was amended on March 1, 1994 “to reflect changes in manual format and recent Ministry reorganization.” The 1994 policy continued to abide by the October 1980 Ministry of Environment document, *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, which was predicated upon and contained a long list of Section 11 and Section 12 *Land Act* Watershed Reserves. In Section 3.3 of the amended policy, it stated once again that “Applications are not accepted in watersheds which have been reserved from alienation under section 11 or 12 of the Land Act.” In Section 2.1 the policy document states that “this policy applies to vacant Crown land and Crown land within Provincial Forests identified as being required for uses as community water supply areas.”

In 1996, government revised the *Land Act (Revised Statutes, Chapter 245)*, whereby the Reserves Sections were numerically reordered and advanced by four digits. This reordering divided references about *Land Act* Reserves in government records into two separate time frames, pre-1996 and post-1996: i.e., the former Section 11 is now a Section 15 Order-in Council Reserve, etc.;

Reserves

- 15 (1) The Lieutenant Governor in Council may by order
 - (a) for any purpose that the Lieutenant Governor in Council considers advisable in the public interest, reserve Crown land from disposition under this Act, and
 - (b) amend or cancel all or part of a reserve established under this or a former Act.

Withdrawal from Disposition

- 16 The minister may, for any purpose the minister considers advisable in the public interest
- (a) temporarily withdraw Crown land from disposition under this Act, and
 - (b) amend or cancel the withdrawal under paragraph (a).

Conditional Withdrawal

- 17 (1) The minister may, if the minister considers it advisable in the public interest, designate a portion of Crown land for a particular use or for the conservation of natural or heritage resources.
- (2) A portion of Crown land designated under subsection (1) is withdrawn from disposition under this Act for any purpose that is not, in the opinion of the minister, compatible with the purpose for which the land has been designated.
- (3) The minister may amend or cancel a designation made under subsection (1).

2. Ministry of Lands' List of Active and Not-Active Watershed Reserves, 1980 - 1997

Following upon an August 21, 1997 request for information by BC Tap Water Alliance Coordinator Will Koop, Bruce Morgan, a manager with the Policy Branch of the Ministry of Environment, Lands and Parks, ordered Ministry staff to undertake a multi-field search of its computer data records and to print out a complete list of all the province's community and irrigation Watershed Reserves. Under personal signature, Morgan then faxed 10 pages of information to the BC Tap Water Alliance the following day.

The list of the Watershed Reserves was printed on 8 of the 10 pages, which included 6 pages of "Active" Reserve Tenures, and 2 pages of "Cancelled" and "Not-Active" Reserve Tenures.

The remaining, or introductory, two pages had the following definitions and explanations about acronyms on the data spreadsheets:

WATERSHED RESERVES

REG = REGION

- 1** = Vancouver Island Region
- 2** = Lower Mainland Region
- 3** = Southern Interior Region
- 4** = Kootenay
- 5** = Cariboo
- 6** = Skeena
- 7** = Omineca-Peace (Omineca, Prince George)
- 8** = Omineca-Peace (Peace, Ft. St. John)

FILE = Regional File Number

TEN TYPE = Tenure Type

RE = Reserve

TEN SUBTYPE = Tenure Subtype

01 = Order in Council Reserve (Land Act, section 15)

02 = Map Reserve (Land Act, section 16)

03 = Notation of Interest (non-statutory, indicates the interest of a govt. agency)

TENURE AREA HA = Tenure Area in Hectares (1 hectare = 2.471 acres)

STANDING = Current Status of a Tenure

AC = Active

CA = Cancelled

EX = Expired

TEN DATE = Date Tenure Issued

EXPIRY = Date Tenure Expired or will Expire

CANCELLED DATE = Date Tenure Cancelled

LOCATION = Geographical location of the Tenure

Morgan's list of the Active Watershed Reserves totalled 209, all of which represented tenures over a total area of 1,243,639 hectares:

- 7 were statutory Order-in-Council Reserves
- 147 were statutory Map Reserves
- 55 were Notations of Interest (non-statutory).

Morgan's list of Not Active Watershed Reserves totalled 64, all of which represented tenures over a total area of 29,262 hectares:

- 3 were statutory Order-in-Council Reserves
- 58 were statutory Map Reserves
- 3 were Notations of Interest (non-statutory).

13 of the Not Active Reserves were not "cancelled," and the remaining 51 Reserves had been "cancelled."

All told, Bruce Morgan's list totalled 272 Active and Not-Active Reserves.

In 1989, the Ministry of Crown Lands published a list of Watershed Reserves in a document called *British Columbia Land Statistics*. The 1987 data stated there were a total of 327 active Watershed Reserves in BC (see table below). From information presented in Bruce Morgan's 1997 list, not only is there a total decrease of 55 Reserves overall, but it's a total decrease of 118 "Active" Reserves over a ten year period, made up of various statutory and non-statutory tenure subtypes.

Watershed Designation	Number of Watersheds	Total Population Served	Total Land Area (hectares)	Percent Area	Percent Change in Area since 1980
Category I	209	216,400	96,200	6.8	15.1
Category II	82	178,700	329,400	23.4	2.1
Category III (over 9065 ha)	36	130,400	984,400	69.8	36.3
TOTAL	327	525,500	1,410,000	100.0	24.9

Table: From the 1989 Ministry of Crown Lands document, *British Columbia Land Statistics*, Table 38, *Status of Community Watersheds in British Columbia – 1987*. A footnote stated that the table was based on February 1988 “unpublished data” held by the Ministry of Environment, Water Management Branch, Hydrology Section.

In October 1980, when the government released the *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, the so-called Blue Book, it included a list of all the Watershed Map and Order-in-Council Reserves within the Appendix G booklet, which totalled 273 “Active” Reserves:

- 157 were described as Category I Reserves, over a total of 288 square miles of watersheds
- 97 were described as Category II Reserves, over a total of 1,284 square miles of watersheds
- 29 were described as Category III Reserves, over a total of 2,754 square miles of watersheds.

At that time no Reserves on that list had been demoted to either Land Act Designation, or Notation of Interest category subtypes.

Between 1980 and 1987, government apparently increased the total number of Reserves by 54.

3. Forest Service Ownership Codes

Since the early 1900s, the BC Forest Service used Ministry of Lands Ownership Codes to determine and classify what lands were, or were not legally available for inclusion in the Provincial Timber Harvesting Land Base. The Ministry of Forests’ Tenure Branch later pegged this procedure as part of the “netting down” process used in determining numerous Annual Allowable Cuts. For these Clearance status objectives, the Forest Service initiated a coding system.

For instance, in 1959 the Forest Surveys and Inventory Division published a Tabulation Manual which provided its “*Tabulating Machine Supervisors, Operators, and Forest Surveys personnel*” with a systematic list of symbols and codes about the forest land base, all of which were entered as data on computer punch cards. Described on pages 3 to 5 of that document was a breakdown of Ownership and Land Administration Class as follows:

<u>Title and Code</u>
Forest District (see old code)
Ownership Class (see old code)
Ownership Class (Crown Grants prior to April 7th, 1887, Royal Free and Exportable - 1 Series).
10. General series.
11. Mineral Crown grants with surface rights.
12. Coal Crown grants with surface rights.
13. City and municipal territory.
14. E. and N. Belt.
15. Dominion patented lands - timber not reserved to Crown. (Crown Grants between April 7th, 1887, and March 12th, 1906, inclusive - 2 Series).
20. General series
21. Mineral Crown grants with surface rights.
22. Coal Crown grants with surface rights.
23. City and municipal territory. (Crown Grants between March 13th, 1906 and March 1st, 1914, inclusive - 3 Series).
30. General series.
31. Mineral Crown grants with surface rights.
32. Coal Crown grants with surface rights.
33. City and municipal territory. (Crown Grants subsequent to March 1st, 1914 and Miscellaneous - 4 Series).
40. General series.
41. Mineral Crown grants with surface rights.
42. Coal Crown grants with surface rights.
43. City and municipal territory.
44. Homesteads
45. Dominion patented lands - timber reserved to Crown.
46. Pre-emptions.
47. Leased lots.
48. Purchased lots.

Under Land Administration Class, Order-in-Council *Land Act* Watershed Reserves were most likely classified either under number 2 "Gazetted Forest Reserve," or under number 12, "Watershed - No logging." Watershed Map Reserves were most likely classified under Code number 12. Unreserved community and irrigation watersheds were classified under numbers 12 through 14, under "Watershed," the term that denoted either domestic and/or irrigation watersheds. The 3 classifications determined what land was, or was not, in the Timber Harvesting Land Base.

Over the following decades, the Ownership and Land Administration Codes were reorganized and re-coded. For instance, *Chapter 12, Map Overlays*, of the Ministry of Forests 1991 *Forest Inventory Manual* includes the following classifications from pages 40 to 46:

(Dominion Control - 5 Series).
50. General series
51. Dominion parks.
52. Indian reserves.
53. Military reserves.
(Crown Lands)
(Full Equity - 6 Series)
(Note - For Standard forest survey use General series, all Crown lands surveyed or otherwise.)
60. General Series.
61. Vacant Crown land.
62. Reverted mining claims.
63. Reverted timber leases, licenses.
64. Reverted Crown grants.
65. Reverted timber berths.
66. Unawarded timber sales.
67. Unawarded timber berths.
(Crown Lands)
(Timber alienated - 7 Series)
70. General series.
71. Timber leases.
72. Timber licenses.
73. Pulp licenses.
74. Pulp leases.
75. Pulp sales.
76. Timber sales.
77. Timber berths.
78. H. L. Timber Sales.
79. H. L. Licenses.

<u>Land Administration Class</u>
1. Crown (unreserved)
2. Gazetted Forest Reserve
3. Crown Experimental Forest Reserve
4. Crown Working Circle, Management Unit
5. Provincial Park Class A
6. Provincial Park Class B
7. Provincial Park Class C (governed)
8. Provincial Park Class C (no Board)
9. Provincial Park Special Act
10. National Parks
11. Municipality Control
12. Watershed - No logging
13. Watershed - Restricted Logging
14. Watershed - Unrestricted Logging
15. Management Licence
16. Woodlot
17. Tree Farm
18. Other Private Land
19. Dominion Control
20. Crown Lands Reserved for Railway Townsite.

12.54 INVENTORY BRANCH LAND OWNERSHIP ADMINISTRATION CODES	
A. Crown Grants - Private Administration	
40 series (brown)	Crown grants obtained by purchase, pre-emption, or lease-to-purchase regardless of period. This series includes Crown-granted mineral claims where the timber is alienated, and agricultural, industrial leases which can be purchased and lost to long-term forest and range management.
40-N	Private - Crown grants (Refer also to the 80 series in Section E)
B. Federal Lands - Federal Administration	
50 series (dk. green)	Federal land administered by the Government of Canada. Reserves may range in size from small microwave sites (Transport Canada) to large National Parks.
50-N	Federal Reserves
51-N	National Parks
52-N	Indian Reserves
53-N	Military Reserves
54-N	Dominion Government Block
C. Crown Lands - Provincial Administration	
60 series (yellow - exc. 62)	Crown land administered by the Government of British Columbia, other than active leases or permits. This series covers all unencumbered Crown lands, surveyed and unsurveyed, including proposed or planned (unofficial) tenures, ownership reversions and inactive (reverted) old temporary tenures (Timber Licences, Timber Leases, Pulp Licences, Pulp Leases, Timber Berths--listed as 'T' files) in whole or in part.
60-N	Crown - Ecological Reserves
61-	Crown (N<100ha>C) - U.R.E.P. Reserves (Use, Recreation, and Enjoyment of the Public).
62-C	Crown - forest management unit (T.S.A., P.S.Y.U.)
62-N	Crown - Timber agreement lands (Crown Land less timber rights--Westar Timber)
63-N	Crown - Provincial Park - Class A
64-N	Crown - Provincial Park - Class B
65-N	Crown - Provincial Park - Class C (park board)
66-N	Crown - Provincial Park - Class C (no board)
67-N	Crown - Provincial Park - Park equivalent or reserve: - Regional Parks - Purcell Wilderness Conservancy - Recreation Areas - Provincial Heritage Sites - Wildlife Management Reserves (single use - name and Order-in-Council eg. Creston Valley Wildlife Management Area OIC 2657/64)
68-N	Crown - Wilderness Areas within Provincial Forests
69-	Crown (N<100ha>C) - Miscellaneous reserves, with or without O.I.C.'s - Forest Service Recreation Reserve/Corridor - Watershed Reserve - Industrial Reserve - Islands Reserve (file 0186760) - Map Reserve (eg. - Integrated Use Planning Area) - Multiple use Fish & Wildlife reserves - Interpretive Forests (N<1000ha<C) unless excluded from Forest
Note:	The code 62 is illustrated with blue for legal lots and left blank for unclassified areas.

- The sub-codes for forest cover allocation are:

B - Schedule "B" land, Tree Farm Licence (Crown Land).
C - Land available for long-term integrated resource management.
N - Land not available for long-term integrated resource management.

90 series (grey) Crown land administered by the Government of British Columbia under active leases and permits.

90-C Crown - Grazing lease (with timber rights only).
99- Crown (N or C) - Miscellaneous leases - fairgrounds, rod and (N or C) gun club sites, Recreational Cottage Site Leases, Community Organization Leases.

Note: Use code 62-C for all lease applications and lease cancellations. Agricultural and industrial leases which have an option to purchase are coded 40-N.

D. Crown and Private Lands - Private Administration and/or Provincial Administration

70 series (purple) Crown lands administered privately, provincially, jointly, or by other governing bodies, usually in the form of licences having a specified term.

70-N Crown - active timber licence in a T.S.A.
70-C Crown - active timber licence in a T.F.L.
72-B Crown - Schedule 'B' land, Tree Farm Licence
74-N Crown and private - timber alienated in watershed (Greater Vancouver Water District or Greater Victoria Water District only).
75-N Crown - Christmas tree permits (C.T.P. files rolled over to 'C' files).
76-N Crown and private - T.F.L. where the ownership status is unreported.
77-N Crown and private - Woodlot licence (Crown land portion, Schedule 'B' land portion is coded 77-N, private portion is coded 40-N).
77-C Demonstration Woodlots
78-N Crown - community pasture in the Prince George S.S.A.
79-N Crown - Provincial Forest exclusions in the Prince George S.S.A.

E. Crown and Private Lands - Local Administration

80 series (lt. green) Lands within municipal boundaries under various kinds of tenure and administration. The 80 series is used only for special projects as directed.

81-N Crown and private lands under municipal administration (city, town, village, and district municipalities).

Note: Currently the 80 series is not in use for overlay attributes. Instead, code 40 is used for all land other than I.R.'s and parks inside municipal boundaries when more than 50 percent of the land area is in private ownership. For larger municipalities which contain more than 50 percent Crown land, a full ownership status is conducted and codes 40, 62, 69 and others are used. Some large municipalities include:

- Mackenzie
- Mission
- Squamish
- Tumbler Ridge

12.5 LAND OWNERSHIP - OVERLAY LEVEL 31 (4500 SERIES)

12.51 DESCRIPTION OF OVERLAY PREPARATION

Attributes:

- Land Ownership
- Forest Cover Allocation

Source of Information:

- Status reference maps/Crown Land Registry System
- Legal descriptions and plans.
- Ecological Reserves of B.C.
- Municipal Boundary maps
- Geographic Sheets (National Topographic System).
- Reference maps showing Parks and Forest Service Recreation Sites.
- British Columbia Provincial Parks List.
- Recreation Res./Site Registry, Legal Descriptions
- Records of Woodlots and Temporary Tenure numbers and files.
- Inventory Branch land ownership administration codes (attached).

Note: Reference maps which show current status are usually developed for new projects and filed with inventory - Victoria office. This information is transferred to the general overlay source map.

Section 11 and 12 community Watershed Reserves were now categorized as Code 69, under Section C, *Crown Lands – Provincial Administration*. Note that the attached sub-codes “C” or “N” (above, top right), denoting respectively, lands “available” or “not available” for “long-term integrated resource management,” is not clearly defined but has been assigned an arbitrary determinant of 100 hectares. Any community watershed reserve over 100 hectares in size is now included in the Annual Allowable Cut calculation, contrary to the intent of the reserves. All Section 11 and Section 12 *Land Act* statutory Reserves (now Section 15 and 16) Reserves **should be coded with an “N”**. The “N” code attributed to Section 11 and 12 *Land Act* community Watershed Reserves was altered to the “C” category for inclusion in the Timber Harvesting Land Base (i.e., “the Working Forest”) calculation during the first round of Provincial Timber Supply Reviews, initiated in 1987.



Province of
British Columbia

Ministry of
Forests

Vancouver Forest Region
4595 Canada Way
Burnaby, British Columbia
V5G 4L9



To: Linda Williams
October 20, 1992

The ownership code for the Chapman Creek Watershed has changed to 69C, and the change would have occurred when the old EGAF file was converted to a FIP file in 1990.

When the next analysis is done (currently scheduled for 1994), any areas designated as ownership 69C will be considered individually as to whether or not harvesting is an option in that area. If it is an option but there are management considerations for other resources, then those constraints will be modelled to the best of our ability. If harvesting is not an option then the area will not be considered to contribute to the 'working forest'

If you have any further questions regarding the analysis, please call me at 775-0777.

Sincerely,

Andrea Lang
Timber Supply Analyst
Vancouver Forest Region

In 1992, Sunshine Coast Regional District citizens began making formal inquiries with government Ministries about the Chapman Creek Community Watershed Map Reserve, which had been established in 1973 by the provincial government. As the above response letter from the Ministry of Forests indicates, the Ownership coding for the Chapman Map Reserve had been "changed" to a 69-C category from a 69-N category "in 1990."

APPENDIX B: Early Newspaper Articles (Revelstoke Herald) and City of Revelstoke Council Minutes (1909 – 1911)

August 28, 1909. **Mr. McNicoll Meets Board of Trade – Vice-President of C.P.R. Hears
Address and Discusses Matters of Interest to Revelstoke – Amicable Meeting**

The city of Revelstoke is the largest and most important town on the main line of the C.P.R. in British Columbia, and the progress and prosperity of this city are intimately linked with that of the Railway Company which you represent.

September 1, 1909. **Canadian Forestry – Visit of Superintendent Campbell**

On Saturday, Mr. R.H. Campbell, superintendent of the Forestry branch of the Department of the Interior, visited Revelstoke and was the guest of Mr. R.J. Watson [Watson is the Inspector of the Department of the Interior]. Mr. Campbell, although a young man, is recognized as one of the ablest officials of the government. He has reorganized the Forestry branch and is determined that the policy of Forest Conservation shall take its proper place in the administration in Ottawa.

September 1, 1909. **Big Bend Developing**

The timber areas of that country, continued Mr. Taylor, are unsurpassed anywhere, and stretch for 50 or 60 miles to the north of Revelstoke. The timber is all under licence and some is being cut. The Big Eddy Lumber Company has several camps throughout that district, the farthest north of which is that at the junction of Downie creek and the Columbia river. They are taking out a good quantity of timber which is being brought down the Columbia river to their mill at Revelstoke.

September 1, 1909.

With the growth of Revelstoke the water supply of the future is a matter for serious consideration. There are two sources from which the present supply could be augmented. These are Eight-Mile Creek and Greely Creek. Both are fed by glaciers, making the supply assured in the heat of the summer, when it is most required. The city have a water record on Eight Mile Creek and we suggest they also get one on Greely Creek, as we believe, all things considered, the latter will probably prove the most feasible scheme, the cost of laying pipe line and flume construction being much less along the valley of the Illecillewaet than along the steep slope of the Columbia Valley. A head of 300 feet can be got between the city and Greely Creek.

September 1, 1909. **The Forestry Commission – Sits at Revelstoke on 10th inst. – Evidence Invited**

The appointment of the Forestry Commission furnishes an opportunity for all who wish to give their views on the questions of title to timber licenses and forest conservation. The commission will sit at Revelstoke on Sept. 10th at 10 a.m. at the court house, and they will be glad to hear the views of all interested in the important problems with which they are called upon to deal. The Commissioners are Messrs. A.C. Flumerfelt, Hon. F.J. Fulton, Minister of Lands, and A.S. Goodeve, M.P. for Kootenay. As future legislation will be based on their report any person having information of value on the subject should not hesitate to lay it before the commission.

September 8, 1909. **Improved Water Supply**

The improvement of the Revelstoke water supply is a matter that should have the urgent attention of the city council. While the supply has been good up till this summer the growth of the city is making

demands on the water supply which it is no longer capable of meeting. An increased supply is required. As noted in a recent issue there are two sources of supply known to be available, and there may be others. At all events the dry season is the time to investigate. The city has already a very complete report on the cost of bringing in a supply from Eight Mile Creek, and this survey having already been made there is no necessity of further expense in connection therewith at present. Greely Creek provides another source of supply that has not been investigated, and the chief advantage of which would be the reduced cost of utilizing this supply. There is another stream which flows north-east from the glacier on Mt Clachnacooden which might be considered. Still another alternative is the construction of a large reservoir in the valley of Bridge Creek, which provides the present supply. This creek drains a catchment basin which, with proper reservoir accommodation, could furnish ample water for a city ten times the size of Revelstoke. The cost of a reservoir to collect and hold a six week's supply in reserve might therefore be considered, and then compared with that of utilizing the other sources. A reliable supply of water is one of the most necessary adjuncts of a city whether considered from the sanitary necessities of the people or as a matter of fire protection. Revelstoke has been exceptionally fortunate so far in that its water supply has cost little compared with other cities. The time has now come however, when the improvement of the service is necessary and the cost has to be faced.

October 9, 1909. **The Water Supply**

February 15, 1910. **Revelstoke City Minutes. Report on New Water Supply**

The report of Messrs. Smith, Kerry & Chace upon a new water supply for Revelstoke was then brought up and the matter discussed generally. Mr Haffner giving full particulars and stating that the report was considered by Messrs. Smith, Kerry & Chace to be preliminary and not complete and that no charge would be made for same. Ald. Cowan, Chairman Fire, Water & Light, was of opinion that a stream that would give a permanent water supply to Revelstoke should be sought and that he considered Jordan Creek was the stream that should receive serious consideration and that its possibilities as a source of water supply for Revelstoke should be thoroughly investigated in the near future.

February 19, 1910.

Alderman Cowan said when they were going in for a water supply they could not go to an unreliable stream that took its rise in a timbered country. He had visited the stream referred to by Mr. Haffner, some years ago, and at that time found Brewery Creek, right at the City contained more water than Three Mile Creek, but since the timber had been taken off the source of supply in that creek had fallen off. He would like to have Jordan River investigated, as they would then have a first class supply for all time. It would be folly to adopt the creek referred to as a supply for the city. He was also satisfied that water could not be brought in for the amount mentioned. They knew they would have to cut out the present supply from Bridge Creek.

Mr. Haffner: That is on account of contamination from campers?

Ald. Cowan: Yes. We have Government records showing that contamination has been brought about by camps forty miles off, and this city has got to be very careful in bringing in its water supply.

Mr. Smith: Then you should have every available source thoroughly investigated.

Ald. Abrahamson: How could you bring the water from the Jordan across the Columbia river?

Mr. Smith: By sinking the bed of the pipe line under the river. It might be necessary to dredge a channel across the width of the river, in which the pipes could be laid.

Ald. Abrahamson: It is a strong current and shifting channel.

Ald. Cowan: The Columbia river has not changed a foot in 25 years at the Jordan.

Ald. Abrahamson: If it could be laid across the river I would like to see it brought from there.

Ald Bews: Was it not proposed to bring in a supply from Eight Mile Creek?

Ald. Cowan considered Eight Mile Creek out of the question.

Mr. Haffner considered Greely Creek the most accessible means of securing an abundant supply.

Mr. Smith: How long can the city wait for a water supply?

The Mayor: We require it right now.

Ald. Cowan: I think you should be paid up for what you have done and any further work we require we shall make a fresh arrangement about it.

Mr. Haffner said there would be no charge for what they had done so far. He considered 100 inches of water would last them for 100 years, and there was three times that amount of water at Greely Creek. He would look into the Jordan proposition.

The meeting then adjourned.

February 26, 1910.

The writer has traveled over practically the whole of British Columbia and it is his firm belief that nowhere in the province can a site be found that for all the purposes of a university will surpass what is known, especially to old-timers, as the "Adair Ranch." The view from this position is unrivalled. There is abundance of level land for all building and recreation purposes, the disposal of sewage could here be most easily arranged, and, last but not least important the proximity of large mountain streams assures abundant supply of the purest water.

April 20, 1910.

In the face of these increases in debt and taxation there is yet no provision made for improved water supply. This is one of the first things the city requires and must have and the city council should now have engineers engaged on the work so as to have the added supply available by the time the dry weather sets in. This water supply is just as important to the public interest as education, and must be provided for. Of course if the Three-Mile Creek system is adopted it is not such a big undertaking, as it is stated it can be carried out for \$25,000. if investigation confirms a sufficient quantity of water available the city has the proposal of the C.P.R. to contribute \$2,500 a year for these ...

April 23, 1910. **Canada and Her Forests**

Washington cannot presume that a Canadian commonwealth has not the right to protect its natural resources in its public lands and to turn its raw materials into sources of employment for its own people. The governments of Quebec and Ontario were not prompted to prohibit the export of pulp wood from Crown lands solely because they desired to force United States mills and employees into this country.

There was a broader reason, and that was to establish for all time control over vast forest resources, so that they could not be subjected to the depreciation of private and alien interests. The people of the United States, with their depleted forests, are just as much interested today in the conservation of Canadian pulp forests as we are ourselves. Some day their great newspapers and binderies must depend on Canada for their supply of paper. If Canadians protect and conserve their resources, as the people of the United States clearly have not done, a generation will rise to thank the public men of the country for what they are doing today.

May 13, 1910. **Revelstoke City Council Minutes**

City Clerk was instructed to get particulars of the lands over which the pipe line is to go and write to the Dominion Government asking them not to issue more homestead rights which would affect the pipe line and also asking them to reserve the head waters of Revelstoke Creek.

June 1, 1910. **City Council – New Water Supply Scheme Takes Shape. The regular meeting of the city council was held last Friday night, the full board being present.**

New Water Supply

R. Smith, P.L.S., reported that the new Sixth street school could be drained into the central sewer section. It would cost about \$4000 to put in a sewer to the school without extras. Mr. Smith also reported on the practicability of an additional water supply to the city from Revelstoke or Three Mile creek, north of the city. It would require 4 ½ miles of 12 inch pipe to bring the water into the city, the estimated cost including laying and filling being about \$21,000. There wasn't much rock cutting to do. The supply would be good as the water shed was very large. By adopting this system it would be possible to eventually tap Greely creek through the same pipe line. The council favored the scheme and will take up the matter of co-operation with the C.P.R. in the work.

June 8, 1910. **Scientific Forestry**

Important work in the Dominion railway belt between Revelstoke and Kamloops will be undertaken this summer by the forestry branch of the interior department. It will include a report on the suitability of that region for general agriculture and of fruitgrowing, as well as the collection of data as to the best points for making forest reserves in order to conserve the timber and water supply.

The work will be in charge of Mr. G.A. Cronie of the forestry service. He will be assisted by three forestry students of the University of Toronto. Mr. Cronie will begin his labors at Revelstoke. He is a graduate of the forestry department of Yale University. Mr. Cronie leaves for Revelstoke this week.

June 11, 1910. **City Council – New Water Supply System to be Commenced**

A special meeting of the city council was held on Thursday night with acting Mayor Trimble and full board present, except Ald. McKinnon.

Water System Commenced

Ald. Cowan stated that he had submitted the proposition of co-operation in the new water scheme to the C.P.R. at Vancouver, but had not reply. The following report on the new water works scheme of taking water from Revelstoke and Greely creeks by R. Smith, P.L.S., was read:

“I have examined the following sources of supply, viz.: The Revelstoke creek which descends from the eastern slope of Mt. Victoria and reaching the Illecillewaet river about three miles above the Revelstoke city power dam, Greely creek and a tributary of the Jordan river. The river source of supply cannot be considered as it is not any closer than the others and the dangers of breaks in the section crossing the Columbia river is too serious a faction affecting the continuity of the supply.

The supply in Revelstoke creek has been estimated at 100 miners inches or 1,350,000 gallons per day. This supply will be sufficient for 13,000 inhabitants of the city and when added to the present supply will give ample water for 14,000 people and also for flushing sewers and watering lawns. If the city attains more than this population the supply can be augmented to meet the requirements of a population of 40,000 by extending the mains to Greely creek. This extension will be two miles (approx) which would be a very small expenditure for a city of 14,000 and upward. In view of the considerations afore mentioned it is advisable, in order to provide for the ultimate requirements of the city, that a main should be laid from the line of least cost up the valley of the Illecillewaet river from Revelstoke creek to provide sufficient supply for ten years and consequently providing for an economic extension to Greely creek for the ultimate supply. As the supply of water from Revelstoke will prove inadequate in future years, it is advisable to proceed as follows: Construct a main from the present dam 20,000 feet in length up the valley of the Illecillewaet river 12 inches in diameter,

thence turn to the left 4,300 feet to tap Revelstoke creek for water supply for the immediate future. This branch would be 10 inches in diameter and will carry all the water in the creek which will provide water for 14,000 population. When this supply proves inadequate, the extension can be made from the end of the 12 inch main to Greely creek at a cost of approximately \$12,000, thus obtaining a supply sufficient for 40,000 people. The present dam on Bridge creek should be replaced by a concrete structure as the present wooden structure is costing more for repairs than the sum required to provide interest and sinking fund on a permanent dam. It will be necessary to construct a branch line below the dam on Bridge creek, which can be used to waste the water from the proposed 12 inch main whenever it is necessary to close the main at the lower end. This will necessitate about 30 feet more pipe and two valves. The cost of the proposed changes will be as follows:

20400 ft of 12 in. pipe - \$19,176.00

4,300 ft. of 10 in. pipe - 3,354.00

Cost of dam - 1,000.00

Coast of roads - 1,000.00

Cost of clearing right way - 500.00

Bylaw, surveying, etc. - 1,000.00

Total cost - \$26,030.00

The Mayor said that this was a very important matter and should be proceeded with at once and the C.P.R. will probably co-operate. It was finally decided to receive the report and adopt it, and the city solicitor was instructed to prepare the by-law to place before the people to raise the money. The city clerk was also instructed to take steps to obtain a Dominion government grant for pipe line right of way and to get a reserve put on the head waters on the creek, and prevent any homesteads being taken up there.

Extend Water System - \$27,000 to be Raised for the Work

The By-law for the borrowing of \$27,000 on debentures for the improving, augmenting and extending of the water supply for the city of Revelstoke was introduced last night at the City Council meeting and passed three readings. Voting on the By-law will take place on Saturday, June 25. The debentures will run for 50 years at the rate of 5 per cent. and must not be sold for less than 95. The sinking fund per year on the borrowed amount will be \$239.38 and interest per year, \$1350.00 Ald Cowan stated that it was very probable that the C.P.R. would co-operate with the city and take at least 150,000 gallons a day at a rate of 4 cents per 1,000 gallons which is an income of \$5 a day. The new water supply scheme has been passed with the unanimous consent of the Council who have recognized the importance it is to the city.

If passed by the people the By-law will come into force on June 30th.

June 22, 1910. Improved Water Supply - Voting on By-law to Raise \$27,000 Takes Place Saturday

In another column will be found the by-law for the raising by debenture of \$27,000 for the augmenting, extending and improving the city water supply. The need of a better supply of water for Revelstoke in the midst of summer when the supply runs short, is recognized by every citizen, and an abundance of water is now more necessary than ever, since the sewers have been installed. It is to be hoped that the ratepayers will realize fully the importance of the proposal now before them and support the passage of the money by-law required to carry out this work. The voting takes place on Saturday, June 25th. By raising the necessary money the ratepayers will bring upon themselves no additional taxation, as the increased revenue obtained from the C.P.R. alone and other sources will more than cover the interest and sinking fund to provide for the debentures which will extend over 50 years.

Revelstoke is steadily growing, and as the city increases in population the necessity of an adequate water supply will be more keenly felt and when it is considered that the supply can be secured without any cost to the ratepayers, the citizens as a whole should roll up at the polls on Saturday next and vote for the by-law to ensure its being passed and the water supply of the city thereby improved.

July 8, 1910. Revelstoke City Council Minutes

Ald. Cowan stated that it would be wise that plans of the Water Shed adjacent to Revelstoke be prepared with a view to future reservations of same. On motion of Ald. McKinnon, Sec. Ald. McCarty this matter was referred to the Fire, Water and Light Committee. Carried.

August 20, 1910. Influence of Trees

Forests are found to attract rain – they cool the atmosphere, their surface offering a warmth-radiating area, so that the vapors readily condense and descend in frequent showers. Ruined forests mean flooded rivers, periodic droughts, eroded soil and dried up springs.

Mercenary destruction means denuded mountain slopes, the loss of historic forests and “nature revenge” in the near future. The reckless and wanton destruction of forests has ruined some of the richest countries on earth.

Many bodies have control of large tracts of land, such as water boards, are now planting their catchment areas with trees with advantage and profit; for it is found that the presence of trees adds to the retention of water falling as rain as well as that produced by radiation and cooling the adjacent atmosphere; it prevents floods, regulates and purifies the supply, for water from wooded areas is generally purer than that falling on bare land.

Thus we can see that trees not only attract rain, but are an all-around source of monetary gain; in addition to the esthetic improvement of the locality, refreshing our eyes and brains, as well as purifying the air, and covering with verdure the waste and barren lands.

The beneficial influence on our general health exercised by the afforestation of neglected acres is beyond dispute. The consumption of carbonic acid gas alone by trees is an apparent gain to all who dwell in their vicinity.

Trees and rivers are inter-dependent upon each other. Even in the midst of a prairie the course of a river is shown by a double line of trees. Is there not some connection between them? Is the river due to the forest of the forest due to the river? Experience goes to prove that springs are conserved in a well wooded country, and that they dry up if a great clearance is made.

Not only do forests affect the rainfall, they greatly influence the climate of a country.

The influence of trees on the atmosphere is also apparent. A considerable portion of the rain falling upon forest trees is at once taken up by the leaves with moisture, which evaporates from them, and so adds to the humidity of the atmosphere.

Local rains are often due to large areas of woodland. Forests cause precipitation from clouds that have passed over the plains and still withheld the grateful showers.

Mountains and rocks are imposing, and cataracts force themselves on our attention by their deafening noise; but in the absence of a setting of green, or clumps of trees, they are lifeless.

It is the earth, 'with verdure clad,' which appeals to the mind, and which does so much to promote the higher civilization.

August 23, 1910. Fire, Water & Light Committee report

4. The conservation of the water sheds of Bridge Creek, Revelstoke & Greely Creeks has been taken up with City Engineer Smith, plans will be submitted to you as soon as possible. We would recommend that a reserve be got on the waters of Greely Creek if possible. Plans are also being prepared showing the Right of Way of pipe Line through the unoccupied lands between Bridge & Revelstoke Creeks for the purpose of obtaining a title for same from the Government.

August 31, 1910. City Water Supply

One of the most important questions ever taken up by the Board of Trade, and one which effects the city and its welfare most, is that of the conservation of the water supply for the city's public use. For some long time the Board has had the matter in hand, but as yet nothing definite has been done, although it is practically certain that an arrangement will be made whereby the whole of the area of land comprising the water shed for this valley, and situated in the mountains to the northward will be preserved. It is mainly the rainfall and snowfall on these wooded areas that Revelstoke has to depend for her water supply, and the object of the Board is to secure a reserve for a large number of square miles which surrounds the headwaters of the many streams and creeks that supply water to the city. The thicker the forest timber in these areas, the better and more constant will our water supply be and in a growing city like Revelstoke too much care cannot be exercised to provide an adequate supply of water for the present needs as well as for the future. The matter is of vital importance and it is expedient that the Dominion government and the city come to some practical agreement to secure these areas for the city and thereby preserve an unfailing supply of water for all time to come.

September 10, 1910.

Nothing further was reported as to conservation of the water supply for the city and the reserving of the land and timber round the head waters of the supply.

October 5, 1910. Pure City Water

A number of people have been laying the blame of the few recent cases of sickness in the city at the door of the new water system, claiming that it has been the cause of no inconsiderable bodily ailments. We have it on the authority of the medical men and those who are at the head of city affairs, that the new water is absolutely pure and free from all organic matter that is deleterious to the body. The new and old supply are practically from the same source and Revelstoke water has always had a very high reputation and on no occasion have the people suffered any evil effects from it. Before blaming the water they drink the people should look to themselves and their own constitutions, if they are sick and see if the remedy is not in their own hands. Climatic changes will often upset the human system and many other conditions, but to blame it on to the city water is unjust and is likely to damage the city's splendid reputation in this respect.

October 14, 1910. City of Revelstoke Minutes

Communications: - Board of Trade, Oct. 7th, 1910, asking if anything has been done in the way of Water conservation for the City. City Clerk was instructed to reply stating that the City Engineer will attend to this matter as soon as possible.

October 14, 1910. **Water, Light & Fire Committee report**

7. Unfinished Business. The conservation of the water sheds of Bridge, Revelstoke and Greely Creeks.

October 19, 1910. **City Council**

A meeting of the city council was held on Friday night last. Among the principal matters taken up was a request from the Board of Trade, in regard to the conservation of the city water supply and asking if anything had been done. The city clerk was instructed to reply that the city engineer would attend to it at once.

November 11, 1910. **Revelstoke City Council Minutes**

R. Smith, City Engineer, waited upon the Council and presented plans showing the conservation of the water supply for Revelstoke. After a general discussion of the matter, it was moved by Ald. McKinnon, seconded by Ald. McCarty that the Fire, Water and Light Committee take up the matter of the conservation of water supply with the Board of Trade.

November 25, 1910. **Fire, Water & Light Committee report**

6. We now have a Map prepared by Engineer Smith, showing the lands we would like to have brought under conservation for the purpose of keeping pure the water of the various streams which the City is now using for domestic purposes, and those that may in the future be required. If plans are accepted by your Council they better be forwarded to the Board of Trade together with a resolution, they will presume take this matter up with the department at Ottawa or their representative here.

November 25, 1910. **Revelstoke City Council Minutes**

Robert Smith, City Engineer, presented to the Council the maps covering the conservation of the water supply for Revelstoke District, and the City Clerk was instructed to forward them with a letter to the Board of Trade.

November 26, 1910. **City Council Conserve City Water**

Plans for the conservation of the sources of the city water supply were approved by the council, and the matter will be taken up with the Board of Trade.

December 3, 1910. **Board of Trade**

Water Conservation

The matter of the reservation of certain areas north of the city for the conservation of the city's water supply was taken up and the letter which the city council had written to the Dominion government asking for the reservation and water records was endorsed.

January 21, 1911. **Board of Trade on Important Matters**

At the annual meeting of the Board of Trade on Tuesday evening, President W.H. Pratt presented his annual report, which appears herewith, and a number of important matters were dealt with, including the drastic legislation regarding the detimbering of lands in the proximity of Revelstoke. Referring to this G.S. McCarter pointed out that the enforcement of the directions to the Dominion

government would work a lot of permanent injury to this city, and urged the board to petition the government to withdraw such legislation or extend the time for the cutting of this timber.

Water Supply Conservation – in this connection the Department of the Interior has been asked to make a reserve of the Water Sheds of Bridge, Hamilton and Greely creeks.

Appendix C - B.C. Tap Water Alliance Press Release (March 21, 2013)

B. C. TAP WATER ALLIANCE

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

Supply Sources

P.O. Box #39154, 3695 West 10th Ave.,
Vancouver, British Columbia, Canada. V6R-1G0

Email – info@bctwa.org

Website – www.bctwa.org



March 21, 2013

For Immediate Release

BC LIBERALS CAUGHT DEMOTING PROTECTED STATUS OF COMMUNITY DRINKING WATER SOURCES

Vancouver – In February 2013, the BC Tap Water Alliance began investigating logging proposals by B.C. Timber Sales in South Pender Harbour's water supply, McNeill Lake, now under the authority of the Sunshine Coast Regional District (SCRD). The Alliance was shocked to discover that the B.C. Liberals altered the status of the McNeill Watershed Reserve four years ago in March, 2009. It had been demoted to a Section 17 *Land Act* Reserve status that now gives the Ministry of Environment discretionary power to permit resource uses such as timber sales.

As summarized in the Alliance's February 27th four page letter of complaint to Doug Konkin, the Deputy Minister of Forests, Lands and Natural Resource Operations (see backgrounder web link), the small community watershed was protected by way of powerful Crown land legislation since at least 1974. Designation as a Section 16 Watershed Reserve under the *Land Act* prohibits Crown land dispositions, such as timber sales. The Alliance asked that Konkin intervene by preventing the proposed timber sales, and has yet to receive a reply from the Deputy Minister. Although the timber sale agreement was recently awarded, it has not yet been signed.

Upon further inquiries, the Alliance was astounded to discover that just two months before the last provincial election in 2009, the BC Liberals had actually altered ALL the Section 16 Community Watershed Reserves within the administrative boundary of the Ministry of Environment's Lower Mainland or Region, including Chapman and Gray Creeks, the SCR D's main source of water supply, where "thinning" was recently permitted in Chapman Creek with no prior notice to the SCR D. Apparently, the demotions were done without formally notifying dozens of water purveyors to whom the Reserves, and the water supplied, were dedicated.

These completely unpublicized, wholesale demotions appear to have been in response to allegations contained in our book, *From Wisdom to Tyranny*, the history of BC's community Watershed Reserves, sent to three Liberal Party Ministers, Forests Minister Rich Coleman, Environment Minister Barry Penner, and Lands Minister Pat Bell (see backgrounder). The book strongly recommended that government conduct a provincial inquiry into the administrative history and mismanagement of the Community Watershed Reserves. A year later on July 23, 2007, during the SCR D's Board of Health Hearings on logging in Chapman Creek, which received wide media

attention, the Alliance presented detailed information about the SCR D's Chapman Creek Watershed Reserve (see backgrounder). In July 2007, when SCR D residents filed a Court Injunction against Western Forest Products logging in the Chapman Reserve, the Alliance's book was entered into Court evidence.

The BC Liberal government's initial response was to repeal *Health Act* legislation in May 2008 (*Bill 23, The Public Health Act*) in order to prevent third order governments from convening any further Board of Health Inquiries (see backgrounder). In March 2009, the government also quietly removed the protection afforded by the Section and 16 *Land Act* Watershed Reserves, following nearly two decades of successive governments publicly denying their existence and intent.

"The public has no idea what this government secretly did four years ago. It is absolutely disgraceful," notes Will Koop, B.C. Tap Water Alliance Coordinator. "No other administration over the last forty years has dared to do what the BC Liberals have done."

"This government should immediately reinstate all of BC's affected Community Watershed Reserves as Section 16 Reserves under the *Land Act* and delete all industrial tenures as intended, including Community Forests, BC Timber Sales and other forest tenures that have been wrongfully permitted within them. Then the Reserves should be designated as Section 15 Order-in-Council Reserves in favour of water purveyors and the communities they serve. It is only fair that the "other" 40 percent of British Columbians have what Greater Victoria and Metro Vancouver citizens reclaimed and now enjoy – protected watersheds that reliably produce clean water. That's BC's protection legacy."

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For Press Release Backgrounders: <http://www.bctwa.org/PrRel-Mar21-2013-Backgrounder>

**APPENDIX D: WEST COAST ENVIRONMENTAL LAW ASSOCIATION'S
LETTER TO STAN HAGAN REGARDING BILL 21**

(The following are 2 pages from the 5 page submission)

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 ³⁵⁹ 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.

³⁵⁹ 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.

Appendix E - Letter to Revelstoke City Regarding Greeley Creek Watershed Reserve, June 4, 2013, and Revelstoke City Letter, June 3, 2013

B. C. TAP WATER ALLIANCE

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

P.O. Box #39154, 3695 West 10th Ave.,
Vancouver, British Columbia, Canada. V6R-1G0
Email – info@bctwa.org
Website – www.bctwa.org



June 4, 2013

Mayor and Council,
Revelstoke City

Re: Watershed Reserve Tenure Status of Greeley Creek

Dear Mayor and Council,

In recent concerns raised with the provincial government on the protection status of BC's drinking watershed sources in southwest BC, (<http://www.bctwa.org/PrRel-Mar21-2013-DemotingReserves.pdf>) we subsequently began conducting a background check on all of BC's drinking watersheds. We thereby discovered that the Watershed Reserve tenure status that protected Greeley Creek, by way of a Section 16 Map Reserve under the *Land Act*, is no longer status registered as such with the Ministry of Lands in its data system (Front Counter, Cranbrook Region). Without such a registered reserve tenure status, Greeley Creek is unprotected, and is therefore vulnerable to inadvertent dispositions, such as the current "adventure tourism" tenure application within portions of the lower Greeley community watershed (Application File No. 4405329).

We are familiar with the general protection history file of Greeley Creek. A contextualized narrative on this history is about to be published in our upcoming report on the history of the Big Eddy Waterworks District. (<http://www.bctwa.org/BigEddyPreview-WatershSent.pdf>) The following is an outline of the protection history of Greeley Creek:

- Following entreaties by the Revelstoke Board of Trade and the City in 1909-1910, the federal government protected Greeley Creek with a statutory Departmental Reserve in 1917 from logging, access and commercial uses, fourteen years before Greeley was tapped as a water source. That Reserve was created when Revelstoke City was situated in the Railway Belt lands, also referred to as the Forty Mile Limit.
- In 1930, when the Railway Belt lands were reverted to the provincial government, the status of Greeley Creek remained as a protected Reserve.
- In 1946, when a Timber Sale proposal was forwarded to the BC Forest Service, and after letters of referral about the proposal were sent by the Kamloops District Forest Manager to

both the City and the City's Health Officer for consideration and comment, the Forest Service rejected the said Timber Sale because of Greeley Creek's status as a Watershed Reserve.

- In 1969, when the City of Revelstoke was confronted with a tenure proposal for "horse riding trails" in the Greeley drainage, the City asked the Department of Lands, Forests and Water Resources to help protect the watershed. The City stated that it could not locate its files on the protection tenure history of Greeley Creek. According to government records, the Greeley Creek Reserve file had somehow been misplaced, and another Reserve, a Section 16 Map Reserve, was re-established over Greeley Creek on August 25, 1969, which protected the watershed from the said recreation tenure application. (See attached Files)
- When the provincial Task Force on community watersheds (1972-1980) created and re-created Watershed Reserves for BC's water purveyors from 1973 following, Greeley Creek was on a June 1973 list of 63 Watershed Reserves that were established over the West Kootenays. According to the Greeley Creek Reserve file (No. 0291521), the Reserve was recognized in a memo as the one re-established as such in 1969.
- In a recent inspection of a provincial list of Watershed Reserves forwarded to the B.C. Tap Water Alliance in late 1997, both Greeley Creek and Dolan Creek (Big Eddy) were not included. Similarly, in a May 2013 list of provincial Watershed Reserves, Greeley and Dolan were also absent.

We would advise the City of Revelstoke to make immediate inquiries with both the Ministry of Lands and the Ministry of Environment about the Reserve status history of Greeley Creek, and to immediately request the government to reinstate or re-register Greeley Creek as either a Section 16 Map Reserve, or as a Section 15 Order-in-Council Reserve, over its hydrographic boundaries in order to protect your vital interests.

Sincerely,
Will Koop,
Coordinator.

[June 3, 2013 Revelstoke City letter below]



City of Revelstoke

P.O. Box 170, Revelstoke, British Columbia V0E 2S0

<http://city.revelstoke.ca>

June 3, 2013

Your Referral No. 62021311-004 (Ref. 105145)

Attn: Christine Lohr, Land Officer
Front Counter BC

Dear Ms. Lohr:

**Re: Adventure Tourism/Commercial Recreation - 10 km East of Revelstoke, BC
Unsurveyed Crown Land in the Vicinity of Greeley Creek, Kootenay District**

Thank you for the extension to respond to the Adventure Tourism/Commercial Recreation referral by the end of May 2013. As the proposed development is located adjacent to the City's water treatment plant and community watershed, and overlaps Revelstoke Mountain Resort's Commercial Recreation Area on Mt. Mackenzie, the City must review the impacts on these important community assets in some depth.

The City's primary water source intake is on Greeley Creek, adjacent to the proposed development. The City has recently drafted the 'Greeley Creek Watershed Source Protection Plan', which recommends that development surrounding the watershed, including recreation activities, must be regulated and restrictions on activities that may impact the watershed be enforced. Note that the Greeley Creek watershed has been designated as a watershed reserve for over forty years to protect the City's water from harmful activities.

Also of concern is the one-way bridge over the Illecillewaet River on Greeley Road. This is Ministry of Transportation and Infrastructure, which bridge must be crossed in order to reach the Revelstoke Adventure Park, private properties and the City's Water Treatment Plant. With the type and number of vehicles expected (campers, motor homes, buses) with a successful recreational development in this location, the City is requesting that the Ministry of Transportation and Infrastructure upgrade the bridge to two lanes and ensure a safe adequate function with the Trans Canada Highway. (The traffic numbers forecast for this resort will be significantly higher than the study required for the Big Bend Development.) This request is not based solely on traffic projections,

but due to its importance as an emergency route for CP Rail, Downie Timber, the City of Revelstoke and the Revelstoke Adventure Park.

Revelstoke City Council is requesting that the following matters be concluded prior to Front Counter's decision on the Adventure Tourism/Commercial Recreation referral:

- a. The proposed tenure area overlaps Revelstoke Mountain Resort's Commercial Recreation Area on Mt. Mackenzie. Therefore, the City requests that a meeting be held with the Mountain Resorts Branch of the Ministry of Forests, Lands and Natural Resource Operations, Revelstoke Mountain Resort and the City of Revelstoke to determine when this development will be captured in the terms of the Master Development Agreement. Further, that the commitments for housing and infrastructure development be extended to this development;
- b. The City requests that confirmation be provided that the proposed tenure area does not overlap either the physical community watershed catchment or the watershed reserve established by the Province in 1973 or earlier; and
- c. Within the City's Proposal for a Boundary Extension dated December 2004 , the future extension was to consider the adjacent Greeley Creek Watershed east of Mount Mackenzie as Phase III. Funds have been budgeted in 2013 in the amount of \$25,000 to investigate the feasibility of Phase III. Therefore, the City is requesting matching funds from the Columbia Shuswap Regional District and the Province of British Columbia to complete this determination.

Overall completion of these steps will help the City determine its direction.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read 'David Raven', written over a horizontal line.

David Raven
Mayor

- cc: C. Hamilton, Chief Administrative Officer, CSRD
T. Pratt, Senior Manager Major Projects, Mountain Resorts Branch, MoFLNR
T. Wideski, Regional Executive Director, MoFLNR
J. Bennetto, District Manager, Rocky Mountain District, MoTI