

**THE ELK CREEK
- CATEGORY ONE -
COMMUNITY WATERSHED RESERVE**

RECORDS OF CORRESPONDENCE



Elk Creek Watershed Reserve. Bird's eye view from the Elk headwaters looking down northwestward towards the town of Chilliwack in the Fraser Valley, and Coast Mountains in distance.
Photo by Jeremy Williams, February, 2002, courtesy of Western Canada Wilderness Committee.

**PART 1 - CORRESPONDENCE
(1975, 1976, 1977, 1983, 1985)**

**ELK, NEVIN, AND DUNVILLE CREEKS - CATEGORY ONE -
COMMUNITY WATERSHED RESERVES**

November 21, 1975.

Mrs. Viola Southgate,
Chilliwack, B.C.

Dear Mrs. Southgate:

Further to my letter of September 23, 1975 the Assistant Regional Engineer of the Water Rights Branch in New Westminster has reported on his field reconnaissance of your property and the proposed access road location.

As indicated to you in a letter dated July 11, 1974 from Mr. B.E. Marr, Deputy Minister, Water Resources Service, the quality of water available from small community watersheds in the Province of British Columbia is of prime importance to the communities served by these sources. Therefore, it is the policy of the Water Resources Service to recommend against the alienation of Crown lands in small community watersheds such as the Dunville Creek watershed, which has a drainage area of only 2.2 square miles measured upstream of the intake works.

We have reviewed the available information regarding your appeal and recommend that permission not be granted for the construction of the road and B.C. Hydro power line on crown land located within the Dunville Creek watershed.

I trust this clarifies our views in this matter.

Yours very truly, J.D. Watts, Chief, Planning & Surveys Division, Water Investigations Branch.

c.c. Minister of Public Works, M.L.A. for Yale-Lillooet
E.G. Harrison, Regional Engineer, Water Rights Branch, New Westminster
R. Brunning, Lands Service

August 26, 1976.

To: All Established Licensees in the Vancouver Public Sustained Yield Unit

Dear Sir(s):

In accordance with the requirements of Timber Sale Harvesting Licence A04169 held in the name of Whonnock Lumber

Company Limited, we are attaching hereto a map showing an additional area as proposed by the licensee in the Vancouver Public Sustained Yield Unit.

In the event that any established licensee has just and valid objection to the development of the area proposed, such objections should be stated in writing and submitted to the District Forester prior to September 24th, 1976.

Yours truly, W.G. Bishop, RPF, District Forester, Ministry of Forests Vancouver Regional Office.

cc. Department of Recreation and Travel Industry, Fish and Wildlife Branch, Burnaby, B.C.
Environment Canada, Fisheries Service, New Westminster, B.C.
Elk Creek Waterworks District, Chilliwack, B.C.
Chief Engineer, Chairman, Task Force on Multiple Use of Watersheds of Community Water Supplies, Water Investigations Branch, Parliament Buildings, Victoria, B.C.
Fraser-Cheam Regional District, Chilliwack, B.C.

September 7, 1976.

The Chief Engineer,
Water Investigation Branch,
Parliament Buildings, Victoria,
B.C.

Gentlemen:

We, together with you, have received a copy of a letter from the District Forester, Vancouver, regarding Whormock Lumber's application for an additional area under their Timber Harvesting Licence A04169.

We intend to make strong objections to this application and hope to have your support.

We have water licences on Nevin, Dumville and Elk Creeks from which we supply the areas of Chilliwack City and the District of Chilliwack. There has been a rapid growth in the population of the area served and we are at present searching for an additional source of water. It would appear that the area in Whonnock Lumber's application would cover approximately one half of the watershed of Nevin and Dumville Creeks. Not only would a logging operation in this area dirty the streams but would greatly reduce the amount of water available from these sources for many years.

We are having Dayton and Knight, Consulting Engineers, look at this application and will have a letter of objection ready in about ten days.

Yours very truly, B.H. Brady, President, THE ELK CREEK WATERWORKS COMPANY
LIMITED

September 14, 1976.

Office of the District Forester
355 Burrard Street
Vancouver, B. C.
V6C 2H1

Attention: Mr. W. G. Bishop

Dear Sir:

I refer to your letter dated August 26, 1976 regarding the proposed T.S.H.L. A04169 held in the name of Whonnock Lumber Company Limited.

The area proposed by the licensee covers approximately one-half of the Nevin and Dunville Creek watersheds which have a drainage area of 1.9 and 2.2 square miles respectively. These small watersheds serve the Township of Chilliwack and the City of Chilliwack. The total population served by the prime water utility in the area, the Elk Creek Waterworks Company Limited, is approximately 40,000.

Past experience of this water utility has indicated that logging activities have created serious problems of sediment in the water supply and debris in the intake works' area. The effect of the proposed activities may result in similar water quality problems. In addition, the population served has increased substantially in recent years and any reduction in water quantity as a result of harvesting activities will undoubtedly create a water supply problem.

In view of the above considerations, it is strongly recommended that the proposed harvesting activities in this area not be allowed.

Yours very truly, J.D. Watts, Chief, Planning and Surveys Division, Water Investigations Branch.

September 16, 1976.

The Chief Engineer,
Water Investigation Branch,
Parliament Buildings,
Victoria, B.C.

Dear Sir,

A copy of the letter dated September 7th, 1976, written to you by Elk Creek Waterworks Co. Ltd., concerning the possibility of an extension to Whonnock Lumber's Timber Harvesting Licence No. A04169, has been received and studied with interest.

This City shares Elk Creek Waterworks concern for the possible effects the logging of a portion of the watershed of their major water sources might have on both the quality and the quantity of the water used from these areas.

This City trusts that your office will ensure that the potential problems are thoroughly investigated and that the interests of our citizens are protected.

Yours truly, W.N. Granger, Clerk-Administrator, City of Chilliwack.

September 21, 1976.

The Chief Engineer,
Water Investigation Branch,
Parliament Buildings,
Victoria, B.C.

Dear Sirs:

Re: Elk Creek Waterworks - Water Shed

We understand an application has been made by Whonnock Lumber for a Timber Harvesting License in the watershed area, which is the source of domestic water for the City of Chilliwack and Chilliwack Municipality, both with substantial and growing populations.

The terrain from which the water is drawn is steep and rugged, and in our opinion logging in the watershed would have a serious detrimental effect on both the quality and the quantity of water.

Furthermore, construction of logging roads would provide access not only to loggers, but also to the public with the attendant danger of contamination of the water supply.

We are opposed to logging in this watershed, and recommend that the watershed be left undisturbed in its natural state, in order to protect, and to ensure a continued water supply to the community.

Yours truly, (Dr.) W. McInnes, Medical Health Officer, Upper Fraser Valley Health Unit,
Chilliwack, B.C.

September 29, 1976.

The Chief Engineer
Water Investigation Branch
Parliament Buildings
Victoria, B.C.

Dear Sir:

We have recently been advised by the Elk Creek Waterworks Company Limited, that they have been notified that the Whonnock Lumber Company has applied for an additional area to harvest, under their Licence A04169.

The area covered by their application includes the watersheds of creeks supplying water to this municipality.

The Municipal Council on September 27th 1976, went on record as being absolutely opposed to logging the area in question.

Yours truly, J.A. Mulford, Municipal Clerk, Township of Chilliwack.

October 2, 1976.

The Chief Engineer
Water Investigation Branch
Parliament Buildings
Victoria, B.C.

Dear Sirs:

The latest edition of our local newspaper carries a rather alarming report of a suggestion that loggers are casting a speculative eye on the Dunville & Nevin Creeks watershed. Our farm lies right at the foot of the mountain and our beef graze in what could be called the flood plain of both these creeks. We have problems enough with them during freshets now. If the hillsides which they drain were logged, we would fear dreadful floods. Right now, there is such a furore over preserving farmland, we hope that if you will keep this threat in mind.

Yours truly, Rosedale resident.

October 5, 1976.

District Forester,
355 Burrard Street,
Vancouver, B.C.
V6C 2H1

Attention: W.G. Bishop, RPF, District Forester. Re: Your file: T.S.H.L. A04169 Whonnock Lumber Co. Ltd.

Dear Sir:

This is to advise that the Board of Directors of the Fraser-Cheam Regional District at a regular meeting held on September 28, 1976, supported the objection to the above harvesting licence as submitted by Elk Creek Waterworks and the consulting engineering firm of Dayton & Knight Ltd.

In addition, the Regional District Board requests the establishment of, at the minimum, a map reserve, to protect this most valuable watershed of the Dunville and Nevin Creeks, which serves the majority of the population for the Chilliwack area.

Yours truly, J.D. Orr, Secretary-Treasurer, Regional District of Fraser-Cheam.

cc. Department of Recreation and Travel Industry, Fish and Wildlife Branch, Burnaby, B.C.
Environment Canada, Fisheries Service, New Westminster, B.C.
Elk Creek Waterworks District, Chilliwack, B.C.
Chief Engineer, Chairman, Task Force on Multiple Use of Watersheds of Community Water Supplies, Water Investigations Branch, Parliament Buildings, Victoria, B.C.

July 5, 1977.

Mr. B.H. Brady, president,
Elk Creek Waterworks Co.,
Chilliwack, B.C.

Dear Sir,

Reference is made to your letter dated September 14, 1976 concerning the proposed logging within the watersheds of Dunville and Nevin Creeks.

Please be advised that Whonnock's application for an additional development area covering a portion of these watersheds is being held in abeyance.

We appreciate your concern regarding the possible effects of logging on the quantity and quality of water produced from these creeks but we cannot agree that all logging should be excluded from the watershed without further detailed assessment.

If you are interested we suggest a meeting between the Forest Service and representatives from the various groups concerned be arranged to discuss the long term planning objectives for the Elk-Nevin-Dunville watersheds.

Yours truly, W.G. Bishop, RPF, District Forester, Vancouver, B.C.

March 10, 1983.

RE: GUIDELINES FOR WATERSHED MANAGEMENT OF CROWN LANDS USED AS COMMUNITY WATER SUPPLIES.

We are concerned that there has been no revisions to this report since publication. We feel that Appendix G (the computer printout of Community Watersheds) and the map supplement desperately require updating in order to be useful.

We recommend that, should this updating not be carried out, the definition of Community Watershed should no longer be those watersheds identified in the publication 'Guidelines for Watershed Management of Crown Lands used as Community Water Supplies', Ministry of Environment, 1980, or any subsequent revision". This definition was taken from the September 27, 1982, draft copy of "Policy for Integration of Forest and Water Management Planning on Crown Land Within Community Watersheds".

We have compiled, and enclosed for your information, a list of surface water sources that are presently being used as Community Water Supplies in the Lower Mainland Region.

J.W. McCracken, P.Eng., Regional Water Manager, Lower Mainland Region.

ATTACHMENT - COMMUNITY WATERSHEDS

[For Elk, Nev, and Dunville Creeks - see below - New Westminster Water District, Abbotsford and Chilliwack Precincts.]

(A) VANCOUVER WATER DISTRICT

1) JERVIS PRECINCT

Thulin Creek - Lund Waterworks
Powell River - Powell River District Municipality
Haslam Lake - Powell River District Municipality
Hamill Lake - Powell River District Municipality
Lang Creek - Brew Bay W.U.C. (Water Users Community)
Myrtle Creek - Various
Jefferd Creek - Stillwater Waterworks
Silver Creek - Lang Bay Waterworks
Ruby Lake - Cove Cay Waterworks etc.
Garden Bay - LakeGarden Bay Waterworks

Hotel Lake - Garden Bay Waterworks
Haslam Creek - South Pender Harbour Waterworks
McNeill Lake - South Pender Harbour Waterworks
Buccaneer Spring - Vancroft W.U.C.
Naylor Brook - Tillicum Bay W.U.C.
Trout Lake-Sunshine Coast Regional District
Irvine Creek - Sunshine Coast Regional District.

2) TEXADA PRECINCT

Priest Lake - Vananda Waterworks
Cranby Lake - Gillies Bay I.D. (Improvement District)

3) HOWE SOUND PRECINCT

Chapman Creek - Sunshine Coast Regional District
Chaster Creek - Village of Gibsons
Inge Creek - Village of Gibsons
Municipal Spring - Village of Gibsons
Soames Creek - Granthams Landing I.D.
Mashiter Creek - Squamish District Municipality
Stawamus River - Squamish District Municipality
Whistler Creek - Resort Municipality of Whistler
Van West Creek - Van West Utility Corporation
Alpha Creek - Alpha Creek Waterworks
Crown Marsh - various
Carkner Creek - Eagle Cliff I.D.
Terminal Creek - Bowen Island Waterworks
Grafton Lake - Bowen Island Waterworks
Malkin Creek - Bowen Bay I.D.
Eddy Creek - Blue Water Park I.D.
Byers Creek - Blue Water Park I.D.
Explosives Creek - Tunstall Bay Waterworks

3) HOWE SOUND PRECINCT

Josephine Lake - Fairweather Holdings Etc.
Honeymoon Lake - Honeymoon Creek W.U C
Homesite Creek - Secret Cove
Dorman Brook - Dorman Brook W.U.C.
Fircom Creek - Gambier Island Property Owners Association

4) NORTH VANCOUVER PRECINCT

Magnesia Creek - Brunswick Beach I.D.
Alberta Creek - Village of Lions Bay
Harvey Creek - Village of Lions Bay
Rundle Creek - Village of Lions Bay
Charles Creek - Strachan Point Estates
Pascoe Creek - Pascoe Road W.U.C.
Montizamert Creek - West Vanc. District Municipality
Nelson Creek - West Vanc. District Municipality

Brothers Creek - West Vanc. District Municipality
Lynn Creek - City of North Vancouver
Rice Lake - City of North Vancouver
Kennedy Lake - North Vancouver Dist. Municipality
Mosquito Creek - North Vancouver Dist. Municipality
MacKay Creek - North Vancouver Dist. Municipality
Elsay Creek - North Vancouver Dist. Municipality
Kilmer Creek - North Vancouver Dist. Municipality
Seymour River - Greater Vancouver Water District
Capilano River - Greater Vancouver Water District
Cypress Creek - Greater Vancouver Water District
Noons Creek - Greater Vancouver Water District
Mossum Creek - Anmore Valley I.D. etc.
Sunshine Creek - Sunshine Creek W.U.C.
Anmore Creek - Sunnyside I.D.
Dutchman Creek - Belcarra W.U.C.

5) SOUTH VANCOUVER PRECINCT

(B) NEW WESTMINSTER WATER DISTRICT

1) FRASER DELTA PRECINCT

2) COQUITLAM AND PITT LAKE PRECINCT

Coquitlam Lake - Greater Vancouver Water District
Scott Creek - Greater Vancouver Water District
Deiner Creek - District of Coquitlam
Zirk Brook - Zirk Brook W.U.C.
Kathryn Creek - various

3) CLOVERDALE PRECINCT

4) MISSION PRECINCT

Kenworthy Creek - Hatzic Prairie W.U.C.
Kearsley Spring - Kearsley Spring W.U.C.
Munro Spring - Kearsley Spring W.U.C.
Cannell Lake - Kearsley Spring W.U.C.
Brown Creek - District of Mission
Draper Creek - District of Mission
Silverdale Creek - District of Mission
Windebank Creek - District of Mission
Mielke Spring - Sheltered Cove I.D.

5) ABBOTSFORD AND CHILLIWACK PRECINCTS

Brice Creek - District of Abbotsford
West Creek - District of Abbotsford
Hacking Creek - District of Abbotsford
Ord Creek - District of Abbotsford
Sharpe Brook - various
Kidd Creek - Kidd Creek W.U.C.
Knox Creek - Yarrow Waterworks District
Valkert Creek - Yarrow Waterworks District
Liumchen Creek - District of Chilliwack
Elk Creek - District of Chilliwack
Dunville Creek - District of Chilliwack
Nevinn Creek - District of Chilliwack
Engineers Creek - Barrowtown I.D.
Edenbank Spring - Uplands W.U.C.
Southbright Creek - Southbright W.U.C.

6) KENT PRECINCT

Norrish Creek - Dewdney Alouette Regional District
Deroche Creek - Deroche I.D.
Cohen Creek - Hemlock Valley Water Services
Jess Spring - South Lake Erroch I.D.
Thunderbird Creek - Thunderbird W.U.C.
Pemberton Creek - Village of Pemberton
Agnew Creek - Resort Municipality of Whistler
Rideau Brook - Resort Municipality of Whistler

7) SPUZZUM PRECINCT

8) RUBY PRECINCT

Schkam Creek - Town of Hope
Smillie Brook - Town of Hope
Yale Creek - Fraser Cheam Regional District
Squam Lake - Lake-of-the-Woods I.D.

9) HOPE PRECINCT

Francis Brook - Town of Hope
Pringle Creek - Town of Hope
Charles Creek - Town of Hope
Silverhope Creek - Silver Creek Holdings etc.
Kopp Creek - various

10) SKAGIT PRECINCT

Trite Creek - Sunshine Valley Developments

June 27, 1985.

Ministry of Environment Memorandum.

[**Note:** Refer to Appendix 1, #5, below for status on Elk, Nevin, and Dunville Creeks]

To: P.M. Brady, Director, Water Management Branch, Ministry of Environment, and
F. Heygi, Director, Planning & Inventory Branch, Ministry of Forests

From: J.D. Crover, Intra-Ministry and Industry Liaison Forester, Planning & Inventory Branch,
Ministry of Forests

D.E. Reksten, Senior Hydrological Engineer, Hydrology Section, Water Management Branch,
Ministry of Environment

**Re: Status of Integrated Watershed Management Plan Program for Community Watersheds -
June 1985**

When the “Guidelines for Watershed Management of Crown Lands used as Community Watersheds,” prepared by the Task Force on Multiple Use of Watersheds of Community Water Supplies, was published by the Ministry of Environment in October 1980 it was recognized that the “Guidelines” should be refined through the vehicle of local watershed plans to arrive at the optimum management of individual watersheds which have unique problems. In March 1981 the Deputy Ministers of Environment and Forests directed their staff to discuss the need for a special planning process for Community Watersheds and some preliminary meetings were held. Although it was felt that ideally the Ministry of Environment, specifically the Water Management Branch, should be the lead agency in any Community Watershed planning/management matters, it was recognized that manpower limitations would not allow this, and with the vast amount of experience of the Ministry of Forests in the resource planning field (Resource Folios, Sub-Unit Plans, Coordinated Resource Management Plans, public involvement, etc.) it was decided that a joint MOE-MOF effort was more practicable.

Thus the “Policy and Procedures for Community Watershed Management” was jointly prepared by MOE and MOF, (mainly authored by MOF headquarters and Regional planning staff and MOE headquarters staff and Regional Water Managers) and incorporates comments and recommendations from a range of MOE and MOF Branches and, through submission to the ELUTC [Environment and Land Use Technical Committee] in April 1984. from the Ministries involved in the 1980 “Guidelines” Task Force. After revising the proposed Policy and Procedures on the basis of the ELUTC agency review (including changing the original title “A Policy for the integration of forest and water management planning on Crown land within Community Watersheds”) the document was endorsed as Government Policy by the ELUTC in February 1985. Some highlights of the Policy and Procedures are:

1. The primary importance of the water resource in the -integrated resource planning context is recognized for Community Watersheds;
2. Other resource use activities are of concern, but timber harvesting has generally been the most controversial to water users; so although a multidisciplinary approach to planning is used, the Ministries of Environment and Forests are the “joint lead agencies;”
3. Adoption of the Policy and Procedures will not affect planning processes ongoing at the date of

adoption;

4. The planning process used to prepare an Integrated Watershed Management Plan (IWM Plan) is selected to meet the needs of each individual situation;

5. The Policy and Procedures are incorporated in the "Guidelines" as Appendix H.

In practical terms the adoption of the Policy and Procedures means that:

1. Neither MOF, nor MOE especially, have sufficient manpower to coordinate and produce Integrated Watershed Management Plans for each Community Watershed proposed for development;

2. Up to now, the referral system whereby MOF refers proposed logging development plans to MOE for comment has been the usual "planning process" for Community Watersheds and is still entirely satisfactory for non-sensitive, non-critical situations. As long as MOE and MOF agree, this system will continue;

3. In some cases where critical conflicts have been anticipated. MOE 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 the Appendix H Policy and Procedures and they could continue to be carried out following the planning process already in place;

4. It will not be possible for MOE and MOF to carry out a formal IWM Plan for more than a few Community Watersheds each year. There may be a number of MOF Districts in each MOE Region. So although MOF may be capable of being involved in a number of IWM Plans in one Region, MOE will not. It will still be necessary to have MOF shoulder the load and follow its own Local Resource Use Planning process (Chapter 5 of the Resource Planning Manual) with limited input from MOE for many Community Watersheds. But as stated in the Policy, by March 31st of each year MOF and MOE must meet and review MOF plans for harvesting activities and decide on the planning needs for each Community Watershed. It may not always be possible, but every effort will be made to outline plans for the next 5 years.

As a result of the directives from the Deputy Ministers of MOE and MOF issued in February 1985, MOE and MOF Regional and headquarters staff have met to discuss proposals for IWM Plans. The following summarizes the status of plans for carrying out IWM Plans in each Region based on meetings held in March-May 1985.

VANCOUVER FOREST REGION (Vancouver; G.W. Sutherland, Regional Planning Officer)

VANCOUVER ISLAND MOE REGION (Nanaimo; B. Hollingshead, Regional Water Manager)

MOE participation will be very limited. The current practice of Nanaimo referring MOF referrals to Victoria (Reksten) will continue for contentious watersheds. For example, McKelvie Creek was handled in this way with a detailed assessment of the development plan carried out and recommendations made for revisions to the cutting plan. No commitments are being made for carrying out any IWM Plans in 1985.

LOWER MAINLAND MOE REGION (Surrey; J. McCracken; Regional Water Manager)

MOE through the referral process is already involved in a MOF planning process for:

Liumchen Creek (District of Chilliwack)

A sub-unit plan was completed in 1984, but more detailed terrain mapping was required by MOE. This will be done in 1985, and logging proposals will then be assessed by MOE.

Thulin Creek (Lund)

A plan was completed in 1982, with a complete review scheduled for 1987.

Haslam Lake, Hamil Lake, Lang Creek (Powell River)

A sub-unit plan incorporating MOE (WMB) concerns is expected to be completed in 1985.

From a list of seven "high priority" community watersheds based on logging plans for the next five years, MOE and MOF have proposed that an IWM Plan should be prepared for Norrish Creek and Liumchem Creek in 1985. (Appendix 1 outlines the status and plans for the other six watersheds).

KOOTENAY FOREST REGION (Nelson; G. Eriandson, Regional Resource Planner)

KOOTENAY MOE REGION (Nelson; J. Dyck, Regional Water Manager)

Kootenay MOE and MOF are already involved in various planning processes for a number of Community Watersheds. Major involvement is ongoing for:

Blueberry Creek (Blueberry Creek I.D.)

Merry Creek (Kinnaird)

China Creek (Genelle)

Anderson and Fell Creek (City of Nelson)

Five Mile Creek (City of Nelson)

Duck Creek (Wynndel)

Arrow Creek (East Creston)

Duhamel Creek (Duhamel Creek I.D.)

Kaslo River (Kaslo)

Boivin Creek (Elkford)

Dolan Creek (Big Eddy)

McMurdo Bench (near Parson)

Gal ton Range (near Grasmere)

Smallwood Creek (near Taghum)

Garrity Creek (near Taghum)

Sproule Creek (near Taghum)

MOE and MOF have agreed to produce an IWM Plan for Springer Creek/

Ringrose Creek (Slocan) in 1985-86. Appendix 2 summarizes Kootenay

Region plans.

KAMLOOPS FOREST REGION (Kamloops; D. Ferguson, Regional Planning Officer)

SOUTH INTERIOR MOE REGION (Kamloops; A. Zackodnik, Regional Water Manager)

Although MOF proposed a large number of Community Watersheds requiring IWM Plans (Appendix 3), the only one which can be done in 1985 due to limited MOE resources is for the Naramata and Robinson Creek watersheds. Although this watershed area has been subjected to a

CRM Plan, conflicts are still intense and it is hoped that an IWM Plan process will help resolve the ongoing problems.

CARIBOO FOREST REGION (Williams Lake; H. Giles, Regional Planning Officer)
SOUTHERN INTERIOR MOE REGION (Kamloops; A. Zackodnik, Regional Water Manager)

There is a need for an IWM Plan for Michelle Creek, but MOE resources do not allow one to be carried out.

PRINCE GEORGE FOREST REGION (Prince George; G. Rowe, Regional Resource Planner)
NORTHERN MOE REGION (Prince George; D. Roberts, Regional Water Manager)

MOF has proposed a 5-year list of watersheds (Appendix 4) which require an IWM Plan. The Morfee Lakes watershed (Mackenzie) is proposed for 1985, but MOE input could be only minimal. Thus MOE will comment on any referrals from MOF, but an IWM Plan will not be carried out.

PRINCE RUPERT FOREST REGION (Smithers; Sieffert, Regional Planning Officer)
NORTHERN MOE REGION (Prince George; D. Roberts, Regional Water Manager)

No IWM Plans have been proposed, for this region.

Summary

Policy and procedures for Community Watershed Planning have been implemented throughout British Columbia.

Ministry of Environment and Ministry of Forests are working together, and are jointly responsible for the continued success of this program. Ministry of Forests, as the agency primarily responsible for the development of Crown Lands will play a lead role in the initiation, development, and support of the planning efforts, and Ministry of Environment will provide the expertise essential to the management of a quality water resource.

During the next 5 years, it is necessary that planning priorities accurately reflect the priorities of fully integrated management. We cannot afford to fragment our efforts through establishing separate lists of priorities for individual resource concerns.

At the same time, it is essential that we address the priority concerns for Community Watersheds. The Ministry of Forests is responsible for providing for the integrated management of Crown forest lands, and this mandate requires an assessment of overall integrated management priorities. The Ministry of Environment and Ministry of Forests consider that through this existing assessment action, the requirements of our two Ministries, and the need for watershed planning will continue to be balanced with other natural resource management priorities.

APPENDIX 1 - COMMUNITY WATERSHED PLANNING - REGION 2

HIGH PRIORITY

#1. Norrish Creek

Norrish Creek is now a Category II Community Watershed. It has been supplying domestic water to Mission and Matsqui for about a year. The first year of operation has featured many problems with water quality, mainly high turbidity and suspended sediment levels. An M.O.E. terrain mapping project is presently underway and a channel stability assessment is scheduled for 1985. Downstream erosion and sedimentation is also a concern - a major channel restoration project was funded by P.E.P. after the January 1984 storm. Logging is ongoing and will be for the foreseeable future. We highly recommend that an IWMP for this watershed be completed as soon as possible.

#2. Chapman Creek

Chapman Creek is a Category II Community Watershed that is the primary water source for the Sunshine Coast Regional District. This watershed was the focus of a 1974 M.O.F. study. An M.O.E. terrain mapping project is presently underway. Two bank protection projects near the mouth of the creek have recently received M.O.E. funding. Much logging has occurred to date and more is planning in the future. There are some serious slope stability problems in this watershed. We recommend that the 1974 study be updated, incorporating the results of the terrain mapping project.

#3. Pemberton Creek

Pemberton Creek is a Category II Community Watershed that has experienced very little logging to date. M.O.F. has recently announced its intention to complete a "sub-unit" plan for the drainage this year. They have also indicated that they would be able to provide partial funding for the terrain mapping project that we have requested. We are hopeful that the sub-unit plan can be completed in a manner that is consistent with Appendix H of the Guidelines.

#4. Deroche Creek

Deroche creek is a Category I Community Watershed. Past logging and road building have resulted in some instabilities. Terrain mapping for the drainage is being completed in conjunction with the Norrish Creek Project. We recommend that an I.W.M.P. for the drainage be completed, possibly as part of the plan for the Norrish Creek. A plan for this drainage should consider some form of rehabilitation for unstable areas.

#5. Elk/Dunville/Nevin Creeks

These are three adjacent Category I Community Watersheds that provide a major portion of the domestic water supply for Chilliwack. There has been no logging in these watersheds for many years. M.O.F. has recently proposed some logging and we have insisted that this be preceded by an I.W.M.P.

#6. Vedder Mountain

There are several active Category I Community watersheds on the mountain, namely Knox Creek, Valkert Creek, Ascaphus Creek, Fin Creek, Wells Creek, Hacking Creek, Ord Creek. In addition there are numerous creeks with domestic licences.

M.O.F. is starting to “rehabilitate” the mountain by replacing deciduous forest cover with coniferous. This process involves logging, burning, herbicide spraying etc. Some water supplies have been affected by these activities to date. We recommend that an I W M.P. be completed that covers the entire mountain since drainage basins are difficult to define and in such close proximity to each other that any activity has some affect on them.

#7. Mount Elphinstone

As with Vedder Mountain, there are a number of Category I Community Watersheds (Chaster Creek, Inge Creek, Soames Creek) plus numerous heavily licenced streams in this area. Much of the mountain, especially that portion upstream of the Water Licences, is covered by second-growth timber. As this timber is nearing maturity, some major logging proposals are being considered. Downstream erosion is of considerable concern as there have been some stability problems (i.e. Clough Creek). We recommend that an I.W.M.P. be completed for this area. The Forest Service has volunteered to be the lead agency for this plan.

PART 2 - RECENT CORRESPONDENCE

February 25, 2002

Jerry Kennah,
District Manager,
Ministry of Forests, Chilliwack.

Re: Elk Creek Category 1 Watershed Reserve (No. 0326793-12a)

Dear Mr. Kennah:

From our brief telephone conversation on late Friday morning, February 15th, regarding the Elk Creek Watershed Reserve, I was led to understand from you that *Land Act* Watershed Reserves administered under the Ministry of Environment 1980 *Guidelines for Watershed Management of Crown Lands Used as Community Water Supplies*, are no longer subject to extensive public involvement through Integrated Watershed Management Plans, as stipulated in Appendix H of the 1980 Guidelines document (updated in 1984). You stated that the IWMP planning process had been “done away with” since the creation of the Forest Practices Code Act, and the related FPC Community Watershed Guidelines document. However, there is no mention of the *Land Act* Watershed Reserves in the October 1996 *Community Watershed Guidelines* document, what the significance of these legislated reserves mean under government policies, or that the *FPC Act* supercedes the IWMP process under the 1980 Guidelines document. In fact, section 3.1.2 of the FPC Community Watershed Guidebook states that IWMPs are still in existence, and that they “can be established as higher level plans by the district manager”. Furthermore, Watershed Reserves, such as Elk, Nevin, and Dunville, which are registered under the 1980 document, are to be allotted “maximum protection” under the wording of the 1980 Guidelines document.

I have been unable to receive related clarification on this issue from staff at your Ministry of Forests Regional office in Nanaimo, nor from staff at the MSRM Regional office in Surrey. Because this is such a critical issue for the public at this time in Chilliwack, as it directly pertains to correct public planning procedures, particularly since applications for logging have been forwarded to your office since 1998, and as I am formulating a presentation to your office before the March 14th deadline for public comments on logging plans for Elk Creek, I would very much like to obtain official clarification from you by Friday, March 1, on the issue of Land Act Community Watershed Reserves, and their present status under the government’s policy and procedures for an IWMP process. Please contact me at the telephone number listed below. Thank you very much.

Sincerely, Will Koop, Coordinator, B.C. Tap Water Alliance.

February 28, 2002.

Will Koop
B.C. Tap Water Alliance

Dear Will Koop:

Thank you for your interest in the Elk, Nevin and Dunville Creek watersheds. To help answer your question regarding watershed reserve status I would like to refer you to a Supreme Court of British Columbia decision made by Justice Paris dated July 8, 1997. I can provide you with a copy of the judgement upon request. The following is an excerpt from the judgement that will hopefully explain the status of the Land Act watershed reserves.

[19] I refer again to S.I 6 of the Land 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).

Section 16, therefore, clearly does not supersede the provisions of the Forest Act and the Ministry of Forest

Act nor permit the Minister under the Land Act to withdraw Crown lands from disposition under the Forest

Act, disposition such as forest licences and cutting and road pen-nits.

[21] Furthermore, the present Forest Practices Code of British Columbia Act which came into force in June

1995, in particular s. 41 (6) and s. 32 of the Operational Planning Regulation pursuant to the Code provide that concerns about community watersheds be dealt with by persons applying for forest harvesting license to the satisfaction of the District forest manager.

[22] The result of the above is that the Minister acting under the Land Act has no administrative power over lands in Provincial forests (except for the specific exceptions set out in s. 5(5) of the Forest Act). Only the

Minister of Forests has that power. Specifically, there is no power under s. 16 of the Land Act to withdraw

Crown land from disposition by way of the forest harvesting licences or cutting or roads permits, even for the purpose of water reserves. Accordingly, the letter of Mr. Man- of June 26, 1973 did not have that effect legally.

This clearly defines that the Ministry of Forests is responsible to administer harvesting proposals under the current *Forest Practices Code of British Columbia Act* (FPC) within watershed reserves. The current process for harvesting proposals within community watersheds is directed by Section 41(6) of FPC, Operational Planning regulation 14 and guided by the Community Watershed Guidebook.

A watershed assessment entitled "Watershed Assessment (CWAP) for Elk, Dunville and Nevin Creeks, Chilliwack BC" was completed in May 2001 and is available upon request at the

Chilliwack District Office. The community watershed assessment is a requirement to be completed by a proponent of resource development in an established community watershed under the FPC. An Integrated Watershed Management Plan is not a requirement under current legislation.

I hope I have clarified your concerns on this matter.

Yours truly, G.L. (Jerry) Kennah, RPF, District Manager, Chilliwack Forest District.

March 14, 2002.

Attention: Jerry Kennah,
District Manager,
Ministry of Forests, Chilliwack.

Re: Harvesting proposals for Elk Creek Community Watershed Reserve

This is to inform you that our submission, regarding the application by Cattermole for harvesting in the Elk Creek watershed, which is a *Land Act*, Category One Community Watershed Reserve, is impossible to complete until next week. We are waiting for the opinion of the senior policy advisor regarding the status of the Community Watershed Reserves vis a vis the *Forest Practices Code Act*.

Our information indicates that the Community Watershed Reserves are subject to provision of policy and procedures under the *Land Act*. We believe this is confirmed by the rejection of previous logging plans for this area.

We refer to the Appendix of a joint Memorandum from Ministry of Lands, Parks and Housing, Water Management Branch and Ministry of Forests' Planning and Inventory Branch, dated June 27, 1985. The Appendix constituted a prioritized list of Land Act Community Watershed Reserves for Integrated Watershed Management Plans. In the "High Priority" category list were the three Watershed Reserves of the Chilliwack water supply system:

"#5. Elk/Dunville/Nevin Creeks - These are three adjacent Category 1 Community Watersheds that provide a major portion of the domestic water supply for Chilliwack. There has been no logging it for many years. MOF has recently proposed some logging and we have insisted that this be preceded by an IWMP."

As the logging plan of that time did not go forward, we are interested in determining on what basis a new logging plan is being considered at this time. As such, we are awaiting an opinion from the Ministry of Forests' legislative and policy advisor regarding the status of the Watershed Reserves with regard to the *Forest Practices Code*. Unfortunately, that opinion will not be available until the week of March 18th to the 22nd and our submission cannot be completed without this information. We have been pursuing this information, to no avail, since early February.

Based on the information we currently have about these Watershed Reserves, the harvesting proposals in the Elk Creek Watershed Reserve should be considered null and void, until the matter of the status is clear.

Yours truly, Will Koop, Coordinator, B.C. Tap Water Alliance.

April 10, 2002.

Will Koop,
Coordinator,
B.C. Tap Water Alliance.

Dear Will Koop,

I have been asked to respond to your letter, sent by fax to the executive of this ministry dated March 5, 2002, regarding planning issues in community watersheds. I have had staff review your concerns with colleagues in; Ministry of Sustainable Resource Management, Ministry of Water, Land and Air Protection, Land and Water British Columbia Inc. and Forest Practices Branch to ensure I provide you with a corporate response.

With regard to *Land Act* Section 16 Water Reserve (formerly Section 12), I note that although the area is so designated, the intent of this status is to preclude disposition of the Crown's interest in the land via a *Land Act* tenure without a referral to the government agency that holds the reserve. Forest management in these areas is not prohibited, nor constrained beyond the requirements of the *Forest Practices Code of British Columbia Act* (FPC).

The operational planning requirements that must be met for approval of forest development plans (FDPs) covering community watersheds are contained in the FPC and the Operational Planning Regulation. This legislation requires that any FDPs submitted for approval within an area designated as a community watershed under this legislation are to be consistent with any higher level plans for the area, and comply with the operational planning requirements of the FPC for community watersheds. The *Community Watershed Guidebook* also provides guidance regarding forest operations in these areas. The review and comment provisions of the FPC also apply to FDPs in these areas.

Regarding the status of integrated watershed management plans (IWMPs), the FPC and regulations have superseded previous legislation and other "policy" documents, guidelines and procedures, which were in existence prior to implementation of the FPC. In some cases, the content of these documents may have been incorporated into the FPC legislation or guidebooks. The FPC and related forest legislation provide the direction for the decisions of the statutory decision maker, and are the sole direction to be followed. IWMPs, like other local resource use plans prepared prior to implementation of the FPC, are not granted any legal standing in current forest legislation unless objectives relating to forest practices contained within them are declared higher level plans under the FPC. They could however, be a source information which may be considered by a statutory decision-maker.

The above constitutes the direction being taken within this region on this matter consistent with forest legislation.

Yours truly, Ken Collingwood, Regional Manager, Vancouver Forest Region.

April 16, 2002

Jerry Kennah,
District Manager,
Ministry of Forests,
Chilliwack Forest District.

Dear Jerry Kennah:

Re: Logging proposals in the Elk, Dunville & Nevin Watershed Reserves

This submission is in response to the Chilliwack Ministry of Forests' District Office public review and comment process regarding Cattermole's logging and road building proposals within the Elk Creek (Category One) Watershed Reserve.

The published deadline for public comments was March 14, 2002. However, due to the unsatisfactory explanation from your office about the status and proper administration of *Land Act* Community Watershed Reserves, we were forced to refer our questions to the Chief Forester's office, which we did immediately on the morning of March 5, 2002. This request for official clarification of proper administrative procedures from the Ministry of Forests' head office resulted in our submission being late. We brought this to the attention of your Chilliwack District Office. Finally, on the morning of April 5, 2002, we did receive a reply to the questions we forwarded to the Chief Forester's office, a two page faxed copy from the Ministry of Forests' Nanaimo Regional Manager Ken Collingwood. However, this reply was also not the information we had requested.

The focus of this submission is the apparent failure of the Ministries of Forests, Water, Land and Air Protection, and Sustainable Resource Management to initiate an Integrated Watershed Management Plan (IWMP) [footnote: "The last two Ministries were formerly designated as the Ministry of Environment, Lands and Parks, and are divided heirs to the protocol agreement for land use management planning processes for *Land Act* Community Watershed Reserves."]. This apparent oversight was compounded by the Ministry of Forests' failure to submit an application to Land and Water B.C. Inc. (LWBCI), with regard to logging and road building proposals within the Elk Creek Watershed Reserve, which is under the administration of the LWBCI.

We also attribute the same inconsistencies to the proposals to log in the adjacent Nevin and Dunville (Category 1) Watershed Reserves.

It is apparent from our enquiries that administrators with the Ministry of Forests, Ministry of Water, Land and Air Protection, and Ministry of Sustainable Resource Management at the District and Regional levels have either very little or no comprehension of *Land Act* Community Watershed Reserves. They also have little or no comprehension of the existing policy and procedures for Community Watershed Reserves designated under the *Land Act*. This information is publicly available on the Internet and the discovery that no one in your Ministry appears to know anything about these reserves is very disturbing. This bureaucratic amnesia has placed communities throughout British Columbia, which depend on them for community water supply, at significant risk.

STATUS OF THE ELK CREEK WATERSHED RESERVE

For your information Elk Creek is formally designated under the *Land Act* as a Community Watershed Reserve, as are Nevin and Dunville (formerly Dumville) Creeks. According to files with Land and Water B.C. Inc. (formerly B.C. Assets and Lands, formerly Ministry of Lands), the Elk Creek Category 1 (One) Watershed Reserve, is a *Land Act* Map Reserve (originally designated under Section 12) and registered under File 0326793 as Reserve No. 75295. Located in the New Westminster Water District, Elk, Dunville, and Nevin Creeks were assigned Watershed numbers 12a, 12b, and 12c, respectively.

The following historical references indicate that our concerns about necessary planning procedures are not simply idle speculation.

WHONNOCK LUMBER COMPANY APPLICATION DENIED

According to government files, the District Forester with the Ministry of Forests on Burrard Street in Vancouver sent out notices of proposed logging on August 26, 1976 requesting comments on Whonnock Lumber Company's (A04169) proposal to log within the Elk, Dunville and Nevin Map Reserves. The deadline for "just and valid objection to the development of the area proposed" was September 24, 1976.

On September 7, 1976, the Elk Creek Waterworks Company sent a letter to the Chief Engineer of the Water Investigations Branch, stating that:

"... not only would a logging operation in this area dirty the streams but would greatly reduce the amount of water available from these sources for many years. We are having Dayton and Knight, Consulting Engineers, look at this application and will have a letter of objection ready in about ten days."

As a result Water Investigations Branch forwarded a letter to the District Forester on September 14, 1976, stating that:

"it is strongly recommended that the proposed harvesting activities in this area not be allowed."

On September 16, 1976, the City of Chilliwack forwarded a letter to the Water Investigations Branch as well, stating that they had received a copy of the letter to the Branch from the Elk Creek Waterworks Co. Ltd.:

"The City shares Elk Creek Waterworks concern for the possible effects the logging of a portion of the watershed of their major water sources might have on both the quality and the quantity of the water used from these areas. This City trusts that your office will ensure that the potential problems are thoroughly investigated and that the interests of our citizens are protected."

On September 21, 1976, Dr. W. McInness, Medical Health Officer for the Upper Fraser Valley Health Unit in Chilliwack, also sent a letter to the Chief Engineer of the Water Investigations Branch, stating that:

“Logging in the watershed would have a serious detrimental effect on both the quality and quantity of water. Furthermore, construction of logging roads would provide access not only to loggers, but also to the public with the attendant danger of contamination of the water supply. We are opposed to logging in this watershed, and recommend that the watershed be left undisturbed in its natural state, in order to protect, and to ensure a continued water supply to the community.”

Copies of the Medical Health Officer’s letter were sent to the Elk Creek Waterworks and to the Regional Engineer in Surrey. Logging did not proceed at that time.

In subsequent years, on June 27, 1985, D.E. Reksten of the Ministry of Environment’s Water Management Branch, and J.D. Crover of the Ministry of Forests’ Planning and Inventory Branch, co-signed a memorandum addressed to Ministry of Environment Water Management Branch Director P.M. Brady, and to Ministry of Forests’ Planning & Inventory Branch Director F. Hegyi. Appended to the Memorandum of June 27, 1985, was a list of Land Act Community Watershed Reserves with separate categories of priority. In the “High Priority” category were the Watershed Reserves of the Elk Creek Waterworks Company:

“#5. Elk/Dunville/Nevin Creeks. These are three adjacent Category I Community Watersheds that provide a major portion of the domestic water supply for Chilliwack. There has been no logging in these watersheds for many years. M.O.F. has recently proposed some logging and we have insisted that this be preceded by an I.W.M.P.”

It should be noted that those more recent logging proposals also did not proceed.

YOUR LETTER OF FEBRUARY 28, 2002

With respect to the concerns put to you in our letter of February 25, 2002, in your letter of February 28, 2002, you provided us with three general statements:

- (a) “an Integrated Watershed Management Plan is not a requirement under current legislation, namely the Forest Practices Code Act;
- (b) that “the Ministry of Forests is responsible to administer harvesting proposals under the current Forest Practices Code of British Columbia Act (FPC) within watershed reserves. The current process for harvesting proposals within community watersheds is directed by Section 41(6) of FPC, Operational Planning regulation 14 and guided by the Community Watershed Guidebook”;
- (c) that a “community watershed assessment is a requirement to be completed by a proponent of resource development in an established community watershed under the FPC.”

With respect to item (a), it is apparent that the Policy and Procedures for *Land Act* Community Watershed Reserves is still in effect, and contrary to your statement, that IWMP processes are also still in effect. With respect to IWMP processes, Category 1 Reserves are to be provided “maximum protection”.

With respect to item (b), the protocol agreement between the former Ministry of Environment, Lands and Parks and the Ministry of Forests, stipulates that the two agencies are in effect jointly

responsible for conducting land use planning processes with regard to *Land Act* Community Watershed Reserves. According to the 1985 Memorandum, manpower limitations were the primary reason for this joint planning.

With respect to item (c), a question must be asked about the “Watershed Assessment” conducted for Elk, Nevin, and Dunville Creeks. Can (should) a watershed assessment substitute for an Integrated Watershed Management planning process within a *Land Act* Community Watershed Reserve? Watershed Advisory Committees, as identified under the 1996 *Forest Practices Code Act* Community Watersheds Guidelines document, do not equate with an intensive Integrated Watershed Management Plan process.

Furthermore, from my conversation with you on the morning of February 5th, I learned that you apparently failed to consult with senior government administrators on the question of the proper policy and procedures for *Land Act* Community Watershed Reserves, which we specifically requested in our letter. Rather, as you related in conversation, you relied on your personal interpretation of a decision by Justice Paris in 1997, which involved another Category 1 Community Watershed Reserve. When we requested “official clarification” on the matter of Community Watershed Reserves in our February 25, 2002 letter, we were not anticipating being referred to a court decision but rather to the Ministry’s documentation of their authority. We were seeking formal clarification from senior administrators in the Ministry of Forests.

If the Court Decision has indeed affected the *Land Act* Policy and Procedures, then you should have sought counsel from senior administrators in the Ministry of Forests and clarified this issue. This was not done. Hopefully, this is not the only proof of Ministry of Forests administrative authority within Community Watershed Reserves, which government intends to provide.

Since the application for logging in the Elk, Nevin, and Dunville Creeks in 1998, both the Ministries of Environment, Lands and Parks and Forests have failed to adhere to the proper procedures for Community Watershed Reserves, and failed to submit applications for land use with the designated authority over the Reserves, administrators of the *Land Act*. We would also remind you that you had previously been advised to undertake an IWMP for Elk, Nevin, and Dunville Creeks in 1985, all of which were under the “high priority” designation.

NO CLARIFICATION

Immediately after receiving the faxed copy of your letter on the morning of Tuesday, March 5th, we forwarded the correspondence, along with two simple questions, to the executive office of the Chief Forester for official clarification. In turn, the Chief Forester’s office rerouted our material to the Regional Ministry of Forests’ Nanaimo office. When we learned the following day about the fact that the correspondence had been forwarded to the Nanaimo Regional Office, I explained to the Chief Forester’s secretary that we had been previously unsuccessful with the Nanaimo Regional Office in determining policy and procedures for *Land Act* Watershed Reserves. The Chief Forester’s secretary then delivered a copy of our correspondence to the Ministry of Forests’ legislative and policy advisor, with whom we were finally in contact with on the afternoon of March 11th. According to the policy advisor, we were told that the Forest Practices Code Act overrules *Land Act* Community Watershed Reserves, or, at least that was the “impression” the administrator had of the Act’s provisions. Unfortunately, due to other pressing matters, we were informed we would have to wait the policy advisor’s assessment about the Elk Creek Watershed Reserve.

Although we waited over four weeks, ultimately we did not receive official confirmation supporting the substance of your statements to us with regard to the Land Act Community Watershed Reserves. Instead, we were supplied with the current policy “direction” in the Vancouver Forest Region. The question of Ministry of Forests’ authority still remains to be satisfactorily answered.

CONCLUSION

At issue here is something much deeper than which branch or ministry is the administrative authority in the community watersheds. Community Watershed Reserves represent the public’s trust because the protection of drinking water sources is fundamental to the health and well being of the public. To simply continue to ignore the procedures and requirements governing the Land Act Community Watershed Reserves is having a devastating effect on community water supplies and is eroding the public’s trust.

It is still our contention that the Ministry of Forest’s Chilliwack Office and the Vancouver Forest Region have ignored fundamental planning and referral procedures with respect to these designations. This latest application for logging in the three Community Watershed Reserves should therefore be considered null and void. The proposed plan should be rejected by your office until such time as your authority to approve forest development plans prior to the completion of an IWMP process can be demonstrated more convincingly than has been the case to date.

Yours truly, Will Koop, Coordinator, B.C. Tap Water Alliance.

cc. Chief Forester’s Office

April 22, 2002.

Will Koop,
B.C. Tap Water Alliance.

Dear Sir,

Thank you for your letter dated April 16th, 2002 in regards to the logging proposals in Elk, Dunville and Nevin watershed reserves.

It is unfortunate that we tend to disagree on the interpretation of the administration of the Land Act Community Watershed Reserves. I will consider your recent letter when I review all of the comments submitted in the 60 day review and comments process for Cattermole Timber’s amendment #3 2001- 2005 forest development plan.

Thank you again for bringing this matter to my attention.

Yours truly, G.L. (Jerry) Kennah, RPF, District Manager, Chilliwack Forest District.

Pc: Larry Pederson, Chief Forester, Forest Stewardship
Ken Collingwood, Regional Manager, Vancouver Forest Region

July 22, 2003

Kerry Grozier
District Manager
Chilliwack Forest District

Mr. Grozier,

Further to our submission of April 16, 2002, and our accompanying April 22, 2002 letter of response, we have reviewed your lengthy (70 page) rationale for decision to approve a Forest Development Plan proposed for the very small forested drainage, Elk Creek. We are aware that public submissions were overwhelmingly against this forest development plan and that as a result your office was under considerable pressure in this matter. Nevertheless, in spite of its unprecedented length and attention to detail, an extremely significant fact was overlooked in your July 7, 2003 *Rationale for My Decision on Cattermole Timber's 2001 to 2005 Forest Development Plan (FDP) Amendment #3 – Elk Creek Drainage*.

The Reason Why the Elk Creek Watershed Still Exists in an Undisturbed State

Since the creation of the Elk Creek Water Works Co. Ltd. (B.C. Gazette, 1905, page 2485) ninety-eight years ago, establishing Elk Creek as a drinking water supply source for the City of Chilliwack, the drainage has been protected from logging and development as a designated “watershed reserve” (Category One, *Land Act*, Community Watershed Reserve). This is not acknowledged nor described in your report. In this regard, we provided you with documentation outlining strong objections against logging in the mid-1970s and the basis for those objections (correspondence to the Forest Service Regional office by the previous provincial Water Investigations Branch, the Ministry of Health, the Township of Chilliwack, and the Regional District of Fraser-Cheam).

In addition, the documentation we supplied contained strict orders from the 1972-1980 Community Watersheds Task Force, under the directive of provincial Cabinet, which prohibited B.C. Hydro from placing a hydroelectric right-of-way through the neighbouring Dunville Creek watershed reserve (slightly greater in area than Elk Creek), for the same reasons. To quote:

“As indicated to you in a letter dated July 11, 1974 from Mr. B.E. Marr, Deputy Minister, Water Resources Service, the quality of water available from small community watersheds in the Province of British Columbia is of prime importance to the communities served by these sources. Therefore, it is the policy of the Water Resources Service to recommend against the alienation of crown lands in small community watersheds such as the Dunville Creek watershed, which has a drainage area of only 2.2 square miles measured upstream of the intake works.

We have reviewed the available information regarding your appeal and recommend that permission not be granted for the construction of the road and B.C. Hydro power line on crown land located within the Dunville Creek watershed.” (J.D. Watts, Chief, Planning and Surveys Division, to Viola Southgate, Chilliwack, B.C., November 21, 1975.)

The Elk Creek Watershed Reserve

The significance of this provincial *Land Act* watershed reserve (Reserve file #326793) was not discussed, or even referred to, in your above-mentioned Rationale report, although the reserve is designated as such on your official maps (confirmed with one of your staff on the afternoon of July 15, 2003), and confirmed as being properly registered on government legal reference maps. **Given, also, the historical consensus of both provincial and local government authorities, that logging in Elk Creek should not occur based on its status as a community watershed, we consider this omission to be a serious error.**

You do make reference to a “water reserve” in section One, *My Legal Authority as a Statutory Decision Maker*, but that should not be equated as a “watershed reserve”. The “water” reserve you refer to would be the annual water volume reserved under license for the Chilliwack Township. The “watershed” reserve that we are referring to is an area-based reserve over the drainage and is designated for the purpose of protecting community water supplies. Watershed reserves are identified in the Lands Manual (Volume 3, Chapter 3.8, Section 3.8.0200, Community Watershed Reserves). Elk Creek is listed as a “watershed reserve” and further defined as a Category One Watershed Reserve in Section 2.2 (g). Under this definition, as agreed to by the (1972-1980) inter-ministerial Community Watersheds Task Force, on which the Ministry of Forests among others sat, Category One Reserves were to be provided “maximum protection”:

“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.” (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.)

“The table points out that Category I watersheds alone should be protected to the highest level.” (C.J. Keenan, Senior Hydraulic Engineer, Planning Section, Water Investigations Branch, to J.D. Watts, Chief, Water Investigations Branch, May 10, 1979.)

“Forestry. Not to be carried out under any circumstances in Category I watersheds.” (W. Hubbard, Biologist, Ministry of Lands, Parks and Housing, to W.R. Redel, Deputy Minister of Lands, Parks and Housing, March 21, 1979.)

If indeed you meant to refer to the “watershed” and not the “water” reserve, the historical, well documented consensus about Category One Watershed Reserves being provided “maximum protection” would make your related statement contained in the same paragraph that “forest management in these areas is not prohibited”, factually incorrect.

In 2002, the Chilliwack District office, the Vancouver Forest Regional office in Nanaimo, and the Chief Foresters office all received numerous letters on this matter from the B.C. Tap Water Alliance. This material was also posted on our website for the benefit of the public. Since your arrival as the new District Manager, I have spoken at length with you summarizing our concerns; the significance of the “reserve” designation; and our interpretation of the significant shortcomings

of the 1997 Justice Paris Decision involving another Category One Watershed Reserve. The matter has received serious attention from senior government administrators, yet, as we have witnessed for many years, the Ministry of Forests continues to ignore the status of the Land Act community watershed reserves and government simply looks the other way. The historical pattern of pragmatism with regard to due process is reflected in the complete absence of information about the Elk Creek “watershed reserve” in your Rationale for Decision of 2003.

Given the information we have provided to you and your office, we require a specific response from you on the following two questions:

- 1. Why did you not specifically acknowledge and comment on the significance of the community “watershed reserve” designation on the Elk Creek drainage?**
- 2. Why has the Elk Creek watershed reserve #0326793 been included in the timber harvesting land base of the Chilliwack District’s determination of the Allowable Annual Cut and under whose authority, since logging was not permitted in the past?**

Sincerely, Will Koop, Coordinator.

cc. Larry Pedersen, Chief Forester
Ken Collingwood, Regional Ministry of Forests Manager, Nanaimo
Hon. Joyce Murray, Minister of Water, Land and Air Protection
Hon. Stan Hagan, Minister of Sustainable Resource Management
John Cuthbert, Acting Chairman, Forest Practices Board, and Board Members
Township of Chilliwack
Chilliwack Times

July 25, 2003.

To Will Koop, Coordinator,
B.C. Tap Water Alliance

Dear Will Koop:

Thank you for your July 22, 2003 letter regarding Elk Creek.

I have responded to your concerns in the previous correspondence. To answer your specific questions:

1. The status of the land in the Elk Creek area was considered in my decision to approve Cattermole Timber’s Forest Development Plan.
2. The Allowable Annual Cut for the Fraser Timber Supply Area was determined by our Chief Forester and is a matter of record.

If you have any further questions please contact Doug Campbell, Tenures Officer, at this office.

Yours truly, Kerry Grozier, District Manager, Chilliwack Forest District.

November 12, 2003.

Hon. Barry Penner,
MLA, Chilliwack-Kent.

RE: Elk Creek Watershed Reserve

Mr. Penner,

I am writing on behalf of the B.C. Tap Water Alliance concerning your recent appearance on November 7, 2003 at a press conference where you debated with Joe Foy, spokesperson with the Western Canada Wilderness Committee, about logging in the Elk Creek Category One Watershed Reserve, as covered on television, radio, and in newspapers. As you know, Elk Creek is situated in the electoral boundaries of your Constituency.

We are concerned that you apparently believe the Western Canada Wilderness Committee members, the Greater Chilliwack community supporters, and the Cheam First Nation should be condemned for their public opposition and the resulting protests against logging in Elk Creek. We firmly believe that your condemnation is more appropriately directed toward the Ministry of Forests' Chief Forester, the Vancouver Regional Manager in Nanaimo, and the Chilliwack District Manager in this matter. These administrators were responsible for precipitating public unrest by permitting Cattermole Timber to log within the boundaries of the Elk Creek Watershed Reserve. We believe that our point of view in this matter is central to the present circumstances. We are therefore providing you with a copy of all our correspondence records with the Ministry of Forests regarding this controversial issue.

The Elk Creek watershed has been a source of domestic water supply for the City of Chilliwack since 1905, and is the only reason why the area was not previously logged. In 1976, two years after the watershed became a Section 12 (now Section 16) *Land Act* Category One Map Reserve in 1974 by a government Task Force, Interfor's predecessor, the Whonnock Lumber Company, registered an application with the Forest Service to log in Elk Creek. The application should have been immediately refused, but it wasn't. In 1974, when B.C. Hydro applied to log a right-of-way for its proposed transmission line through an adjoining watershed, the Dunville Creek *Land Act* Category One Watershed Reserve, another domestic water source for Chilliwack City, the government's Water Resources Service rejected the application in 1975.

Due to the highly sensitive nature of Whonnock's application, the Upper Fraser Valley Health Unit, the City of Chilliwack, the Regional District of Fraser-Cheam, the Elk Creek Waterworks Company, and the Water Resources Service demanded the Forest Service reject the application. As a result, logging did not occur. However, this did not prevent the Ministry of Forests from later wrongfully including the Elk Creek Watershed Reserve in the Chief Forester's determination of the Allowable Annual Cut, which is the root of the present controversy. Elk Creek, and the adjacent Nevin and Dunville Creeks, should never have been included in Cattermole Timber's Chart Area.

The attributes of Watershed Reserves are their importance for preserving forest stands to maintain the highest form of water quality and quantity, and for the preservation of ecosystem functions, including critical wildlife habitat. This dual function of protecting water supply and as ecosystem refuge from commercial activities was recognized and acknowledged over eighty years ago by Provincial Health Officers who were responsible for establishing Game Reserves in the Greater Vancouver watersheds under the former Game Protection Act. The importance of Elk Creek in terms of its present attributes, surrounded by a sea of clearcut forest management, cannot be underestimated. This is why hundreds of letters opposed to logging of Elk Creek were sent to the Ministry of Forests Chilliwack District office during the public review process in 2002-2003. The District Manager chose not to honour the public or the Cheam First Nation, making a mockery of the public participation process.

We do not know why the Ministry of Forests was allowed to include these Watershed Reserves in the AAC during the first Timber Supply Review in 1994. We are therefore requesting that you review our correspondence on this matter with a view to investigating why these Reserves were incorporated into the AAC.

Please do not hesitate if you require clarification, further documentation or assistance in reviewing this information,

Sincerely, Will Koop, Coordinator.

Cc. Joe Foy, Western Canada Wilderness Committee
Cheam First Nation, Chilliwack
Stolo Tribal Council
Chilliwack Progress
Chilliwack Times

November 18, 2003.

To: Will Koop,
B.C. Tap Water Alliance.

Dear Will:

Re: Elk Creek

Thank you for your letter dated November 12, 2003 regarding logging in the Elk Creek area.

I would like to take this opportunity to clarify that water from Elk Creek was not potable before logging began earlier this year and is not used as a drinking water source by the City of Chilliwack. In fact, it was decommissioned as a source of drinking water after an outbreak of cryptosporidium in 1997.

I am also informed by the City that the possible use of water from Elk Creek in the event of a major catastrophic emergency (e.g. earthquake) would not include drinking water, but instead be limited to fighting fires, etc. The water would not be potable.

Thank you for taking the time to contact my office regarding this issue.

Sincerely, Berry Penner, MLA (Chilliwack-Kent)

P.S. The selective harvesting in 5 per cent of the Elk Creek area is now complete.