

**A TRANSCRIPT OF TESTIMONY
BY BC MINISTRY OF FORESTS'
SUNSHINE COAST DISTRICT MANAGER
GREG HEMPHILL, CONVENED AT
THE SUNSHINE COAST REGIONAL DISTRICT'S
BOARD OF HEALTH HEARINGS,
AUGUST 8, 2007**



**Transcribed by Will Koop,
Coordinator, B.C. Tap Water Alliance
August 19, 2007**

Transcript backgrounder

This 44-page long transcript (with images, maps, etc.) was completed on August 19, 2007 by Will Koop, Coordinator, BC Tap Water Alliance, from a video tape made of the entire Health Board proceedings regarding a public complaint against Western Forest Products logging in the Chapman Creek Watershed Reserve. The five days of the proceedings were held on July 23, 24, August 8, 9, and 10, 2007.

There were only a few occasions in the audio where it was difficult to hear spoken words in the proceedings, indicated as such in the transcript as “_____”. A note of caution: this transcript may have the occasional error in it. However, much time was devoted to a careful scrutiny transcription, with a final edit where the complete proceedings were listened to as a double check. Grammatical errors in the transcript made during the Hearing were kept intact.

Mr. Hemphill’s two hour-long appearance before the Board of Health on the morning and afternoon of August 8, 2007 was significant, simply because it has been singularly difficult for the Sunshine Coast Regional District and its concerned public to have a key decision making representative from the Ministry of Forests to answer relevant questions about logging in the SCRDR’s drinking watersheds (refer to the BC Tap Water Alliance website for more information on the SCRDR’s ongoing concerns over its watersheds, www.alternatives.com/bctwa, under the heading “Community Watershed Issues”). As was stated during the Hearings, the Board had to “subpoena” Mr. Hemphill for him to appear. That is why this transcript was chosen as first in line. More transcripts, or key segments from witness presenters, are to follow in the near future.

Because Mr. Hemphill’s appearance on August 8, 2007 was preceded by hearing dates of July 23 and July 24, 2007, the reader may be, or will not be, familiar with stated references and issues raised during those hearing dates. These facts and issues will be presented on the BC Tap Water Alliance website toward the end of August, and into September, 2007, in order to bring the information to the interested reader. That set of information will be accompanied by references to newspaper articles and, eventually, a descriptive report by the author summarizing the unfolding of events and characters involved since June 2007, and how this Board of Health Hearing relates to the forty year period the SCRDR has continually struggled to protect its drinking watershed.

The Sunshine Coast Regional District, as a provincial water purveyor, became a Board of Health under Section 38 of the *Health Act* following a complaint of a health hazard by local residents on June 22, 2007, regarding recent road building and proposed logging activities by Western Forest Products Inc. in the Chapman Creek Watershed Reserve. After the Hearings, the Board of Health issued a conditional Stop Work Order against Western Forest Products on August 11, 2007. Western Forest Products has logged within an unknown number of community and domestic watersheds along coastal British Columbia.

Transcript abbreviations and Board of Health participants

The following abbreviations refer to members of the Health Board and the witness. Other abbreviated references are also explained.



Sunshine Coast Regional District (SCRD) Health Board members

ES – Ed Steeves – Board of Health Chair, Chair of the SCRD, Sechelt District Councillor

DS – Donna Shugar – Area D – Roberts Creek representative, and SCRD vice-chair

BJ – Barry Janyk – Mayor of Gibsons

LT – Lee Turnbull – Area F – West Howe Sound representative

GN – Gerry Nohr – Area B – Halfmoon Bay representative

JR – John Rees – Area A – Egmont/Pender Harbour representative

LL – Lorne Lewis – Area E – Elphinstone representative

JF – John France, SCRD Chief Administrative Officer

Hearing Witness

GH – Greg Hemphill – Ministry of Forests District Manager, Sunshine Coast



Reports, Processes

IWMP – Integrated Watershed Management Plan – Draft planning document for the Chapman and Gray Creeks Watershed Reserves conducted by the Ministry of Forests and the Ministry of Environment from 1990 to 1998. The IWMP was never approved by the SCR.D.

Legislation

FRPA – Forest and Range Practices Act

The Code – The Forest Practices Code Act

Community Forest – The new forest tenures established since the late 1990s, which now include logging in drinking watersheds

TRANSCRIPT – AUGUST 8, 2007

GH - You'll have to excuse me for all the information here. I'm using these binders for reference. I've also brought a copy for the Board's interest. It's the same material. I can enter it into evidence.

ES – You can give it to Joan Harvey.

GH – I didn't bring a formal presentation. We consider ourselves neutral in the process. I'll introduce myself and highlight some of the information in the binders that are provided to the Board. Most of the information has already been provided in different forms to the Board. It is not consolidated.

My name is Greg Hemphill. I am the District Manager for the Sunshine Coast Forest District, provincial Ministry of Forests. District Managers have a number of roles in the management of the forest and range lands of BC. I would expect questions would relate specifically to our statutory role in terms of improving forest development. I came here in 1993 as District Manager. Shortly after that the *Forest Practices Code* came in – the forest practices come under the forces of law.

Two references binders. Basically, one provides the background basically of Western's cutting permit, which the complaint is specifically about. There has been a number of requests for information from SCR D's staff, and we've documented the requests in the information provided, so it's all in one place. The second binder, the thicker binder, is copies of the various assessments done on the watershed, and professional reliance is a big part of our processes there, and I'm sure it is here for the Board as well. There is actually six different professional assessments that have done in the watershed. There was one going back to June Ryder and Associates did a terrain analysis. EBA Engineering Consultants in December of 2000 did a Community Watershed Assessment process for Chapman. EBA Engineering Consultants also did an update for that Community Watershed Assessment in July of 2006. You are familiar with the Triton Environmental Consultants Ltd. Source to Tap Assessment that was done in July of 2006. In July of 2007, Bauman Engineering did an assessment of cutblock WC-043. And lastly, Triton Environmental Consultants in July did a review opinion of logging activities in the Chapman Creek watershed. I have copies of various assessments, and that's why I'm here for your interest there.

So, one of the things I talked about was, actually there has been a fair amount of evolution in provincial agency mandates. I know in the request for me to appear, there was some inquiries about land tenures. *Land Act* tenures are actually administered by the Ministry of Agriculture and Lands. And I did pass on a contact person, and briefed her on the possibility there would be questions related to Watershed Reserves. Obviously, land use planning is Integrated Land Management Branch. Generally out of those processes, any land use decisions would go to Cabinet. They certainly wouldn't be made at our level there.

Current land status obviously of Chapman is Provincial, or a good part of it is Provincial Forest. It is in the Timber Supply Area. And, actually in terms of timber supply, in the last Timber Supply Review, the IWMP constraints were modeled in that process. So, it's fairly highly constrained there.

There has been a number of the staff inquiries were related to the private forest land, and as you know there is the *Private Managed Forest Land Act*, and the contact there is the Private Managed Forest Land Council. I believe that contact has been made there.

Obviously, the *Drinking Water Protection Act*. We have just gone through that process. That was new to us. Of course, that is the Vancouver Coastal Health Authority, who has a mandate through that process. Basically, the same complaint, that I believe, that was determined was made by both the Drinking Water Officer and the Provincial Health Officer.

One of our roles, obviously, after the plan approvals and the permitting process is compliance monitoring. Our staff have monitored the harvesting. They were there during road building, and I expect they will have conducted another inspection of the harvesting activities here. I understand the Regional District is also conducting an independent assessment. We are certainly looking forward to seeing the results of that assessment.

I probably won't keep on going here. I'll leave it to questions from the Panel, if that's appropriate.

ES – Questions to Mr. Hemphill. John (Rees).

JR – Thank you Mr. Hemphill. I have a couple of different type questions here. I wonder if you haven't mentioned, but since you are here I'd like to have the opportunity to ask you, what is a designated Community Watershed, and what significance does it have as far as the logging industry is concerned, and what protection does it have from the Province of BC?

GH – The actual designations are something that occurred when the *Forest Practices Code* came in. Some of the legislation referred specific to protection of watersheds referred to designated community watersheds. At the time it was Ministry of Environment, Lands and Parks, Water Management Branch. They went through a process of designating Community Watersheds. There are parameters for what qualifies as a designated Community Watershed, and there is a number on the Sunshine Coast, there would be thirty plus, something like that. So, basically, it's a functioning water supply, as opposed to just a creek with a single water permit on it. Now, in designating them under the *Code*, a number of specific requirements kicked in around assessing and prescribing that development, which would occur in a designated community watershed. That is where the Community Watershed Assessment process is actually formed from there. There are a number of guidebooks that were attached to that process that help guide activities that would occur in those watersheds there. So, that's the background there. Basically, they were in the prescriptive *Forest Practices Code*, there was additional constraints placed on harvesting in Community Watersheds there.

JR – So does that mean that the – Mr. Chair, if it's okay – does that mean that Chapman Creek is actually one of the designated Community Watersheds?

GH – That's correct. Both Chapman and Gray Creeks.

JR – And, McNeil and Waugh.

GH – Yes. Some of the names are different in the designations. Most of the Regional District’s watersheds would be designated.

JR – So, my question is then, if this term, designated community watershed, has any teeth, then has logging restrictions been considered in the application of this particular license?

GH – Well ... you are talking about the ...

JR – Restrictions.

GH – Well, there is additional restrictions by the requirements in the professional assessment there. That’s the Community Watershed Assessment process, and the update that was done. The company is required to follow those recommendations that come from the professional assessment.

JR – And that would have been included in Western Forest Products’ application to you.

GH – That’s correct. So this development was a bit unique in that went through both the *Forest Practice’s Code* process under a Forest Development Plan, and then also went through review under the Forest Stewardship Plan, wherein we have gone through a shift in legislation from the *Forest Practices Code* to the *Forest and Range Practices Act*.

ES – Gerry.

GN – Could you just give me some clarification on a couple of things. Who is the driving force behind the *Forest Practices Code*, the change to it?

GH – Well, that would be the provincial government, its legislation, so the *Forest and Range Practices Act*. It was actually in the works for a number of years. I guess the history of this is that the *Forest Practices Code* came into play in 1995, and definitely was needed at the time. As we went along, compliance levels were very high. It was viewed as really prescriptive. A lot of the energy was in the up front review and prescription, and I think there was a view of the government of the day that we needed to streamline some of the bureaucratic side of it, and also get our foresters back out in the forest. So we moved into or developed more of a results-base regime. That took place. The development of *FRPA* took about five years carried forward from the previous government to the current one.

GN – You said you had six studies done on Chapman Creek and you relied on professional reliance. How would these people be selected?

GH – A lot of it is educational background, but most of these companies function in that nest there. So that actual consulting community that conducts this type of work is fairly narrow, and the companies are well known. It’s actually the poorest companies that hire those consultants. You know, I cited the assessments there. Two of those assessments were from the Regional District. It’s the same sort of the process that you would do some diligence in terms of who is out there doing this type of work, and whether they have an expertise in that field.

GN – Some of the complaints that are coming in are challenging the professionalism of the consultants, and how they do their consulting. So, I guess my next question clarifies some concerns. An assessment based on the findings from the last consultant, is that how they are done, or are they done independently from each other.

GH – Well, they ... I mean if they are going to sign it, they would be doing their own diligence in terms of what level of assessment needs to take place there. Those parameters would be understood in terms of when they present their findings there. Just as everybody else, if there are questions from a decision making body, or a decision maker, if there are questions about the methodology, or questions about whether the language they are using, basically they would have to answer to that. I am assuming in terms of the consultants that prepared the Community Watershed Assessments, generally they are quite willing to appear and describe their work there. That's usually the process there.

GN – Thank you. One last question. You said that there would be people from your office monitoring what is going on in the watershed.

GH – That's correct.

GN – I would just like to know how frequent that is.

GH – I'll talk in general terms. (Groaning and mumbling again from the audience.)

ES – Excuse me for a second. We've had respect all through our meetings here. (To the audience) Please keep that respect for everybody that basically makes a presentation. Thank you.

GH - We have a compliance and enforcement section, and they have obviously do monitoring and activities across the District, and different activities and their inspection plan is based on a risk model. So, I would assume, based on the values in play as far as Chapman Creek, the inspecting frequency would be higher on this operation there, and they would also target certain activities, like road building would be more high risk then some other cases of development there. And then obviously if there is public complaints, which we have had in this case, then we would do the inspection forthwith there.

ES – Okay. Donna, Barry, and then Lee.

DS – Thank you. I have a number of questions. I don't have to ask all of them at once. I can take turns. A lot of has been said about changes in forest practice between the activity in the Chapman that caused a lot of damage and required a lot of restoration, and now. So, could you describe, fairly specifically, what changes have taken place, what is the difference between forest practice now and forest practices when the damage was done previously?

GH – Well, I think the last substantial logging that occurred in the Chapman was probably 20-25 years ago. There was no legislative, or legal, framework for forest practices. So, the main change occurred in 1995 when the *Forest Practices Code* was brought in with a whole set of regulatory standards, everything from cutblock size to planning, to referrals, to public involvement. Previous to that, none of that was a requirement in legislation. So, that's the major change. I mean, the *Code*

brought forth a wholesale list of requirements, much of that based on the planning process. So, those operational plans and prescriptions went through a thorough review process. There were a number of assessments that were required. There was also a component of the *Code* for strategic planning. So, there was in the case of the Chapman, is a good example, there was a landscape unit planning, which sets aside representative old growth. We talked a little bit about the community watershed process and the designations that occurred there, and the requirement for professional assessment of the condition of the watersheds. Those are, I guess, some of the highlights of things that would have changed in that process there. I mean, I can't really speak to the decisions that were made 25 years ago. Obviously, I don't think I would defend the practices that were occurring back then, and the government of the day acted in terms of putting in far more restrictive legislation there.

DS – So, just to get quite specific. We still clearcut. Correct? We clearcut back then, we clearcut now.

GH – Yes. We still clearcut. But not in all situations.

DS – Has that changed?

GH - I think it has changed quite a bit. I think – and this is where you get into a debate of terms – but most companies have some sort of variable retention regime. Our harvest prescription process is based on ecosystem management, and mimicking the natural disturbances there. In some ecosystems it's appropriate to clearcut, and in others it's not. That is the professional realm. They have to justify the prescription that has been put in place for those areas there.

DS – And, as far as stream protection. What kinds, what do we have there as far as protecting streams?

GH – Actually, that's a good one. *The Forest Practices Code*, when it was brought in, all streams went through a classification process. Different classes of streams had different reserves and management zones.

DS – But the *Code* doesn't apply anymore.

GH – The *Code* ... well in some cases it does. There are still a number of permits out there that were grouped under the *Code*. And that will carry on for a couple of years. But, the *Forest and Range Practices Act*, the expectation is that the professionals will do the same level of due diligence. The government is not going to prescribe and set the requirement there for individual prescriptions there.

DS – So, what happens if they don't?

GH – Then they don't ... I mean they are subject to all the same issues around enforcement, review, and all those sorts of things there.

DS – So, does the professional who has made this evaluation, and is responsible, are they held accountable?

GH – They are. Yes.

DS – What is the accountability for that process?

GH – I mean, the company is held accountability through legislation. But the professional associations also have an accountability associated with their work there. So, both the Association of BC Professional Foresters, the Association of Engineers, the whole gamut there. There is a process to follow through, similar to your field, in terms of approving the development of buildings, and that sort of stuff. There is an accountability that goes with the engineering drawings, and those types of things there.

ES – Barry.

BJ – Mr. Chair. Greg. Good morning. Good to see you here. Unfortunately, we had to subpoena you to get you to attend. But it's nice to see you.



GH – I can speak to that.

BJ – Would you please.

GH – Yes. If you look at the correspondence that was sent to the Ministry of Forests by the Health Board, there was no indication that we were being requested to present. We didn't consider ourselves an affected party in this, since the local Health Board is, in effect, acting on the Province's behalf in undertaking a process under the *Health Act*. The *Health Act* is not certainly, normally, within our purview. I understand that the local Health Board is doing an investigation that relates to forestry there. Also, obviously, the health professionals had already made determinations on the same complaint under the *Drinking Water Protection Act*. So, I guess, given that information, we certainly, although we would like to avoid situations where it is a little fuzzy between process and politics, the main reason was we weren't an affected party in the process.

BJ – Well, hopefully I can help to change your mind on that. And, perhaps I could ... I have a number of questions ... I will certainly take my turn in queue. Greg, I would like to quote, I have a quote here for you. The first one is from a letter to Paul Martiquet, the local Medical Health Officer. It is dated June 29th (2007), and it's from P.R. Kendall, the Provincial Health Officer. And the quote says:

This opinion is based on my understanding that a professional hydrologist working for both Western Forest Products and the SCRD has concluded that the current proposed forest harvesting activity will not result on deleterious impact on the drinking water source, and therefore there is no threat to drinking water that may result in a drinking water health hazard.

Then, I go on to quote from a letter, with your name on it, and someone signed it on your behalf, and that's to our Chair, Ed Steeves, dated July 20th (2007). And it says:

The current investigation by the local Board of Health appears to be a duplication of a recent review by the Provincial Health Officer of the Ministry of Health. The attached letter of June 29th from the Provincial Health Officer notes that professional hydrologists working for both Western Forest Products Inc., and the Sunshine Coast Regional District, have concluded that the proposed forest activity will not result in a deleterious impact on drinking water and therefore there is no threat to drinking water that may result in a drinking water health hazard.

Amazing similarity. It's almost like ministerial collusion. Could you tell me who those hydrologists were?

GH – Well, first of all, I think the letter refers to the determination of the Provincial Health Officer, and we erroneously took his information that it was a hydrologist, and repeated that in our letter. We've since in writing to the local Health Board corrected that. And, I don't know if you've seen that.

BJ – No. So, in other words, both you and the Provincial Health Officer based their conclusions on our consultants, and those of Western Forest Products, who you assumed were professional hydrologists.

GH – No. That's not correct. We were quoting the determination made by the Provincial Health Officer.

BJ – Okay. So you are saying it's the Provincial Health Officer who made the erroneous statement.

GH – Yah, in relation to whether it was a hydrologist or not. We have since become aware that it wasn't a hydrologist and corrected that statement in our letter.

BJ – Okay. I'll look forward to seeing that. Thank you Mr. Chair.

ES – Lee.

LT – Mr. Hemphill. Nice to see you again. You've listed a number of expert reports here. I haven't actually got a copy of all of them. I'd love to get a copy of them. I guess my concern is that I'm not an expert, and I can't decide whether that's sufficient. We have a problem here, Mr. Hemphill. We have a lot of people sitting here, and probably each person here knows at least three others who don't actually want to trust those expert reports. You can see the problem that we have here.



GH – Welcome to my world. I mean, in setting yourself up as a Board who is going to do a determination under this legislation, you have to decide, weigh the evidence, in terms of what weight you give to different information that comes forward there. And, you know, professional reliance is a part of, as you know, part of your job outside of forestry issues. The same thing applies

to forestry there. At some point, if you are going to hire professionals, credible professionals, then you have to give a certain amount of trust. That doesn't mean that you accept that blindly. But, if you have concerns with those reports, certainly you can poke and prod. And also, if you feel that there is something that they missed, you can follow up with requests for more information. It's good to seek out different consultants if you get married to one in particular. Perhaps there's others in the field that have different perspectives. But that is the realm that we are in as administrative decision makers there. That's not to say that other input that's received from the public, or from referral agencies, or ministry representatives, is not of value. It's just that at some point, in terms of the technical side of it, you need to rely on some of it. You may rely on your staff. It's a range of things – there's no silver bullet, in terms of this is a person that can give you the right answer. You have to use your judgment in terms of weighing the information that comes forward.

LT – I guess my concern is that 20 years down the road, we won't have taken the right measurement, we will be looking at damage that hasn't been predicted, as we are now looking at damage in our watershed. I guess my concern – I read in the Triton report, there is 'no guarantee', as we look on the last page, that these expert reports are reliable. And, I think that is what I am looking for. I am looking for complete reliability, not that there should be no concern. And, I think that the people who are sitting here are looking for that similar level of predictability. It seems to me that that would be something that should be of concern, when we are looking to see if whether there is a health hazard, is what might be happening when we are not knowing them.

GH – Yah, I think that word you use, predictability, is a good one. There is no absolutes. And if you are getting advice from folks that give absolute answers, they are probably not professional in nature there. They quantify risk, and decisions are risk-based decisions. You are not going to get a professional to say there is absolutely, never, no whatever. It's the same when you deal with engineers, with buildings that deal with structures, like bridges, and stuff like that. They are careful with how they write their reports. I don't know if you followed up with EBA, but I'm sure that is what they would tell you.

LT – So, the way to get complete reliability, that we won't be having more damage to the watershed than we already do, is not to do any logging.

GH – Well. But it's not just logging. It's not to do anything, right? I mean, logging, if you looked across the spectrum of risk, you may be quite a way down the list there. So, do you keep people out? You know, it doesn't end. So, like I say, there is no absolute here.

LT – Except, we are talking about specifically logging, that is what we are here to discuss.

GH – We are. But that is what you are going to get. You are going to get reports on what is a reasonable level of risk, and what is the evidence, the best available information you have today, what is that telling you. And you are taking on the role of making an objective decision based on the information that has come forward there.

LT – But you agree there may be quite a number of tests available if it appears that may show there would be some damage that we can't perhaps pick up by the tests you have reviewed today.

ES – Okay. Lorne.

LL – I take off from where Lee was going with this. And on risk, what Western (Forest Products) said was initially that there was a low to moderate risk in logging in the old growth watershed here. And, for a water system that is supposed to last, how many years, how long do you estimate our water system is supposed to last?

GH – Actually, you would probably be in a better situation to answer that question, in terms of your infrastructure and growth. But I'm assuming that the investment that you have made that you are hoping this Chapman system will be a key part of your water infrastructure out into the future. I don't think there is any plan – you can correct me if I am wrong – but I am not aware of another plan to replace Chapman as a key water supply on the lower Sunshine Coast.

LL – So, perhaps then, subject to any risk at all, is really quite not wise.

GH – Well, I don't think that you can make those types of determinations. That's not the way business is done. Whether its water, whether its traffic, or whether it's the whole gamut there. There is no absolutes there.

LL – Yah, I understand that, but you've also just confirmed what we feel here, is that there is no variability in the supply of water. That's our supply of water, so we don't want to mess with it in terms of logging, turbidity, destruction of ecosystem. I think you can see that issue.

GH – So, but related to the local Health Board's role here, in terms of the *Health Act*. There seems to be a bit of an expansion of the discussion beyond just whether there is a health risk or not.

LL – And I would say that how long does a health risk go on for? Can you comment on that?

GH – Well, I can't. I mean I rely on professionals to tell me. Our mandate is not public health. We have health professionals that have roles, whether under the Drinking Water Protection Act, or whether its under the Health Act, and you look to those professionals to give you that advice.

LL – And you've already mentioned the reliability of professionals, the reliance on professionals here. Clearly what they were relying on something that goes on their short lifetime, whereas the water system is likely to go on for a thousand years.

ES – Okay, Donna.

[A few seconds of the video is missing t this point]

DS – ... what we get when we authorize development of a certain kind. And, I believe it is our practice to acquire a certain level of guarantee of a certain percentage of risk that is signed off by geotechnical engineers. And I did notice in some of the reports that there were disclaimers at the end, “no warrantee or guarantee, expressed or implied, is made concerning the results, comments and recommendations to any portion of this report”. It isn't exactly the same as what we require, we do require a level of assurance from professionals who do geotechnical and other forms of reports. But I want to take a different line here.

GH – So, but on that point. The same professional association. I think it is an appropriate question to put back to the folks that write the report, or the association, in terms of what is different here. If you are getting that level of certainty with development permits, why isn't that applied in terms of forestry activity.

DS – That's a good question, and I think we should pursue that. So, going on a different direction. There's been no logging in this watershed for some time. Why is that? Has there been a moratorium? Has there been something formal? Why is it happening now, and it hasn't happened for, what, twenty years?

GH – Well, as you know, a big chunk of the watershed, watersheds, were harvested fairly heavily back, probably, in the 80s. So, to a certain extent, they would have had difficulty under the *Code* getting approvals, for the remaining area that had adjacency, or those sorts of things. Much of the watershed is actually second growth timber that has come up, and it would have been too young for any harvesting there. So, that is probably part of it. Part of it is probably economics. When companies make decisions within the Timber Supply Area as to whether they put their operations in – obviously they want to make some money. And third, there is probably public pressure. Certainly, if they can, I think forest companies would avoid areas of conflict there. What that does, is put more pressure on some other areas of the TSA. But, I think those are probably the three main reasons there.

DS – So is the pressure also coming from the fact that this license is about to expire?

GH – I wouldn't think so. Not if you are talking a 20-year time frame. That wasn't the pressure point. For timber licenses specifically, that is a pressure point in terms of the license expiring and the requirement to get an extension. If they weren't finished their operations by the time the license expired there, there is a process to seek an extension from the Regional Manager. It's been extended, I believe until April of 2008.

ES – John.

JR – Thank you Mr. Chair. I'm still trying to figure out what exactly you do. In being District Manager, and with this particular application, could you not recommend a species retention, or old growth retention? Do you have that kind of authority?

GH – We do. It's no longer with our Ministry. But, under the *Forest Practices Code*, the Strategic Planning side of it, there is a landscape unit planning process that we did do jointly with the Ministry of Environment. There was targets for old growth retention. And that plan was done, I don't know, five or six years ago. Chapman was one of the first units done in the Province. So we have authorities under that structure. In terms of broader land use decisions, like to take Chapman out of the Provincial Forest, obviously it would probably take place either through a land use



Photo taken on July 29, 2007 by Will Koop from a fixed wing aircraft showing the old growth red cedar forest in middle top of photo. Note the bottom portion of this stand of old growth, where clearcut logging was begun by Western Forest Products on cutblocks WC043 after the Sunshine Coast Regional District Board of Health asked the company on July 24th to voluntarily stop logging. This is a very steep slope of about a 45 degree angle, or what foresters would describe as a 90 degree slope. Note the old gully landslide areas just below. This area was identified in the Integrated Watershed Management Plan in the 1990s as protected old growth.

planning exercise, or a position of Cabinet. And the District Manager would not have that authority. That's not part of our role.

JR – But, you probably know that there are many people around here that are shocked and concerned about cutting what is estimated to be one thousand year old trees that are being cut. So, what kind of an impact would you have had with the issuing of a license, and knowing that those trees were there? And you said there had been some structure five or six years ago not to cut old growth trees. So, what's happening?

GH – Well, we've set aside areas that must remain untouched. Which doesn't mean, they just hop from piece to piece. We witnessed during the time, to abide with the best candidates, for old growth

retention in each ecosystem. So, in saying there is a patch of old growth that is being cut in this current cutting permit, there is also a patch of old growth that is being retained for all time in the

Old growth red cedars in cutblock WC043. Photo taken by Will Koop on July 29, 2007.



same area. For the Board, if the issues, if there is an interest in old growth, I can certainly give you a copy, or point you to a copy of that landscape unit plan which is now in the evolution of ministries. It is now under Integrated Land Management Branch there.

JR – Thank you for that. My last question. According to the Western Forest Products’ presentation we had, they have held this license since 1980?

GH – I would have to look. I probably have it in my notes. Off the top of my head I wouldn’t say that.

JR – And the control part that I am having trouble with, and I can’t understand, from 1958 there weren’t actually any studies done in this area. You said, by your figures of the year 2000, there has

been in this era six studies. So, what would have happened with this license that they held since 1958, and paid whatever the costs are for upholding their license, if one of those studies were to show that it is not practical to log in that area?

GH – I mean, we are talking about different eras. But, certainly, under forest practices under the *Code*, if the recommendations of the watershed assessment were that it shouldn't be logged, then it wouldn't have been approved.

JR – It wouldn't have been approved. What would have happened to their license that they paid on since 1958?

GH – Well, the license doesn't ... it recognizes there are restrictions on forest management there. It doesn't guarantee that you can, it no longer guarantees that you can cut every stick of mature timber right up to the boundaries of that license there. They have to follow the current standards of the day. So, of the timber license, if there's still lots of timber remaining in this timber license there, if you look at the cutting permit maps, you would see that this is selected out of a broader area of forest that dips over into the watershed there.

ES – Lorne.

LL – Under the topic the timber licenses expiring, and that's the reason for this being on. How much money is it in for MOF for having these trees harvested?

GH – The money isn't to MOF. The money is to provincial revenues there.

LL – Is the MOF a branch of the provincial government?

GH – They are. It is money that goes to general revenue. So you ask. I don't have it in front of me how much revenue is expected to be produced from this cutting permit. But I can find that information.

LL – I think everybody in this room would like to hear that.

ES – Okay. Barry. I think this will be the last question and I'll think we'll take a break.

BJ – This is a question along the same lines Greg, if you don't mind. There are three or four questions in this. But, what exactly is a Timber License?

GH – Timber Licenses are an historical tenure. There is no more Timber Licenses being granted. They are an area-based license which grants exclusive harvest rights to mature timber within that timber license there. So, it's not a replaceable license that operates in the Timber Supply Area. It's a specific area with rights to mature timber have been granted to a particular company there. Once that harvesting has taken place, and it's been reforested, it reverts to the Crown.

BJ – It is my understanding that this was initially purchased by MacMillan Bloedel in 1951. That is my understanding. But that it transferred from M&B to Cascadia Forest Products. Are you aware of that?

GH – Well, they would have gone through the process of transfer from, I guess, MacMillan Bloedel to Cascadia to Western Forest Products.

BJ – So you were aware of that?

GH – Yes.

BJ – Is the Ministry involved in that transfer?

GH – There is some timing involved because originally there was a license transfer process that required statutory decision of the Minister. And, at some point the legislation was changed, such that there was a notification process, instead of a transfer decision process.

BJ – And then again, in May of 2006, it transferred from Cascadia on a purchase, so it wasn't just an internal, it was a purchase from Cascadia to Western Forest Products. I would assume that that TL0707 was approved by the Ministry, that sale would have been approved by the Ministry?

GH – I believe the legislation would have changed by then, so that's another one I would have to check specifically. The legislation was changed so that notification was required, but no transfer approval was required. That acquisition involved a number of tenures across the Coast, so you get into the realm of the Competition Council, and a number of other bodies.

BJ – So, am I to assume that the Ministry of Forests had no say in the transfer of the sale from Cascadia to Western?

GH – I would have to confirm whether or not the Minister, who has the discretion to get involved in those transfers, whether he made a statutory decision in that regard.

BJ - So, could you provide that for us? Thankyou. Mr. Chair.

ES – Lee. You've got the last question before we break.

LT – We've talked a lot about the reports, and EBA, and Baumann. They seem, apparently, to talk mostly about water quality. We've had quite a number of presentations here where there was concern about water quantity. And we do have an issue here with summer quantity. During peak periods, we have had talks with Ministry of Fisheries about that. And I'm wondering what studies were done with respect to the protection of the water quantity.

GH – I couldn't answer that. I'm sure the Regional District has done some studies. I know going back to the Integrated Watershed Management Plan, timing of flows and the quantity of water was a factor in that planning process as well. The focus, certainly the focus of this hearing, most of the assessments is on water quality, but certainly if there was development proposed of a size that it would impact timing and flows that would show up in a consultant's report there.

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WC-043 is WITHIN the Chapman Community Watershed

GEOGRAPHIC MIDPOINT:
 Latitude: **49° 30' 59"**
 Longitude: **123° 38' 09"**

**T07
07B**

WC-043P
Standing Stem

See the "Soils" section on the reverse side of the Harvest Instructions

RIBBON COLOUR GUIDE

BOUNDARY DEFINED	COLOR
Unit Boundary	Blue (no labels)
Fishing Boundary	Orange (with labels)
Road Location	Red (with labels)
Forest Management Zone (SMZ)	Yellow (with labels)
Stream	Blue and white (with labels)
Water Channels, Roads and other lines	May be Yellow, Pink, or other colors

MAP DATA

Scale: 1:50,000
 Date: 2007
 Author: [Name]
 Checked by: [Name]

LEGEND

Water	Blue
Stream	Blue and white
Water Channel	Blue
Road	Red
Forest Management Zone (SMZ)	Yellow
Unit Boundary	Blue
Fishing Boundary	Orange
Standing Stem	Yellow
Other	Various colors

SIGNATURE BLOCK

This HP meets Standard Operating Procedures.

[Signature]
 AREA TEAM SIGNATURE DATE: June 15, 07

I have reviewed and will implement this HP.

[Signature]
 PRODUCTIVITY TEAM SIGNATURE DATE: June 15, 07

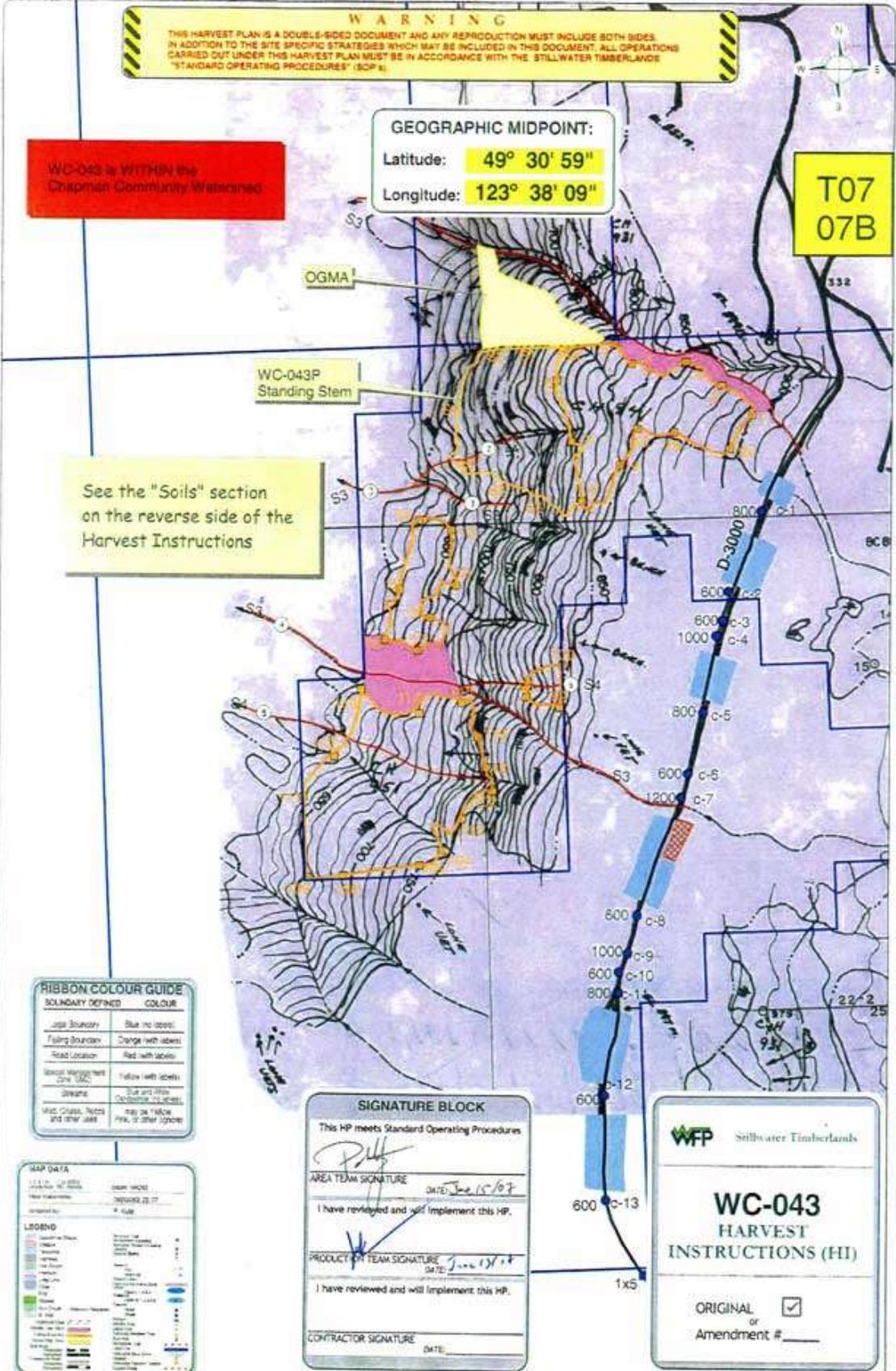
I have reviewed and will implement this HP.

CONTRACTOR SIGNATURE DATE: _____

WFP Stillwater Timberlands

**WC-043
HARVEST
INSTRUCTIONS (HI)**

ORIGINAL or Amendment # _____



WARNING
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SIGNATURE BLOCK

This HP meets Standard Operating Procedures

[Signature]
AREA TEAM SIGNATURE DATE: June 12/02

I have reviewed and will implement this HP.

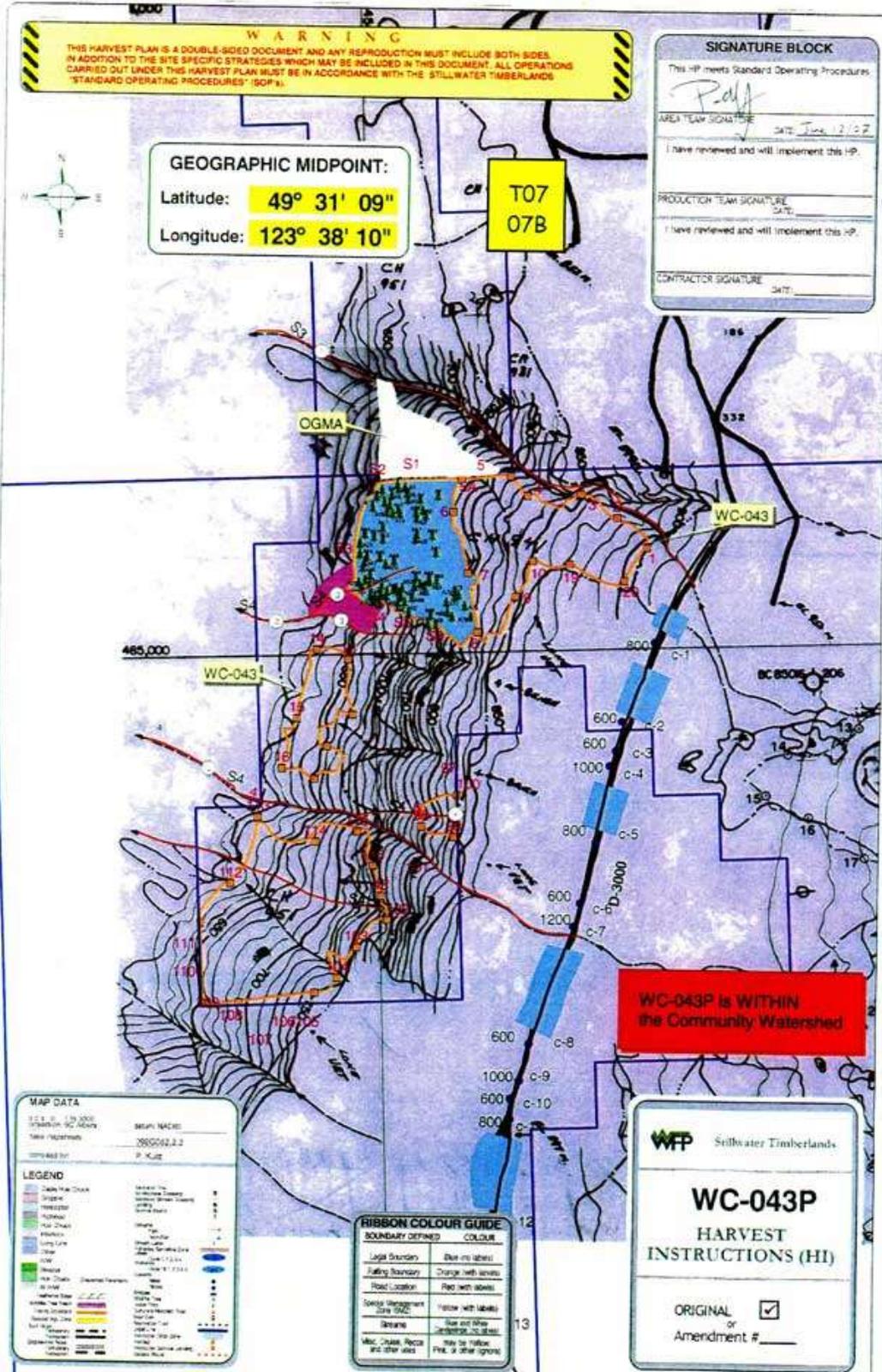
PRODUCTION TEAM SIGNATURE DATE: _____

I have reviewed and will implement this HP.

CONTRACTOR SIGNATURE DATE: _____

GEOGRAPHIC MIDPOINT:
 Latitude: **49° 31' 09"**
 Longitude: **123° 38' 10"**

**T07
07B**



**WC-043P is WITHIN
the Community Watershed**

MAP DATA

S.C.S.D. 1:50,000
 373660N, 9C, 400m
 Data: 2885042.2.2
 P. Kutz

LEGEND

State Park	Water
Forest	Wetland
Highway	Stream
Local Road	Drainage
Boundary	...
...	...

RIBBON COLOUR GUIDE

BOUNDARY DEFINED	COLOR
Legal Boundary	Blue with labels
Utility Boundary	Orange with labels
Road Location	Red with labels
Species Management Zone (SMZ)	Yellow with labels
Setback	Blue and other (dependent on SMZ)
Misc. Chase, Refuge and other uses	May be yellow, blue, or other (ignore)

WFP Stillwater Timberlands

**WC-043P
HARVEST
INSTRUCTIONS (HI)**

ORIGINAL
 or
 Amendment # _____

ES – John. Did you have a question?

JF – No, I don't have a question, Mr. Chair. But we do have a map for the Board to consider. It is simply information that we have received, and you may have some questions. Again, just for you to receive it in the Minutes.

ES – Okay. We are going to receive a bunch of this stuff at the end anyway.

JF – Okay. You may have some questions that arise out of the map for Mr. Hemphill.

ES - Mr. Hemphill, could we ask you stay around, because we are going to take a few minutes to convene.

ES – Okay. The first order of business we are going to do is for us to receive a draft copy of the map that was given to the District at the break (by Greg Hemphill), and a motion by the Board to receive. Second, all in favour, carried. Motion carried. What we are going to ask you, Mr. Hemphill, to look at the map and maybe just verify material on it, that you can help us out here. Okay Mr. Hemphill, can you look at it and say what is right and what is wrong.



SCRD's legal counsel inspecting the map presented to the Health Board by Hemphill.

GH – All my staff have had an ongoing, back and forth with Regional District staff preparing this map. And I was just talking to Judy and _____, there are still issues with the map in terms of the labeling. And generally, the areas are right, but there is pieces, there is a debate as to whether they are private or Crown. The map shows Interfor operating area on a couple of pieces, and some is Interfor, what was given up in the timber reallocation process.

BJ – To whom?

GH – I'd have to look. Some of it probably went to the Community Forest. I'd have to check closely. So, my staff I guess have been going through this, and I guess that's why they call it a draft map there. And the labeling, I guess, is a little confusing for us, the labeling of the timber licenses. I'm not sure what that's intended to show.

BJ – Where is that Mr. Hemphill?

GH – In the unallocated elimination stands, and it shows an age there.

JR – Mr. Hemphill. The BCTS operating areas, does that mean that BC Timber Sales will allocate those areas to a logging company?

GH – No. Uh, well. What we have in the Timber Supply Area is basically a collective unit that runs across the District there, and within that unit there is a number of licensees that have volume based tenures there. And we go through a process, and trying to allocate that timber on a fair and equitable basis, both in terms of location and volume there. This is one of the operating areas that has been assigned to BC Timber Sales there. In regards to your question, they could choose to propose development in that area and in the future, they have already stated in their Forest Stewardship Plan. They have no plans in there for the life of their plan which is for five years. So, they have no plans to develop that area.

ES – Donna.

DS – Something that is not on this map, and that is an interest to me. In the IWMP, you know in 1998, there was a forest ecosystem networks that were marked, and a terrain zone. And, I just wondered if the blocks that we are currently discussing were inside any of those areas – do you know?

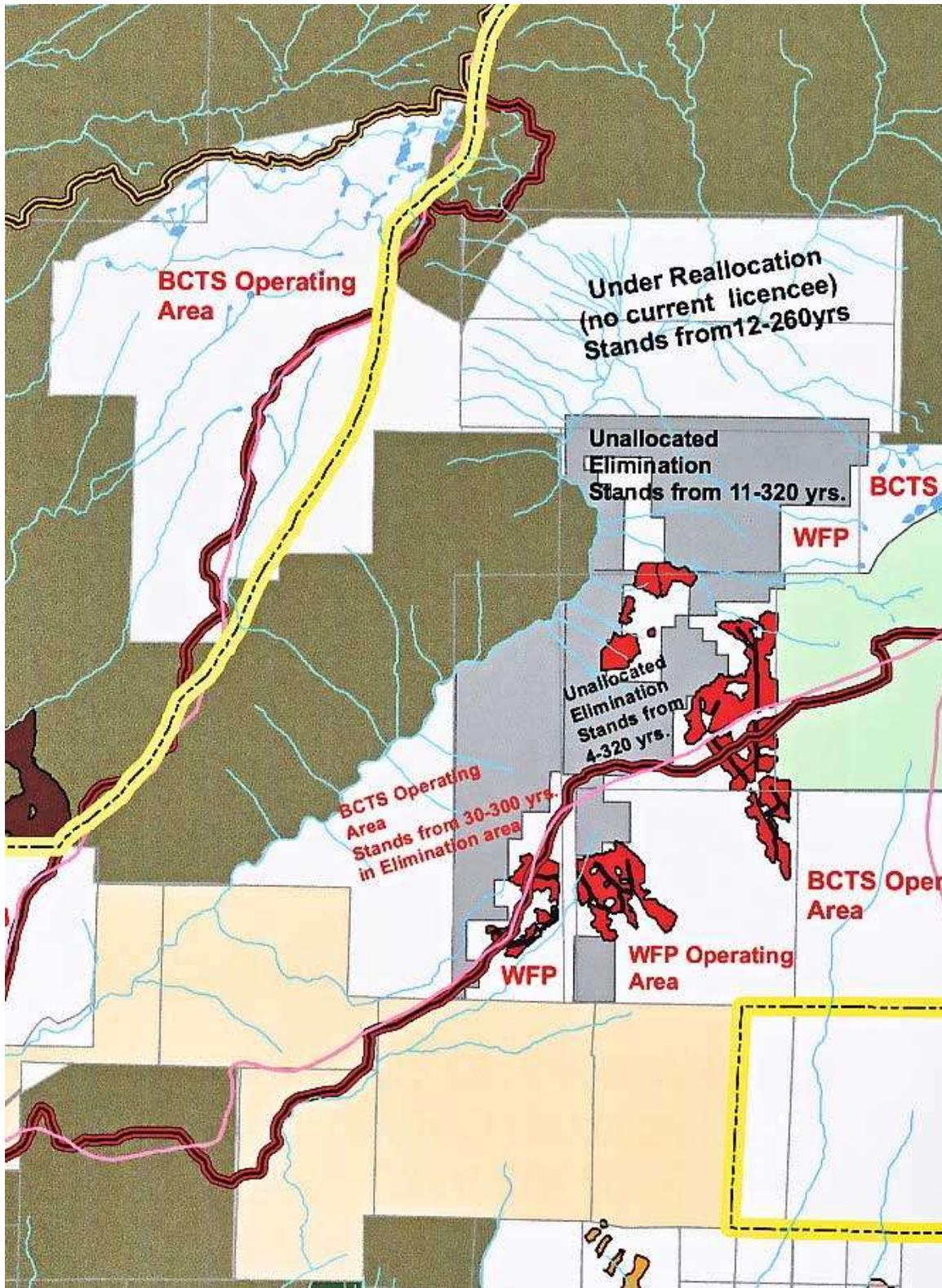
GH – I would have to refer back to the plan. I believe the original planning under the FDP, the company referenced the IWMP.

DS – Is that something you could look into and back to me?

GH – Yes. I could do that and report that.

DS – Thank you.

ES – Okay. Any other questions.



Section of the Hemphill Map. The dark red shaded areas are Western Forest Products cutblocks, and the red line shows the Chapman Reserve boundary. The darker green shaded area is the Community Forest tenure area which the SCRD public opposed.

GH – I have a copy of the draft there. If somebody wants to go back in history.

DS – I do have a copy, and I have it here, and I have the map, but it's vague to me, I'm not clear on the bit that's an overlap.

GH – The company. I don't know if they already appeared, or not, but they may be able to verify that and prepare a presentation on that.

ES – Okay. Questions to Mr. Hemphill. It's the map part, to verify those. Does the Board have any more questions? Lorne.

LL – Not relating to the map.

ES – Okay.

LL – Just going back to what I remarked on, Mr. Hemphill, the security of the water supply here. What is the nature of a Watershed Reserve, in your view? If I could just tell you where I'm going here. Are you responsible for your own water supply, where you live at home, or does your community supply it to you?

GH – Well, the City where I live, the City of Powell River, has a designated community watershed.

LL – So then, you'd understand if there was some threat to the water supply in Powell River, it might well concern you.

GH – Exactly. Actually in Powell River, they have an approved IWMP.

LL – And so, you are very fortunate. What is the nature, then, of a Watershed Reserve in your view?

GH – Well, as I indicated when I came here, I don't claim to ... we are not the regulatory agency for *Land Act* Tenures, which Watershed Reserves are one of those. Previously, the Ministry of Environment, Lands and Parks, Water Management Branch. So, when the issue comes up we obviously consult with them. The issue comes up every few years. And the question is do Watershed Reserves preclude forest management activities. So that question is asked and answered on a regular basis. And it's been tested in the Courts previously. And I suspect the Regional District's sought advice on that as well. I mean, we take advice from both our Ministry and the Attorney General, and the other resource agencies in terms of anything to do with Watershed Reserves there. I am not looking to answer your question directly, because I don't claim to be an expert in terms of policy, or legal interpretation around those Reserves there. What we do seek is advice when the issue is raised by other parties, when we are doing planning. There is Watershed Reserves across the Province, across the Coast. Some of them have not been actively held. Some of them, like the Chapman, are key community water supplies.

ES – Donna, and then Barry.

DS – In the reports that have been done so far, have any of them specifically addressed the issue of health?

GH – I would have to look through those individual reports again. I mean, I'm presuming when you talk about health, you are talking about water quality. So, in that regard, they have. Now, water quality in the tap, that's a different one. When we are talking about public health essentially we are talking about water quality at the tap, and I know the Regional District tests water every month. Actually, the best evidence is probably the results of the water testing there. That's the most direct you can test before, after, during any activity in determining if there is any adverse effects there. Staff would be more up on that.

ES – Okay. Barry is next, then John, then Lee.

BJ – Just as an adjunct to that question, Greg. What I would be looking for is how did the apparent consulting experts address the risk to the health of the community water supply, given the fact that the Provincial Health Officer is himself confused on the use of expert opinion. That would be an aspect of that question, so when you do ask staff, I would be looking for how the experts address that question.

GH – Um, yah. If you have some issues with the public official, such as the Provincial Health Officer, then you should direct questions to that person.

BJ – We certainly will.

GH – And certainly, when it comes to public health, both the Provincial Health Officer and the local Health Officer, and the Drinking Water Protection Officer, or Drinking Water Officers, they would be the professionals to consult with.

BJ – The only reason I mention him Greg is because you based your decision to not investigate any further based on his decision, which was made on false information, or erroneous information. That's why I brought it up.

GH – That's not what we ... there was no decision not to follow up. We were pointing out that the determination had already been made by the Provincial Health Officer.

BJ – That's right.

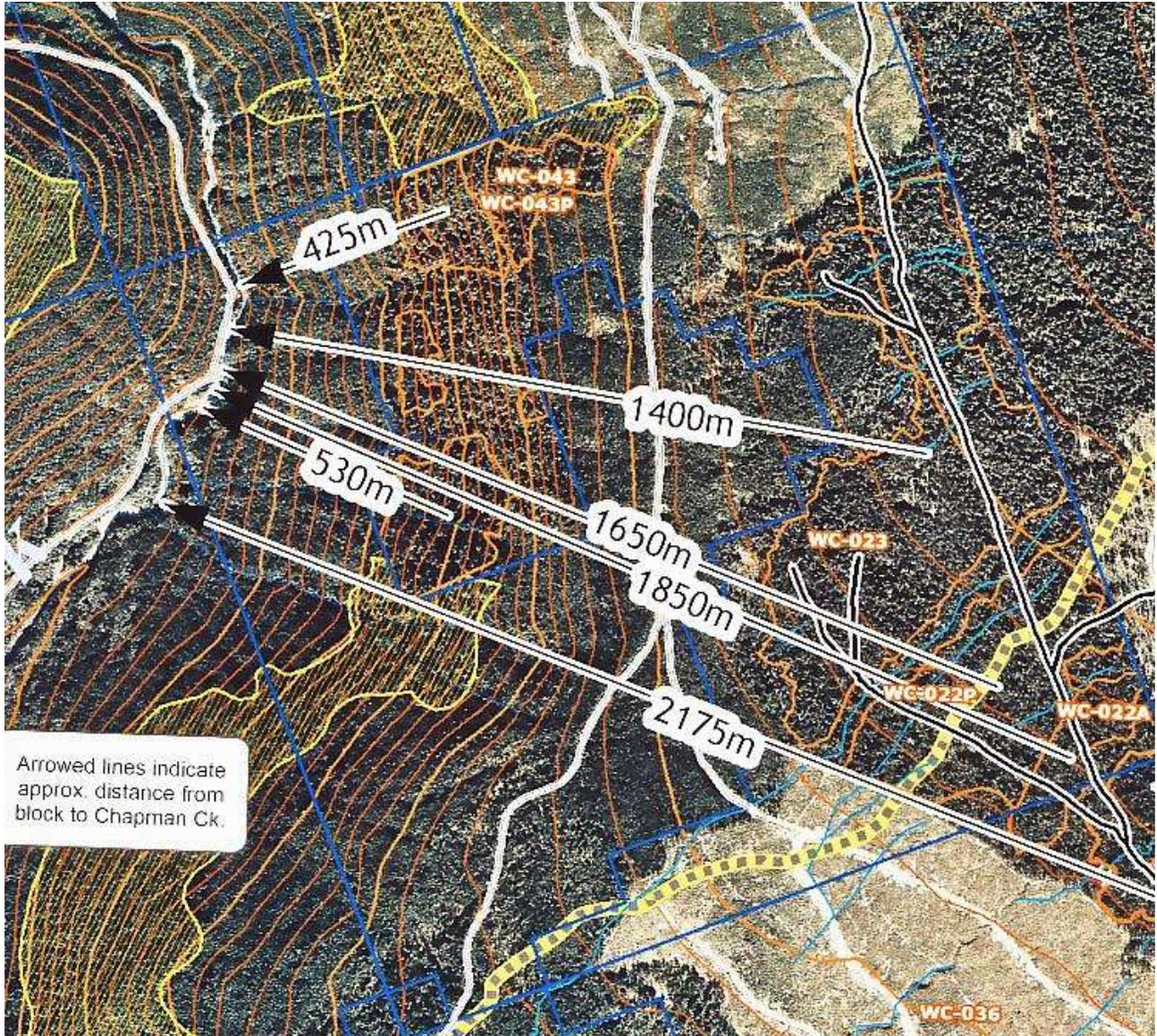
GH – As also was a determination made on the forest development.

BJ – But you based your decision on the public health officer's comments, which were erroneous, correct?

GH – No. We based our decision on the plans and assessments that were in front of us at the time of the decision.

BJ – Okay. I will ignore the quote from the letter. I have another question. Are you aware of the submission of the SCRD to the Cascadia Forest Products firm in March of 2006? You've referred to

public consultation. And, we did take part, as a Board, in that, and I have the letter to Cascadia Forest Products, West Islands Timberlands, March 14th, where the SCRD clearly states its opposition to harvesting activities in the Chapman watershed.



Segment from a map provided to the Board of Health from Western Forest Products. It shows, at the top middle, helicopter cutblocks WC043, outlined in orange. Note the yellow colored boundaries above and below WC043, the old growth management areas. Previously, the old growth management areas were connected where Western's logging operations are located. WC023, in the bottom right corner, is Western's cutblock in the 1,000 year old yellow cedar stand forest.

GH – I’m aware of that. All public and referral agency comments are presented as part of the package that comes forward with the company.

BJ – Now, how can you explain your actions despite accepting the fact that a level of government, which is us, which has been provided a previous responsibility by the provincial government in providing drinking water, and how can you explain the fact that neither the Ministry of Forests, Cascadia Forest Products, nor its apparent successor, Western Forest Products, did not even bother to respond to the Regional District’s concerns?



Photo taken on July 29, 2007, by Will Koop in helicopter cutblock WC043. Logging of old growth red cedar forest on extremely steep slope. The trees here, were felled across a small, active stream, shortly after when the SCR D Board of Health asked Western Forest Products not to log in the Chapman Watershed Reserve.

GH – Well, I can't comment upon whether or not we responded at the time. Now, the Board has had a long health view that it is opposed to any harvesting in any watershed, in a community watershed, or Watershed Reserve. So, it's not just Chapman. So, that's like a position that the Board has taken. In order to enact a position like that, you would, from the provincial government, you would need a change in land use. And, you know, there is a process to work with government to make that happen there.

BJ – I want to refer to a letter, which I will give to the Chair, from the then Minister George Abbott, who was the Minister of Community, Aboriginal and Women Services, it was dated October the 1st, 2001, it was sent to the then Chair, Don Murray and the Board. And in this letter Minister Abbott says:

I am glad we have had the opportunity to discuss the desire for the control of your water supply in Chapman Creek. I understand your concerns about the approval of logging activity in the watershed, and I am prepared to work with the Regional District to address these concerns. As noted in our meeting, I cannot give you a substantive response about the approved logging, or the issue of local control for your water supply since the approval for these activities rests with the Ministry of Forests, and the Ministry of Air, Land and Water, respectively.

GH – Yah. If you are talking about the local control aspect, that decision does not lie with the Ministry of Forests, that decision rests with the provincial government, most likely Cabinet.

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----- Tenure Inquiry ----- TASSA17 --
Tenure Type: RESERVE/NOTATION      File No   : 0326774   Status    : ACTIVE
Subtype    : MAP RESERVE (SEC. 12  Dated     : 19750722  Expires   : 99990722
Document No: 75296                 Region    : 2           OIC No.   :
Purpose    : MISC LAND USES        Mortgage  : NO          Assigned  :
Subpurpose : WATERSHED RESERVE     Per Gross : NO          Cancelled :
Location   : CHAPMAN CREEK        Royalty   : NO          Reinstate :
Planned    : NO                    Purch Opt : NO          Rent      :
Land Type  : UPLAND                Former SUP: NO          Owing     :          .00
Water Type : NOT FOUND            SUP File  :           Cut Lic   : NO
Waterbody  :                      CLA Project:         Clearing  : NO
Area Ha    : .00000000            CLA Subpurp:         Security  :
Length km  : .00                  Next Review: 19950722
* Land Value : 0                  Old L.Value: 0
Rev Code   :                      Rev Reason : DEV/MGT PLAN
Fenf Req   :
Client Name: MINISTRY OF ENVIRONMENT, LANDS AND PARKS
Telephone  : 604 5848822          Client File:

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PF1=Work  PF2=Account  PF4=Clients  PF5=Parcels  PF6=Notas
PF7=GST Inq  PF8=Define  PF9=Help  PF10=Rent  PF11=Exit  PF12=Prev

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The *Land Act* Watershed Reserve tenure for Chapman Creek.

BJ – So the Minister was incorrect?

GH – No. I think if you read that again, he referred to that as well as the development approvals which does rest with the Ministry of Forests.

BJ – Well, we haven't had a lot of consultations since they came in October of 2001, have we?

GH – In terms of what?

BJ – Control over the local watershed.

GH – Well, I can't answer what efforts have been made by the Regional District with the provincial authorities there, at a political level. I mean, that is the question you would have in terms of whether there is a political solution. That is a little bit outside the purview of this health hearing. But we certainly separate ourselves from the political aspect.

ES – Okay. John.

JR – Thank you Mr. Chair. Mr. Hemphill. You are a forester, are you not?

GH – No I'm not. I am a forest technician.

JR – Forest technician. We don't often have folks here to give us free advice on the forests. So, I would like to ask. You talked about water at the tap. Does that mean to say that logging can cause problems, but normally you allow it in a watershed, because then it can be treated?

GH – No. That's not correct.

JR – Okay. So what would happen in a watershed that didn't have water treatment?

GH – Well, I think you folks have the expertise there in terms of natural issues with the Chapman water. We know the source, and we also know that you have a fairly steep banked Creek there. The history has been one of natural turbidity there. So, without proper treatment I think the problem has been one of cloudy water. I mean, all I am taking is the information that has been provided from the Regional District.

JR – I just want to ask you one last question. Maybe you can give me an opinion on it, because you must, throughout your career and various duties, you must have come across this quite often. In your opinion, would any reduction in the canopy have any effect on drinking water at the intake?

GH – Well, I think that the crux of the community watershed assessment process is tied to hydrology, of interception from canopies of different age classes. That is the crux of those assessments there. And in each sub-drainage, if there is a certain level of disturbance then you increase the risk of naturally-induced sediment, and of timing flows change, and those kinds of things.

JR – Water temperature?

GH – Water temperature is an issue, not just with the drinking watersheds, but some of the other watersheds as well.

JR – What for?

GH – For fish, obviously.

JR – What is a good water temperature, 15 degrees celcius?

GH – I have no idea.

ES – Lee.

LT – The question was asked to what extent to report more specifically is considered health impacts. You mentioned that it would be our water quality tests, that the Regional District would use. It seems to me that these would be measuring the damage after the fact. Is that how the case is, and so is the results-based practice that you are using.

GH – What I believe is correct is that Regional District staff test the water after various points in the delivery system, not just at the tap. And they have been doing that for some time. So you would have information, historical information, you could tell if the water was improving as a result of treatment, you could tell if the water was being degraded as a result, presumably, the impacts would be fairly immediate. So, you have the ability to look at that information, and to determine if you got, basically right now, whether you got any issues. You could accelerate the frequency of water testing, you could do water testing closer to the site. So, there is lots of avenues to pursue with that regard if you are concerned about the specifics and the cause and effect. But I don't think this is something you would, say, have to wait ten years or five years or whatever.

LT – We would be measuring after the impact of the logging, is what I was saying.

GH – You are measuring it right now, as you have been for some time.

LT – So what you are suggesting is that we wait until after the damage was done, to measure it, to see if there has been some damage.

GH – As you are probably aware from the *Drinking Water Protection Act*, and probably the *Health Act*, there is powers and interventions for you, if there is any evidence that there is an impact. You wouldn't have to wait for a number of years for those sorts of things. There is Drinking Water Officers and powers of intervention there.

ES – Donna.

DS – I guess they don't have the power to put back a stream side that has eroded, or things of that nature - it is mitigated after. So, if I understand correctly, I want to just follow up on John's question about, if there is no treatment plant there is a lot of dependence from what I hear you saying on the treatment plant, that if we did not have a treatment plant to depend on would that change any of the permitting process?

GH – No. My decisions don't rely on the fact that you have a treatment plant. I don't know, I would have to check with the professionals who do the assessments, but I don't believe their assessment is based on the notion that the water is going to be treated there. The assessment is based on the water that is produced from that watershed there.

DS – So, if I understand how we have gone on in the last few minutes you will be getting back to us with some comments about how health has been addressed in the reports and assessments that have been used to base the logging plans on.

GH – If you wish me to get back to you on that I will. You will have a copy of the assessments there already. I can do some follow-up.

DS – Thank you. So, I just want to talk a little bit about the change in vegetation. When we have logging in the coniferous trees, or moved, or end up being replaced by the deciduous process, and the impact that leaf drop has on water. How can that be mitigated before treatment? I'm talking about source protection, because now treatment isn't the only thing we look at, it's a multi-barrier approach to water quality. And, there are issues with deciduous leaf drop and the impact on water quality. So, how can, if you clearcut an area, and you have a succession of deciduous trees, how can that be mitigated?

GH – I don't think there is any intention for these areas to be planted back to deciduous there. I think that's a natural occurrence of deciduous in watersheds particularly along riparian areas is a problem in a lot of watersheds. I'm not an expert in that. Certainly these area the sorts of things you want some advice from hydrologists, and also I presume also this type of stuff would show up in your water quality testing. I do know there are some trials in watersheds where they are actually removing alder from riparian areas to assist in that regard there.

DS – So, that would be up to us to do, or is that part of the planning involved in these particular cutblocks? What is the strategy that is going to be adopted to address the potential problem there?

GH – I'm not sure if you are talking about the potential problem between the harvesting that is permitted or whether you are talking about the watershed in general.

DS – I'm saying that there is some harvesting that is permitted, and following that there will be the development of deciduous growth.

GH – A minor component.

DS – A minor component. So how do you make it a minor component? Is that a strategy that is being applied, or what is the plan?

GH – That is – and I'm sure Western can speak to this – but that is a part of their strategy in terms of regeneration. Basically putting back to the same component of trees in that ecosystem as was there before.

DS – So that is a question that I can ask of Western?

GH – Ya, for sure. Now, on the other, sort of broader side of it there, in the other watersheds the local government, the local purveyors are actually working with the forest companies and have done some trials. I believe there were some trials done under Forest Investment Account per riparian area removals there.

DS – You mean there are grants for that?

GH – That’s correct. The licensees can apply for grants for things like that.

DS – Is that a pesticide program, or a manual program?

GH – No, it’s harvesting or manual removal.

ES – Okay. John, then Barry, then Lorne.

JR – Thank you. Mr. Hemphill. Much of the concern with most people in the room, or many people in the room, and in fact the Board, has been the road construction concerns and the silt that is caused, and the way that it washes away, and possibly what the other feeding into the streams affecting the main creek. Western Forests – and this is an opinion I’ll ask of Western Forest Products has said, or have said – that they would cease road construction providing that the rainfall exceeded 75 millimeters in the 24 hour period. Would it surprise you if I told you that the record that we have for three decades, is that the maximum has been 63 millimeters. So they intend to go past any extreme weather that we have ever had, and continue road building. And that is a major concern. So, would that be a major concern as a District Officer?

GH – It would be if they were intending to harvest those areas at a period when those types of events would likely happen. But I think – and I don’t know what the company said – their reference, and certainly ours, and to consultants, is to have the harvesting conducted in the driest part of the year.

JR – That’s correct, that’s exactly what they said, they would only cease road construction activities if the rainfall increased over 75 millimeters in a 24-hour period. And that has never happened on the Sunshine Coast. So that means to say that they could continue.

GH – Well, I think it is worth raising that issue with Western. Now, whether that came directly from their consultant’s report ...

JR – It actually came from their president.

GH – Ya. But if that’s the case, then that would be an indication of the situation, then that is worth having a discussion about a better threshold for that. Certainly, none of those, as you state, doesn’t happen ever, is really unlikely to happen in the summer.

JR – That’s correct.

GH – Just going back to your question. We would have real concerns if this development pushes over into the wet season here. They are building, obviously, one of the higher risk activities that occurred in terms of the sediment delivery.

ES – Barry.

BJ – Thank you Mr. Chair. Greg. You've seen this document before, Joint Watershed Management Agreement, between the Sechelt Indian Band and the SCRCD (holds up the document).

GH – I have seen that, yes.

BJ – Could you describe what it means to the District, Regional and Branch offices?

GH – Um. That sure is an all-encompassing question.

BJ – I'm sure you've had discussions about it.

GH – Well, I think um ... we actually haven't had a lot of discussions – Ministry of Forests wise. Those types of decisions on land use would be led by ILMB (Integrated Land Management Branch). And, certainly in the case of Sechelt Indian Band, Ministry of Aboriginal Relations and Reconciliation there. And, I'm aware that means have been arranged with provincial officials to have discussions about the watershed. So, I mean, that will run its course. So, from our perspective, there's a couple of things in there I've mentioned before is we have to be careful about mixing issues that are land-use oriented and politically oriented with our statutory decision-making responsibilities.

BJ – Thank you.

ES – Okay. Lorne.

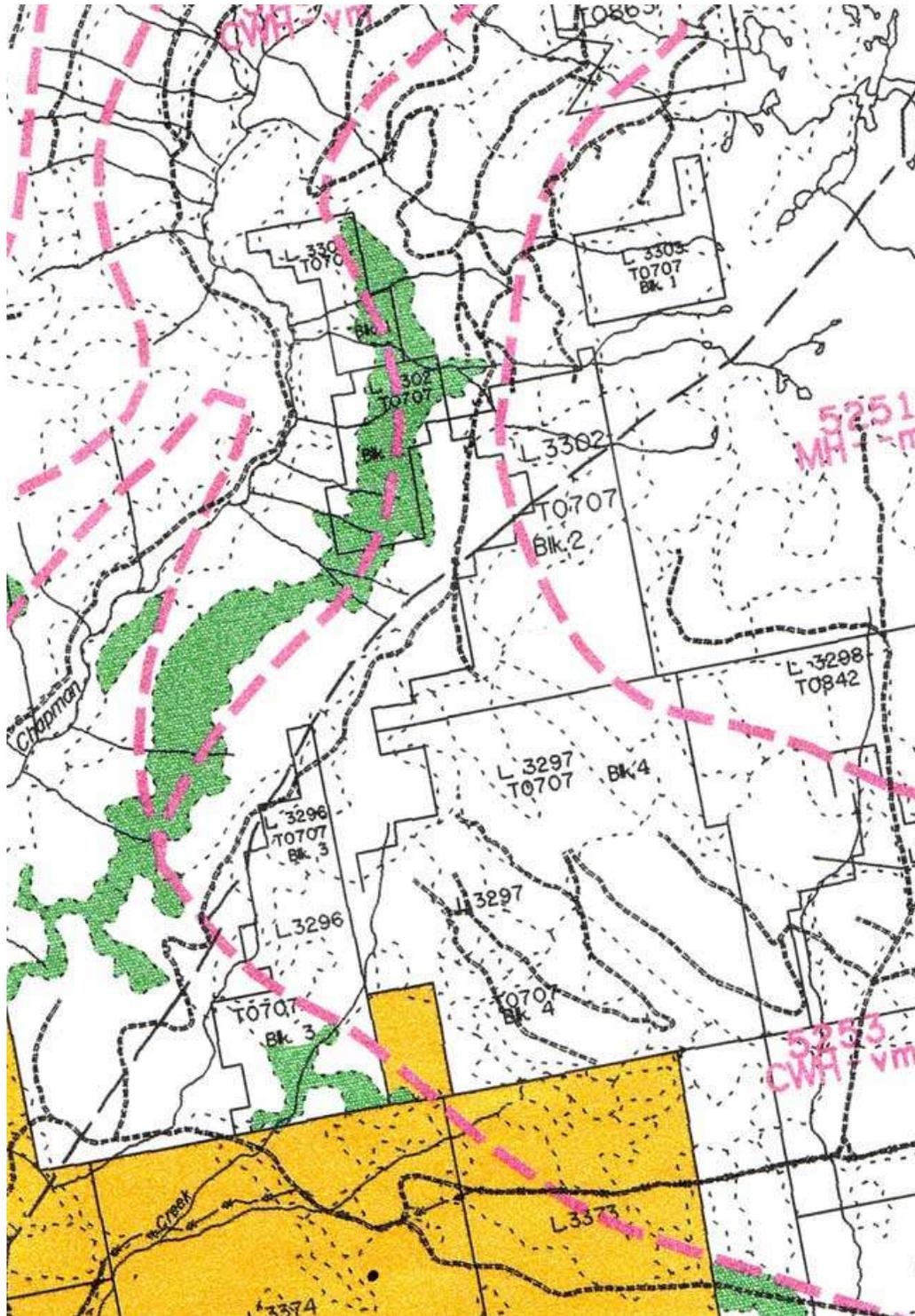
LL – Okay. Just catching up on my notes here. Some things related around harvest and stuff like that. Do you have some kind of annual quota of harvesting you have to get out of the Sunshine Coast each year? Is there some driving force that causes you to want to harvest the trees that we have?

GH – You are probably aware of some of this. Basically, the different tenures, area-based and the TSA, they have annual allowable cuts, which have been assigned to them by the Chief Forester. That number is the potential economic development that forestry and economic development that can take place in those units there. In addition, the Minister has apportioned that AAC to different companies by form of tenures there. Some of the decisions that have been made in terms of what the Province's expectations are in terms of forestry, economic development, and revenue, those sorts of things there. Now, on an annual basis, there's flexibility, in terms of what we call cut control. So, there is not a set number every year, but the idea is to realize that the potential for forestry activity that can occur.

LL – So, this little operation that is going on up here. What percentage of the annual allowable cut is that? Do you have that information?

GH – No. But, first of all, Timber Licenses are a little different animal than replaceable licenses. They are specific to that particular area, and specific to just the mature timber. Once that's harvested, that land reverts to the Crown. But in terms of activity wise, very very small percentage.

The 1990s IWMP map for Chapman Creek showing the former old growth management area on the eastern side of the watershed (in green) that was to be preserved. In 2002, in the new Chapman Landscape Unit plan, the old growth in much of Western Forest Products' T0707 forest license was removed, just to the left of where it says L3302 on the map below.



LL – Is there any sort of pressure put on your branch and your organization to make sure you achieve the harvesting goals?

GH – The companies are licensed to carry out forest management activities, and if they don't follow their licenses, or an opportunity that would be realized, then options can be explored in terms of offering those opportunities elsewhere. I don't want to sort of get into a bunch of sort of forestry admin talk because I really lose everyone in the audience here. Essentially, the processes have been set up to manage the District on a sustainable basis there, recognizing there's going to be fluctuations in under-development.

LL – Ya, good. So, once again, Donna was asking about deciduous trees, and you acknowledged that deciduous trees along creeks and watersheds was a bit of problem, right?

GH – Well, my expertise is very limited in that regard. In other reports and projects that issue has come up.

LL – So initially, you said that, when Barry referred to you as having to be subpoenaed to be here, you said that you didn't see yourself as “an affected organization”.

GH - Well, I think ... ya, we are not an affected organization. I mean, an affected party would be a licensed party that's got the activity going on. We represent the public in the forestry aspects, just as this local Health Board represents the Province on the health issue.

LL – So clearly having approved this organization, you are an affecting party because some of the concerns that we have about the creek bed and deciduous trees and tree cover, you are affecting us.

GH – Ya, I mean, there is a ... we are talking about activity in forest management development that takes place there. One thing I think that people are confused about is, in terms of my decisions, they are all subject to review, and some of them get overturned and that's the process. If you are a statutory decision maker you do your best to do an objective assessment under the parameters of the legislation. But it's not a personal or ministry vested interest, it's the Province. So, there is other legislation that deals with aspects, such as the *Drinking Water Protection Act*, such as the *Health Act*, which may override these decisions.

ES – Okay. Gerry.

GN – I'd like to ask a question Greg. I know it's come up on a number of occasions that if there's another way out for Western Forest Products to get a transfer of land, or other companies in the watershed to get a transfer of land. It's easy to say, but can you answer for me that's its possible, number one, and number two would they be able to get land somewhere else in the Sunshine Coast rather than in the watershed?

GH – These are land transfers are something definitely that would have to go to Cabinet, and in some cases they've been done, in some cases compensation was provided. We've got to be careful about whether we're talking about land, or whether we are talking about timber. Then, are you affecting another third party by trying that there. So if the provincial government, in their wisdom, decides that it's in their best interest to do this, then they would ask people like myself to see what

options there were, and then they would have to make a decision, whether there was in their best interests or not. So, there is no simple answer to them. There's lots of requests, as you can appreciate, a lot of them involve private land as well. I'm not aware of a proposal that has been made, certainly no proposals have been made to our ministry that I'm aware of. That doesn't mean that discussions aren't taking place at a higher level.

ES – Donna.

DS – Ya, I want to get back to what there is available in the legislation for protection of creeks and streamsides. And I'm thinking of Chapman Creek itself, as well as tributaries. I'm really not clear on what legislative protection there is.

GH – Well, in *FRPA*, the *Forest and Range Practices Act*, there is provisions in there. Companies have to declare what the results and strategies are for a number of values. Water is one of those values there. And, Community Watersheds are designated areas. So the company has to produce a result strategy for the management of water in those areas there. And if ... in the binder I left with the local Health Board here, I provided copies of Western Forest Products' Forest Stewardship Plan, and highlighted the sections that apply to community watersheds there.

DS – I went on the web and got the objectives set by government for water in community watersheds. And it says:

The objectives set by government for water being diverted for human consumption through a licensed waterworks in a community watershed is to prevent the extent, described in subsection 3, the cumulative hydrological effects of primary forest activities within the community watershed from resulting in

- (a) a material adverse impact on the quantity of water, or the timing of the flow of the water from the waterworks, or
- (b) the water from the waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under an enactment or the license pertaining to the waterworks.

The objective set by government under subsection 2 applies only to the extent that it does not unduly reduce the supply of timber from British Columbia's forests.

It appears to me that *FRPA* may not be in fact addressing community health under that objective. If that is the objective that the company is guided by, is that correct?

GH – Yes it is. We can find in a lot of legislation, and also in government orders, is there is a balancing process that occurs in terms of their objectives there. But, I think the primary objective here is there is protection of the water.

DS – What is the balancing process? How does that work?

GH – I mean, that is part of our roles as public servants is to make decisions that, particularly in community forests, we have an integrated mandate there, and you know we are trying to come up with solutions to protect the environment, but are also acceptable socially and economically.

DS – So, just to carry on on the issue of streams. The IWMP describes poor gulley management as the major cause of deleterious impacts on streams. And it says:

Gulleys are particularly susceptible to failure because of their very steep slopes, concentrated seepage, and easily disturbed vegetative cover. Vegetation removal and increased water flows tend to be major factors contributing to gulley destabilization.

So, I have three questions. Are there gulleys in these cutblocks?

GH – Well (mumbles something about the “cutblocks”) ... Some of these questions could only be asked of the prescribing foresters for the company there.

DS – So, I will ask these again when they ... but I will ask you anyway. So, do you know whether a geoscientist has conducted site inspections of the gulleys and made assessments of them?

GH – I believe would say I would be very careful of my terminology, but I believe we had an engineer in there to check the steeper cutblock, and that’s one of the assessments that shows up there.

DS – Both the partial cut and the clearcut heli ...

GH – If you give me a moment I can look through the assessments here.

DS – And I just wonder what the management strategy is for gulleys.

GH – There again, like off the top of my head, what I would have to do is to back through the material. But I’m sure the company can speak to that.

DS – I will ask them.

GH – If that’s an acceptable way to approach it there. A lot of the prescriptive stuff under the *Forest and Range Practices Act* it’s assumed that the company will practice their diligence, and they are accountable for that. And if they haven’t then they are subject to enforcement there.

ES – Barry, and John.

BJ – Thank you Mr. Chair. Greg. Do you concur with the suggestion that there is a gazetted Watershed Reserve in the Chapman Creek drainage?

GH – Um, yah, as far as I know. It’s been referred to as a Section 12 Watershed Reserve. It’s no longer a Section 12. But there’s a *Land Act* Reserve on Chapman and Gray Creek, I believe which came later.

BJ – Okay. Thanks for confirming there must be something. There’s been numerous requests for the documents pertaining to the existence of the mysterious Chapman Creek Watershed Reserve and apparently your Ministry, and I’ll quote here: “will neither confirm nor deny the existence of the documentation.” Can you provide an explanation as to why this document appears to be so damned elusive?

GH – Well, I’m not sure who the quote is from.

BJ – I’ll get you that.

GH – But, yah so if you make an information request for me, Ministry of Forests, or whoever or whatever other Ministry is involved, has to provide that documentation they have. Now, we are talking about documentation that goes back I guess over thirty years. So, like I say, we are not the custodian for *Land Act* tenures. Ministry of Agriculture and Lands is.

BJ – So, in the absence of ...

GH – So, with the Chair’s permission. Can I ask if contact has been made with the Ministry of Agriculture and Lands, the contact person I provided.

ES – Yes, there has.

BJ – Okay. So in the absence of its apparent existence, what has established your authority to approve road building and harvesting activities within this Watershed Reserve?

GH – What’s established ... interesting terminology ... Um. This issue comes up every few years. The area, um, is Provincial Forest there. We’ve asked the question before, and we ask it of the regulatory body at the time whether there’s anything in that Reserve status that precludes approval for forest development, and we get answered on that. Like I say, I believe it has also been tested in court previously there. So, but in terms of speaking to government’s policy and legislative direction I think that question is more appropriately directed to the Ministry of Agriculture and Lands.

BJ – Okay. Again, well again, if you don’t have the document, I’m just looking for the connection between the authorities and the document. So obviously, somebody within the provincial government, whether it’s the Ministry of Agriculture and Lands, or the Ministry of Forests, is giving you authorities but failed to produce the document. That’s my point. So, I guess what we are going to have to do is to go under Freedom of Information and ...

GH – I believe that’s been done. But I’m not sure who your source is.

ES – Okay, John.

JR – Yes, thanks Mr. Chair. I promise this is my last question. And thanks Mr. Hemphill. You volunteered that you alone represent the public.

GH – What? Pardon me.

JR – You said that you represent the public.

GH – That’s correct, I’m a public servant. Within that, within my role, obviously a big part of it is operating within the legislative framework and also on policy direction that has been provided by our Ministry.

JR – Okay. Keeping that in mind, with all of the public outcry – it’s extremely obvious, particularly in this Chapman Creek situation – in all of the local government frustration with logging or any other industrial activity within the watersheds, particularly where the local government, Regional District, municipality, whatever, have a responsibility for supplying drinking water, why do you allow – you represent the public – you see the public outcry, you understand, obviously, the local government’s frustration. Why do you actually allow logging to continue in the watersheds, and is it really worth it?

GH – I have a statutory obligation in terms of my role as the approving authority. So, it’s not a choice for me to just carry forward my personal views or do it by a polling of public opinion there. Just as this Board has to do an objective assessment and make a decision based on that assessment. I do that every day. Once we entered the realm of a legislated forest practices regime a big part of a District Manager’s job is doing administrative decisions under that legislation.

JR – So, having said that, obviously you have a directive from somebody to get this job done?

GH – We have a very specific directive under legislation, and we also have a policy and direction on different aspects with that legislation there. There’s a clear separation in terms of responsibilities that require the rule of law.

ES – Barry.

BJ – Thank you Mr. Chair. Along the same lines Greg. And this too will be my last question. Do you agree that the Sunshine Coast Regional District has a legal responsibility for the provision of potable water for those thousands of households on the system?

GH – I’m aware that the Regional District is the purveyor of water. I don’t know the legal implications under which set of legislation that follows, but yes, I agree.

BJ – Well, we do have the legal responsibility.

GH – What *Act* is that under?

BJ – John (administrative secretary John France then asks SCRD lawyer). We’ll get back to you on that one. But here’s the question that comes out of that one. Why do you believe your authority to approve harvesting supersedes the responsibility and the liabilities the Regional District has to provide potable water?

GH – Well, its provincial legislation is what guides these decisions there. What we’ve seen in the last few months is there is different aspects of legislation that deal with, or different legislation that

deals with different aspects of drinking water quality, health, environment, forests. Our legislation happens to be specific to forest management activities.

BJ – Legislation. Okay.

ES – Lee.

LT – This will be my last question as well. You mentioned when Donna was asking you about how *FRPA* may not be protecting, and not looking at public health as an issue. You said that you have to do a balancing process in making your decision. You have an integrated mandate. You are trying to come up with solutions that protect the environment that are acceptable socially and that economically viable. I'm looking at the socially acceptable part, and we've seen quite an outcry about this decision. And I guess I'm wondering how that was considered? The taxpayers of this community, we are taxpayers as well, this is Crown land, and you are seeing that this is not a decision that they are happy with, they are feeling that there is a public health hazard. And, I think that is why they are all here, that's why we have a complaint. I'm wondering how you considered the social acceptance in this community when you know that this community has been on record opposing logging in this watershed for at least a couple of decades?

GH – Well, and I think on a broader question of logging in the watersheds. That is obviously part of the political process there. The provincial government would make decisions on that in terms of land use, and certainly the Province, through various ministries, is aware of the Regional District's position, they are aware of public attitudes in some communities, and to this point they have chosen not to change the land use regime in the community watersheds across the Province there. So, that's where those decisions would rest. And, I believe the Regional District has had discussions in the past for a number of years with various officials and elected representatives and I believe you will continue to do that. Certainly the public will is something that also is involved in you know who gets elected, right? So, I mean that is how the change will occur.

ES – Okay. Any other questions?

LL – If I could ask another question. Back in July there were some heavy rains and one of those resulted in the road building crews having to do a little bit of remedial work and what not, and that kind of thing. But also within there, I don't know if you gave a report on the conditions of the culverts in there. But there were some badly damaged culverts in there. I wonder if any of that stuff has been replaced or improved on or anything like that?

GH – Our inspections would have shown any deficiencies there. Those deficiencies would have been communicated to the company. And when the company is before you, you can ask them if they have made those changes there.

ES – Okay. Donna, then John.

DS – This is my final question – I think. On the monitoring issue, you talked about it a little earlier. And you said that it was a little more stringent than the average location, because of a watershed. So, specifically, how often, what's the program, how often is there monitoring, what aspects are monitored?

GH – I am in a unique position in that our compliance and enforcement section operates somewhat at an arms length from the District Manager, because if there is contraventions they would come before the District Manager in terms of the potential for making a contravention determination or a penalty. So, they would prepare the investigation and that sort of stuff. So a contact person, which I believe has been contacted to the Regional District folks is Mark Anderson who is our District Compliance Officer. We are really careful about making sure we are not both doing the investigation and making the determination. There is a separate operation that takes place so that when a penalty determination is made it is made independent from the investigation there.

DS – So to find out what the monitoring program consists of, one would have to ask Mark Anderson?

GH – That’s correct. And, to be honest with you, most enforcement agencies are not dying to share information on what our regimes are. But, certainly in this case we can talk, in general terms of frequency, and those sorts of things.

DS – I’m not wanting to know if you go on June 11th of every year, or ...

GH – Some people do want to know that.

DS – I wonder if we could get that information.

GH – I can add that to my list and provide that question to my operations manager.

ES – Okay, John France.

JF – Just a couple of issues relating to process. Mr. Hemphill has mentioned that a lot of reliance is placed on Western Forest Products’ information that they generate. I think it would be very important for the Ministry of Forests to identify where in those reports they have relied on answering the health issues, as well as protection of streamsides and gullies, for him to identify those in the reports that he receives so that you understand on what basis they make their decisions. And, the second part of that is, would it be possible to get that information within the next day?

GH – Well, I’ll be in transit. But certainly, when I pull out of here, on my way back to vacation, I will give a list of questions there – I will actually read them back to the Board here to make sure that we have the questions there. So, we’ll endeavor to do that. Some of the stuff may take a little more digging than others, but you may in the meantime find some of the answers in the discussion with Western Forest Products. So, the questions I have to follow up on are, there was a question about the transfer process for the timber licenses specifically from Cascadia to Western Forest Products, and whether the Minister was involved in the statutory decision. That was the first one. Number two. There was a question whether you asked if the IWMP constraints were applied to Western Forest Products prescriptions in the current cutting permit.

DS – Specifically the FEN and the terrain constraints only.

GH – And, there was a general question about what aspects of the assessment work, I presume the community watershed assessments report specifically on health. And, there was a question about the

inspection regime, the frequency I guess of inspections. There was a question on what aspect of the reports would deal with the gulley management concern. And also comment on money ...

BJ – What do you anticipate the stumpage would be.

LL – And how that figures in the overall plan for the catchment area, for the Sunshine Coast area, for your financial plan.

GH – Now you are going to get us diggin'. We'll endeavor to get this tomorrow, but these things end up being a little more complicated and it would take some time. Is there a contact person for this information, if there is a need for some discussion?

ES – John France, Joan Harvey. Gerry.

GN – I just have one question Greg. I keep hearing that there is a dispute between the grade percentages on Western Forests Products' discussion about what they are doing in the watershed versus what the people in the audience have said. At any time when those plans were put forward do you see the percentages of the grades and go and check it out to make sure it works, that it fits?

GH – First of all, the stumpage rate is set based on a cruise, and then obviously the timber is scaled. So, we sometimes do cruise/scale comparisons there. But is the dispute with the company and the Ministry?

DS – Slope, grade.

GH – Oh, grade, slope. I thought you were talking about timber grades there. So the dispute is whether or not your area is steeper than what shows on the reports there? We are familiar with that complaint and that will be checked out in our monitoring process there, and if there is something that is erroneous in prescription then our compliance and enforcement folks will look at what the administrative remedies are for that.

ES – John France.

JF – A couple of things Mr. Chair. A comment on a contact for Mr. Hemphill if he is not available, who would that be?

GH – Right now it is Brian Auries. He is my Acting District Manager. And, of course you are right in the middle of vacation period. The other operations manager is Mark Anderson. So, either one of those two persons would respond to any of these specific requests there. Just recognize that what you are right in the middle of quite a few number of staff off, just as I'm quite sure the Regional District has got that issue.

JF – Another thing the Board asked for was a confirmation of the map.

GH – I believe there are some mistakes with the map. Whether you called it a draft map, I'm not sure exactly what you intend to use the map for, but some of the labeling is in question. And, my understanding is there is a dispute over whether some pieces of it are private versus Crown.

ES – You haven't identified the owners of those yet?

GH – My staff have been in a continuous discussion with Regional District's planning staff over refining that. I guess Judy can say whether she is comfortable with how far ... some of the stuff you can keep chasing forever, some of the databases aren't necessarily clean there.

ES – John.

JF – Just to emphasize the timing of the information. Obviously those issues are over the next couple of days. So, this information, if possible, as soon as possible.

GH – Absolutely. I'll get on the phone as soon as I walk out the door.

ES – Okay, Lee.

LT – When did you say that the inspection, with respect to the discrepancy, in slope allegations was going to take place?

GH – I didn't.

LT – Would you?

GH – Well, I can pose that, like I say, to a District Compliance Officer, if it hasn't already taken place. Like I say, they don't normally tell everybody when they plan to go do an inspection there. But probably the easiest way is for him to frame what has taken place there. It may have already happened, so then you can just report that the inspection has occurred.

ES – Okay. Barry.

BJ – It's not a question. We were going to get back to Greg with the information on the *Act* that pertains to our responsibilities. We will provide that?

GH – Couldn't let you get off totally Scott free there.

ES – John.

JF - The responsibilities that we have are pursuant to the Drinking Water Protection Act. So that's where our authority comes from.

ES – Well thank you very much.

GH – Thanks very much.