June 4, 2009.

The following text (18 pages), which is a copy of a portion of Chapter 8 in *From Wisdom To Tyranny: A History of British Columbia's Drinking Watershed Reserves*, has kindly been provided to the public to help readers identify the reference and concerns raised in the B.C. Tap Water Alliance's letter of May 24, 2009 to the B.C. Minister of Forests and Range. It begins with a copy from the Contents Page on Chapter 8.

PART TWO

8. The Battle for Control: the "Lead Agency" Fiasco; Integrated Watershed Management Plans (IWMPs); the Protocol Agreements; the Forest Resources Commission; Crown Land Use Plans, Land and Resource Management Plans (and other Higher Use Plans); and the Forest Practices Code Act

8.4. The 1990s: The Forest Resources Commission, Land Use Plans (LUPs), Land and Resource Management Plans (LRMPs) and the *Forest Practices Code Act*

> *Forests play a vital role in regulating water supply and maintaining pristine water quality in British Columbia. The relatively small percentage of the provincial forest land base that is within community watersheds combined with the high proportion of the population that depends on this type of water supply, indicates the high value of forests in watersheds.* (*Ecosystems of British Columbia*, Ministry of Forests Research Branch, February 1991, page 73)

Three prominent features distinguished the 1990s from previous decades:

- First, government deliberately ignored *Land Act* Watershed Reserves in numerous provincial Higher Level Planning processes related to the development of the 1995 *Forest Practices Code Act*. Government also ignored the Reserves following the passage of the *Act*. Reserves and domestic water sources not reserved were then defined under a new program of Special Resource Management (SRM).

- Second, the government began planning programs for community watersheds "en masse." Instead of embarking on intensive planning processes for individual community watersheds under Integrated Watershed Management Plans (IWMPs), the new strategy was to quietly slip in regional and sub-regional planning initiatives, where dozens of Watershed Reserves and community watersheds not reserved were all thrown into the same blender. This was particularly noticeable in areas where communities regularly opposed resource management proposals and contrasted starkly with the initiatives of previous decades, when community watersheds received protection.

- Third, to conform to the above strategy, the IWMP policy developed in the 1980s was quietly put out to pasture, even though it was never rescinded.

What stakeholders were not made aware of during these and other regional and sub-regional planning processes was the existence and legislative significance of the *Land Act* Watershed Reserves. As a result, in negotiations over the 12 percent cap on Crown land protection, lobbying for provincial parks took precedence over all other protective designations, largely throwing the unacknowledged Watershed Reserves and unreserved community watersheds into relative obscurity.

The Land Use Plans, Land and Resource Management Plans and Local Resource Use Plans that heralded logging in BC's drinking watersheds throughout the 1990s were powerful instruments. They became almost insurmountable obstacles for water users, who had been struggling for decades to prevent resource use in their water supply areas. Many communities, even those with *Land Act* Watershed Reserves, became pawns in a cutthroat chess game where water sources were targeted for alternative logging proposals under the new banner of community forest tenures. For instance, the Central Kootenay Regional District, which had been a strong proponent in the 1980s for the

protection of drinking watersheds, was manoeuvred in 1997 into becoming a shareholder of the Creston Valley Forest Corporation, which logged in three Watershed Reserves near Creston: Arrow Creek, Sullivan Creek and Camp Run Creek.

***Land Act* Community Watershed Reserves are legal and statutory entities. Because their status was not formally recognized and considered during the regional and subregional planning processes (and was, in fact, neglected and ignored), it can be argued that those processes were illegitimate.**

8.4.1. The Commission on Forest Resources

Important information about Watershed Reserves was omitted from British Columbia Land Statistics, prepared by the Tenure Management Branch of the Ministry of Lands and published in February 1996. Attached to the title of Table 36, "Status of Community Watersheds—1994," was a footnote that stated:

> Since 1987 there has been a major rewriting of the Community Guidelines and there is a new definition of community watersheds. The Category I to III based on drainage area has been dropped.

Seven years earlier, in *British Columbia Land Statistics* (published in March 1989 by the Ministry of Crown Lands), information on existing Watershed Reserves was provided by category under Table 38, *Status of Community Watersheds in British Columbia*—1987. A footnote stated that these statistics used February 1988 "unpublished data" from the Ministry of Environment, Water Management Branch, Hydrology Section. Of great interest was the data indicated **that the government had created an additional 50 Category One Watershed Reserves since 1980**. Here is the table from the 1989 *BC Land Statistics* report:

Watershed Designation	Number of Watersheds	Total Population Served	Total Land Area (hectares)	Percent Area	Percent Change in Area since 1980
Category I	209	216,400	96,200	6.8	15.1
Category II	82	178,700	329,400	23.4	2.1
Category III (over 9065 ha)	36	130,400	984,400	69.8	36.3
TOTAL	**327**	**525,500**	**1,410,000**	**100.0**	**24.9**

What happened between 1988 and 1996 to cause the disappearance of Watershed Reserves from Crown land statistics reports? The answer may well have to do with the politics behind the findings and recommendations of the Commission on Forest Resources (1989-1991). Astoundingly, the Commission's final April 1991 report, *The Future of Our Forests*—which included a series of 28 long "background papers" with reviews of provincial planning processes and ministerial objectives—made not one mention or reference to the *Land Act* Watershed Reserves. Nor was there any explanation provided of their legislative significance.

> In general, the Commission on Forest Resources invoked a general rationale for logging in the curiously unmentioned Watershed Reserves under the new provincial banner of "Enhanced Stewardship": We have concluded that the greatest benefit to all British Columbians will not come from significantly reducing commercial activity in our forests, with the resultant loss of jobs, negative community impact and reduced government revenue. Rather, it will come from managing our forests better for all values. Enhanced stewardship means recognizing that in addition to timber values, values such as cattle production, water quality, recreation, wildlife, wilderness, aesthetics should all be maximized through proper forest management. It means making choices about the relative importance of any one of those values with a full understanding of the impacts on the others, and in a way that not only preserves them, but enhances them. It means understanding the full range of economic and social costs and benefits associated with any decisions about resource management ("Introduction").

Where the Commission provided a distinction between "Protection/Preservation" and "Integrated Use Management Areas," community "watersheds" were included in a list under Integrated Use Management Areas, with the following proviso:

> The Forest Resources Commission believes that the goals of the province will be best achieved through assigning the maximum amount of land to integrated use classifications. It is likely that the greatest potential for gains in all land and forest values by way of enhanced stewardship will come from the integrated use management areas category (page 20).

Any details about the decades-long public protests and politics surrounding logging in community watersheds were completely absent in the commission's final report. Only one nebulous reference was made: that "large, inflexible tenures disregard community watershed needs frequently due to insensitive 'absentee ownership' and lack of community interest" (Chapter 5, *A Critique—The Public's and the Industry's View*).

Under Chapter 3 (*Other Renewable Forest Resource Values— An Economic Point of View*) the Commission gave the scantest lip service to community watersheds under a sub-heading called "Watershed and In-Stream Water Values," where it provided a vague reference to the Ministry of Environment's *Guidelines For Watershed Management of Crown Lands Used as Community Water Supplies, Report of Task Force*, 1980. In the Commission's report was included a short history of provincial parks and the creation and expansion of ecological reserves, but nothing on the history of Watershed Reserves (see sub-sections 5 and 6 of Appendix 3, *Historical Sketch*, which provides a review of BC's forest resources). There is only one obscure reference to the possibilities for drinking water protection in the Commission's report, and that is in a phrase in a proposed forest license "sample document," which mentions "areas to be protected for watershed management" (Appendix 7, "Resource Management Agreements," under section B, "Maps").

In the Commission's 28 background reports and the data from all the public submissions and input sessions were references to old growth reserves, recreation reserves, ecological reserves, Indian reserves, mineral reserves, biological reserves, wilderness reserves, rain forest reserves and nature reserves, but not one reference to the *Land Act* Watershed Reserves or Map Reserves.

One of the background reports contained a discussion about "non-timber values" by a forestry consultant company, Fortrends Consulting, a division of the formerly influential T.M. Thompson

and Associates. The following benign description of the impacts of logging on water run-off was all it had to say about drinking watersheds:

> Whether any increases in available water are significant is not known, nor is it known if they are beneficial or detrimental to other interests. That lack of knowledge, plus the inability to value the water in its present state, or in any altered state, means that we cannot effectively account for the relation between other uses of the forest and the water resource. We have not, therefore developed quantitative indicators for the water resource for inclusion in the accounts of the forest estate. That does not mean that the water resource would be ignored in forest management. (*Forest Resource Management Alternatives Study*, Fortrends Consulting, March 1991; Appendix III, "Incorporation of Non-Timber Values in Forest Management, Water Resources," page III-3)

As far as the future of BC's Crown land planning processes were concerned, the Commission on Forest Resources made two important, inter-related recommendations: the immediate development of legally binding land use planning processes through a new process of public participation, and the development of a new forest stewardship or practices code over BC's extensive Crown lands.

> The effective use of land and its resources has from the beginning of time shaped our progress and evolution. All societies—primitive or advanced—have had a vision of the land and based their social structure on that vision. With that in mind, the Forest Resources Commission believes that any effort to protect and enhance the many values represented by British Columbia's land base must begin with a comprehensive Land Use Plan. From that plan, and fully integrated with it, will flow a variety of management systems designed to make the best use of all those values. . . . The Forest Resources Commission has concluded that a comprehensive Land Use Plan is required to accommodate that new, fuller range of values and to allow the introduction of additional values as society changes its outlook. The Land Use Plan will be a blueprint for managing this change.
>
> The process envisaged for the Land Use Plan must be open, neutral, and balanced. High quality land stewardship is possible only if it is kept arms-length from the influence of short-term economic or political aspirations. Current land use mechanisms are shared among several provincial government ministries (Forests, Environment, Parks, etc.) each with an advocacy position and with a profusion of overlapping jurisdictions and conflicting goals. For that reason, none of those ministries—Forests, Environment, Parks, etc.—is an acceptable administrator of a comprehensive Land Use Plan designed to reflect all values. Each brings a bias of one kind or another to the table. The Forest Resources Commission believes a restructured Ministry of Crown Lands, with a mandate to ensure the optimum balance of activities on all provincial Crown lands, should coordinate all Land Use Planning functions. It will be best equipped to ensure that the Land Use Plan functions as objectively as possible, with the best interests of all British Columbians in mind. . . . Where appropriate, management protocols such as are currently in place between the Ministry of Crown Lands and the Ministry of Forests could be entered into with the new Forest Management structure recommended in this report. This should in no way impair the ministry's ability to carry out objectively its administrative responsibilities over the Land Use Plan. (Chapter 3, "Land Use Planning"; Section 1, "A Blueprint for Diversity".)

Because the Commission made no mention of the hundreds of Watershed Reserves in force at that time, and did not describe their legal or legislative significance, it is not surprising that the Reserves were never mentioned at formal land planning processes in the future.

A May 1992 report, *Forest Practices Code Background Papers*, also made no reference to Watershed Reserves. Such was not the case, however, in a submission to the *Forest Practices Code Act* entitled *A Catalogue of Forest Practices Guidelines and Regulations in British Columbia*. Under a section entitled "Water," the submission mentioned *Appendix H* and the 1980 *Guidelines for Water Management of Crown Lands Used as Community Water Supplies.* It also described a number of completed and ongoing Integrated Watershed Management Plans (for Mark Creek, Penticton Creek, Naramata Creek and Springer Creek). Somehow overlooked in the list of IWMPs were Pemberton Creek, Dolan Creek, Duck/Arrow creeks and Chapman/Gray creeks, also in force at that time.

8.4.1.1. The Ecosystems of BC Research Report Emphasizes and Affirms "Intact Forest Cover"

Two months before the Commission on Forest Resources' final report was completed, the Ministry of Forests Research Branch published the *Ecosystems of British Columbia* (Special Report Series 6, February 1991). It contained a small but significant one and half page section entitled *Forests and Community Watersheds*. The following two tables (Exhibit 82) are from that report: one has statistics on population and drinking source types, and the other provides details about existing provincial Watershed Reserves (though not specifically identified as such in the report).

Population	Percent of B.C. Population	Water Supply Source
1,205,000	50.3	Greater Vancouver Water District – Capilano, Seymour and Coquitlam watersheds
216,000	9.0	Greater Victoria Water District – Sooke River Watersheds
221,000	9.2	Main stem or large lakes
245,000	10.2	Wells, springs and miscellaneous individual sources
512,000	21.3	Community watersheds
2,400,000	**100.0**	

Watershed Designation	No. of Watersheds	Total Population (No.)	Total Population (%)	Total Land Area (square km)	Population Served per square km
Category 1 (<15.6 sq. km)	175	210,085	41.0	836	251.3
Category 2 (15.6-90.6 sq. km)	79	178,368	34.9	3,227	55.3
Category 3 (>90.6 sq. km)	31	123,529	24.1	7,224	17.1
Totals	**285**	**511,982**	**100.0**	**11,287**	**n/a**

Exhibit 82. "Forests and Community Watersheds" tables from the Ministry of Forests' February 1991 report, *Ecosystems of British Columbia*.

Notably, the Watershed Reserve Category totals are at variance with the 1989 *BC Lands Statistics* report published less than two years previously: Thirty-four Category One Reserves have been removed, Category Two Reserves have increased by three, and Category Three has increased by five. The significant decrease in Category One Reserves is troubling. These small community water sources are extremely sensitive to disturbance hence their Category One designation. There appears to have been a secretive undertaking to convert them to "un-statutory" designations (see Chapter 11.3 for a description). Although still called community watersheds, they have been re-designated under the *Forest Practices Code*, which may not have been legal.

The section of the *Ecosystems of British Columbia* report dedicated to the public's drinking water sources made the following critical statements, which had been carefully synthesized from numerous research studies and forest related disciplines. This was possibly the last such report made by the Ministry of Forests:

> Forested watersheds are by far the main water supply for the majority of British Columbians…. The quality and quantity of water within a watershed is largely a function of the intact forest cover. Tree cover controls snow storage and melt rates by snow interception, shading, and wind ablation, influencing both yield and streamflow. Peak flows with their consequent high soil erosion rates are reduced by an intact forest cover. In snow-dominated forested watersheds, seasonal snow melt rates are less and runoff from rain-on-snow events is less than in deforested watersheds. In coastal watersheds, fog drip from branches can also be an important source of summer flow.
>
> Water quality is best maintained in forested watersheds. On the coast, forested watersheds have landslide rates many times less than comparable watersheds. Slope stability is enhanced by the tree roots anchoring the steeply sloped soils. An intact forest cover shields the soil from raindrop erosion, as do the organic soil horizons. Overland flow of water is extremely rare in forested watersheds because of the high surface infiltration through the well-structured forest soils, and because of the macropermeability provided by earth-worm holes, borrows, and rotted root channels. As a consequence, rates of surface soil erosion are very low in forested watersheds.
>
> The importance of maintaining forested slopes in many community watersheds is illustrated by the high proportion of small watersheds that make up the provincial water supply. Small

> watersheds are, of course, much more susceptible to alterations in water flow or quality, because any disturbance will affect a high proportion of the watershed area. As shown in Table 8, there are 285 watersheds in British Columbia that serve as community water supplies. The majority of these watersheds (175) have an area less than 15.6 square kilometers. These "Category 1" watersheds are designated as having maximum protection from disturbance of forest cover. They serve 41% of the provincial population, yet they make up on 0.09% of the land area in British Columbia. The high value of small forested watersheds is emphasized by the fact that they serve, on average, nearly 700 people per 2.5 square kilometer of watershed area.
>
> Forests play a vital role in regulating water supply and maintaining pristine water quality in British Columbia. The relatively small percentage of the provincial forest land base that is within community watersheds combined with the high proportion of the population that depends on this type of water supply, indicates the high value of forests in watersheds.

Three times within this small section, editors from the Ministry of Forests Research Branch and the Forest Sciences Section emphasized the value of "intact forest cover" for BC's drinking water sources. The "high social value" of such forests and the associated maintenance of "pristine water quality" are clearly reported by Ministry of Forests' researchers to be tied to the maxim of "intact forest cover". Nevertheless, such an emphasis, which maintains the long-held tradition of protecting these sources, is the complete antithesis of the objectives of the Ministry of Forests. Based on the decades-old policy of "sympathetic administration", the Ministry of Forests had been licencing intrusions into the Watershed Reserves, especially the Category Ones, which had been designated to be afforded "maximum protection". As a result, this important information provided by the Ministry of Forests' Research Branch was not incorporated in the Forest Resource Commission's final report.

8.4.1.2. The Resource Inventory Committee's Watershed Task Force

The Forest Resources Commission's final April 1991 report kickstarted a provincial resource inventory process, the formation of the Forest Resource Inventory Committee, renamed in 1992 as the Resource Inventory Committee (RIC), a shared federal and provincial responsibility. As stated in the RIC's Water and Watershed Task Force May 1992 report, **the Forest Resources Commission "emphasized that "good inventory information is vital to the land use planning process" and recommended that the provincial government undertake a commitment to complete inventories for all renewable forest values using standardized compatible systems" "** [bold emphasis] (pages 3-4). In association, the BC Land Information Strategic Committee (LISC) "is responsible for ensuring that data sets are consistent, exchangeable and can be used in land use planning in British Columbia" (Ibid., page 5). As explained in the Watershed Task Force report, the LISC was an outcome of the development in 1989 of the Corporate Land Information Strategic Plan, "to enhance the sharing and exchange of land related information across government" (page 38). Together, the RIC and the LISC were responsible for "developing and disseminating land information" to support the newly formed Commission on Resources and Environment (CORE) that was "established to independently and publicly advise Cabinet on Legislation, policy and allocation decisions related to all land use issues and processes in British Columbia" (page 39). The obvious question remains: if government resource agencies were mandated to provide "good inventory information", then why were the *Land Act* Watershed Reserves not being accounted for?

The RIC initially consisted of one Task Force, the Timber Inventory Task Force, which was mandated to "review the current Ministry of Forests Inventory Program and to design and plan the development of a new provincial timber inventory process" (*Report of the Timber Inventory Task Force*, April 1992, *Preamble*). Recommendations followed to establish "an integrated multi-resource inventory task force(s) effort to parallel and integrate with the work of the Timber Inventory Task Force" (ibid. page 5). The RIC then delegated the establishment of seven additional Task Forces, which included the Water and Watershed Task Force. It was established in November 1991 as a result of a recommendation by G.G. Runka Land Sense Ltd. in the November 1991 report *Forest Resource Inventory Committee Multi-resource Inventory Task Force Study*: "With increasing public concern about water quality, quantity and watershed management issues, it is my view that a task force to pursue associated inventory issues is warranted" (Section 1.4 of the Task Force report).

Jim Mattison, the Director of the Ministry of Environment, Lands and Parks Hydrology Branch was appointed chairman of the Watershed Task Force, and Brian Turner, Senior Environmental Planner with the Integrated Management Branch, as co-chair. Two of the 14 member Task Force were Barry Willoughby with the Ministry of Health's Public Health Protection, and Steve Chatwin with the Ministry of Forests Research Branch, who also chaired the provincial Community Watershed Guidelines Committee (1992-1993) responsible for creating the 1996 *Community Watershed Guidelines Guidebook* for the *Forest Practices Code Act* legislation. Included in the Watershed Task Force's Terms of Reference was a questionnaire sent to "67 inventory holders and 155 users of water and watershed information". The Task Force's objectives included the determination of "what information is vital for effective land management, at what level of detail, and for what purposes." Explained in section 4.2, *How Inventories Meet Present Land Use Needs*:

> Water and watershed inventories meet current land use needs in a variety of ways. These inventories assist in resource protection, management, status and impact assessment, and in land use planning. Specific examples of how inventories meet present land use needs include: … assisting in resolving land use conflicts, land use planning … protecting the environment ….

In both the RIC's Timber Inventory and Watershed Task Force reports, there is no accounting of or reference made to the provincial Watershed Reserves.

8.4.2. 1992 Following: The Introduction of New Land Planning Legislation

The June 1993 protocol agreement between the Ministry of Forests and BC Lands identified that they were to consult together about Watershed Reserves in the newly legislated public planning processes introduced in 1992:

> Actions will be responsive to land use planning processes developed by the Commission on Resources and the Environment and approved by government and, Land and Resource Management Plans and Local Resource Use Plans, Crown Land Plans, Protected Areas Strategy, and local government plans. Decisions will be taken in the context of these plans and processes where they exist (Section 3.0, "Principles"; Sub-Section 3.3, "Planning").

After the ugly '80s, the New Democratic Party government (October 1991-May 2001) instituted BC's first rigorous, province-wide land planning processes. These also included new forms of

public participation. The 1989-1991 Commission on Forest Resources had recommended significant changes for forest management planning and the inclusion of citizen participation, and the new government turned the table on the old boys' network by unlocking many doors previously closed to the public—or so it seemed.

> The transition in British Columbia towards meaningful public participation and balanced sustainability is just beginning. (*Vancouver Island Land Use Plan*, Volume One, Commission on Resources and Environment, February 1994, page 1)

Largely forgotten was the fact that the provincial Social Credit and federal Liberal governments were responsible for the first-ever review process with public participation: the Canada-British Columbia Okanagan Basin Agreement, which provided for water planning in the Okanagan Basin in southern BC (1969-1974). An account of this process is provided in a 485-page technical supplement, *Public Involvement in the Planning Process*, and is summarized in the final 1974 *Okanagan Basin Main Report*.

In essence, the NDP reactivated the spirit of the 1971 *Environment and Land Use Act*, which had engaged provincial land use issues in a meaningful, responsible manner through a cabinet committee (see 9.3.4 below for a summary). A semblance of that *Act* was still in place, though dormant, but instead of re-invoking a special cabinet committee, the NDP made one agent accountable for the new planning processes. On June 23, 1992, as part of its unfolding Provincial Land Use Strategy, the government created the *Commissioner on Resources and Environment Act* (CORE). The Act gave enormous powers to an "independent" commissioner, Stephen Owen (now in his third term as a federal member of parliament), who reported directly to the Executive Council regarding "land use and related resource and environmental issues in British Columbia and on the need for legislation, policies and practices respecting these issues." Owen's mandate allowed him to conduct formal legal hearings as laid out in the provincial *Inquiry Act*. The *CORE Act* stipulated that the Commissioner "shall give due consideration to (a) economic, environmental and societal interests, (b) local, Provincial and federal governmental responsibilities, and (c) the interests of Aboriginal peoples."

This new approach to land planning was proclaimed in the *Provincial Land Use Charter*, which the government "adopted in principle" in 1993:

> 1. The province shall maintain and enhance the lifesupporting capacity of air, water, land and ecosystems. The Province shall respect the integrity of natural systems, and will seek to restore previously degraded environments.
> 2. The Province shall conserve biological diversity in genes, species and ecosystems.
> 3. The Province shall attempt to anticipate and prevent adverse environmental impacts. When making land and resource decisions, the Province shall exercise caution and special concern for natural values, recognizing that human understanding of nature is incomplete.
> 4. The Province shall ensure that environmental and social costs are accounted for in land, resource use and economic decisions.
> 5. The Province shall recognize its responsibility to protect the global environment, to reduce consumption to sustainable levels, to avoid importing or exporting ecological stresses, and to meet the global challenge of sustainably supporting the human population.
> 6. The Province shall protect the environment for human uses and enjoyment, and will also respect the intrinsic value of nature.

8.4.3. Land Use Plans (LUPs) and Land Resource Management Plans (LRMPs)

What the province was not about to protect, despite the glossy veneer of its *Land Use Charter*, were the *Land Act* Watershed Reserves and the drinking watersheds not reserved. This was made quite apparent to BC water users, particularly those in the Kootenays who had been waging battles against the government for decades. It was painstakingly clear to community activists in the Sunshine Coast Regional District northwest of Vancouver, who were participating in an Integrated Watershed Management Planning process for their area but were being mysteriously stonewalled by the Ministry of Forests about two Watershed Reserves (see Chapter 9.1.1).

In the larger provincial planning context, deceptions about Watershed Reserves were also unfolding, but hardly anyone paid any attention to these designations because government agencies avoided mentioning them during numerous public planning processes. Government certainly offered no protection for community/ domestic watershed sources at these planning tables. Provincial water users were still being duped, despite pre-election promises made to the public that the Reserves would all be legislatively protected.

With the exception of the Kamloops Land and Resource Management Plan (LRMP), which got underway earlier, numerous regional and sub-regional planning processes started up after the NDP government was elected in late 1991 and the Forest Resources Commission had concluded its work. Watershed Reserves and unreserved community and domestic watersheds came under review. According to the November 1993 *LRMP Public Participation Guidelines*, a total of 40 LRMPs were scheduled for the entire province. Three regional Land Use Plans and most of the sub-regional LRMPs were complete by the end of the millennium, with a few still in progress. The following is a complete list (as currently registered on the website of the Ministry of Sustainable Resource Management):

- Land Use Plans: Vancouver Island; Cariboo Chilcotin; East and West Kootenay-Boundary; Haida Gwaii/Queen Charlotte Islands (underway).

- Land and Resource Management Plans: Central Coast; North Coast; Sea-to-Sky (underway); Dawson Creek; Fort Nelson; Fort St. James; Fort St. John; Mackenzie; Prince George; Robson Valley; Vanderhoof; Bulkley; Cassiar Iskut-Stikine; Kalum; Kispiox; Lakes; Morice; North Coast; Kamloops (the first LRMP); Lillooet; and Okanagan-Shuswap.

Both of these planning processes, along with Special Interim Management Processes, Local Resource Use Plans, Landscape-Level Plans and Total Resource Plans, are also approved Higher Level Plans, as defined in the government's June 1996 *Forest Practices Code: Higher Level Plans, Policy and Procedures*:

> The provincial government has introduced the Forest Practices Code as an important component of its overall, integrated strategy for land use planning and resource management in British Columbia. The Code introduces a number of new forest planning approaches and redefines others. Code development was guided by the desire to build on the many established planning processes and recent planning improvements.
>
> This principle will ensure that valuable direction from regional plans, land and resource management plans and local resource use plans can be incorporated into the Code

framework. These plans are prepared outside of the Forest Practices Code under other legislation or policy; however, through the concept of higher level plans, they can serve to legally influence forest practices under the Code. The Lieutenant Governor in Council, the ministers, the chief forester, regional managers, district managers and designated environment officials are now legally mandated to forge this link between the Code and the broader provincial planning framework.

Planning under the Forest Practices Code is separated into two levels: higher level planning and operational planning. Higher level plans include those plans specified in Part 2 of the Act—Strategic Planning, Objectives and Standards—and plans produced under certain non-code legislation or policy as specified in section 1(1) of the Act.

Higher level plans establish the broader, strategic context for operational plans, providing objectives that determine the mix of forest resources to be managed in a given area. They fall into two categories:

1. Plans that are directly enabled through Part 2 of the *Forest Practices Code of British Columbia Act*. These include objectives for the following: resource management zones, landscape units, sensitive areas, interpretive forest sites, recreation sites and recreation trails.
2. Plans that are developed under non-Code legislation or policy. These include the following: (a) plans or agreements declared to be higher level plans by the Lieutenant Governor in Council (also referred to as Cabinet) or the ministers; (b) plans formulated pursuant to section 4(c) of the *Ministry of Forests Act*, which are designated as higher level plans by the district manager in accordance with direction from the chief forester; and (c) management plans, which may be designated as higher level plans by the chief forester for tree farm licences, and by the regional manager for other agreements under the *Forest Act*.

This second group of plans, except certain management plans, may be designated or declared for all Crown land. In a broader sense, higher level plans refer to plans, agreements or objectives as defined in the Forest Practices Code. They are a "higher level" relative to operational plans and are the primary source of objectives that play an important role in determining the forest practices described in an operational plan. A plan such as the Kamloops Land and Resource Management Plan may be approved as government policy. However, this approval does not make it a higher level plan. It, or a portion of the plan, must first be formally declared by the Lieutenant Governor in Council or the ministers as a higher level plan before the provisions of the Code concerning these plans can apply. The same general concept (with different approving authorities) applies to other higher level plans (Sections 2.1, 2.2).

The Kamloops LRMP, which began in 1989, was the first provincial LRMP to be conducted and the first to be completed (on July 28, 1995):

The Kamloops Land and Resource Management Planning process was initiated in 1989, when the Ministry of Forests was mandated with developing a new plan for the Kamloops Timber Supply Area. At this time, public and agencies throughout British Columbia were demanding more comprehensive, open and consensus-based land use planning processes for protected areas integrated resource management. As a result, the LRMP process was developed based on the principles of public participation, interagency co-operation, full consideration of all resource values and consensus decision-making. The Kamloops LRMP

> process paralleled the development of provincial LRMP and protected area policies. It was the first Land and Resource Management Plan to be approved by government. (Kamloops LRMP, July 1995, page 18)

The LRMP document states that, out of the 2.2 million hectares in the Kamloops District Timber Supply Area, about four percent of the land base consists of community watersheds (excluding domestic watersheds such as Fage Creek and Scotty Creek). Phase One of the Kamloops LRMP began at the tail end of the Social Credit government era (1976-1991), kick-started by a mandate for a new timber supply review for the Kamloops Forest District. Phase two (of the seven LRMP phases) began in 1992 at the beginning of the NDP reign (1991-2001). It was during this transfer of political administrations that community watershed planning objectives changed from those of the IWMP process to those of the new Forest Practices Code. Though there is a reference to "IWMP" in the glossary of the Kamloops LRMP final report, it is nowhere specifically mentioned in the 1995 text that there are a handful of Watershed Reserves within Kamloops LRMP boundaries. In the glossary a community watershed is defined as "any watershed as such as defined in the Forest Practices Code."

The reason why this oversight occurred relates to the August 1986 merger and creation of the new Ministry of Forests and Lands, where foresters were issuing cutting permits in Reserves that were under the authority of the Ministry of Lands (see Chapter 9.1.1). The Lands Ministry was later re-merged with the Ministry of Environment in 1991 after being adrift for almost five years and promptly began to renew the Watershed Reserve status documents under the Ministry of Environment's authority. These older "community watershed" designations exist separate from the *Forest Practices Code Act* community watersheds. In fact the *Forest Practices Code Act* differentiated between the older community watersheds and those designated under the *Forest Practices Code Act*. *Forest Practices Code Act* community watershed status could not be designated over or replace *Land Act* "community watershed" status.

Staff of the ministries of Environment and Forests designated all community watersheds in the Kamloops LRMP as Special Resource Management zones, a buzzword from the June 1995 *Forest Practices Code Act*, which allows logging and other resource uses in such areas. A host of reference documents exist for the Kamloops LRMP:

1. *Land Use Planning: Kamloops LRMP Report* (April 1994)
2. *Land Use Planning: Kamloops LRMP Open House Report* (July 1994)
3. *Kamloops LRMP Summary of Public Comments* (August 1994)
4. *Kamloops LRMP Resource Analysis Report Summary* (August 1994)
5. *Land Use Planning: Kamloops LRMP Multiple Accounts Analysis Discussion Paper* (September 1994)
6. *Kamloops LRMP Volume I: The Recommendation* (February 1995)
7. *Kamloops LRMP Volume II: Appendices* (February 1995)
8. *Kamloops LRMP Recommendation Summary* (February 1995)
9. *Assessment of the Kamloops LRMP Recommendation* (February 1995)
10. *Kamloops LRMP Summary of Public Responses* (March 1995)
11. *Kamloops LRMP Evaluation Report* (September 1995)
12. *Kamloops LRMP Resource Management Guidelines*: a. Policy for Domestic Livestock Grazing in Protection RMZs; b. Interim Measures for Biodiversity Management; c. Visual Quality Guidelines; d. Timber Harvesting Guidelines for Caribou Habitat
13. *Kamloops and Clearwater District Lakeshore Management Guidelines.*

When the Okanagan-Shuswap LRMP was finalized six years later on April 11, 2001—almost four years after the July 1997 Justice Paris *Judgment* (see Chapter 9)—there were no references to IWMPs either in the text or in the glossary. There were discussions about implementing *Land Act* Reserves in the Okanagan-Shuswap LRMP, but no references were ever made to existing Watershed Reserves. To conform with the Justice Paris *Judgment*, the LRMP states that placements of *Land Act* Reserve "designations do not preclude the taking of applications under the Forest Act, Mineral Tenure Act, or other acts" (Part 3, "General Resource Management, Crown Land," pages 3-4). However, the LRMP's glossary defines "Reserves from application" as follows, which appears to contradict the earlier disclaimer:

> Statute (Land Act): A designation established under the Land Act (Sections 15 and 16), that allows land to be reserved from disposition (sale, leasing, licensing, and permitting) under that Act. The reserve designation is commonly used to maintain public options for current and future land use. Some examples would be for preservation of wildlife habitat (if the major threat was land alienation), or to maintain Crown aggregate resources for the Crown's future use.

In December 2004, I began to investigate whether or not provincial Land Use Plans and LRMPs had consistently overlooked the inclusion or mention of Community Watershed Reserves in their reports and submissions. I found that they all had. I then began speaking with government staff to confirm my findings. I ended up at the new Ministry of Sustainable Resource Management headquarters in Victoria—what staff now refer to as "the warehouse"—where all provincial planning processes were coordinated. I was eventually directed to Dave Tudhope, Sustainable Resource Management Officer for the Surrey regional office. On January 10, 2005, Dave Tudhope, who had participated in four LRMPs—Kamloops, Okanagan/Shuswap, Lillooet, and Sea-to-Sky—told me that tenured *Land Act* Community Watershed Reserves **had never been discussed with LRMP stakeholders, or map information provided.** Tudhope knew very little about the Reserves but recollected seeing them on official government maps. He said that only *Forest Practices Code* Community Watersheds had been brought forward for discussion.

Who in government was ultimately responsible for not providing accurate Crown Land information about Community Watershed Reserves at LRMP (and other Higher Level Planning) tables?

According to *Land and Resource Management Planning: A Statement of Principles and Process*, the 1993 document that guided LRMPs, "technical support and process administration" was to be provided by the provincial government. The document stated that information was to be supported and implemented by interagency management committees, middle management, interagency planning teams, the Integrated Resource Planning Committee, assistant deputy ministers, CORE, the Minister of Environment, Lands and Parks, the Minister of Forests and the Minister of Energy, Mines and Petroleum Resources:

> Prior to commencing an LRMP, government agencies should identify critical information deficiencies and conduct appropriate inventories.
>
> Each resource agency represented on the interagency planning team is responsible for ensuring that a resource analysis of its mandated areas is completed. The interagency planning team co-ordinates all analyses to ensure efficiency and quality control, and to manage gaps.

> Information must be mapped or formatted in a standard manner that allows a clear understanding of the subject and readily permits comparison and analysis (from the "Information" section).
>
> The regional interagency management committee appoints an interagency planning team from its staff for each LRMP project or for a number of related LRMP projects and invites staff participation from other levels of government. If any team has responsibility for more than one LRMP, it forms working groups for each project. The interagency management committee also agrees to the amount of funding and technical support that will be provided by each agency to ensure completion of plans to policy standards.
>
> Interagency planning teams gather and map information, and conduct analyses using methods that have been agreed to by the participants. This includes collecting public knowledge on resource characteristics and documenting public values and interests (from the "Preliminary Organization, Plan Initiation and Information Assembly" section).

About two years later, in 1995, the new Land Use Coordinating Office (LUCO) was also involved in providing and analyzing technical information for provincial planning tables.

Another document, *Resource Analysis Guidelines for Land and Resource Management Planning in British Columbia* (February 1995, Version 2, Interim Guidelines Draft), also identified that LRMP planning was to include the building of a "knowledge base" through the gathering of accurate information from government agencies:

> The knowledge base includes maps, inventories, models, and projection rules specific to the resource, plus knowledge of its effects on other resources. The knowledge base captures the current state and underlying dynamics of the specific resource and how these are affected by management activities. From the knowledge base, rules or a methodology are drawn that allow the state of the resource, based on the management scenario, to be projected (or forecasted). . . . Assembling the relevant information base, selecting the analysis methodology, identifying appropriate indicators, and calculating their values are part of building the knowledge base. These tasks are carried out by agencies for each resource at the direction of the planning table. The key outputs of the knowledge base include the location of important areas and identification of their management requirements (Section 2.4, "The Resource Analysis Framework").
>
> The building of the knowledge base is undertaken for each resource to support the Information Assembly step of LRMP. Building the knowledge base prepares the planning representatives for subsequent deliberations and negotiations at the planning table. The objective of building the knowledge base is to build a common understanding of the supply or state of each resource as well as the natural and management factors impacting on each resource. This information, once organized in a way that it can be applied to the issues that need to be addressed, is used to develop and refine resource management zones along with their associated objectives and strategies. In addition the knowledge base includes general resource information, preliminary indicators and analysis models to conduct resource impact assessments (Section 3.0, "Building the Knowledge Base").

The planning support team should be aware of the tools and methods used to examine land and resource related information and tailor the information accordingly (see Section 3.4). It is important for the technical support team to understand what the data are and how they can be used in the analysis process, given the tools that are intended for use throughout the planning process (Section 4.1, "Organizing Data").

The central questions remain: why were the Community Watershed Reserves never identified, and who was responsible for deflecting their inclusion in the Higher Level Plans?

8.4.4. CORE and LUCO Protection Politics at City of Nelson's Five Mile Creek and Erickson/Creston's Arrow Creek Watershed Reserves

In the government's clandestine efforts to use regional and subregional planning to reclassify *Land Act* Watershed Reserves (and unreserved community watersheds) as Special Resource Management Zones, one exception appeared: Five Mile Creek, the city of Nelson's Category Two Watershed Reserve. The West Kootenay-Boundary Land Use Plan treated this source of Nelson's drinking water quite differently from other Watershed Reserves scattered throughout the East and West Kootenays— they nominated it for provincial park status in late 1994.

Nothing was accurately described about Five Mile Creek's colorful and controversial history in the final October 1994 Land Use Plan. It was one of the earliest BC Interior watersheds to be reserved, and Nelson City Council had continuously fought for its protection. An old Forest Service Forest Atlas map (post-1927) registered it as a Reserve, and it was re-registered over the decades until the 1972 provincial Task Force on Community Watersheds re-reserved it in late 1973. When the Ministry of Forests began to threaten logging plans in Five Mile Creek in the early 1980s, Nelson Council and many other water users put up a fight and held on until the area was finally proclaimed a park in 1994.

Why the Commission on Resources and Environment and the newly implemented Land Use Coordination Office favored the proposal for park status had much to do with local and provincial politics—and very little to do with logic. Five Mile Creek was already designated as a Watershed Reserve, which clearly precluded any dispositions within it. The logical progression for the Reserve was to have its *Land Act* status transferred from a Section 12 Map Reserve to a Section 11 Order-in-Council Reserve. But such a decision would have brought unwanted public attention to the Ministry of Forests' cover-up of Watershed Reserves, and might have amounted to trouble for the government. So Five Mile Creek became a park instead. The public had no knowledge of this process, but some inside government did. Including Five Mile Creek as a park gobbled up valuable hectares under the 12-percent cap for preserving Crown lands, thus preventing other areas from becoming protected.

The Erickson Improvement District paid close attention to the politics around Five Mile Creek—even if its trustees may not have understood the precise legal status of Watershed Reserves. The District was responsible for Arrow Creek, a Category Two Watershed Reserve formed in late 1973 by the Community Watershed Task Force. This watershed had been protected from logging since the early 1940s. Early Forest Atlas maps registered Arrow Creek as a Health District (files 08860#5, 045432 and, later, 0174225), a Game Reserve (file 1357984, gazetted March 13, 1941) and a

Watershed Reserve (215036). The maps were marked “No Timber Sales” in bold black gothic capitals.

Following the enactment of the *Game Protection Act* in 1898, many local officials and politicians—and even provincial health officers—began to also interpret the legislation as a means of protecting drinking water sources from human trespass.

> More stringent laws should be passed in British Columbia to protect watershed areas and preserve the purity of water supplies. . . . Municipal authorities and private waterworks companies should get together and urge upon the Provincial Government the necessity of passing legislation that would prevent trespassing of watershed areas. . . . Not only would stricter laws prevent the contamination of water supplies, he said, but would create large game preserves where the wild animals of the country would be protected from hunters. (Laws to protect watershed areas strongly urged, Victoria Times newspaper, May 12, 1921. Esquimalt Water Works Secretary Ernest Halsall made his comments regarding the protection of Victoria’s water supply at a Rotary Club luncheon.)

In addition to *Land Act* lease legislation, the *Game Act* was used to protect the Capilano and Seymour watersheds in the 1920s, and later the Arrow Creek watershed:

> In reply to your letter with reference to creating a Game and Fish Reserve, for the further protection of the watersheds of Capilano and Seymour Creek, I heartily concur in your suggestion. I think it would be a step in the right direction, and would greatly assist both Departments in maintaining and protecting our water supply. . . . I suggest that a bill be brought down at the next sitting of the House, creating such a reserve. (Letter from F.L. Fellows, Vancouver City engineer, to Dr. H.E. Young, Provincial Officer of Health, September 24, 1918)

Arrow Creek was protected to the hilt by every piece of appropriate provincial legislation, as demanded by early Improvement District trustees. To the immediate west of Arrow Creek was Duck Creek, water supply for the village of Wynndel and also protected as a Watershed Reserve despite the fact that it included small parcels of private land. In the late 1960s the Forest Service began to allow illegal timber sales along the lower sections of Arrow Creek above the Improvement District’s water intake. Trustees found out and raised a stink about it. They also discovered that the Game Reserve had mysteriously vanished from the maps and that government officials were denying the fact that it was a Health District (see Chapter 8.2.3.b for more).

By late 1994, when the lifting of the provincial government’s five-year moratorium on Arrow Creek logging loomed, Erickson Improvement District trustees became frantic. But their continual pleading to the Land Use Coordination Office and Commission on Resources and Environment fell on deaf ears. According to these central-planning agencies, Arrow Creek, along with all other Watershed Reserves and community/domestic watersheds not reserved (except Five Mile Creek), was destined for “special resource management.” The following quotes are taken from Chapter 15, “October 1994—The Kootenay CORE Process, the Lifting of the Moratorium and the Secret Road Permit,” in Will Koop’s January 2002 report, *The Arrow Creek Community Watershed—Community Resistance to Logging and Mining in a Domestic Watershed*:

> The Erickson Improvement District sent a total of five letters to the East Kootenay CORE process to protect Arrow Creek, and to remove Arrow Creek from the Ministry of Forests’

> Allowable Annual Cut (August 1994-March 1995). According to [Trustees Chairman] Elvin Masuch, the Commission's administrative representatives completely ignored their requests, without even sending replies to their letters.
>
> On July 15, 1994, at the CORE public meeting in Creston, we were informed that the trustees of Erickson Improvement District could submit a recommendation to CORE with respect to the Arrow Creek watershed.
>
> The Erickson Improvement District Trustees have strongly and effectively opposed road construction and logging in the watershed for the past 22 years, and because of the opposition and high value of the water, in 1989, the Minister of Forests, C. Richmond imposed a 5 year road construction and logging moratorium on the watershed.
>
> The road construction and logging moratorium on the Arrow Creek watershed will expire in November, 1994 and the trustees are extremely anxious and concerned for the future protection of the Arrow Creek. (Letter to C.O.R.E., August 3, 1994)
>
> The trustees wish to add the following reason in support of our previous proposal that the Arrow Creek watershed be taken out of the Kootenay Lake Timber Supply Area Annual Allowable Cut. The Arrow Creek watershed proposed A.A.C. of 10,000 cubic meters represents approximately 1% of the Kootenay Lake Timber Supply Area A.A.C. The Kootenay Lake Timber Supply Area A.A.C. has actually been under-harvested by 32.8% during the past 5 years. Therefore in the trustees opinion the elimination of the Arrow Creek watershed from the Kootenay Lake Timber Supply Area A.A.C. would have no impact on the timber harvest in the Kootenay Lake Timber Supply Area." (Letter to C.O.R.E., August 11, 1994)

After Erickson Improvement District trustees read the West Kootenay-Boundary Land Use Plan Summary, where they discovered that Arrow Creek was scheduled for future logging, they asked for political support from the town council of Creston (which receives its water supply from Arrow Creek), as they were concerned:

> . . . that the watershed and water supply may not be given adequate protection under special management and felt the watershed would be given better protection if designated as a protected area. The Trustees informed the meeting that a recommendation will be forwarded to S. Owen that the Arrow Creek watershed be designated as a protected area in the final CORE report (November 21, 1994, minutes).

In subsequent letters to CORE and LUCO, the Improvement District received no responses to their concerns:

> In the CORE Summary Report the Arrow Creek watershed has been designated as a special management area, which allows for resource extraction. There is no clear definition of the protection the water resource would be given under special management and the trustees of the District are concerned that the resource extraction may have a negative impact on the Arrow Creek water supply.
>
> In view of the extremely high value of the Arrow Creek water resource, and to give that water resource maximum protection, the trustees request that the Arrow Creek watershed be

> designated a protected area in the final CORE report. We trust that you will give full consideration to the District trustees' request and await your reply (letter to CORE, December 15, 1994).
>
> On January 10, 1995, we phoned your office and followed with a faxed letter to you regarding the designated status of Arrow Creek watershed in the CORE report. To date we have no reply. We still wish to meet with you to discuss the Arrow Creek watershed. We are enclosing a copy of the previous correspondence sent to your office and we look forward to meeting with you to discuss the Arrow Creek watershed (final letter to senior CORE administrators Murray Rankin and Grant Scott, March 23, 1995).

There is a simple explanation why the Erickson Improvement District was continually ignored by the government's top planning agencies. It has to do with the unwanted attention that the District was bringing to all Watershed Reserves throughout the province.