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

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PROTECTIVE LEGISLATION RETURNS TO THE GREATER VANCOUVER WATERSHEDS

Vancouver - Unnoticed by most British Columbians, landmark provincial legislation re-establishing local, autonomous control for the purpose of protecting Crown forestlands within 60,000 hectares of Greater Vancouver's three drinking water source watersheds, the Capilano, Seymour and Coquitlam, was re-enacted on Wednesday, June 30, 2004. The re-assumption of administrative authority came two years after Greater Vancouver Water District (GVWD) Commissioner Johnnie Carline notified Deputy Minister of Sustainable Resource Management Jon O'Riordan that the Water District was invoking an escape clause in the *Amending Indenture,* a highly controversial 1967 logging agreement between the GVWD and the Social Credit government's then Minister of Lands, Forests and Water Resources Ray Williston. Ken Cameron, Greater Vancouver Regional District's Manager of Policy and Planning, recently confirmed the cancellation commenting that the *Amending Indenture* is now "legally defunct". The Water District's directives to cancel the *Amending Indenture* followed years of appeals and petitions by local citizens and organizations at the monthly Water Committee and Board meetings in the late 1990s.

The original legislation, referred to as the *Indenture*, was enacted by the provincial government in August 1927 following ten years of public protests against logging in the Capilano and proposed logging in the Seymour watersheds. John Davidson, University of BC's professor of Botany, and the provincial government's first appointed Botanist, led the fight in the 1920s against the provincial government's attempts to log the watersheds. Through the direction and leadership of the Water District's first Commissioner (and former provincial Water Comptroller) Earnest Albert Cleveland, the provincial government consented to grant formal control over public forestlands in the Capilano and Seymour watersheds to the Greater Vancouver Water District. The legislation was coordinated under a provision in the *Land Act*, which specified that a municipal or local government could apply to the Minister of Lands for a 999-year lease of Crown lands to completely protect a community drinking water source from commercial logging:

> *The Lieutenant-Governor in Council may grant to any incorporated city, owning and operating its own system of water-works, a lease of the vacant Crown lands which form the whole or any portion of the natural watershed from which such city derives its water supply….*

The *Land Act* legislation was first enacted in 1908, in conjunction with federal legislation for public drinking watershed sources passed in 1906, in order to provide communities with a perpetual remedy against the threats of logging, mining and trespass in their drinking water sources that might be sanctioned through government approved forest licenses. Preceding even provincial parks legislation in BC, legislation was enacted to protect public drinking water sources. In August 1942 the Coquitlam watershed, originally protected from logging and trespass through a precedent setting 1910 federal Order-in-Council, was transferred into the *Indenture* to harmonize the complete protection of the three watersheds under one body of legislation. Commenting on the significance of the legislation, Cleveland wrote in November 1936:

> The District is as completely protected as the laws of the Province will permit in the enjoyment of what amounts to exclusive rights to all the water…. The District's policy is to preserve all the timber both commercially loggable and otherwise in the watersheds for the conservation of the run-off and to preserve the area from human occupation either temporary or permanent. I would not attempt to set a value on the watershed lands in the Coquitlam, Seymour, and Capilano watersheds as they constitute an almost invaluable asset of the District permitting the complete and entire control of the purity of the water supply for all time so that neither now nor in the future will filtration or sterilization of the water be required.

In 1952, following the death of Commissioner Cleveland, who had consistently defended and maintained the Water District's policy of protection in his 26 years of active duty, professional foresters immediately began to drum up arguments for why the watersheds should be logged. Based on evidence from the late 1940s and 1950s, it appears that foresters were involved in an organized agenda, funded by forest companies in the United States, to open up thousands of public drinking watersheds that had formerly been protected from logging.

On the British Columbia front, industrial foresters saw the Greater Vancouver and Greater Victoria watersheds as a means of creating a precedent that would enable them to log in the remainder of British Columbia's protected drinking watersheds. Like their associates in the United States, foresters said that Greater Vancouver's old growth forests were a threat to water quality because of insects and fire. Despite overwhelming evidence to the contrary, foresters claimed that logging would actually "enhance" and "maintain" water quality, which unsuspecting politicians, the gatekeepers of the watersheds, unfortunately believed.

After four years of backroom negotiations with the Minister of Lands and the Attorney General's Department, the 1927 *Indenture* was amended and in March 1967 the Water District was granted a quasi-Tree Farm Licence agreement. It stipulated that the Water District must maintain an Allowable Annual Cut based on forest management plans produced every five years under the direction of the Ministry of Forests. Based on information from government files, the logging of Greater Vancouver's watersheds was instrumental in the Forest Service and the forestry industry gaining entry to other BC drinking watersheds. It also led to government administrators denying other municipalities and communities the right to obtain long-term lease control of public forestlands specified under the *Land Act*.

About 300 kilometers of logging roads were bulldozed through the three GVRD watersheds and over 5,000 hectares of forests clearcut logged over a period of 25 years. The given purpose for the logging program was to liquidate the old growth forests, which scientists state provide us with the highest quality drinking water. As a result, Greater Vancouver's water quality was diminished (sometimes severely), and this resulted in recommendations by health committees in the 1980s to construct expensive water filtration treatment plants. Largely as a result, the Water District is now forced to spend $600 million in federal, provincial and local tax dollars for an elaborate water filtration system. The few millions recovered in provincial stumpage fees and the short term profits realized by the Water District pale in comparison to the costs of filtration and the health risks to which the public has been subjected.

"This has been a long time coming but the effort has been worth it. Logging in the Greater Vancouver watersheds has finally ended with the cancellation of this *Amending Indenture*", said Will Koop, Coordinator of the BC Tap Water Alliance, a former Director of the Friends of the Watersheds and former short-term campaigner with SPEC (Society Promoting Environmental Conservation). "In the end, our elected representatives agreed with us and the early Water District Board and had the wisdom to do the right thing. We are now happily back to square one, which is, given the present circumstances in BC, in the best interests of Greater Vancouver. Our watersheds are our most important asset, and will heal over time. Unfortunately, there has always been and there will always be pressure to log in them, therefore we must be vigilant to protect them in the future. We hope that other BC municipalities and communities, which have been denied the right to administer their water supplies, will now be given equal legislative rights by our provincial government in order to protect their drinking water sources as they should be, for the perpetual benefit of all."