

“NO TIMBER SALES” – From Wisdom to Tyranny

WATERSHED SENTINEL ARTICLE – MARCH/APRIL 2007 (Vol.17, No.2)

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The protection of drinking water sources is an ancient wisdom of the Commons wisdom practiced throughout the world. A report to the Albany Institute on June 4, 1872 by (Albany) New York State senior librarian Henry Home, demonstrated how the City of Constantinople’s drinking watershed, located along the ridges of the Balkan Range, with its ancient chestnut and oak forests, had been protected for 1,500 years. Home stated that it was a wise “custom and a stringent law” originating from the “edicts of Greek Emperors”. Wars, over-population, corruption, change in ruling authorities, etc., sometimes resulted in the abandonment of these customs to the detriment of the watersheds that provided people with clean, healthy water in Europe, Russia, and Asia. The lessons were well known by the time of the first colonizers’ arrival in North America and resulted in some of its earliest legislation.

For over one hundred years the protection of intact forested drinking water sources in British Columbia was a well established legislative tradition. However, this purpose and the administrative instruments dedicated to maintaining a healthy abundant supply of domestic water were later systematically obscured from public and municipal/community administrators. Beginning in 1975, three successive governments: Social Credit, the NDP, and the BC Liberals undertook the purposeful dismantling of “Community Watershed Reserve” policy, procedure and legislation nullifying the traditional oversight mandates of the Ministries of Environment and Health.

From the mid-1960s short term timber supply at the current rate of cut was recognized to be unsustainable. Instead of adjusting the Allowable Annual Cut accordingly, provincial administrators, principally with the Forest Service, began to eye forested Watershed Reserve lands to bridge the predicted shortfall going from old to second-growth forests. To date, there have been no public investigations by government other than internal findings of a 1970’s inter-departmental task force on the public’s drinking water supply sources.

No Public Investigations

This disturbing story is investigated in my book, *From Wisdom to Tyranny: A History of British Columbia’s Drinking Watershed Reserves*, released on June 13, 2006. It is the outcome of more than a decade of research and collaboration with many watershed activists. It describes the path from governance in the public interest to governance where elected officials and appointed administrators conspire to defraud the public and hide their actions from scrutiny. To date, there have been no public investigations by government other than internal findings from a 1970s inter-departmental task force on public drinking water supply sources.

The Auditor General released a critical review in March 1999 on *Drinking Water Protection*, the first report of its kind in BC history. Two years later, the Ministry of Health’s Chief Medical Health Officer released a related provincial report on drinking water, also the first report of its



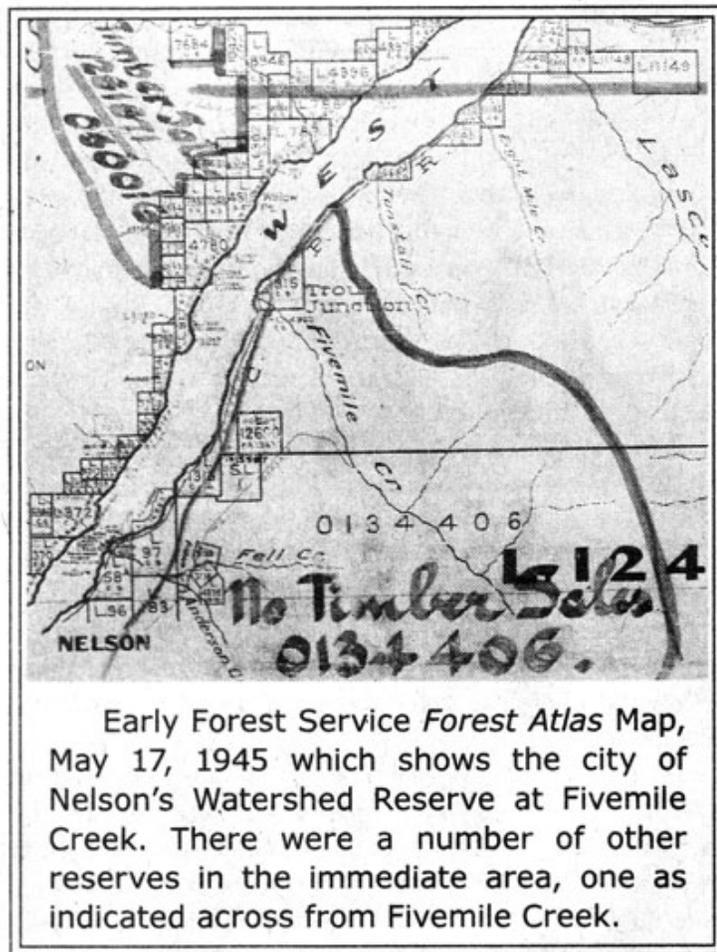
Watershed Reserve collage of old map notations from Ministry of Lands archives, in *From Wisdom to Tyranny: A History of British Columbia's Drinking Watershed Reserves*, by Will Koop. Self-published, June 2007, 276 pages. (See website for details on the book and how and where to get a copy)

kind in the Ministry of Health's history. Not one word about Community Watershed Reserves was included in either of those reports. Meanwhile the Ministry of Forests was beginning to include the Watershed Reserve lands in Community Forest licenses being granted, by circuitous proxy, to the forest industry throughout BC. We made the decision to collate and publish the BC Tapwater Alliance research in response.

When *From Wisdom to Tyranny* was published in June 2006, Globe and Mail reporter Mark Hume wrote: "The story of how the watersheds holding British Columbia's drinking water came to be logged is a deep and murky one.... he has gone where no researcher has before – deep into the provincial government's own watershed reserve archives – and he has surfaced with findings that have to be taken seriously. If he's right in his assertions, British Columbians have been robbed by their own government, of the right to clean water."

Robbery, or theft, implies a criminal offense. Our findings reveal that many community watersheds are supposed to be fully protected from resource exploitation as Watershed Reserves under the BC *Land Act*. Government documents detail how the six hundred or so community watersheds, under half of which are Watershed Reserves, were supposed to be excluded from the timber harvesting land base, but were instead covertly included in the new program of Allowable Annual Cut determinations.

Evidence from multiple documents suggests a strong and sustained collusion with the US timber industry; its associations and interests were extended into and intertwined with BC's. In the United States by the late 1940s, strong forces were at work to achieve the same ends in American protected federal, state and municipal drinking watersheds. The outcome of these dealings, which some now find hard to believe, was accomplished largely by obfuscation. North Americans who had nurtured a long-held belief in the protection of drinking watersheds were completely unaware until, in many instances, it was too late. And yet public criticism was immediate and sustained. The public "felt" this wasn't "right". Our research reveals that the public's instinct was correct; there is a body of policy and legislation hidden in government's closet, confirming that intuition.



The public desire to protect drinking water sources in North America was strongly voiced in the late 1800s during the often lawless and opportunistic exploitation of eastern US and Canadian forests. From 1850 to the early 1900s, cities and settlements, primarily in the east, had their drinking watersheds ruined. As stated in many history books, there were few laws and little regulation of forestry practices in the 1800s, a time of rampant destruction of forests in the New World. Widespread public concerns, given voice by academics, led to the birth of the conservation movement and emphasis on the protection of forests. Early conservationists and environmental scientists understood the relationship between the protection of forest cover and water runoff, critical in drinking water sources and for the prevention of flooding and erosion. They lobbied for new laws recognizing this fundamental relationship. In contrast to today, the importance of intact forests and their relationship to water protection was common knowledge. With the establishment of National Forest Reserves, later called National Forests, many US cities had their drinking water sources protected.

Here in BC, reflecting the North American consensus, New Westminster City had its Coquitlam River drinking watershed, owned at that time by the Federal Crown, protected from logging and public trespass through a federal order-in-council in 1910. The City of Victoria's privately owned drinking watersheds were unlogged until the 1950s. In 1927, the Greater Vancouver Water District obtained legislated control of the Seymour and Capilano watersheds through a provision in the 1908 *Land Act* which granted a 999 year lease of Crown lands. On southeastern Vancouver Island, the Nanaimo Water District's Jump Creek watershed lands, privately owned by two or three separate corporations since the two million acre E&N railway land grant, were not logged until after the mid-1950s.

Land Act Watershed Reserves

Dozens and dozens of drinking watersheds in BC were protected through *Land Act* Watershed Reserves in the early 1900s, and continued to be granted through the 1970s and 1980s. As Victoria City's first hired professional forester H.J. Hodgins stated in 1949, his proposed sustained yield logging of Victoria's pristine watershed forests "was the first such policy put into effect in Canada".

But the spin emanating since the 1950s, from the extensive public relations machine of US and Canadian timber interests began bearing fruit. In some quarters of the BC environmental community, advocates began proposing 'alternative' or 'community forestry' in both community watersheds and the Watershed Reserves. During the 1990s, NDP provincial land use planning processes received directives to seek a mandate to log (and mine) in community watersheds, coupled with secret orders not to include mention of the Watershed Reserves in any of the plans or maps, even though the legislation clearly said they should be included.

Activists do not know

Unfortunately, during this time the environmental community was ignorant of the Watershed Reserves and their legislative status. This is evident in the 1984 creation of the BC Watershed Protection Alliance, and the famous first meeting of the For Love of Water (FLOW) August conference in Nelson. Sixty-six environmental organizations, Water Improvement Districts,

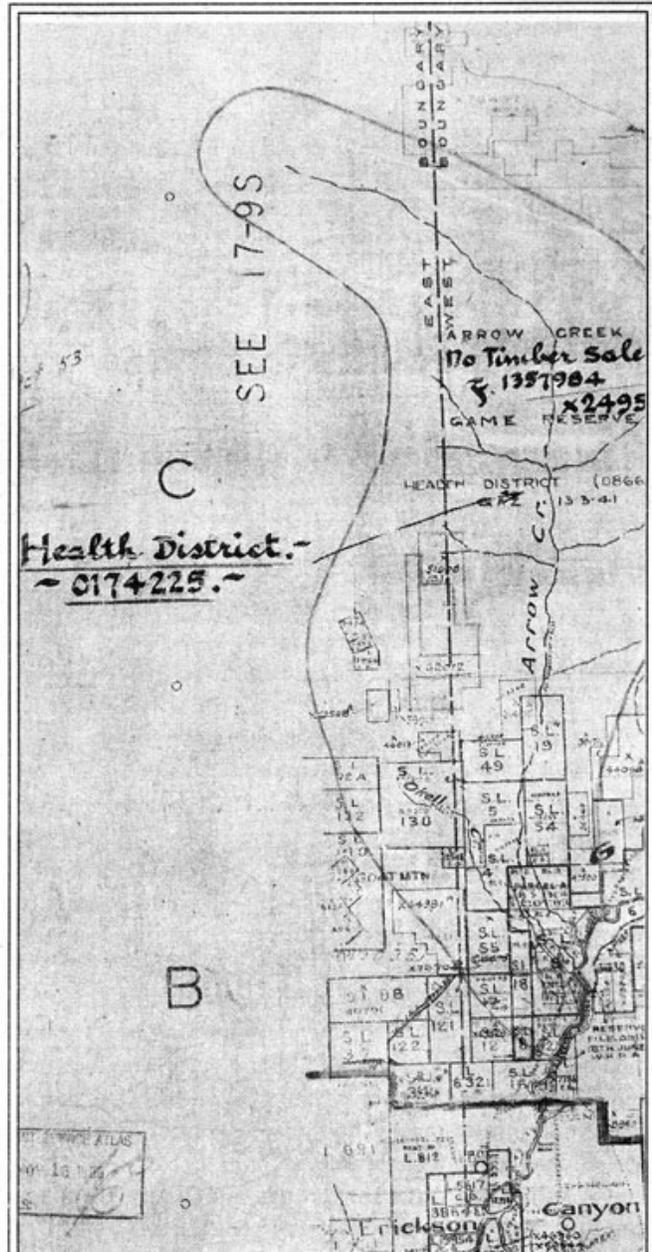
water users, ratepayer associations, clubs, Tribal Councils, a legal association, etc., had passionately merged on the prevailing provincial issue of watershed protection. Many were opposed to logging and cattle grazing in their drinking water.

A long confidential legal brief prepared for the FLOW meeting contained a summary of all relevant provincial legislation related to the *Water* and *Municipal* Acts for the administration of public and privately held watersheds. Yet in that document there was, oddly, no mention of Watershed Reserves and their legislated function, even though they were clearly marked on all Ministry of Forests' Forest Atlas and Ministry of Environment's Legal Survey maps. This common map information showing the Reserves was unfortunately completely overlooked by those community activists!

It was not until 1991 that the first questions, about the status of these *Land Act* Watershed Reserves were raised by committee members of the Tetrahedron Local Resource Use Plan. This LRUP was a component of the Chapman Gray Integrated Watershed Management Plan, on the Sunshine Coast.

Forest Stewardship Council Standards

On June 21, 2001, the BC Tap Water Alliance (BCTWA) provided formal objections during public input hearings by the Forest Stewardship Council (FSC) about public certification of logging in community drinking watersheds. The FSC group for BC, part of an international FSC body, proposed acceptance of logging in Watershed Reserves, as FSC accepts logging in community watersheds globally. Former 'single use' drinking



Forest Atlas Map, November 15, 1955 showing Arrow Creek Watershed Reserve, Game Reserve and Health District, with the standard disclaimer *NO TIMBER SALES*. According to Elvin Masuch, the former long-standing chair of the Erickson Improvement District Trustees, the public had never seen this map before BCTWA research. The map was never shown in the 1984-1988 Integrated Watershed Management Plan and public process for the Duck-Arrow Creeks.

watersheds were redefined, internationally, as High Conservation Value Forests, where logging was endorsed.

The BCTWA stated:

This in contrast to the current trend where logging in domestic watersheds, such as Portland, Seattle, Victoria, Greater Vancouver, the Sunshine Coast Regional District, and Nelson is discontinued.

It is our position that there should be no logging in domestic watersheds, and that the FSC should not support so-called alternative logging tenure applications and practices for certification in domestic water supplies.

Rather, the FSC should help British Columbians to reenact provincial legislation to protect domestic watersheds from agricultural and industrial activities. Associated with this is the long term process needed to rehabilitate domestic watersheds that have been degraded by diverse, and in some cases, prolonged industrial practices. In doing so, we will develop consistent standards and achieve public confidence to help in alternate forestry practices that will lead to the long-term protection and integrity of our forests - and the protection of our domestic water supply sources.

Sunshine Coast Referendum

The ongoing struggle for community control of drinking water sources is still being played out in the Sunshine Coast Regional District's two Reserves, Chapman and Gray Creeks. Logging on Crown land within the watersheds has not occurred since 1993. When community activists rediscovered during a lengthy Integrated Watershed Management Plan (IWMP) process that the District's water sources were *Land Act* Watershed Reserves, the Ministry of Forests stonewalled and refused to acknowledge the Reserves' legislative significance. In fact, no reference was made to their existence in any of the IWMP documents.

However, the discovery of the Reserves' status eventually led to community rejection of the Ministry of Forests Chapman/Gray Integrated Watershed Management Plan by referendum in 1998. After the public referendum, where voters rejected any further logging and the proposed gravel mining in the Watershed Reserves, Regional District representatives met with provincial government representatives seeking clarification about the Reserve status. None was forthcoming.

Even after a Watershed Accord to protect the drinking water sources from logging and mining was established by the Sechelt First Nation and the Sunshine Coast Regional District, the new BC Liberal government continued to ignore public sentiment. They turned a blind eye while the Sunshine Coast Forest District highjacked the new provincial 'community forest' initiative to seize administrative authority over the Watershed Reserves. The Minister of Forests then directly awarded the Reserves to local forestry interests on the Sunshine Coast, over the sustained objections of 'the community' and in spite of the fact that the proposal had failed to meet the evaluation criteria established by the provincial government.

The Ministry of Forests and the community foresters made no mention of the two Reserves or their legislative significance in any of their public documents and plans. They willfully ignored and did not document the significant public opposition to the inclusion of the Chapman and Gray Creeks Watershed Reserves in the Community Forest land base. The only nod to community concern about its drinking water sources is in the Stewardship Plan, where they commit to protecting, not water quality and timing of flows but, the water intake structure “*unless this will unduly impact timber supply.*”

In *From Wisdom to Tyranny*, the BC Tap Water Alliance presents all the evidence necessary to conclude that our birthright to an adequate supply of clean, healthy water, enshrined in provincial legislation, has been systematically ‘disappeared’ by the Ministry of Forests. For the past four decades watersheds dedicated for community water supply have been covertly rededicated to short term timber supply, while all ‘costs’ and impacts have been cynically assigned to the taxpayer. Logging, mining and cattle husbandry in community watersheds have proven to be unmitigated disasters with long term health and financial consequences for the residents of those communities.

Based on our research the BC Tap Water Alliance is recommending to government:

- The reinstatement of the *Land Act* Watershed Reserves in accordance with the intent of the designation;
- A forensic audit of provincial planning processes;
- The suspension of all tenured activities in the Watershed Reserves to be undertaken immediately in the public interest.