

FORESTRY: B.C. SUPREME COURT DECISION

Stop-work order on logging 'unreasonable,' judge rules

Health board worried that drinking water could be contaminated

CATHRYN ATKINSON
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Logging can continue along the sensitive Chapman Creek watershed, the source of 90 per cent of the Sunshine Coast's drinking water, after a B.C. Supreme Court ruling dismissed a stop-work order issued to a forestry firm by the region's board of health.

Western Forest Products Inc. had been logging within a 48-square-hectare section of block cuts in the watershed, which is about eight kilometres northeast of Sechelt, when the Sunshine Coast Regional District grew concerned about possible water contamination.

The district then took the unusual step of forming a local health board over the summer in order to invoke a rarely tested section of the provincial Health Act to restrict harvesting trees with the aim of protecting the community's water supply.

Tuesday's ruling by Mr. Justice Bruce Butler followed a two-day hearing in mid-September. He stated it "seemed somewhat anomalous" that a B.C. regional district did not have the authority to determine what can occur with its watershed, but added that this was not the issue before the court, and called the stop-work order "unreasonable."

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Ed Steeves, chairman of the SCRCD, said the health board would discuss the ruling at a meeting today, and decide whether it would take the matter further in the courts. "We will receive input from our legal counsel and we will discuss it fully from there," he said.

"We have a treatment plant that picks up a lot of our problems, but by the same token it's the last line of defence and is not infallible."

By invoking the Health Act, Mr. Steeves said, "we were hoping basically to gain some control and be part of major decision making in the watershed."

Patricia Chew, director of the West Coast Environmental Law centre, said her organization had suggested to the regional district hat

it could use its powers to create a health board and invoke the act.

"The outcome is disappointing, but we were very encouraged that nowhere in the ruling does it say a regional district does not have authority to exercise its power as a local board of health in order to protect its citizens," she said.

"In this particular case, the judge simply did not see a health hazard."

Duncan Kerr, chief operating officer of Western Forest Products, said the company had finished felling the trees and were in the process of removing them. He added that the nearest any logging came to the creek itself was one kilometre.

"We've always believed that the nature of the work we're proposing did not create a risk to drinking water or health. It's encouraging to see that the Supreme Court has reached the same conclusion," he said.

"Any industry needs to build trust ... that is one of the learnings for us in this situation.

"It is one thing to be technically correct and it is another thing to build local confidence."

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Phillip Crawley, Publisher