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Mr. Lorne Lewis
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Sunshine Coast Regional District
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Dear Mr. Lewis:

I'm sure you have heard from a number of your constituents regarding the activities of **Western Forest Products (WFP)** and the wishes of our elected officers who constituted themselves as a **Local Health Board**. I was present at the Board Meeting when you heard submissions from several persons who believed that *health hazard* existed because of the practices of WFP. From the action of the Board, i.e. sending a letter to WFP requesting they suspend operations in the Watershed until August 11, 2007, I believe that the Board unanimously reached the conclusion that, had the issue been argued in Court, a "**Prima Facie**" case had been presented that demanded that WFP respond to the complaint. In other words, in absence to a response to the complaint, the complainants had made their case. I believe that the Board acted in the most reasonable fashion from WFP's perspective and must admit that I wished that your "request" be replaced with an outright "Order". However, in response to your generosity, WFP immediately ordered more equipment to be brought to the site and began logging in the most sensitive area when other cut-blocks outside the watershed were available to them.

It is my sincere belief that WFP knew the spirit and intent of your letter and in spite of their knowledge and understanding, they literally spit in your eye and did what they wanted to do in the first place. They selected that area because they knew that a "**Stop Work Order**" for that area was, in fact, ***imminent***. I now urge you to make the Order immediately and order WFP out of our forests completely. Their cavalier attitude and lack of respect toward the elected officers of our local government, not to mention the citizens of the Sunshine Coast, should cost them the privilege of doing any kind of business here. The Board has the power to act and it is my most respectful request that you should act now! Every moment waiting or procrastinating is costing the watershed dearly. Huge old-growth trees are being felled in the watershed and I believe that I should not have to instruct you on the significance of the loss of those trees as they relate to the continued provision of fresh, pure, clean water to the people of the Sunshine Coast. In short, we are losing, if we have not already lost, our right to expect the delivery of clean water to our fresh water intake located in Chapman Creek.

I therefore ask you to support the initiative to reconvene the Local Board of Health and resolve to stop the so-called "harvest" of timber in or near to our watershed. I also urge you to consider suspending the business licences of any contractors working under the supervision of WFP who may be facilitating or who may be a party to the damage being done under a questionable, if not unlawful, licence to harvest timber in the watershed.

I have other concerns about which, I believe, you should be aware. Earlier this morning, while I was leaving the mountain on a publicly-owned and serviced road leading from Field Road to Dakota Ridge, I was approached by a logging truck with its trailer drawn up, ascending the mountain. As I neared I yielded to the truck as there were obscured signs suggesting logging operations were in progress. Despite my reasonable and courteous effort to yield, the truck drove toward me, causing me to stop. The driver stopped his truck in an obvious effort to impede my progress. A short conversation ensued between me and the driver in which he politely asked if I were a “concerned citizen”. I said that I was. I am, after all, a citizen concerned with a great number of issues. He indicated that there was “someone who wants to talk to you”. He pointed behind him and I saw two RCMP police vehicles stopped abreast behind him. Because he was blocking my path, I exited my vehicle and spoke to **Cst. Martin**. The police member was polite, professional and courteous. Without being confrontational, he advised me of three things:

1. That I was not allowed to be where I was and that I was impeding the logging operation by my being there on the road,
2. That an injunction was in force that prohibited my being there, and
3. That I was subject to arrest.

These three things concerned me for the following reasons which I pointed out to the member:

1. That I am a retired police member (I served 30 years with the Vancouver Police Department, retiring at the rank of Sergeant)
2. That to the best of my knowledge and belief, I was on a “*highway*” - a public road, leading to a well-used and advertised recreational area in Dakota Ridge,
3. That I had not seen any injunction constraining me from doing anything,
4. That I had not impeded anyone or anything and had no intention of doing so and that my simply being somewhere, such as on a public highway, was not reasonable grounds to believe that I was either committing an offence or about to commit an offence. I could have said that at that particular moment, I was being impeded by the logging truck, but that should have been obvious to the member.

I believe that Cst. Martin certainly understood the significance of what I was saying. I suggested that under circumstances like these, the police ought not to attempt to mislead anyone and should exercise their duties and responsibilities to keep the peace. Not only was I not impeding anyone, but I was not trespassing on anyone else’s property. There were no signs declaring “privacy”, nor were there any signs advising that the roads were for the exclusive use of the logging operations.

My concern is that our police are unfamiliar with those duties and the fact that certain highways are not made “logging roads” by decree of the logging operations at their convenience..

I am most concerned by the manner in which logging company vehicles are being driven on highways, or even forest roads, by their employees. On four occasions, other than the

one to which I refer in the above paragraphs, I have been literally “forced off the road” by approaching, speeding vehicles, other than logging trucks, probably intent upon displaying their frustration at the probability of being required to leave the woods by taking up more of the road than they should expect. This situation is compounded by the fact that a logging truck impeded my path with the apparent approval of the two members of the RCMP who were following him. I point out that I am unaware of any situation where a logging company employee can act as an agent of the police in stopping vehicles, without cause, and without authority. Under no circumstances can I think of any reason where anyone would use such a large vehicle in motion to deliberately block the passage of a moving vehicle creating a situation contrary to safety. This prospect is covered in the following sections of the Motor Vehicle Act:

Passing when meeting vehicle

- 154** (1) The driver of a vehicle must drive the vehicle on the right hand side of the roadway when meeting another vehicle that is moving.
- (2) The driver of a vehicle on a highway that has a width for only one line of traffic in each direction must, when meeting another vehicle that is moving, drive the vehicle so that the other vehicle is able to travel in at least 1/2 of the main travelled portion of the highway as nearly as possible.

In this case the driver of the logging truck is obliged to follow both subsections (1) & (2) and not use his vehicle as a weapon or barricade under any circumstances unless directed by a peace officer. In this case, I was already yielding more than “1/2 of the main travelled portion of the highway” out of simple courtesy, as implied by the signs that indicated that logging was in progress.

Careless driving prohibited

- 144** (1) A person must not drive a motor vehicle on a highway
- (a) without due care and attention,
- (b) without reasonable consideration for other persons using the highway, or
- (c) at a speed that is excessive relative to the road, traffic, visibility or weather conditions.

- (2) A person who contravenes subsection (1) (a) or (b) is liable on conviction to a fine of not less than \$100 and, subject to this minimum fine, section 4 of the *Offence Act* applies.

The actions of the logging truck driver may contravene Subsection (1) (b) in that I believe he drove his vehicle in a manner intended to be intimidating so that I might stop. His conversation with me led me to believe that he thought that he had this right to act as a Peace Officer might because the police were immediately behind him and he may have thought they were “supporting” him. I would like to be advised if the police are authorizing untrained truck drivers to act as Peace Officers. In the alternative, I would like to be advised that members of the RCMP are counseling these truck drivers that, in all respects, they must obey all driving rules and regulations intended to reduce or eliminate loss of life, injury, or damage to property.

This is not the only incident that suggests that WFP personnel are overstepping their authority. After leaving the police members and upon arriving at the parking lot on the NE corner of Hwy 101 and Field Road, I met with some people who told me that just before my arrival, they were met by a male person, believed to be the affiant upon whose application the injunction to which Cst.. Martin referred was issued. This person stopped a vehicle on Field Road, approached the group and ordered them out of the area of the parking lot, which, incidentally is a “highway”. I refer to the Motor Vehicle Act, once again, in the “definition” area in Section 1 (embolding is mine).

“highway” includes

(a) every highway within the meaning of the *Transportation Act*,

(b) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and

(c) every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited,

but does not include an industrial road;

This male person advised further that he believed that he was being impeded by the assembled people because he “had to get out of his truck and walk over to advise them that they were interfering with his logging operation”, contrary to an injunction he said he had, but could not or would not produce.. I further request that you or someone from the SCRCD advise this fellow, should he become known, or any officer of WFP that a public parking area far from his logging operation is, in fact, a public place and that three or more people have the right of assembly so long as they do not congregate in a manner

that “will disturb the peace tumultuously”, or provoke others. [*Unlawful Assembly Section 63(1)CCC*]

Unlawful assembly

63. (1) An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

(a) will disturb the peace tumultuously; or

(b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

There were, at the time, very few people in the neighbourhood and there was absolutely no conduct on the part of anyone present that would cause anyone to fear that anyone was about to disturb the peace at all, let alone “tumultuously”.

Furthermore, I would suggest that by his disturbing this lawfully congregated group and misleading them about his intent or purpose, he was exhibiting a total lack of understanding regarding the powers and authorization of an injunction. In the alternative, he may have been deliberately attempting to intimidate the people with an almost farcical, insincere application of the Order.

I believe that the road leading from *Field Road* to *Dakota Ridge* is a “highway” to be enjoyed by the “general public”. If, by some application under the Forest Act, WFP and others have applied to service the road, thereby making it a “Forest Service Road”, have they now **closed** access to Dakota Ridge? Are we, the public, now denied the right to visit a highlight of the Sunshine Coast. This area is advertised as a prime hiking, biking, XC Skiing area. I urge you to explore this and open the area once again to the public. The Forest Act provides as follows: (embolding is mine)

Section 117 (1) A person, other than a person referred to in *section 115 (1)*, who wishes to use a forest service road for an industrial purpose, may apply under this section to the district manager for a road use permit.

(2) The district manager may grant to an applicant under *subsection (1)* a road use permit to use a forest service road if the district manager is satisfied that use of the road by that person for that industrial purpose will not

(a) cause inordinate disturbance to the natural environment

(b) adversely affect authorized users of the road, or

(c) compromise a forest stewardship plan or forest development plan.

This gives rise to the question as to whether or not WFP or anyone else has made application for such a road or for the use of such an existing road as the highway from *Field Rd.* to *Dakota Ridge* is. And, if they did, I believe that the use of the road is both a “disturbance to the natural environment” and it “adversely affects (the) authorized users of the road,” i.e. those people who have been using the road lawfully for years to access Dakota Ridge. You may wish to ask the District Manager, when he finally does show up at your hearings, if he issued such a permit and if he did, now that there is no doubt that the subsequent roads “**(inordinately disturbed) ... the natural environment**”, will he justify the continued use of such a permit in the face of the evidence produced at your hearings.

You might want to pursue the same argument with regards to the *new construction* of the road(s) into the Chapman Creek Watershed as well. One of these was the road video-taped by *Mr. Will Coop* which was presented to the Board by Mr. Coop and *Rev Terri Scallon*.

There appears to be an escalation in the resolve of protesters who, so far, feel abandoned by the Courts and their elected representatives. Also, unlike many protests, their popularity and support is growing each day. It appears to be leading to a confrontation that will end in mass arrests and adverse publicity for the forest company and the elected officials who stood and watched.

I believe that it is the duty and responsibility of the SCRD Board to accept the role of leaders in our community and immediately halt the destruction of the watershed that serves so many thousands of people. Your own website describes the water being supplied to the Water Treatment Facility:

“The SCRD supplies water to approximately 22,000 customers on the Sunshine Coast, with over 90% of this water coming from Chapman Creek...”

“The water quality of Chapman Creek is good for most of the year, however colour and turbidity levels exceed drinking water guidelines during spring runoff and following heavy rainfalls...”

Refer to (http://www.scrd.bc.ca/infrastructure_water.html#txfacility)

Does this now mean that we must accept increased colour and turbidity levels for the rest of the year, for four hundred years? The evidence produced suggested that there is a real probability that the activities of WFP would ensure the compromise of the water quality and quantity delivered to the intake.

Please stop this and immediately order a complete halt to all logging activities in the Watershed.

Yours truly,

R. J. (Ron) Joyce

Elphinstone

c: SCRD Board of Directors