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Derrick Sewell and the Wilderness Advisory Committee in British Columbia

ABSTRACT

The protection of wilderness areas from logging and mineral exploration has become the most sensitive environmental issue in British Columbia during the 1980s. Tension between public interest groups and the private sector has heightened as the last unaccessed areas of original old growth timber under forest license are being included in forest company logging plans and as mineral tenure owners claim the right to explore their historic rights in provincial parks. To ease this tension, in October of 1985 the government established a Wilderness Advisory Committee to advise it on land use decisions on a number of conflict areas and to outline a wilderness policy for the province. Derrick Sewell was appointed vice-chairman of this Committee and played a vital role in shaping its report. As a result of the Committee's recommendations, over 700,000 hectares were protected under wilderness legislation, an increase of approximately 15 percent over existing protected areas. The Committee's recommendations led to changes in legislation to strengthen wilderness area protection and the development of a resource inventory of potential areas for wilderness protection. The government's wilderness policy is still under development, but the role of the Wilderness Advisory Committee in establishing a common basis for shaping this policy is acknowledged by all parties to the issue. Derrick Sewell's dedication and vision for improved resource management for the province has already paid dividends.

INTRODUCTION

This brief article outlines Derrick Sewell's vital contribution towards shaping a wilderness policy for British Columbia. Although Derrick Sewell had always been a "conservationist" for natural resource management in the classical sense of the term, he did not choose to turn his superior intellectual talents to the wilderness issue in British Columbia until the last couple of years of his life. Then, characteristically, he devoted almost all of his considerable energies to developing a policy and to raising public awareness about the question of wilderness protection in many ways. One of these avenues was to organize this special issue on wilderness in this journal.

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In the fall of 1985, Derrick Sewell was appointed Vice-Chairman of a Wilderness Advisory Committee (WAC) by the Minister of Environment. This article provides a brief review of the recent history of the protection of wilderness areas in the province, the conflicts between "developers" and "conservationists" that arose in the late 1970s and 1980s that led to the establishment of the WAC, and the impact of this committee on shaping current wilderness policy for British Columbia. Derrick Sewell, being one member of an eight-person committee clearly would not claim all of the credit for its work. The committee worked well as a team, partly due to the consummate skill of its Chairman, Mr. Bryan Williams, but also because of the tireless efforts of Derrick Sewell.¹ His intense effort literally exhausted him and perhaps was one factor that led to his untimely death. This short statement is therefore a legacy on his contribution to shaping a policy for one of the most controversial issues in the province today.

BACKGROUND

Protection of wilderness areas in British Columbia has followed a somewhat checkered history.² For a province that is blessed with an enormous diversity of landscapes, bio-geoclimatic regions and associated plant and animal life and with a small human population, there was little interest in formally protecting a wilderness area until after the turn of the century. The first provincial park to be established was Strathcona Park on Vancouver Island in 1911. However, the primary purpose of the park was not specifically to protect the pristine wilderness qualities of the area, but to ensure that the land remained under Crown ownership in perpetuity for the enjoyment of the general public. Over the ensuing years, successive British Columbian governments permitted both timber licenses and mineral leases to be established within the park boundaries. Similar arrangements were made for other parks designated under specific statutes during the 1930s and 1940s.

By the mid-1960s, public attitudes towards wilderness protection and recreation had strengthened, leading to the introduction of the Park Act in 1965.³ This Act established Class A and Class B parks, restricting mineral and timber development in the former category, but continuing

1. Sewell, "Getting to Yes" in the Wilderness: *The British Columbia Experience in Environmental Policy Making*, in Festschrift (G. Robinson ed.) (publication to honor Professor Wreford J. Watson, Dep't of Geography, Univ. of Edinburgh).

2. J. O'Riordan, *Mining and Wilderness Protection: Experience in British Columbia* (1987) (paper presented at Mining and the Environment: A Professional Approach Conference, Brisbane, Austl.); see also P. DOOLING, *PARKS IN BRITISH COLUMBIA*, (1985); B.C. CAUCUS REPORT TO THE CANADIAN ASSEMBLY ON NATIONAL PARKS AND PROTECTED AREAS (R. Seace & J. Nelson eds. 1987); S. Fuller, *Wilderness in Western Canada: The Unfinished Work* (1987) (mimeographed report, World Wilderness Congress, Denver, Colo.).

3. Park Act, ch. 31, 1965 B.C. Stat. amended by ch. 67, 1973 B.C. Stat. (codified as amended at B.C. REV. STAT. ch. 309 (1979)).

to permit it in Class B parks under park use permits. By 1973, public concern over mineral exploration in provincial parks had become a major political issue. The government of the day upgraded most Class B parks to Class A and subsequently placed a moratorium on mineral exploration in all provincial parks.⁴

With over 600 mineral claims in the provincial park system by the mid-1970s, it was not long before one of the claim holders legally challenged the right to explore. In an historic judgment, the Supreme Court of Canada ruled in 1985 that the owner of a Crown granted mineral claim in Wells Gray provincial park had the right to explore for minerals and be granted reasonable access to do so or the Crown must pay compensation.⁵ The mining industry accounts for about seven percent of the Provincial G.D.P. (over \$2 billion) and contributes more than 20 percent of exports. Thus the provincial government has been reluctant to deny the industry development opportunities, except for relatively small areas of the Province such as provincial parks.

The second challenge for wilderness preservation is the steady erosion of old growth forests by the forest industry. Outside the 5.3 million hectares of provincial parks (representing approximately 5.4 percent of the land base, Figure 1), most if not all of the forested Crown lands have been allocated in some form of tenure to the forest companies. Although the Provincial Forest designation covers over 80 percent of the Province, in fact only 25 percent is considered productive timber lands. With the forest industry providing over ten percent of provincial G.D.P., 50 percent of export values and employment for more than 100,000 people, there is great reluctance by both companies and government to give up productive forests. Many of the current conflicts over wilderness lie in the protection of the remnants of old growth forest. In the higher alpine areas with limited or no forest potential, there remains a concern by the mining industry over limitations for mineral exploration, should such areas be protected as wilderness.

By the mid-1980s, the conflict over wilderness protection had become intense. There were public demands for preservation in a number of forested areas, notably the South Moresby area in the Queen Charlotte Islands⁶ and the Stein Valley (see Figures 1 and 2), and for elimination of mining claims in provincial parks. But potential compensation to le-

4. D. Thompson, *The Designation of Wilderness in British Columbia* (1987) (paper for Scientific Symposium on Designation of Parks and Wilderness Areas, World Wilderness Congress, Denver, Colo.).

5. *The Queen v. Tener*, [1985] I.S.C.R. 533 (Can.).

6. Dearden, *Mobilising Public Support for Environment: The Case of South Moresby Island, British Columbia*, PROCEEDINGS OF THE ANNUAL JOINT MEETING OF THE PUBLIC ADVISORY COMMITTEE, ENVIRONMENT COUNCIL OF ALBERTA (invited presentation by P. Dearden, 1987) (in press); Sewell, Dearden & Dumbrell, *Wilderness Decisionmaking and the Role of Environmental Interest Groups: A Comparison of the Franklin Dam, Tasmania and South Moresby, British Columbia Cases*, 29 NAT. RES. J. (1989) (this issue).

Figure 1.
NATIONAL & PROVINCIAL PARKS IN BRITISH COLUMBIA

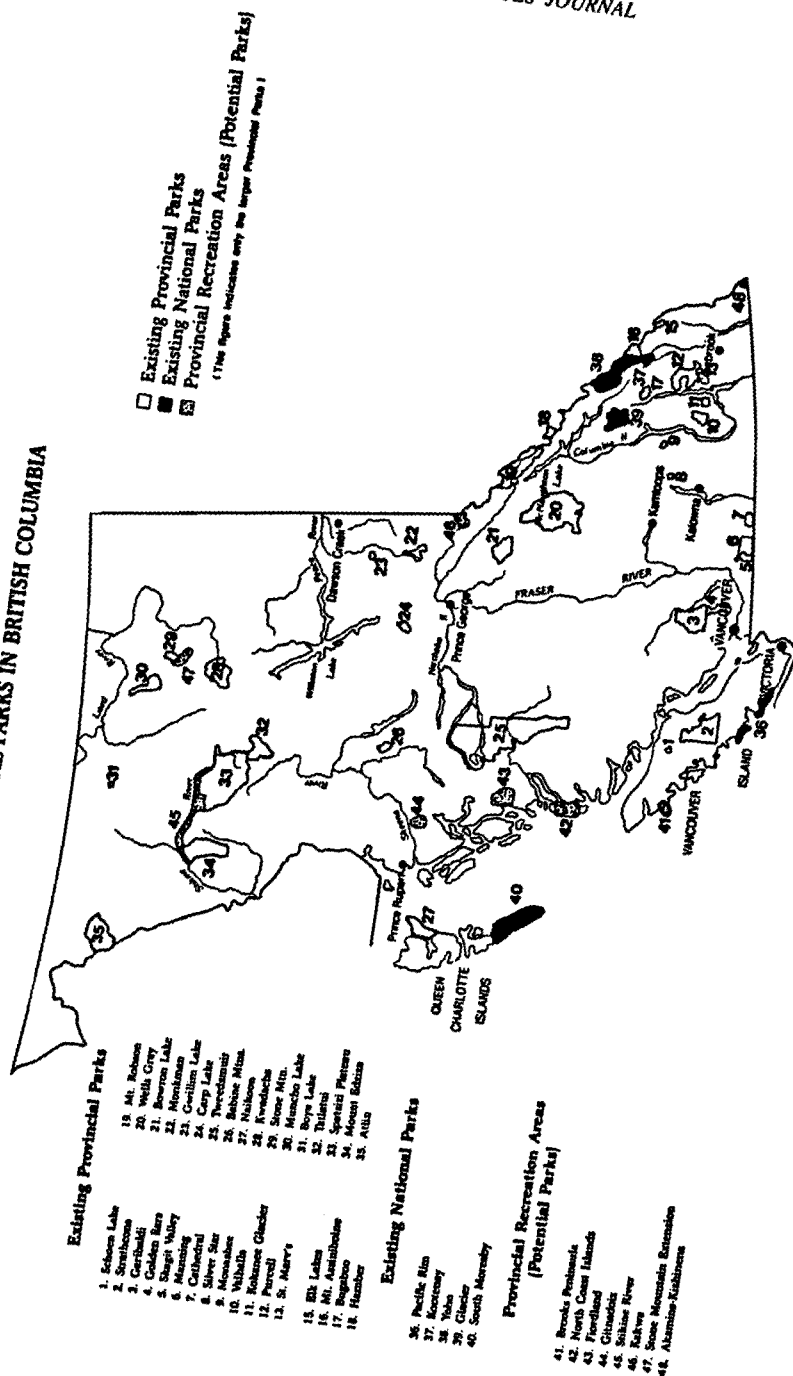
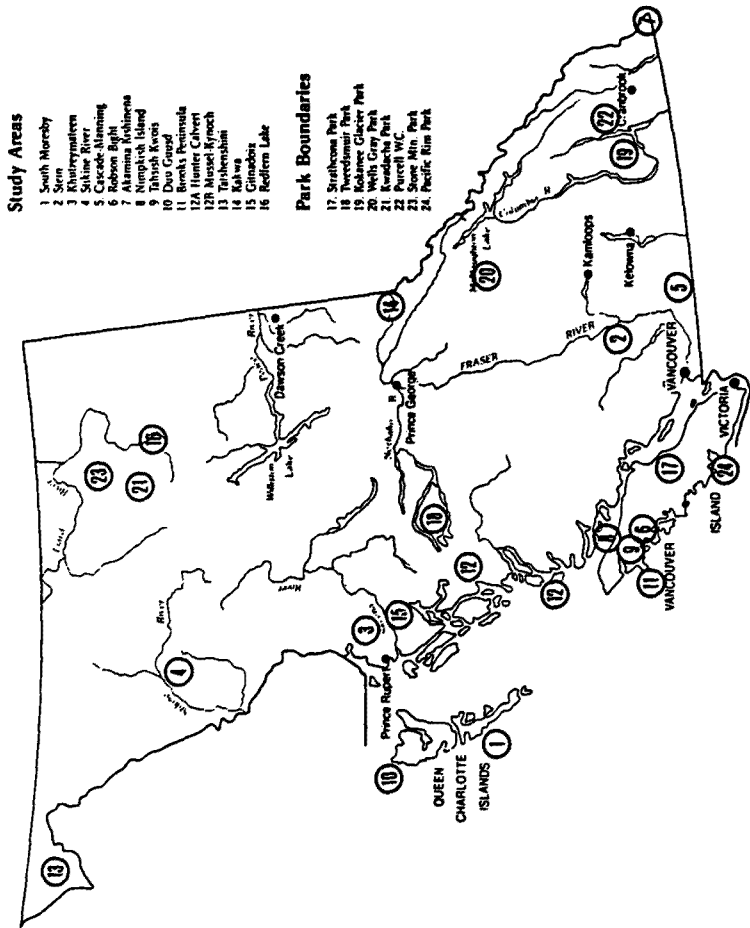


Figure 2.
STUDY AREAS CONSIDERED BY WILDERNESS ADVISORY COMMITTEE.



gitimate tenure holders would not be insignificant, with timber values in South Moresby alone in excess of \$20 million, and mineral values, although not established, predicted to exceed several million dollars.

Shaping a Wilderness Policy

In October 1985, the provincial government established a Wilderness Advisory Committee to make recommendations on 16 areas that were under consideration for wilderness designation and eight parks for which boundaries were under review (Figure 2). Derrick Sewell was named vice-chairman of the committee which contained representatives from the forest sector, the mining sector, academia and public interest groups. The committee was given the formidable task of reporting to the British Columbia Minister of Environment within only three months.

Although all committee members played an extremely active role during this period, none did more so than Derrick Sewell. He was a strong advocate for some form of public consultation and developed a process involving public meetings in various communities around the province. The submission of over 1100 briefs during four weeks prior to holding these community meetings attested to the strong public interest in the wilderness issue and revealed a wide range of views. As vice-chairman, Dr. Sewell chaired a number of public sessions, since the committee had to divide itself to cover all the communities affected by the 24 areas selected for discussion. These were long days, often 15 or more hours, listening to public briefs, touring the main areas proposed for wilderness protection and discussing the issues vigorously among the committee members.

Derrick Sewell not only oversaw the public review process, but he also brought an intellectual rigor to writing the committee's report. With the assistance of one of his graduate students, he undertook a rapid survey of wilderness policies in several other jurisdictions, including Alberta, Ontario, the United States, Australia and New Zealand.⁷ Sewell's impressive network of contacts in these jurisdictions plus his own personal experience through previous visits enabled him to accumulate up-to-date information in a highly dynamic policy area within the three-month time frame. This background also enabled him to be a major force on the committee in proposing a new wilderness policy for the Province.

Committee Recommendations

The committee reported only two weeks behind schedule on March 7,

7. W. SEWELL & J. DUMBRELL, *WILDERNESS DECISIONMAKING: A COMPARATIVE STUDY OF EXPERIENCES—BRITISH COLUMBIA, AUSTRALIA AND NEW ZEALAND* (Cornett Occasional Papers No. 5, 1987) (Dep't. of Geography, Univ. of Victoria, B.C.).

1986.⁸ It reached consensus on its recommendations for all 24 areas with the exception of some aspects of land use designation for the South Moresby area. This was an amazing feat given the diversity of opinion among the committee members at the beginning of the review and the substance of the recommendations rendered by the committee. Table 1 provides a summary of the committee's recommendations and the status of the government decisions on the 24 areas under review as of May 1988. Almost all of the recommendations for these areas have been acted upon and approved. A few of the more controversial areas are discussed in more detail below to indicate the importance of the committee's recommendations for establishing government policy.

TABLE 1
Wilderness Advisory Committee Recommendations
Status of
Government Decisions

<i>Area</i>	<i>Characteristics</i>	<i>WAC Recommendations</i>	<i>Current Status</i>
South Moresby	140,000 hectare string of islands in the Queen Charlottes, ancient home of Haida; unique flora.	Negotiate National Park and award compensation.	National Park Reserve be created. Over \$100m. paid in compensation and provision of park infrastructure.
Stein Valley	109,000 hectare unlogged valley with native artifacts and recreational potential.	Create two recreational areas, negotiate road access with Indian Band.	Wilderness areas established. Negotiations with Indians ongoing.
Khutzeymateen	37,000 hectare valley containing habitat for grizzly bear.	Permit logging following detailed study of bear habitat and logging interactions.	Two-year studies initiated. Logging delayed pending results.
Stikine River	400 km river with spectacular scenery.	Upper section of river designated as recreation areas and eventually provincial parks. Lower section as scenic corridor.	Recreation areas established. Planning under way for recreation (scenic) corridor.
Manning Park/Cascade Wilderness	41,000 hectare area N.W. of Manning Provincial Park noted for heritage trails.	Protection of heritage trails. Establish Cascade as recreation area.	Recreation area established.
Robson Bight	Small estuary used by killer whales.	Establish as ecological reserve.	Ecological reserve established.
Nimkish Island	15 hectare island noted for ancient Douglas fir trees.	Establish as ecological reserve.	Ecological reserve established.

8. B.C. WILDERNESS ADVISORY COMM., THE WILDERNESS MOSAIC (1986).

TABLE 1 (continued)

<i>Area</i>	<i>Characteristics</i>	<i>WAC Recommendations</i>	<i>Current Status</i>
Tashish-Kwois	11,000 hectare unlogged coastal watershed with large stands of Sitka spruce.	Establish two ecological reserves, implemented integrated logging plan.	One ecological reserve established. Acquisition being negotiated for second.
Akamina-Kishinena	20,000 hectare area adjacent to National Park with high wildlife values.	Establish as provincial park and recreation area.	Recreation area established.
Duu Guusd	N.W. corner of Graham Island proclaimed as Tribal Park by Haida Indians.	Further study required.	Integrated logging plan developed.
Brooks Peninsula	20,000 hectare peninsula on Vancouver Island with unique flora and fauna.	Establish as recreation area then provincial park.	Recreation area established.
Mid-Coast Islands Makau Fjordland	Islands and fjords used by the inside passage ferries and ships.	Establish as recreation areas.	Recreation areas established.
Tatshenshini-Al sek Rivers	Wilderness rivers in N.W. corner of B.C. noted for spectacular scenery and rafting potential.	Establish as recreation area with mineral reserve in valley.	Negotiations with Ministry of Energy, Mines & Pet. Resources under way.
Kakwa	34,000 hectare area in Rocky Mountains with rugged terrain and magnificent scenery.	Establish as recreation area then provincial park.	Recreation area established.
Gitnadoix	58,000 hectare watershed in northern Coast Range.	Establish as recreation area then provincial park.	Recreation area established.
Redfern Lake	40,000 hectare area in northern B.C. with high fishing and wildlife values.	Undertake studies for designation as recreation area.	Studies under way.
Strathcona Park	Provincial park with numerous mining claims.	Boundary changes proposed, further public consultation.	All mining claims extinguished. Master plan for the park under public review.
Tweedsmuir Park, Purcell Wilderness, Kokanee Glacier, Stone Mountain, Wells Gray	Provincial parks with various proposals for boundary changes to reduce conflicts.	Master plans be prepared prior to revising boundaries.	Tweedsmuir/Wells Gray—master plans approved, additions made. Purcell—studies under way. Stone Mtn.—addition made. Kokanee—changes made, plan under way.
Pacific Rim National Park	Boundary to be established following negotiations on timber compensation.	Boundaries should be established as proposed.	Boundaries established and compensation approved.

South Moresby

The committee recommended the establishment of a National Park for all of the South Moresby area excluding portions of Lyell Island. It further recommended how the forest companies with timber rights over the area proposed for park designation should be compensated through cash or trades with timber rights elsewhere along the coast.

This recommendation broke the impasse over South Moresby. Until the WAC report was presented, the provincial cabinet was divided on how to deal with South Moresby. Following the report, the federal and provincial governments negotiated an agreement to create a National Park Reserve for the entire South Moresby area including Lyell Island following intense public pressure.⁹ This agreement involved complicated bargaining over compensation for timber and mineral rights and the development of infrastructure for the park totaling over \$100 million. An agreement establishing the park and settling all outstanding claims for compensation was signed by the federal and provincial governments in July 1988. South Moresby is undoubtedly one of the jewels in the wilderness crown for British Columbia; its protection alone as a wilderness area is a major achievement for Derrick Sewell and the rest of the Wilderness Advisory Committee.

Strathcona Provincial Park

The key issues for this area involved considering boundary changes to exclude some areas already logged or readily accessible for logging, to include some areas adjacent to the park with high scenic and recreational potential, and to deal with the mineral claims already established in the park. The committee made specific recommendations on boundary changes and also recommended that the existing mineral claims in the park be designated as "Recreation Areas" which would permit further mineral exploration, subject to approval by the Ministry of Parks. However, the WAC further recommended that a park masterplan be prepared and fully discussed by public review prior to effecting these changes.

The government agreed to the specific recommendations on boundary changes and to the establishment of a Recreation Area within the park, but did not agree to further public consultation. As a result of intense public protests over mineral exploration within the Recreation Area, leading to civil disobedience and numerous arrests, the government finally established a second Special Advisory Committee for Strathcona to hold public hearings into both the boundary changes and the more contentious issue of mining inside an established provincial park. This committee reported at the end of June 1988,¹⁰ and the government accepted its

9. See Sewell, Dearden & Dumbrell, *supra* note 6.

10. SPECIAL ADVISORY COMMITTEE ON STRATHCONA, RESTORING THE BALANCE (1988) (Victoria, B.C.).

recommendations, announcing in September that no more mineral exploration would be permitted within the established park boundaries. This decision will result in complex negotiations for compensation with a few major mineral title owners because the mineral potential will remain unquantified. This decision is very significant, representing the first time that the provincial government has denied mineral exploration for claims which have acknowledged development potential.

Stein Valley

This 109,000 hectare valley, located west of Lytton in the southern interior of the Province (Figure 2) is the last completely unlogged major drainage in southwestern British Columbia. However, its timber is required to feed the sawmills at the nearby communities of Boston Bar and Lytton. After an exhaustive search for alternative sources of timber, the committee concluded that either the valley had to be accessed and logged, or the economic mainstay of the two communities would be immediately threatened.

The committee accepted an earlier government decision to permit logging in the mid-section of the Stein Valley, subject to the establishment of Recreation Areas in the upper and lower Stein. It also proposed that a formal agreement with the Lytton Indian Band should be in place prior to constructing an access road up the Stein Canyon to the mid-section of the valley. Clearly, the committee was not confident that an accommodation could be reached on road access, for it further recommended that the annual allowable cut for the mid-Stein be removed from the overall calculation of timber volume in the area until an agreement had been reached with the Lytton Indian Band.

This nervousness over an early agreement turned out to be well-founded. The government agreed to protect the upper and lower Stein as a forest wilderness area and announced the intention to develop the access road without having reached a formal agreement with the Indian Band. The Band reacted strongly, and at the time of writing, negotiations were still under way with respect to road access.

Wilderness Policy

Overall, the government placed over 700,000 hectares in some form of protected area designation as a result of the WAC recommendations. More importantly, however, the committee provided the framework for a wilderness policy to permit the establishment of additional areas beyond the 24 areas contained in its terms of reference. This policy framework is based on the following factors:

- strengthened legislation to protect wilderness areas;

- clarification of administrative responsibilities for designating wilderness areas;
- time limits on mineral exploration in areas proposed for provincial park status;
- development of a provincial land use strategy to provide a context for designating future wilderness areas;
- commitment to public input into the process for establishing wilderness areas and specific master plans for their management.

The government has made some progress on implementing these recommendations. It did not establish a new Natural Areas Protection Act as recommended by the WAC, but chose instead to take the committee's second approach by amending the Forest Act so that wilderness areas could be created in provincial forests. It also added provisions in the new Mineral Tenure Act to restrict mineral exploration in Recreation Areas that are intended for designation as provincial parks. This will provide the mining industry a minimum of ten years to explore before a final decision to designate parks is made. The government is not liable for the costs of exploration, and would only have to compensate tenure holders if some mineral potential was determined and park status was pursued.

The committee had favored new wilderness legislation over strengthening existing legislation mainly because it would convey a clearer message to the public that the government was determined to protect wilderness areas. The mosaic of existing legislation, though considerably strengthened and broadened, does not yet have a high profile in the public mind.

As a result of the Wilderness Advisory and Strathcona Advisory Committee recommendations, the provincial government announced in December 1988 that no further exploration on existing mineral claims within any provincial park would be permitted. This decision represents a major shift in public policy in recognition of the growing public demand for the complete protection of significant areas in the Province from any form of resource development or extraction.

Large areas proposed for provincial park status are intended to be first designated as Recreation Areas and administered by the Ministry of Parks. No logging is permitted, but mineral exploration is possible under the special time-limited tenures in the new Mineral Tenure Act. This principle was outlined by the WAC following its review of the U.S. wilderness legislation but subsequently modified by the government.

The third wilderness designation covers areas in provincial forests administered by the Ministry of Forests. Again no commercial logging is permitted in these areas, and the timber is not included in the annual allowable cut. Mineral exploration and potential development is permitted under regulations. The Ministry of Forests has drafted its first policy statement for managing designated wilderness areas in provincial forests

and has established the Integrated Resource Planning Branch to administer this policy.

Two other components of the WAC policy for wilderness have not yet been fully acted upon. The WAC strongly endorsed previous initiatives and public proposals that further decisions on wilderness areas should be made in the context of an overall land use plan. This plan in turn should be based upon evaluation of resources required to achieve public mandates of various resource management agencies. This planning approach has only just been initiated. A committee of resource management agencies which reports to the Deputy Ministers of the Environment and Land Use Committee of the Cabinet, has been established to coordinate wilderness planning and policy. As a trial approach to land use planning, this committee has begun a wilderness planning process in the East Kootenay region where a number of potential wilderness areas have been identified and evaluated in terms of impacts on forestry, mining, tourism, recreation, fishing and hunting. This model has the potential to be applied elsewhere in the Province, though it requires both political commitment and adequate data to make it work effectively. The government's recent decision to prepare a long-range plan for the Province may yet provide a context for further development of this land use planning model.

The final recommendation in the WAC wilderness policy was the establishment of a Natural Areas Advisory Council. The WAC recognized the value of public input during its own deliberations and argued that a similar forum should be permanently available to resolve controversial issues in designating specific areas and also to assist in preparing a land use plan. The government has shied away from this proposal, though in subsequently establishing a special committee to review the Strathcona Park boundaries and mining tenures, it has recognized the value of such public consultation processes. Further discussion of the need for more formal public consultation in the wilderness area designation process can be anticipated when an initial inventory of areas with potential for wilderness consideration has been prepared.

CONCLUSIONS

Clearly, wilderness policymaking is still evolving in British Columbia. Environmental protection is high on the public agenda according to numerous public polls. The public has a sense of pride in living in a province that has such a uniquely varied landscape, climate, and biota and want this diversity protected. As the economic base for many communities is forestry and mining, an overall compromise that balances wilderness and economic opportunity will be difficult to establish—at least in the short-run.

This balance is the essence of closer integration between the environment and the economy as proposed by the National Task Force on Environment and the Economy reported to the Canadian Council of Resource and Environment Ministers, September 1987.¹¹ The Task Force followed up on the recommendations of the Brundtland Commission on Environment and Development¹² by pursuing the theme of sustainable development in a Canadian context. Sustainable development requires that natural resources are managed so that they will continue to provide the basis for economic and community prosperity in perpetuity. Wilderness protection in the province must fit into this paradigm ensuring both the maintenance of natural systems and associated recreation, as well as tourist and business development. A period of confrontation between groups with differing values on how this balance should be struck seems inevitable. Hopefully it will result in an acceptable compromise before real opportunities are foregone through short-term decisionmaking on land use and resources.

Derrick Sewell had a vision for resource management in this Province. He went a long way to realizing this vision with his work on the Wilderness Advisory Committee. The challenge now lies with government, industry, and the public to finish the work that Dr. Sewell and his colleagues on the WAC so ably carried forth.

11. NATIONAL TASK FORCE ON ENVIRONMENT AND ECONOMY REPORT (Sept. 1987) (report to Canadian Council of Resource and Environment Ministers, Ottawa).

12. WORLD COMM'N ON ENV'T AND DEV., OUR COMMON FUTURE (1987).