

Salmon caught in road dispute

The access road planned by McBride Forest Industries is causing concern among those dedicated to protecting the Goat River fish habitat.

By Dale De Ruiter

McBride Forest Industries is proposing to build a logging road that encroaches on the riparian zone of the Goat River for a span of 300 metres and into the river itself for a span of 150 metres. The Goat River watershed is a tributary of the upper Fraser River located about 40 kilometres northwest of McBride, B.C.

The Goat River is home to bull trout and chinook salmon. The bull trout is a blue-listed species, which means it would be added to the red list of endangered or extinct species if preventative action isn't taken.

"It is truly saddening that in this age of declining salmon stocks, we are permitting a developer to build a road in a pristine salmon-bearing river," said Taylor Bachrach, assistant coordinator of the Fraser Alliance, the environmental organization defending the upper Goat.

To build the proposed road, McBride Forest Industries will

need to dump tons of sand and rock into the river.

The Federal Fish Protection Act of 1997 reads: "If debris [clay, silt, sand, rock or similar material, or any material, natural or otherwise, from construction or demolition] is introduced into a stream, stream channel or the area adjacent to a stream, an engineer may order the responsible person to undertake measures, as directed by the engineer, to remediate or mitigate the effects of the introduction."

According to Kelly Austin of the Clearwater branch of the Department of Fisheries and Oceans, a group can build in a stream if it replaces the lost and damaged area. An area of the river can be repaired by building outlet branches from the river and replacing the fish habitat that was lost to the construction.

Bull trout and chinook salmon range throughout the length of the river, so, if their habitat were affected by debris, McBride would have to repair that section.

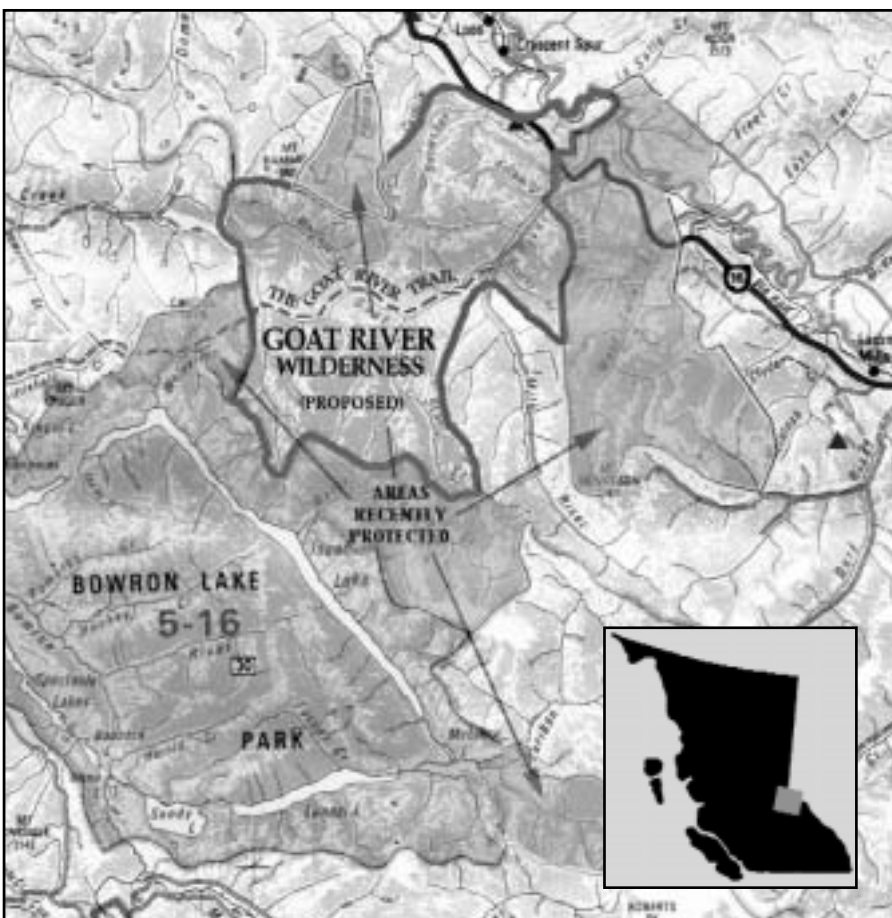
"We are planning to open back channels that the river has.

The water does not right now flow through these channels," said Mikel Jackman, planner for McBride Forest Industries. "Since the area of the Goat river that we plan to encroach upon is a fast current area, it has a low value, but, if we open up the back channels, they would become a rearing habitat and would be considered a high value."

It's been a long road for McBride, which has altered and reassessed its road plans continually since beginning the access into the watershed.

"We've built a road a kilometre long back in 1998, up to the point the crossing point of the Milk River," said Jackman. From 1998 to December 2000 we built another 800 metres of road and we harvested a small block [of forest] that was under 10 hectares."

In the heart of B.C.'s central region is the Goat River area. As one of two remaining intact watersheds in the Robson Valley Forest District, its protection concerns citizens and conservation groups across B.C.



“We were looking to add two more kilometres onto the road and discovered that the terrain on the slope beside the river was too unstable to support a logging road. So we decided to look at putting a road higher up the slope and a road that encroaches on the river and for a length of 80 metres. A road that is four metres wide will go into the 30-metre wide river,” said Jackman.

There is also the matter of the riparian zone of the river. The riparian management area is outlined in the Fisheries Act as the zone that must be undisturbed to keep the ideal habitat for fish.

“The logging company thinks that it will be less

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damage if they build their road into the river instead of on the steep banks of the river,” said Roy Howard director of the Fraser Headwaters Alliance.

Since the Alliance believes that the affected piece of the river will be replaced but not the downstream effects, it is protesting the logging.

Fraser Headwaters filed a complaint with the B.C. Forest Practices Board and the complaint was processed. One of the final conclusions of the investigation written by the Forest Practices Board read: “Significant concerns regarding the environmental impact of both the upper and lower routes were still unresolved when the district manager approved those routes in the 1998 and 1999 Forest Development Plans. It was therefore inappropriate for the district manager to be satisfied that the routes shown in those plans would adequately manage and conserve forest resources.” Despite the concerns, the Board approved the project.

The maximum fine for disrupting a protected stream is \$1 million for each day that the infraction is in place. There is also a jail term of six months but that cannot be increased on a daily increment. This means that if McBride Forest Industries does build its logging road into the river and does not replace the fish habitat then it could be fined \$1 million for every day that the road is in the river.



Sierra Legal speaks out

By Devon White, Sierra Legal Defence Fund

Sierra Legal Defence Fund was established to provide legal representation to environmental and citizens groups and individuals. Our mandate is to pursue environmental issues in Canada's courts and administrative tribunals in an attempt to convince our judicial bodies to interpret laws in an environmentally friendly manner (which is not the way that laws have historically been interpreted). We choose our cases based on a number of criteria which include whether the case concerns an important environmental issue.

It was based on this criterion that we agreed to represent Fraser Headwaters Alliance with regard to logging in the Goat River. On their behalf, we prepared a complaint to the Forest Practices Board seeking a review by the Board of a logging plan by McBride Forest Industries Ltd. that included plans to build 150 metres of road in the Goat River, and lay cut blocks over the historic Goat River Trail.

We did so based on the principle that we must preserve our remaining intact watersheds. Polls have shown that integral to our vision of Canada is the concept that this country is home to unfragmented wilderness. This belief is an essential element of our national identity. The concept of Canada as wilderness is, however, in many provinces, myth, and in British Columbia, under threat. A recent report by Global Forest Watch, entitled Canada's Forests at a Crossroads reveals that access routes fragment over 60% of British Columbia's forests.

Beyond our national identity, however, the benefits of maintaining intact, unfragmented wilderness is becoming more well known and include the role such bodies play in purification of water, moderation of climate, maintenance of genetic diversity, moderation of water flow extremes and provision of recreational and cultural opportunities.

While British Columbia has in the past looked at timber as only a source of stumpage revenue, we want to spread awareness for the value of leaving forests untouched. This concept is already embraced elsewhere in the world, something historian S. Hays described as the “environmental forest...slowly emerging amid the backdrop of the commodity forest.”

The Goat River watershed is one of the few pristine watersheds which still exist in interior British Columbia. It is known for its Chinook salmon run, high concentrations of at-risk mountain caribou and grizzly bear, an historic trail, and long-term eco-tourism potential. Logging will threaten its present state as an intact ecosystem. In particular, construction of a logging road will threaten fish habitat, no matter what “no-net-loss” rationalizations occur.

So Sierra Legal will continue to assist Fraser Headwaters Alliance in resisting the invasion in this watershed by McBride. The next step in the process is an environmental assessment of the proposed road construction. We are presently assisting our clients in preparing for that process so that the environmental impacts of the proposal are identified and prevented.