

# Stand at Cathedral Grove

February - March 2004

A Chronicle by Richard Boyce  
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## 9 February 2004

No Trees Felled Today - Thanks To Concerned Citizens. Logging contractors arrived at 8 am to begin falling trees in the proposed parking lot area of Cathedral Grove. After initial survey walk and meeting with a supervisor representing the BC Ministry of Water, Land and Air Protection (Parks BC) these men returned to their vehicles where concerned citizens were speaking with the press. After some time they returned to the area where the first tree was to be felled. Workers Compensation Board rules stipulate that a falling zone must be clear all persons other than the falling crew. This rule could not be met so the supervisor had to call his supervisors at Parks BC. Soon, the logging contractors left the area, and the media continued to arrive. When Bill Zinovich, project manager for the proposed parking lot, arrived he refused to speak with CBC Radio, the NewVI, and other local media. Despite plans by the BC government, no trees were cut down in Cathedral Grove today.

## 10 February 2004

Today at 8 am I spoke live on CBC from proposed parking lot in Cathedral Grove. I was the only one there. It felt like the calm between the storms. The BC Minister of Water, Land and Air Protection has stated to the media that there will be no further input from the public. He says the parking lot will go in regardless of the public concerns. So, when will the loggers come back? There were five of them in the crew yesterday which means it would only take them a day, maybe two, to fall all of the trees in the 5 acre area. Hmm....I don't think its time to rest, in fact its just getting time to start protecting Cathedral Grove. People have been doing this for over 100 years and today a 84 year old woman arrived in her own car to help stand up for the trees. I hope I'm not the only one out there tomorrow and the next day.

## 11 February 2004

This morning in Cathedral Grove was calm. I spent some time photographing the trees on the 20 hectares of land adjacent to MacMillan Park to determine if MLA Gillian Trumper was correct in stating that it was entirely 2nd growth and no Old Growth Trees were on that piece of property purchased by the NDP government for the use of a parking lot. I counted over 100 Douglas Fir trees that I, as a Master Woodlands Manager certified by Forestry Renewal BC, believe meet the requirements of the term "Old Growth Tree." Just after noon the foreman of the logging contractor returned to the proposed parking lot with an employee. Shortly after that two concerned citizens from Nanaimo responding to a call to "Join the Peaceful, Witness Protest" arrived and tried to speak with these men. The two contractors brushed past the two women concerned about Cathedral Grove in their haste to leave the area and they refused to speak to me on camera. The

new Minister of Water, Land and Air Protection stated to the media that he will not bow to public pressure and the Parking Lot is going ahead.

## 12 February 2004

At 8 am this morning CBC radio phoned me at home asking me about the logging going on in Cathedral Grove. They told me that a logging crew was working at that time. News to me since I had just woken-up. An RCMP vehicle was leaving the proposed parking lot area just before 9am as I pulled into Cathedral Grove. The logging crew was also leaving the site. The on site project supervisor representing the Ministry of Water, Land and Air Protection stated that no work could be done while members of the public were on the project site. Then the media arrived. TV cameras for Radio Canada, The New VI, CTV, and CH along with several newspaper reporters. At noon the logging foreman returned followed by a low-bed truck. The massive yarding machine was loaded and driven away eastbound. At that time CBC Radio phoned me again and stated that the newly appointed Minister of Water, Land and Air Protection, Bill Barisoff, had just announced that the government is seeking a court injunction to stop public citizens from walking on the land where the forest is being removed to make way for the proposed parking lot.

## 25 February 2004

Concerned citizens at the entrance to the proposed parking lot in Cathedral Grove were confronted by four members of the contracted construction crew. The supervisor pulled out a wad of papers and told the people they were being served with an injunction. The paper was actually a summons to appear in front of a hearing into the request by the BC government for a court injunction that would prevent the public from entering the proposed work site. At the same time Barisoff announced through the media that a court injunction was in place to prevent members of the public from disrupting construction in Cathedral Grove. Three hours later he retracted his statement and noted that the government was merely seeking an injunction and had requested a hearing with the court in Nanaimo, BC. The court date for this hearing is set for 8 March 2004.

This act of intimidation on the part of the government was quickly challenged by one of the defendants. "In further answer to the whole of the Statement of Claim, this Defendant says that this action is a "Strategic Lawsuit Against Public Participation" (SLAPP), that it has been brought for an improper purpose and that the Statement of Claim discloses no reasonable claim, is unnecessary, scandalous, frivolous or vexatious, and is an abuse of the process of the Court." This court action by a member of the public may effectively stop the government's request for a hearing to provide an injunction because the legality of their intentions has been put into question. A little confusing but very substantial in terms of the letter of the law which states very clearly that the court is not to be used to intimidate.

This travesty brings back memories of the late 1980s and early 1990's when SLAPPs were served on media representatives to stop them from documenting the massive protests against logging at that time. 871 members of the public were arrested at Clayoquot Sound in the largest mass arrest in Canadian history not including hundreds more arrests at the Walbran Valley, Carmanah Valley, and on Meares Island during that period of time. Attempts to muzzle the media will fail and high profile legal battles will ensure that many people will rally around the international landmark known as Cathedral Grove. I am ready to document what is to come and have already shot a lot of footage establishing what has happened to date.

## 26 February 2004

Lots of concerned citizens were out in Cathedral Grove this morning, in the proposed parking lot area. No loggers or bureaucrats but at c. 11 am two unmarked large black SUV's showed up, escorted by a uniformed RCMP officer in his car. Three plain clothed officers toured the area with a concerned citizen. They took digital photos of the area, saying little. The men looked like "upper brass officers," in their late 50's with one being over 60. They left before noon. Now ominous yellow warning ribbons have been tied along the Highway to indicate the 21 hectare area injunction area. All this to keep the public out of Cathedral Park while the government demolition crew logs, bulldozes, and excavates. . . The 800 meter connector trail seems very wide and cuts through the ancient forest including riparian areas with rich soil on which grow an abundance devil's club, ferns, swamp grass, etc.

Many windblown trees from the 1997 Qualicum Wind have become nurse logs and are covered in moss, seedling, etc. Driving an excavator through this area to build a raised causeway and trails will effectively destroy the ecosystem that is just recovering from the hurricane winds and heavy snowfall of 1997. People may want to have a look at the area before it becomes 'off limits' to the public. A hearing on 8 March in Nanaimo is scheduled for the government to present its case for a court injunction. Public concerns can be addressed then. A large group of protesters on the Alberni Highway were handing out leaflets and waving placards to protest against laid off workers at the Sprout Lake Division of Weyerhaeuser. One sign said "Liberals in bed with Weyerhaeuser!" According to a road construction flagman, every hour some 20 to 30 TimberWest logging trucks leave Port Alberni carrying raw logs to boomyards on the east coast of Vancouver Island.

## 27 February 2004

Today at 11 pm construction crew workers arrived at the proposed parking lot area in Cathedral Grove. They were met by a single concerned citizen who witnessed them calling off the rest of the crew on their cell phone. The general public may be fooled by an application for a hearing by the court to decide if a court injunction should be issued. A court decision will be made in Nanaimo on 8 March to prevent the public from walking on the crown land adjacent to MacMillan Park where the BC Liberals plan to make a five acre parking lot. The construction crew has made many attempts to log the area while the public is not looking by arriving at 7 am, 11 am, 1 pm, and 3 pm. It will only take the four fallers about four hours to log the entire area, felling all of the trees that people have been trying to save. This weekend will be crucial since fallers can work on Saturday or Sunday just to get the trees down. That is their objective! Many locals are involved with the Winter Games in Port Alberni so volunteers are hard to come by right now. It would be a shame to have a public meeting on Thursday only to announce that the parking lot has been established and highway clearing has begun.

## 4 March 2004

This morning at 9:30 am Bill Zinovich, BC Parks Project Supervisor for the proposed parking lot in Cathedral Grove, arrived at the gate just outside of the Park. He stated; "This is a construction site! You'll have to leave the area!" He was talking to ten concerned citizens, aged 10 to 75, from Victoria, Duncan, Nanaimo, Parksville, and Port Alberni. The foreman of the logging crew pulled in with a second truck marked; "Talbot Forest Ventures Ltd." This man watched as Zinovich handed everyone present a "Writ of Summons." Upon examination this document basically invites the public, or anyone named John and Jane Doe 1 through 50, to attend a hearing for the application of an injunction by the BC government to be held at 10 am on 8 March 2004 at the Nanaimo Courthouse.

"Queen Elizabeth the Second" is requesting an injunction from the BC court to stop the public from entering publicly owned land adjacent to MacMillan Park just to the South in Cathedral Grove. Zinovich acted as if the document he was presenting held some power over the people present. The concerned citizens refused to leave the area and Zinovich left showing signs of frustration. The foreman listened to the people for a few minutes and accepted an invitation to the public meeting to be held at 7:30 pm this evening in the Qualicum Civic Centre. Maps, slides, photographs, and video will be included and presentations will be made from various points of view about the future of Cathedral Grove. Regrettably, all government officials have declined invitations to attend.

## 8 March 2004

Nanaimo Courthouse: The Court hearing on the Crown's application for an injunction that would prevent Joe & Jane Doe 1 through 50 from entering the proposed parking lot construction site in Cathedral Grove was adjourned until 10 am 12 March 2004. Lots of mumbo jumbo. It would seem that the crown and the court have not identified any defendants to date. I'm not so sure that they want anyone to appear as a defendant since those people would be able to voice a defense. Anyone who believes that they are a defendant who was been served a writ of summons, at the proposed parking lot construction site in Cathedral Grove, has until noon on Wednesday to present an affidavit to the court and the crown council. It seems that nobody from BC Parks documented the serving of the summons in any way leading me to wonder if the government actually wants to identify the John and Jane Doe or just leave it open ended to include all citizens of the planet earth. Approximately 20 people held a rally outside the court house and some media were in attendance. I'll be in court Friday and will let you know the outcome.

## 12 March 2004

Nanaimo Courthouse: I spent all day in court. After much legal talk, it was established that there are four named defendants in this hearing into the request by the BC Crown for a court injunction that would prevent the public (now referred to as John Doe 2 through 50 and Jane Doe 4 through 50) from accessing public land adjacent to MacMillan Park known as Cathedral Grove around the world. I have been substituted for John Doe #1 and 3 woman have been substituted for Jane Doe #1,2,3 This took some time since the way that the serving of the writ of summons and other court documents were presented by Zinovich was very confusing to those who were served. Finally the Crown, represented by Graham J. Underwood, presented its initial basis for the request for a summons. The defense council for Jane Doe#1, A.Cameron Ward, presented only an initial summary of defense due to time constraints. Court was convened until 18 March at 10 am in Nanaimo.

The Crown's position (from my lay perspective): BC Government's Ministry of Water, Land, and Air Protection sent fallers onto public land to log the area for a parking lot adjacent to the internationally renowned park know as "Cathedral Grove" which is officially named "MacMillan Park." People have been in the area which has prevented logging (according to the worker's compensation act loggers are not allow to fall trees near members of the public)

The defence position (from my lay perspective): the Attorney General's office did not pursue the legal courses of action provided by the BC Land Act. This legislated body of law has authority in these matters because the Act outlines the procedures for establishing that, a piece of land which is publicly owned by the crown, be subject to the laws of trespass. The Act provides provisions for enforcement, penalties, and fines. Therefore the Attorney General and Minister Responsible for Treaty Negotiations - Geoff Plant , should use these provisions to ensure that the public does not

interfere with construction plans for a parking lot.

The Attorney General's office is seeking to have the courts do something that is within the government's power to address i.e. the Attorney General could set-up the boundaries to identify the 'work site' as out of bounds to the public, post signs to that effect, and order the police to arrest all trespassers - without a court injunction or consultation.

Instead, the Attorney General's office is asking the Court for an interlocutory injunction which is binding to all citizens of this planet which will never be pursued and taken to court, where a defence should be heard. Could this be a political move by the beleaguered BC government to avoid bad press for arresting people ranging in age from ten years old through to 75 and 84 years old? Is the Crown asking that the BC Court take on this responsibility/liability?

## 16 March 2004

Lighthouse Community: I have just returned from a 'Town Hall Meeting' held by Gillian Trumper, MLA for Alberni-Qualicum where about 100 people turned out to express their concerns to their elected representative. First to be discussed was the proposed sale of a large section of Crown land to developers who plan to build 2,500 homes around two golf courses. This bold proposal came only two days after the local Community Plan had been finalized - after 16 months of public input - which states that large developments of this sort do not fit in with the local rural - residential landscape. Surprisingly Trumper was not informed on the matter and could not respond to the objections from the crowd.

Next on the agenda was Cathedral Grove (i.e. MacMillan Park). A concerned citizen asked Trumper; "If I take a group of people to the proposed parking lot area in Cathedral Grove tomorrow would they be served a writ?" Trumper replied; "No, not now!" I spoke to the question as both a resident of the Alberni-Qualicum riding and a defendant in the current hearing regarding the application for a court injunction by the BC government. Trumper's response; "I don't know anything about any summons being delivered. Not until. . .once they put the. . .depending on what happens on Thursday then it may be a different ball game. But, I had not heard of anybody. This is the first one I've heard and I don't know why that was!"

Trumper is the elected representative who supposedly speaks on my behalf in the BC legislature. Cathedral Grove is very much in this riding. For years Trumper has been lobbying to expand and develop as a tourist attraction what she refers to as "MacMillan Park." This issue has been in the local news as a front page story for the past weeks. It is hard to believe that Trumper does not know that government papers were presented to the Supreme Court and that 100 members of the public have been served with a Writ of Summons for a hearing into the government's application for an injunction that will prevent them from entering Crown land in Cathedral Grove.

## 18 March 2004

Nanaimo Courthouse: I spent my third day in court as a defendant against the BC government's application for an injunction. Many points and counterpoints were made from both sides. I presented two short video tapes that I shot and was able to speak on their relevance to the proceedings. The first showed BC Parks project manager Zinovich serving myself and ten concerned citizens with a Writ of Summons, a statement of claim, a notice of motion, an affidavit, and a notice of hearing. He did all of this without stating who he was, what the papers were for, or that we had to leave the Cathedral Grove area. He then backed out onto the Alberni Highway (an illegal driving maneuver) and drove away.



The second video was of Port Alberni-Qualicum MLA Gillian Trumper speaking to a public meeting of 100 people on 16 March when she was asked by a concerned citizen; "The 20 hectares that the government purchased, I think in the year 2000, to provide a parking lot in Cathedral Grove. . . I would like to know if members of the public can go and look at the site to make a judgement. . . Whether it would be regarded as trespassing? And whether they would be served with a Writ?" Trumper replied; "Not right now. . . Yeah, there is a process that's taking place on this. It's now been delayed until Thursday so that we can get on with the parking lot. Um. . . I don't know why . . . um. . . until that happens people can't walk through there."

This flies in the face of the fact that I and the 99 other people who have been served a Writ of Summons were before the Supreme Court at that very time. At the conclusion of the hearing the judge reserved her decision; "It may not take months but it will take weeks. Meanwhile the loggers can still come in at anytime and log the area in a matter of just a few hours. The witness program out there is fading due to long hours from a few dedicated people who are committee to protecting Cathedral Grove.

### **"Make no doubt about it we are going to log Cathedral Grove" . . . Weyerhaeuser**

My chronicle of the "Stand at Cathedral Grove" during February and March in 2004 must not end without exposing a corporate lie. Weyerhaeuser would have people believe that it in 2001 due to the public uproar over its massacre of old growth Douglas firs in Cathedral Grove that it voluntarily suspended its logging activities here for one year. However the truth was that in September 2001 Weyerhaeuser Canada vice president, Craig Neeser, threatened: "Make no doubt about it we are going to log Cathedral Grove." This menacing statement was made to Annette Tanner, chairperson of the Mid Island Western Canada Wilderness Committee.

On 2 October 2001 Jim Sears, the manager of Weyerhaeuser, called Annette and myself into his office to lay out a plan for logging in Cathedral Grove. . . . He stated that the BC government was not willing to purchase the land adjacent to MacMillan Park. Weyerhaeuser's position was that they owned most of the land in the Cameron Valley outside of MacMillan Park; forestland labelled as "Block 35" and that they intended to log it, including the rare surviving old growth trees.

Sears explained that the plan was to put in a 574 meter logging road into the old growth forest to access three heli-logging cutblocks on the slope below the railway tracks. He claimed that the forest structure was made up of "small to medium sized hemlock trees." But I have surveyed the planned logging area with both a biologist and a forest technician. We counted more than 150 old growth Douglas fir trees and more than 100 giant cedar trees inside the planned road allowance. This forest is consistent with the definition of an old growth forest and did not include the three heli-logging sites higher up on a steep slope.

A week after our 2001 meeting in the Weyerhaeuser's North West Bay Logging Division office, two Weyerhaeuser managers arrived with two fallers to begin logging the 574 meter logging road to "harvest" approximately 1,500 cubic meters. However because Weyerhaeuser was publicly embarrassed by the protests of concerned citizens as well as by negative media coverage, it temporarily stopped logging. At this time Weyerhaeuser officials informed Annette that they had every intention of logging "Block 35" - i.e. Cathedral Grove.