



**Forest
Practices
Board**

Local Planning Commitments and Logging near Wells Gray Park

Complaint Investigation #14031

FPB/IRC/197

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The Complaint

The Wells Gray Action Committee (the complainant) filed a complaint on June 30, 2014. The complainant was concerned that Canadian Forest Products Ltd (Canfor), the Ministry of Forests Lands and Natural Resource Operations Clearwater District (the district) and BC Timber Sales (BCTS) were not following a 1999 local resource plan known as the *Guiding Principles for the Management of Land and Resources in the Upper Clearwater Valley* (the Guiding Principles). The complaint mentioned a multitude of on-the-ground logging concerns including (but not limited to) impacts to hydrology, mountain caribou habitat, views, and logging adjacent to Wells Gray Park. However, the main concerns were that the Guiding Principles were not being followed, FLNR was not providing leadership and the public trust established during negotiations of the Guiding Principles had been lost.

The complainant was also seeking a new land use planning process for the travel corridor between Clearwater and Wells Gray Provincial Park. Both the complainant and Board staff asked government about the availability of that process. It is clear from those inquiries that government will not support new land use planning for this area at this time. Therefore, the Board focused on the concerns described above.

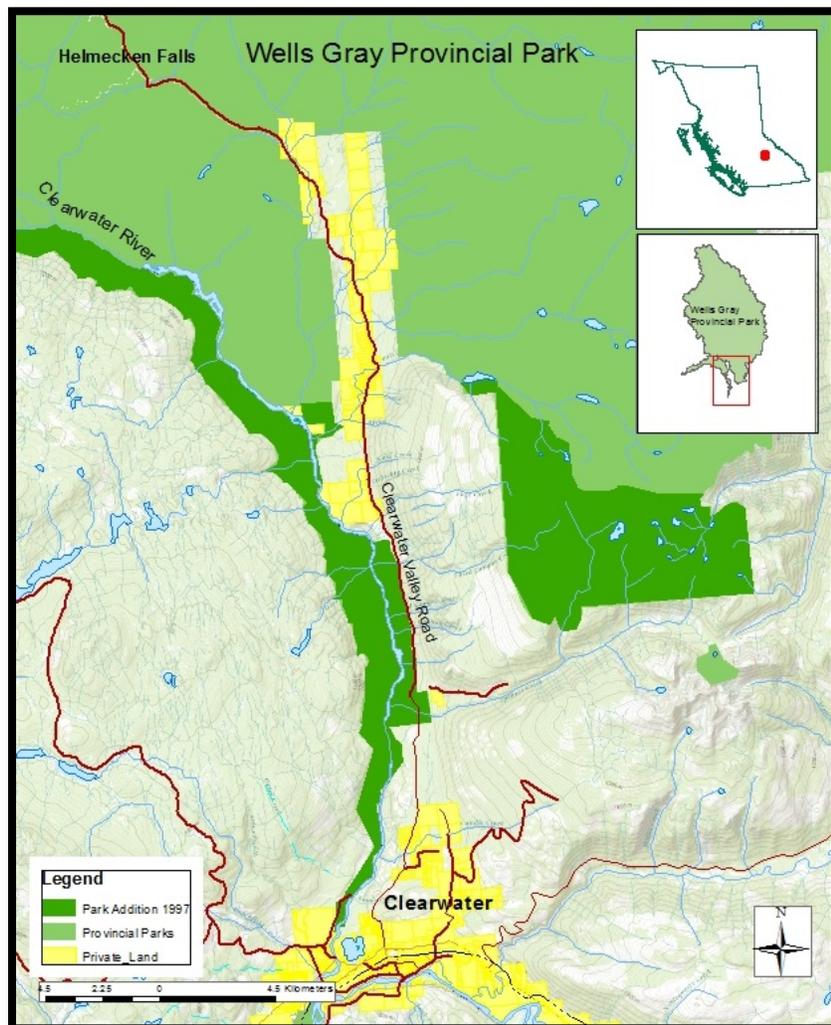


Figure 1. Travel Corridor to Park

Background

Wells Gray Provincial Park is the fourth largest provincial park in BC and is located in east-central BC near the town of Clearwater. In the 1990s, government developed a protected areas strategy and a regional strategic land use planning process that resulted in having two new portions added to the park in 1997. The additions created a corridor of private and Crown land bordered by the park on three sides (see Figure 1). More than 280 000 people visit the park each year, most traveling up the Clearwater Valley Road and accessing many of the park's popular attractions through this corridor.

In 1997, the district woodlot program was exploring the possibility of establishing woodlots in this corridor, but faced opposition from residents. Consequently, the district initiated the Upper Clearwater Process, a consensus based local resource planning process that resulted in establishing new woodlots and the Guiding Principles agreement in 1999. According to the district manager at the time, that process established trust between individuals, businesses and government.

Although the Guiding Principles include a few detailed expectations for forest practices, they are mostly expressions of intent for values other than timber. The area covered by the Guiding Principles is divided into Areas A-G, with some principles that apply to all areas and some principles specific to each area. The Guiding Principles contained a process whereby harvest proposals were to be reviewed by the designated referral group, which could consult all the residents in the area. The referral group would make a recommendation to the district manager, who would decide if the harvest proposal should be approved. At the time the principles were written, the district manager had the authority to make that decision.

In 2004, government introduced the *Forest and Range Practices Act* (FRPA), which effectively removed the district manager's decision-making authority in that harvest approval process. Now, the district manager has limited ability¹ to withhold a cutting permit or road permit based on the input from a third party such as the referral group. However, during the investigation, the current District Manager explained that district managers can use their powers of influence to create desired outcomes. Government has not established the Guiding Principles as formal government objectives, so they have no legal standing under FRPA. Therefore, neither Canfor nor BCTS makes reference to them in their forest stewardship plans.

Many other things have changed locally since the Guiding Principles were developed. A few examples include: the mountain pine beetle epidemic has damaged local forests, older harvesting has been reforested and is greening-up, the local mountain caribou herd is declining and tourism is increasing in importance in the local economy.

The Guiding Principles envisioned regular updates but, despite the significant changes occurring since 1999, they were only amended once in 2000. There has been little harvesting since that time, and consequently no strong need to update the Guiding Principles. In that time period, consultation with the referral group has been inconsistent.

¹ The licence agreement requires FLNR to issue cutting permits if they meet the following criteria: they do not conflict with other tenures; they are within a forest development unit in an approved FSP; and, they do not unjustifiably infringe on aboriginal interests.

Discussion

In 2012, BCTS was planning cutblocks on the slopes to the west of the Clearwater River outside the area included in the Guiding Principles. BCTS was aware of the Guiding Principles and that they referenced visual quality of the area they were planning for harvest, as viewed from within the Guiding Principles area. Therefore, BCTS completed visual quality assessments that showed the cutblocks would meet the visual quality objectives for the area and sent a letter to the referral group explaining the plan. Unfortunately, the letter was never delivered to the referral group, so it did not know about that harvesting until logging started.

In 2012, Canfor was also planning harvest opportunities within the Guiding Principle area. Canfor had not been involved in the development of the Guiding Principles. However, Canfor's staff had heard about the Guiding Principles so they asked the FLNR district for information. The district gave Canfor a copy of the Guiding Principles document and a map. The map shows the eastern boundary of Area G going only half way to the Park boundary on the east, whereas the complainant and referral group think the boundary of Area G goes to the Park boundary. Regardless, both the district and Canfor say that they will treat the whole area the same. Therefore, for the purposes of this investigation, the Board does not consider the boundary disagreement a significant concern.

Canfor met with the referral group in January 2012, where it explained its plans for developing the area. It told the group that following FRPA would basically ensure the Guiding Principles were followed. It was clear to the referral group members that the scale of harvest, concept of salvage, and consideration of other values in Canfor's plan was not what they envisioned under the Guiding Principles.

The referral group was also concerned that the Guiding Principles decision process was not being followed. Both the licensee and District expected the referral group to make comments to the licensee, rather than government, and then the licensee would decide how to proceed. The referral group voiced concern that government had broken the agreement it had made with the residents in 1999. Following that meeting, one referral group member quit the referral group and started the complainant group. The referral group met with the district and Canfor again in 2014.

Other than these two meetings, up to the filing of this complaint, there was little consultation between the district, Canfor, the referral group and the complainant. The referral group and complainant's concerns are more at a land use or strategic planning level—for example, making the corridor a special land use zone focused more on resources other than timber. However, FLNR and Canfor were not dealing with the landscape level concerns and wanted public comments at the operational planning level. The Board has previously said that, "If concerns are directed to the wrong planning level, they cannot be properly addressed and the result will be dissatisfaction for all parties."² In this case, such dissatisfaction has resulted in a lack of trust between the participants.

Furthering this distrust, the parties have been communicating through form letters and in the media, rather than sitting down together and working through the issues.

² FPB, [Bulletin 003 - Opportunity for Public Consultation Under FRPA](#), 2003, Page 2.

Conclusions

The main concerns in this complaint were:

1. Are the Guiding Principles being followed?

For the most part, the Guiding Principles were general expressions of intent for forest resources. Since the Guiding Principles are so broad, it is difficult to verify compliance with them. BCTS and Canfor are following a similar referral process as envisioned in the Guiding Principles, as they relate to FRPA, but the consultation has been ineffective for a number of reasons.

2. Is the Ministry of Forests, Lands and Natural Resource Operations providing leadership?

Government has provided leadership at a strategic level by establishing broad provincial objectives through FRPA and does not plan to start a new land use planning initiative for this area. At the operational level, the district continues to engage with Canfor and the referral group, but under FRPA, it is the licensee and not the district that has the leadership role in developing harvesting proposals.

3. Has the public trust established during negotiations of the Guiding Principles been lost?

It is difficult for the Board to determine if the public trust has been lost, however it is clear the referral group and the complainant view Canfor's harvest plans as contrary to what was negotiated in the late 1990s. In their view, the district has broken the original agreement and they have lost trust in the district, Canfor, and the FRPA legislative regime.

In the late 1990s, the residents of the Upper Clearwater Valley and the district worked hard to develop the Guiding Principles. The Guiding Principles process helped the district manager decide how forest resources would be managed and conserved. Although the legislation that supported that process has changed, it is clear that the residents are still passionate about maintaining a local voice in forest management. It is also clear that Canfor has the legal right to harvest timber, the responsibility for forest management in the area and the intent to harvest in the area. Although BCTS also has the right to harvest and responsibility for forest management in the area, BCTS has no immediate plans for developing its operating area in the Upper Clearwater Valley.

During the investigation, the Board asked the district manager if there was an opportunity for a small local land use planning process to revisit the objectives for this area. The district manager said no. Instead, he said he would like to see the existing Guiding Principles process followed. However, under current forestry legislation, the process of reviewing and issuing a cutting permit is different than when the Guiding Principles were developed, and this requires the complainant and the referral group to adapt their roles to this new process.

Canfor has publicly said it will respect the Guiding Principles and has also stated publicly, through the local media, that "we have been working with the public through the Upper Clearwater Referral Group to design our harvesting activities in a way that is respectful of the Guiding Principles for forestry as they apply to this area" and, "there is no reason a sustainable forest sector, a healthy environment and a world-class tourism industry can't coexist."

Recently, Canfor and the referral group had an encouraging meeting, with both showing a willingness to re-engage in discussions about harvesting and management of other resources. The district also plans to meet with the referral group and Canfor. Clearly the challenge for these three groups is to determine their respective roles in a process for consultation about harvesting and forest resource management.



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