

# **Information Meeting 3 of 9: Upper Clearwater Referral Group & Forest Service 2 October 2015**

## **PARTICIPANTS**

Forest Service: ROB SCHWEITZER

Referral Group Chair and Recorder: TREVOR

Referral Group: GEORGE, RENE, RYAN, TAY, TOM

Wells Gray Action Group: ERIK

Note 1: Ministry of Forests, Lands and Natural Resource Operations is here referred to as “Forest Service.”

Note 2: B.C.’s 2004 Forest and Range Practices Act is abbreviated FRPA.

## **AGENDA**

**Item 1: Introductions**

**Item 2: participant commitments**

**Item 3: Upper Clearwater Referral Group: history and past interactions with CANFOR**

**Item 4: Upper Clearwater Valley Residents: position re CANFOR’s 2012 plans**

**Item 5: Area G: delimitation and significance**

**Item 6: Forest Service position on logging in Upper Clearwater north of Spahats**

**Item 7: Additional items**

**Item 8: Next steps**

**Item 9: Adjournment**

Note: The following meeting notes do not link specifically with agenda.

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**TREVOR:** Calls meeting to order: introductions and agenda.

**ERIK:** Reads letter written by lawyer on behalf of the Wells Gray Action Committee (WGAC) and subsequently sent to Rick Sommer, Forest Service. Main recommendations are:

- The Ministry should refrain from granting any permits, approvals or other authorizations that would allow CANFOR’s proposed logging activities to take place within Plan Area G and the Upper Clearwater Valley, until the terms and intent of the *Guiding Principles* have been honoured and non-timber values in the Clearwater Valley been given full consideration.
- This should be accomplished both by referring the proposal to the Referral Group for review and comment, and through a public input process with stakeholders and user groups.
- The Ministry should initiate a process to develop a long-term land use plan for the Clearwater Valley, in consultation with the local community and stakeholder groups.

**GEORGE:** presents on the history of logging in the valley using visual aids:

- Reads 1981 letter to Clearwater Timber Products (CTP) who held license at that time:
  - CTP logging ruined neighbours' (Hansen) water supply.
  - Concerned re: possible future logging impacts on Fage Creek and consequent impact to farm
  - Requests information on actions taken by CTP to protect creeks and water rights.
- Reply letter from CTP:
  - CTP acknowledges GEORGE's concerns and promises to stop debris from entering creek (trees to be felled away from creek and machinery kept out of it).
  - Ask to be notified if water contaminated "so the problem can be rectified if logging is the cause."
- Reads second letter from 1992, describing subsequent severe flood on Fage Creek and impacts to water intake.
- Reply from Ministry: GEORGE thanked for concerns. Ministry acknowledges:
  - seriousness of flooding as evidenced by damage to highway.
  - two issues Forest Service must address: 1) has logging increased stream flow during floods, and 2) computation for figuring out when regeneration will ameliorate flooding.
- Observations: Notwithstanding assurances, the resulting logging was severely substandard, e.g., logging through creeks, down creeks, clearcutting, failure to put the roads to bed, no public input, etc. Creeks heavily impacted by logging, affecting rate of flow, flow timing, temperature sensitivity issues, and flooding. Restoration was promised but never undertaken. Regeneration not doing well even after 22 years.
- Conclusion: Questions promises by current forestry establishment that they don't log like that anymore.

**TAY:** continues regarding history and interaction with CANFOR:

- Timeline created by Referral Group shows that CANFOR has not been respectful to *Guiding Principles* process, e.g., letters of concern not answered, maps sent to individuals but not to the group, final map, hydrological information, etc. still not received: information needed by RG to engage meaningfully in the process. Initial concerns were followed by an *increase* in proposal clearcuts.
  - ERIK (formerly with RG): Dave Dobi claimed CANFOR respects the Guiding Principles (GP), but also proposes to log most of the old growth on the upper bench (contrary to GP). Makes it very difficult to interact with CANFOR with any sense of good faith...
  - TAY: everyone is still insisting that the GP has no teeth, while saying they will respect it.
  - TREVOR: during the transition to FRPA the Ministry had a clear obligation to grandfather in the GP in similar fashion to the Kamloops LRMP. This 'oversight' is at the root of current struggle.
  - RENE: his letters were not answered until he went public, after which he received letter saying that CANFOR was engaging residents. Eventually Dave Dobi met with RENE but insisted that the meeting not be recorded or the map photographed. Only in Jan. 2015 did CANFOR provide RENE with a partial map of proposed cutblocks. This package was

never shared with RG. RENE didn't like being singled out – asked Dobi to go through RG.

- GEORGE: CANFOR letter published in local paper falsely claimed meeting with RG.
- TAY: an actual engaging process with meaningful public input prevents acrimony: was the whole point of the GP.

**RYAN:** summarizes position of valley residents re CANFOR's plans:

- valley residents' initial response to CANFOR's plan – upset, frustrated, opposed!
- GP and Jim Munn's endorsement letter not being honoured, upheld, or respected by current government or CANFOR
- WGAC created to represent feelings
- Possible legal actions, FPB investigations, and rumoured civil disobedience illustrate that CANFOR and ministry will be held accountable for their actions.
- CANFOR and ministry should thus rethink their approach...

**RENE:** talks about impacts on water licenses, including his own micro-hydro installation:

- shows pictures of Spahats Creek (1999) and Grouse Creek (2001) in flood: result of logging on Trophies and consequent heavy rain.
- About 20 watersheds between Spahats and Grouse Creeks and 46 water licenses.
- Water used for domestic (including tourism business), irrigation, hydro.
- In 2002 RENE built water system (including hydro, settling tank) on Shook Brook, historically a very stable stream. Sell electricity to BC Hydro. Logging threatens RENE'S investment.

**TREVOR:** discusses eastern boundary of Area G:

- The east boundary of Area G does not coincide with the east edge of the map sheet as sometimes shown. Instead it extends uphill to the boundary of Wells Gray Park.
- The false 'map sheet boundary' stems from a model relief map made by a facilitator Hannah Horn early in the negotiations process. When asked about this, she said she used the edge of the map sheet only for convenience.
- Evidence includes overriding concern for creek hydrology as well as specific reference within the GP document to Buck Hill and oldgrowth forests, both well east of the map sheet boundary.
- Dave Dobi accepted the park at the eastern boundary at our initial meeting with him.
  - ERIK: Jim Munn's letter references 'heavy impact in area G,' which also indicates higher slopes of bench area.
  - RYAN: we had this discussion with Rick Sommer in 2012.
  - GEORGE: Area G should be considered a community watershed.

**TAY:** This issue is not limited just to Upper Clearwater. Tourism is playing an ever-increasing role in the area – which means corridor will impact Clearwater more and more. This year the Wells Gray Info Centre was the busiest info centre in BC – up 20%. As local residents become more invested in WGP as an economic generator, people will expect this process to pay attention to issues of this kind.

**ROB SCHWEITZER:** Here to listen to comments and frustrations.

- GEORGE's report drives home why GP were created, why we are here, why there is a process in place. There's no defending what went on in the past. Much hard work went into creation of GP and this should continue to be honoured.
- In 2004, the Forest Practices Code (FPC) changed to Forests and Range Practices Act (FRPA). Under FPC, the District Manager was able to take a "manage and conserve" approach to decision making. But not so under FRPA, a professional reliance model under which logging proposals must fulfill two criteria: (1) does it impact a First Nation right or title? (2) is it an approved forest stewardship plan? If answer is no to first and yes to second, then proposal MUST be approved.
  - TOM: who's accountable under FRPA?
  - ROB SCHWEITZER: the professional forester – the individual in charge – is accountable
  - TOM: So, government isn't accountable at all?
  - ROB SCHWEITZER: FSP is the test – that is where the main review happens.
  - TAY: public doesn't know that FSP is apparently only opportunity for input.
  - ROB SCHWEITZER: forest development units (FDU) are now the whole district – public has to comment on entire area. Multiple licensees can be in one FDU.
  - TREVOR: What about accountability in the face of climate change? What might happen to a hydrologist who signs off on a permit that later results in disastrous flooding?
  - ROB SCHWEITZER: hydrologists and foresters etc. will be held accountable for their decisions. In theory at least. I'm not aware of any local examples of this occurring.
  - TAY: nobody was held responsible for damage resulting from earlier decisions.
  - ERIK: Who is responsible under FRPA for damages that occur from actions taken before FRPA was in place?
  - ROB SCHWEITZER: Foresters are responsible for what they plan.
  - ERIK: Seems there's a whole portion of forestry history that no one is now responsible for...
  - TREVOR: at some point government and industry representatives must be held responsible for past and present decisions. Rights come with responsibilities, but at present the focus seems to be exclusively on rights.

**TAY:** Under FRPA, letters of concern are a bit like closing barn door after horse is already gone. The plan would have to be approved regardless of concerns shared?

**ROB SCHWEITZER:** The GP are not legal under current legislation, so perhaps nothing can be done from a legal perspective. But still there is the question of social license, of moral and ethical issues, where influence can be made. My job is to understand the issues and bring people together to influence outcome. The present issue is definitely complex, yet the GP are there to guide the process. Need to think about what success looks like within this process – what do we want to come out of this? The best course of action in my opinion is to heavily engage a willing licensee as to the values at risk. I'm cautiously optimistic that CANFOR is listening. Time will tell... better engagement with CANFOR and ministry to come.

**RYAN:** What does success look like? No clearcuts in the viewscapes in the entrance to WGP? No industrial scale clearcut logging on high elevation slopes in watersheds? How can you have a picture of success when these things have already happened?

**TREVOR:** Perhaps one measure of success would be if CANFOR's cutting plans for Area G look very different than their cutting plans elsewhere. The problem is that the forest industry has already cut so much. What do you do with that?

**RENE:** Is it possible for the ministry to negotiate with CANFOR to give them wood somewhere else instead of logging in Area G?

**ROB SCHWEITZER:** All forest licenses in the district are volume based. TFL is an area license. Licensees can operate anywhere in TSA. Licensees negotiate 'operating areas' among themselves. Area G is CANFOR's area, but any licensee in the district could legally log up there. The operating areas are a gentleman's agreement. We wouldn't just be negotiating with CANFOR – the area would have to come out of the timber area land base – a moratorium or extension of the park. This takes us back to a much broader discussion – not just with Rick and myself. This would be a big G (government) conversation...

**TREVOR:** The problem is that this will just go on and on and on. Even if we get resolution for CANFOR's current plans, they'll be back in 2020 (or whenever), wanting to take more, and then more later. This isn't at all what was negotiated under the GP.

**ROB SCHWEITZER:** Hope this is the starting point for this group, through me, to start that process.

**TREVOR:** A recent paper on old growth values in the Robson Valley prompted the BC government to set aside 10-13,000 ha as park. [D.S. Coxson, T. Goward, & D.J. Connell. 2012. *Analysis of Ancient Western Redcedar Stands in the Upper Fraser River Watershed and Scenarios for Protection*. Journal of Ecosystems and Management 13(3):1–20.] Perhaps something like that could be tried in this valley?

**ROB SCHWEITZER:** Any and all options are available. Challenge is to engage CANFOR in that conversation. Legally, at this moment I can't tell CANFOR to stay out of this area. It's important to ask the right questions, e.g., can we hold off on logging while we look into options, do we need industrial sized patches, etc? I encourage RG to work with CANFOR regarding where to go from here. It will take time.

**TREVOR:** The issue is quiescent in the valley at the moment. But if logging started up tomorrow, things would get 'electric' very quickly. We need resolution – whether it takes a long time or not.

**ERIK:** Emphasis is presently on willingness to work with RG. The WGAC was born out of the failure of this process. We need to engage the larger community. The RG is tied to Upper Clearwater, while the WGAC represents the bigger picture – we need to be involved. The larger community has expressed support only for broader values in valley.

**ROB SCHWEITZER:** On that note, BCTS woodlands manager Steve Webb is willing to meet with anybody up here who wants to talk. But let's not jump to 'what does success look like' yet. A long-term approach is needed but I don't want to jump there until we rebuild this. It's a great idea and I would love for it to be there. Something like that is a whole discussion in itself. Rebuilding the engagement between us, the RG, the rest of the community, and CANFOR, and BCTS... It's great to talk about long term planning but until we rebuild this it might be a waste of everyone's time in my opinion. That's part of the reason the WGAC formed – the process wasn't working.

**TREVOR:** Rob, do you agree that the WGAC needs to be involved in all of this?

- **ROB SCHWEITZER:** ERIK and I need to have some conversations about that.
- **TREVOR:** Well, that's a step forward....

- ERIK: This is all a step forward. Everything we're hearing now carries hope...
- ROB SCHWEITZER: Absolutely!
- TAY: The fact that we're hearing this is awesome...
- ROB SCHWEITZER: When we got together in March 2014, we skipped a step! In hindsight, we just kind of threw everyone in a room together and said okay, let's talk. There was no Who we are, What our opinions are, What angles we're coming from – we just thought it would work. But it didn't feel like it worked.

**ROB SCHWEITZER:** What are we going to do moving forward? Are we going to meet ad hoc? Let's digest our conversation tonight. To be successful we need to meet on a regular basis.

- GEORGE: We need continuity...
- ROB SCHWEITZER: Is it time to have CANFOR, government (me), RG... where does the WGAC fit into that? Do they fit into that? Can we come together again? Can we have a March 2014 meeting that can be more productive and start rebuilding the process. And can BCTS fit into that? If we don't meet regularly success will be difficult...
- TOM: build in a series of steps to help process...
- TREVOR: We need to define the place we want to get to and be very clear on that...
- TOM: We don't need everybody there every time – just the key people to carry it forward.
- TAY: We need to digest this. A lot of the ideas we have discussed are changing the paradigm this group has been operating under. Where we stand in the process moving forward deserves discussion...
- RENE: The meeting with CANFOR was positive, encouraging. From what I hear you say, Rob, I am encouraged by what I have heard tonight. Different now than in the Dobi days...
- RYAN: My concern is in moving forward in the spirit of the GP – from what I understand the GP is not legal – that makes it difficult to feel encouraged about moving forward. But if everyone agrees to use GP as the basis for moving forward that is encouraging.

**TREVOR:** Rob, what I hoped to hear from you tonight – that government is committed to doing what it can to ensure that the spirit of the GP is respected.

**ROB SCHWEITZER:** Yes! That's what I want to finish with – that commitment moving forward...the spirit and intent of the GP. The document itself and the agreement itself - is fantastic. It's the culmination of a whole bunch of work. The more I've thought about this over the last three years, the less I am concerned with the legality of it. To me it's about what is important to the people in the valley, in Clearwater, and it's our job collectively and my job to encourage those operating in the area to follow the GP. After speaking with Stefan and Al, I am cautiously optimistic that they understand that document. If that is the jumping off point, the basis for moving forward – that is encouraging. It will be tough though – it would only take one piece of disagreement to throw everything out of whack. We won't know if we don't try. I'd like to try and turn the corner with you guys... I hope for success but we might stumble along the way.

**RYAN:** Do we need a meeting with the public now to disseminate the information from this meeting?

- TREVOR – I think we need to talk about that...
- TAY – the parameters have changed. We need to figure things out...

**ERIK:** Two things I think that will encourage the possibility of success without it degenerating again. First, the concerns have to be regarded as real and relevant. When someone raises a concern, it has to be

dealt with it can't just be brushed aside. We really have to go to the table and acknowledge all the issues to be able to start from any point. And second, whatever is negotiated now has to have some binding qualities. We don't want to have to negotiate and renegotiate every detail with every licensee that might operate in the area. You must want that too, Rob?

- ROB SCHWEITZER: I do not disagree with that statement. It is a more daunting task...

**TREVOR – wrapping up** – My last thought is a question. I read in the paper that Rick Sommer thinks there won't be any problem meeting the cutting needs in regards to the AAC in the next ten years, but after that it will get a bit tough. Is there anything going on in the larger picture that is going to come to haunt us later on?

- ROB SCHWEITZER: Cuts in BC were increased due to mountain pine beetle and are going to come down. We will continue to see pressure on modernizing fibre utilization in BC because mills will need to use smaller diameter trees to keep the supply up. There will not be a reduction in pressure on fibre supply, there is going to be more pressure. There will be mill closures and significant economic impacts... not saying that will happen here...

Meeting adjourned: 10:00 PMish.