

Information Meeting 4 of 9: Referral Group, CANFOR & Forest Service 27 November 2015

PARTICIPANTS

Forest Service: ROB SCWEITZER

CANFOR: AL ANDERSEN, STEFAN BORGE

Referral Group Chair: TREVOR

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

Wells Gray Action Group: ERIK

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

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

AGENDA

Item 1: Business

Item 2: Terms of Reference

Item 3: Objectives of Information Exchange

Item 4: CANFOR’s logging plans for Area G

Item 5: Initial response to CANFOR’s logging plans

Item 6: Next steps

Item 7: Adjournment

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

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TREVOR: Calls meeting to order: welcome, agenda, and many thanks to Roland and Anne for allowing us to meet at Trophy Lodge, and for the delicious treats!

TREVOR: Announces resignation of RYAN, in protest at exclusion of Wells Gray Action Committee.

RENE: Reads Forest Practices Board Complaint Investigation #14031, *Local Planning Commitments and Logging near Wells Gray Park*, which was released on 19 October 2015 [the day of the federal election!] and more recently made public by the complainant, The Wells Gray Action Committee; attached below. Key conclusions:

- 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.”

TREVOR: Asks for a volunteer to transcribe recording of meeting.

AL ANDERSEN: Agrees to take this on (with thanks to Christine).

TREVOR: Asks for statements of interest from Referral Group, CANFOR and MFLNR:

- **TREVOR:** The Referral Group was established as a vehicle for information exchange among government, industry and local residents. We are *not* an activist group, nor are we mandated to negotiate on behalf of valley residents. Though of course we have strong personal opinions on the issue, we do our best to be circumspect.
- **STEFAN BORGE and AL ANDERSEN:** CANFOR is committed to working with the residents of Upper Clearwater. We need to understand who the stakeholders are and what their concerns are. The most important concerns we’ve noted are around visuals, water quality and hydrology, and wildlife and caribou. Timber cruising is now completed [for Area G] and we’ve hired professionals to help us out. We’re ready to share a provisional map.
- **ROB SCHWEITZER:** MFLNR wants to ensure that public resources are managed in the public’s best interests, both in terms of revenue generation and environmental protection. I see the Guiding Principles as a great piece of guidance for operating in this area, whether for CANFOR, B.C. Timber Sales and other groups. The Ministry’s role will become clear as we go forward in our relationship, but it’s clear we’re all going to have to give and take a little.

Discussion

- **FRANK:** If we try, we can make this an honourable and workable process, going places that haven't been seen as possible in the past. Let's be sure to give due consideration to the interests of tourism.
- **GEORGE:** We're still living with the consequences of past logging, including some blocks that were damaged and growing back slowly.
- **ROB SCHWEITZER:** Staff will look at that next spring and take appropriate action.

TREVOR: Let's talk about our goals for this process. From the perspective of the Referral Group there are really two processes. One is short-term and relates to CANFOR's immediate plans for Area G; that's what we're here to talk about. But the other is long-term and recognizes the Referral Group's need not to have to repeat this long and arduous consultation every five or ten years. When in 2000 local residents agreed to the creation of woodlots in Upper Clearwater, we expected that the Guiding Principles would be respected. But that's not what happened. When the BC government moved to FRPA in 2004, the Guiding Principles weren't grandfathered in like the Kamloops LRMP. Instead the local MoF reps effectively betrayed the consultative process they themselves initiated in 1997. This is the only reason we're caught in the present bind with CANFOR – a process that has cost us four years of further sustained effort. This can't go on. Quite apart from the short-term process we're engaged in, we need to find some sort of long-term resolution to this impossible situation – one that recognizes the balance we achieved through the Guiding Principles 15 years ago, based on a spirit of engagement and cooperation and trust.

STEFAN BORGE: I think first and foremost our objective is to develop long-lasting, professional relationship with everybody here in the room. Otherwise, we're not going to be able to get any wood off the hillside, which is probably our second objective.

AL ANDERSEN: I guess the only objective isn't timber, but [Area G] is available for forest management for timber values and other values have to be managed.

ROB SCHWEITZER: In the short term, the district is fully committed to seeing this process succeed and I'm doing what I can to help make that happen. In the long term, I heard loud and clear that the Referral Group doesn't want to go through this again, in five years or in ten years. I will continue to work towards finding a solution towards that from the government perspective. It's not an easy flip-the-switch type of solution to locking down areas, but I think as long as we look like we can be innovative and try to work toward the short-term objectives it will help towards finding a longer-term solution.

TREVOR: Next up we need to look at CANFOR's preliminary cutting plans for Area G. Over to Stefan and Al.

STEFAN BORGE: Our plans are ever evolving. Over the past months, we've been addressing some things that were missed from the base planning stage. We've had crews out traversing streams basically down to property boundaries up to our intended logging areas as well. We don't have a legislated mandate to do anything up there for caribou, so we're doing what we would call best management practices. We're going to implement natural corridors to facilitate

the vertical movement of caribou if they ever do return to the area. Also, there would be post harvest treatments potentially planting right away, and willow mitigation to reduce moose in the area and hence predation by wolves.

GEORGE: In 1996 the Ministry of Environment had a caribou order in the upper portions of Area G. It was in effect for quite a few years but was removed in 2006 [?].

FRANK: Are we certain they no longer traverse that area?

TREVOR: The caribou that used to come south to Battle Mountain and the Trophies – prime winter habitat – no longer do so. Generally, they haven't been seen for more than a decade, but spend their winters around Murtle Lake and especially up north of Azure Lake in the Cariboo Mtns. The only plausible explanation is that they've been chased out of their former winter habitat by memory of intense predation by wolves – a result of extensive clearcut logging in the area. So the area is not currently in use, but the long term preservation of caribou in this area depends, I think, on this area eventually one day being used again as winter habitat. I could go on, but will leave it at that.

Tom (by phone): The hydrology reports commissioned by CANFOR are crucial to our discussion and should be made available to the Referral Group.

STEFAN BORGE: I don't know what our policy is on that so I'll need to look into it.

AL ANDERSEN: Actually, we've got hydrology reports, and a wildlife biologist has looked at the caribou situation, and we've had terrain and stability specialists up as well.

GEORGE: We could have somebody in addition to whoever you may be using currently, to maybe verify, somebody that's completely neutral in every respect, someone who has proof of qualification, to make a straightforward evaluation that deal with hydrology.

AL ANDERSEN: I'd like to have MIKE MILNE, our hydrologist, come to sit down with us at some point.

TREVOR: Just for the record, Cathie Hickson, the volcanologist, wrote a letter about slope stability in area G.

[At this point the group moves to another room to examine CANFOR's map. Unfortunately, this discussion was out of range].

Meeting adjourned: 10:30 PMish.

FOREST PRACTICES BOARD REPORT

LOCAL PLANNING COMMITMENTS AND LOGGING NEAR WELLS GRAY PARK

Complaint Investigation #14031

FRB/IRC/197

October 2015

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.

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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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