

Beetle Salvage Impacts on Guide Outfitters

Complaint Investigation 060698



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Executive Summary

The Guide Outfitters Association of British Columbia (the complainant) complained to the Board that its members' businesses are being harmed by increased harvesting of mountain pine beetle (MPB) infested timber. The complainant is concerned about five issues concerning the MPB salvage harvest:

1. Ministry of Forests and Range (MFR) harvest monitoring;
2. licensees harvesting species other than pine;
3. licensees not leaving understory trees;
4. licensees using herbicide; and
5. government not having an overall plan for the salvage harvest.

With respect to the first concern, the Board found that government has increased the level of monitoring at the site level and that the Forest and Range Evaluation (FREP) program will be able to monitor the overall effects of harvesting more effectively. With respect to the second concern, in the Board's view both government and licensees are doing a reasonable job of targeting pine-dominated stands for additional harvest. With respect to the fourth concern, herbicide use has been significantly reduced, and there are opportunities to further reduce its use in high-value wildlife habitat. The Board also determined that guide outfitters may also have an opportunity to influence the use of herbicide by communicating with licensees and their certification bodies.

Although the Board could not determine if licensees and government are retaining understory trees (the third concern), government reported that it is developing a legislative framework to protect understory trees that could provide opportunities for mid-term timber supply.

With regard to the final concern, the Board found that strategic plans can function as overall harvest plans. However, in areas where government has determined that the strategic plan needs updating due to the MPB epidemic, strategic plans need to be approved. Until this is done it is the Board's opinion that there is no plan guiding the salvage harvest.

The issues in this investigation were not focused on specific circumstances, so the Board could only draw general findings and conclusions, and make general recommendations. As well, the Board concluded that one of the most prominent problems was break down of communication between the complainant and licensees. The Board advises all parties concerned that it is in everyone's best interests to try to resolve specific concerns at the site level with more effective communication.

The Board recommends that government should approve proposed new or updated strategic plans, and the associated proposed *Forest and Range Practices Act* objectives, in areas where the harvest levels have increased, to deal with the MPB epidemic.

The Complaint

The Guide Outfitters Association of British Columbia (the complainant) complained to the Board that its members' businesses are being harmed by increased harvesting of mountain pine beetle (MPB) infested timber. The complainant is concerned that:

1. There is not enough harvest monitoring.
2. Species other than pine are being harvested.
3. Understory trees are not being retained.
4. Herbicide use reduces wildlife forage and cover.
5. There is no overall plan for the salvage harvest.

Background

The guide outfitter business

Hunters that are not residents of Canada or Canadian citizens can only hunt for most game species in BC if they employ a licensed guide outfitter. A guide outfitting licence gives a guide outfitter an exclusive right to guide such hunters over a specific area of Crown land. Licensed guide outfitters usually build infrastructure on Crown land to outfit their clients, and their investment in their businesses can be significant.

Although guide outfitters have the exclusive right to work as guides in their specified areas, they have no control over other forest uses in that area, such as timber harvesting or resident hunting, nor do they have the right to control public access, except in areas where another tenure may be held (e.g., a permanent camp). Because of these circumstances, a guide outfitter's business can be impacted by other government-authorized tenures or businesses. For example, if a guide outfitter's business was developed on a wilderness experience foundation, the business could be severely impacted by new road access and increased public use created by timber harvesting.

Why has timber harvesting increased?

British Columbia is experiencing the most severe mountain pine beetle (MPB) epidemic in recorded history, and it is killing the province's pine trees at an accelerated rate. To deal with the epidemic, government developed a *Mountain Pine Beetle Action Plan* (Action Plan) which lists seven broad objectives as well as a number of action items. One of the Action Plan's objectives is to obtain value from the dead and dying trees. To achieve this, BC's chief forester has significantly increased the allowable annual cut (AAC) in 10 of 20 affected timber supply areas (TSAs).¹ The Ministry of Forests and Range (MFR) has awarded new tenures to facilitate the increase and licensees have been harvesting at an increased rate.

¹ Ministry of Forests and Range, *Timber Supply and the Mountain Pine Beetle in British Columbia - 2007 Update*, <http://www.for.gov.bc.ca/hfp/mountain_pine_beetle/Pine_Beetle_Update20070917.pdf>.

Discussion

The complainant is concerned that its members' businesses are being harmed by increased timber harvesting and that their guiding interests are not being adequately considered.

To address these concerns, the Board interviewed and discussed beetle harvesting and guide outfitting with representatives from across the province, meeting with the complainant, government agency staff, licensees and the Council of Forest Industries. The Board also interviewed government agencies, licensees and guide outfitters on a regional level, in communities ranging from 100 Mile House, north to Prince George and west to Smithers.

The Board examined the following questions:

1. Is there enough monitoring of salvage harvesting?
2. Are species other than pine being harvested?
3. Are understory trees being retained?
4. How can the impact of herbicides on wildlife habitat be reduced?
5. Is there an overall plan for the salvage harvest?

Because the concerns were general in nature, the Board found it difficult to evaluate them, particularly with respect to issues two, three and four, which lead to broad conclusions and a single general recommendation. The Board also determined that the complainant and other resource users would benefit greatly from trying to resolve specific concerns with individual licensees and MFR before submitting a complaint to the Board. Then, if they are not satisfied with the outcome, they could make a complaint to the Board in more specific circumstances.

To encourage resolution at the local level, this report will initially address a pervasive communication issue.

Although a few guide outfitters and licensees have maintained good working relationships, communication between guide outfitters and licensees had broken down in many cases. Many guide outfitters have given up trying to stay current with licensees' logging plans. They assert that their comments to licensees make no difference. Further, they claim that although site plans (harvest plans at the cutblock level) show the detail guide outfitters require in order to conduct and maintain their businesses, site plans do not need to be referred to them under current legislation, and often are not. As a result, harvesting or road building can be underway or even completed before guide outfitters are aware of the development.

On the other hand, licensees said that they found it frustrating to carry out a legislated review and comment process for forest development plan amendments and forest stewardship plans (FSPs) when they received little or no input from guide outfitters.

The Board maintains that effective communication is the most important part of the issue.

The activities of forest licensees can have a big impact on a guide outfitter's business, and so guide outfitters need to safeguard those interests. For licensees, the Board stresses that affected members of the public must have an opportunity to assess plans and provide input at all planning levels, from strategic through to operational, depending on their specific interests and how they are affected by forest operations.² This can only be done if both the licensee and the parties affected by their operations actively and effectively communicate with one another. The approach taken by the parties involved in forest management planning will ultimately determine whether public confidence in management of BC's forest resources is warranted.³

1. Is there enough monitoring of salvage harvesting?

The complainant asserts that, with the increase in harvest levels, government should increase its ability to monitor the effects of the salvage harvest. The complainant has two levels of concern:

1. monitoring compliance at the cutting permit level; and
2. monitoring the larger effects of the pine beetle salvage harvest.

With regard to the first level, the complainant didn't think that MFR had increased its ability to monitor compliance with the *Forest and Range Practices Act* (FRPA) at the cutting permit level, in proportion to the increased level of harvest. However, the Board found that MFR has hired 28 new employees for this function in the Northern Interior Forest Region alone, which indicates that this concern has been addressed.

MFR has increased government resources for monitoring licensee compliance of the pine beetle salvage harvest at the field level.

During the Board's interviews with individual guide outfitters, none could identify instances of non-compliance that had gone undetected, yet in their view, while licensees may comply with legal requirements, the harvest still harms guide outfitters' interests. Like the complainant, local guide outfitters were more concerned about how the increased harvest levels, together with new legislation, were affecting values important to them, but, because they did not have specific complaints, it was difficult for the Board to make specific recommendations. In general, the complainant and individual guide outfitters are concerned about the change to FRPA that has given licensees more freedom to manage the forest, but also more latitude about how they will practice sound stewardship.

² Forest Practices Board, *Board Bulletin, Volume 3--Opportunity for Public Consultation under the Forest and Range Practices Act*, < <http://www.fpb.gov.bc.ca/bulletins/Opportunity.pdf>>, page 2.

³ Ibid, page 6.

In 2003, MFR established the Forest and Range Evaluation Program⁴ (FREP) to monitor whether FRPA is effective in achieving the management objectives intended by government upon creation of the Act. As part of the program, FREP develops and evaluates questions designed to determine if FRPA is achieving the expected stewardship response from licensees. More specific questions that FREP is testing monitor values important to guide outfitters, such as biodiversity, wildlife, and visual quality. FREP is also trying to determine if any resource values have been overlooked by FRPA.

The Board reviewed⁵ the 2005/2006 FREP program and made two findings that apply to the complainant's concern:

1. There is executive support for the program and the committed resources appear to be reasonably sufficient.
2. Monitoring and review mechanisms include a substantial level of field monitoring and quality review.

FREP is a province-wide program and has not had extra resources dedicated to areas of pine beetle salvage harvest. However, if there are problems specific to mountain pine beetle salvage areas, FREP should be able to detect them.

The FREP program is monitoring many forest values that are important to the complainant.

2. Are species other than pine being harvested?

The complainant is concerned that some licensees are harvesting stands containing other tree species, while stands of pine are left behind.

An internal review by MFR in 2006 somewhat supported that concern. The Northern Interior Forest Region investigated its harvest profile and compared it to the timber supply analysis for the increased harvest levels. The chief forester had assumed that pine would make up 78 percent of the timber supply, and the review confirmed the pine component of the harvest had increased substantially, but only to 71 percent.

There were operational reasons for the shortfall, such as:

- some licensees' operating areas did not contain much pine;
- other tree species were closely mixed in with the pine;
- previously approved cutting permits were still in operation; or
- a licensee's mill product required a non-pine component.

⁴ FREP home page, <<http://www.for.gov.bc.ca/hfp/frep/about/index.htm>>.

⁵ Forest Practices Board, *Assessment of Quality Management Framework Forest and Range Evaluation Program: Ministry of Forest and Range and Ministry of Environment*, <http://www.for.gov.bc.ca/hfp/frep/site_files/qmgmt/QM_Assessment_Quality_Mgmt_Framework.pdf>.

MFR explained that, under certain circumstances, it can restrict cutting permit applications to explicit species or geographic areas; however such restrictions must be consistent with statements in the chief forester's rationale for management of the area. For example, if new salvage licences containing provisions to harvest certain types of stands are issued to deal with AAC uplifts for MPB-killed trees, the district manager can restrict cutting permits to those types of stands.

MFR is concerned about this issue and continues to monitor the percentage of pine being harvested. In June 2007, MFR released a report, *Monitoring Harvest Activity across 16 Mountain Pine Beetle Impacted Timber Supply Areas*.⁶ The report confirms that licensees are directing their harvesting at pine-dominated stands. The Board also looked at this issue and recently published a report that found that, "all of the additional harvest volume has been pine, and the total volume of tree species other than pine (mainly spruce and fir) harvested from 2000 to 2006, has not increased—and in fact has decreased slightly."⁷

In the Board's view both government and licensees are doing a reasonable job of targeting pine-dominated stands for additional harvest.

3. Are understory trees being retained?

The complainant is concerned that harvesting MPB stands unnecessarily destroys understory vegetation and trees, as some forest stands have a significant number of other species of trees in their understory. The complainant's view is that preserving the understory while logging, or not harvesting stands with a significant understory, allows understory to produce wildlife habitat and promotes the development of a mature forest more quickly. For guide outfitters, preservation of understory would help mitigate the impact of salvage harvesting on their businesses.

This view is supported by the Action Plan, which encourages long-term economic sustainability for communities affected by the MPB epidemic. In addition, MFR has concluded that:

*There appears to be considerable potential to reduce the impact to mid-term timber supply and enhance biodiversity values, hydrologic recovery, visual quality and wildlife habitat by strategically protecting certain pine-leading stand types from immediate harvest and/or protecting secondary structure during salvage operations.*⁸

⁶ Ministry of Forests and Range, *Monitoring Harvest Activity across 16 Mountain Pine Beetle Impacted Timber Supply Areas*, <http://www.for.gov.bc.ca/hts/MPB_Harvest_2007.pdf>.

⁷ Forest Practices Board, *Tree Species Harvested in Areas Affected by Mountain Pine Beetles*, a Forest Practices Board Special Report, November 2007, <<http://www.fpb.gov.bc.ca/special/reports/SR33/SR33.pdf>>.

⁸ Coates, K. David, et al., *Abundance of Secondary Structure in Lodge Pole Pine Stands Affected by the Mountain Pine Beetle*, August 2006, <http://www.for.gov.bc.ca/hfp/mountain_pine_beetle/stewardship/report.pdf>.

In August 2006, the chief forester advised forest professionals to target, “high risk pine stands that are under attack and have poor secondary structure; and retain or carefully partial salvage attacked stands that have sufficient secondary structure that makes them viable in the mid-term.”⁹ The chief forester did not quantify how much retention would be adequate, or under what specific conditions.

In a related report the Board stated:

*Foresters should carefully manage unsalvaged MPB-attacked stands. These stands will contribute significantly to future timber supplies, hydrological recovery, wildlife habitat and visual quality. A designed forest should integrate the ecological, social, and timber benefits of residual non-pine stands, clear-cut and regenerated stands, and areas of forest that were attacked by mountain pine beetle.*¹⁰

On the other hand, retention reduces operational flexibility and may increase the cost of logging. Further, there may be physical or biological reasons, such as blow-down or sun scald, that could prevent the preservation of understory. There is also no guarantee that retention areas left by one licensee will not be harvested by another licensee operating in the same area.

The investigation could not determine if such stands are being harvested; there is no requirement for forest professionals or licensees to report areas that they leave, only areas that they harvest. As a result, the Board found little evidence one way or the other that forest professionals are advocating retention strategies, or that licensees are invoking retention as a stewardship response.

Despite the lack of knowledge, MFR reported that it is developing a regulatory framework that will limit harvesting options in specified MPB impacted areas that contain suitable structure for midterm timber supply. MFR also notes, although not specific to MPB salvage harvest, FREP is starting to examine whether or not harvested cut-blocks previously contained secondary structure. If they did, the FREP is evaluating what was retained and its ability to provide midterm timber supply.

The Board could not determine if understory trees are being retained. MFR is starting to monitor licensee performance concerning under-story retention under the FREP.

⁹ Jim Snetsinger’s memo introducing the “Abundance of Secondary Structure in Lodgepole Pine Stands Affected by the Mountain Pine Beetle” report, <http://www.for.gov.bc.ca/hfp/mountain_pine_beetle/stewardship/memo.pdf>.

¹⁰ Forest Practices Board, [Lodgepole Pine Stand Structure 25 Years after Mountain Pine Beetle Attack](http://www.fpb.gov.bc.ca/special/reports/SR32/Lodgepole_Pine_Stand_Structure_25_Years_after_Mountain_Pine_Beetle_Attack.pdf), a Forest Practices Board Special Report, January 2007, <http://www.fpb.gov.bc.ca/special/reports/SR32/Lodgepole_Pine_Stand_Structure_25_Years_after_Mountain_Pine_Beetle_Attack.pdf>.

4. How can the impact of herbicides on wildlife habitat be reduced?

The complainant is concerned that licensees use chemical herbicides to reduce competing vegetation around regenerating trees, after pine salvage harvesting. The competing vegetation, while harmful to the young trees, can be beneficial to wildlife.

At the stand level, licensees are free to decide how to meet the requirement to establish a new crop of trees. Using herbicide is a legal and cost-effective tool that may help a licensee or government meet that goal. Nevertheless, use of herbicide is declining significantly.¹¹

When herbicide is used, there are mechanisms in place to manage the risk to wildlife. FRPA provides for wildlife habitat protection through old growth management areas, biodiversity objectives, identified wildlife provisions, ungulate winter ranges, riparian management, and wildlife trees.

FRPA also allows a licensee to develop strategies in its FSP and/or change stocking standards that can reduce the need for herbicide use.

For example, some FSPs have redefined “deleterious vegetation” in harvested riparian areas in a way that reduces the need to control competing vegetation. Riparian areas can often be the best wildlife habitat, but this concept can also be applied to other areas of high wildlife habitat value. Through effective communication, local guide outfitters could help licensees’ forest professionals identify where it would be most beneficial to brush manually, or to leave brush for wildlife forage. With this information, forest professionals would be able to propose new strategies or modify stocking standards that will benefit wildlife, as well as, maintain timber values. Similarly, with guide outfitter support, local government officials would be in a better position to approve any required changes to FSPs.

Beyond FRPA, the *Integrated Pesticide Management Act* and its regulations require public consultation before pesticide use is authorized. As well, if a licensee has forest certification and wants to use herbicide, there may be an opportunity for a guide outfitter to influence how and where the licensee uses the pesticide through the certification body. Ultimately, it is a local guide outfitter’s responsibility to get involved in these public processes if the guide outfitter wants to influence where and how a licensee uses pesticides.

Herbicide use has been significantly reduced, and there are opportunities to further reduce herbicide use in high value wildlife habitat. Guide outfitters should discuss the opportunities with licensee forest professionals.

¹¹ Forest Practices Branch (MFR Annual Reports 1981/82-2005/6)—Provincially, 166 hectares were chemically site prepared in 2005/06, which is about four percent of its highest use of 4,500 hectares in 1993/94. Total site preparation for 2005/06 was approximately 40,000 hectares. Provincially, 13, 470 hectares were brushed chemically in 2005/2006, which is approximately 1/3 of its highest use of 37,888 hectares. In 2005/2006, approximately 40,000 hectares were brushed by all methods. In 2005/06, MFR reported 197,600 hectares were logged.

5. Is there an overall plan for the salvage harvest?

Like other interests in the forest, guide outfitters are primarily concerned about the viability of their business during and following MPB salvage harvest. Guide outfitters question how the increase in harvesting will affect the future forest, biodiversity, wildlife, visual quality and public access. These factors influence their clients' recreation experience, and thus, the viability of the guiding business.

Management for such a broad range of values is done at the strategic planning level, in plans such as Sustainable Resource Management Plans (SRMP) or Land and Resource Management Plans (LRMP).

Strategic plans identify the economic, environmental and social interests of communities, combining local concerns with broad provincial goals. The Board considers strategic plans to be a guide for timber harvesting—while they contain guidance for most natural resource uses, they are principally focused on forest harvesting. Approved strategic plans establish a set of objectives that reflect government's social choices for the plan area. Guide outfitters can be directly involved in the development of strategic plans, and even when they aren't involved in development, they have the opportunity to review strategic plans before they are finalized.

Under previous legislation, government took parts of strategic plans and gave them special status by establishing them as "higher level plans." FRPA requires licensees to write results or strategies in FSPs that are consistent with government-established objectives, some of which government has established from those higher level plans.

The parts of strategic plans that have not been made into FRPA objectives also serve to guide government agencies and licensees, however, there is no requirement for licensees to follow these parts. MFR and the Association of British Columbia Forest Professionals advise licensees not to include objectives not legally required in their FSPs. However, non-inclusion in FSPs does not mean that licensees will not follow such guidance. In their stewardship role, licensees can, and should, use guidance from strategic plans in making harvesting decisions.

Some strategic plans were developed during the MPB epidemic and are, therefore, still current. For those that are not current, government has directed the Integrated Land Management Bureau (ILMB) to review and update the plans in response to the MPB epidemic. In some plans, despite the impacts of the MPB, ILMB has concluded that there is no need to update the objectives. In other cases, ILMB determined that strategic plans need updating, and those updates are in various stages of progress. In some cases, FRPA objectives are being proposed for values, such as biodiversity conservation, visual quality, recreational values and First Nations values.

However, no new FRPA objectives have been established through this process, and no updated strategic plans have yet been approved. It is easier for the licensees to disregard the guidance in the updated strategic plan because it has not been approved. This has a detrimental effect, as illustrated by the following example:

A committee updating one strategic plan proposed zoning the area, based on a variety of recreation experiences determined largely by access management. Guide outfitters were particularly concerned about access management because uncontrolled and rapidly-increasing public access is usually detrimental to a guide outfitter business. The committee in this case proposed making access management zoning a FRPA objective. This was opposed by the timber licensees and MFR as too constraining, and some members of the public did not want their access to be limited. As a result, neither the update nor the proposed zoning were approved, and timber licensees continued to make harvest decisions that affected other forest interests without being constrained by government objectives for access management. The end result is that the time-frame available for implementation of government direction is shrinking, with options for management direction being progressively lost as volume is harvested.

Although the Board considers that strategic plans can guide salvage harvesting, they cannot function as overall harvest plans where updates have not been approved.

Under the FRPA model, it appears that government can only ensure that the interests of other forest-based businesses are integrated with those of forest licensees by establishing FRPA objectives. Otherwise, forest licensees are left to make their own decisions about balancing their needs against those of others. If concerned about financial survival or maintaining their business interests, individual licensees will likely put a priority on their own needs, risking loss of public confidence in the FRPA model.

The Board has consistently recommended that government establish legal objectives in support of the Code. Under FRPA, the need for clear government objectives is even more critical.¹² This complaint is the latest in a series that illustrates the need for government to set appropriate FRPA objectives to integrate the timber interest with the other interests that depend on the provincial forest.

In areas where the MPB epidemic has severely diminished future timber values, government has gone to a great effort to increase the AAC and grant tenures to facilitate salvage harvesting. The Board appreciates that determination, but urges government to go on to approve updated strategic plans and associated FRPA objectives, recognizing the expectations of the other interests that also rely on that forest.

¹² Forest Practices Board, *Access Management in British Columbia: Issues and Opportunities*, a Forest Practices Board Special Report, December 2005, <<http://www.fpb.gov.bc.ca/special/reports/SR23/SR23.pdf>>, page 14.

Conclusions

1. Is there enough monitoring of salvage harvesting?

Yes, there are sufficient government resources for monitoring forest harvesting in areas where the allowable annual cut has increased to salvage MPB attacked forest.

2. Are species other than pine being harvested?

Yes, tree species other than pine are being harvested, but there are sound reasons for that and government and licensees are directing the harvest toward pine-dominated stands.

3. Are understory trees being retained?

There was insufficient evidence to determine whether understory trees are being retained or not.

4. How can the impact of herbicides on wildlife habitat be reduced?

Yes, FRPA provides some protection for wildlife habitat. Herbicide use has been significantly reduced, and there are opportunities to further reduce herbicide use in high-value wildlife habitat.

5. Is there an overall plan for the salvage harvest?

Partly, but where strategic plans are outdated and inadequate, government needs to approve updated plans and establish associated FRPA objectives.

Recommendation

Under section 131(2) of the *Forest and Range Practices Act* Board recommends that government approve proposed new or updated strategic plans and the associated proposed FRPA objectives in areas where the harvest levels have increased to deal with the MPB epidemic.