

File: 97250-20/110980

August 16, 2011

VIA E-MAIL

Dear Participant:

Re: Complaint 110980 Post Creek

This is the investigation report for a complaint submitted on February 13, 2011. The complaint lists a number of issues and includes a request that the cutblocks proposed by Tamihi Logging Co. Ltd. (licensee) not be allowed in the Post Creek area. Board staff investigated the complaint and consulted with all parties to try to resolve it.

There are a number of concerns in this investigation, the first being the licensee's right to harvest given that a wildlife habitat area (WHA) for spotted owl exists in the proposed harvest area. A WHA may be protected from logging through general wildlife measures associated with it, but not always. In this case, the Ministry of Forests, Lands and Natural Resource Operations and the Tamihi Logging Co. Ltd. agreed on an exemption for several of the licensee's blocks as a way to mitigate for operating areas lost to Spotted Owl Management Plan #2.

Board staff examined the 2011 Order made for this WHA under the *Government Actions Regulation*. The Order specifically exempts the cutblocks from the general wildlife measure which prohibits harvest of timber, or construction of roads, in the area. The Order also establishes cutblocks as 'future managed habitat,' which allows timber harvesting as long as it meets requirements which will presumably recruit the area for long term owl habitat.

Regarding other complaint issues, it is the Board's understanding that the licensee has taken steps to resolve many of them. The following is summary of the concerns and mitigation measures proposed by the licensee.

Water lines

There are a number of water licensees in the area and the licensee has agreed to meet with each one to try to mitigate any interruption of water during logging and to return water lines to service once logging is complete.

Access to cutblock 2019

Originally, the licensee planned the shortest route for an access road from the Chilliwack Lake Road to the cutblock. That access was directly in line with a driveway and in view of a house, and so the house owner asked that the road be moved to the fire break. The road was re-located so it is not directly viewable from the house but, it was not moved as far as the fire break.

Screening between cutblock 2019 and Chilliwack Lake Road

At its closest point, the cutblock boundary is within 20 metres of the Chilliwack Lake Road, which is also adjacent to the same resident's driveway. The licensee is prepared to leave smaller wind firm trees in this area to buffer the visual impact of the cutblock. The licensee will also consult BC Hydro to see if larger stems can be left near the hydro line.

Decommissioning of access roads

The licensee has agreed to decommission all access roads.

Roads for trails

There are a number of old roads that residents use for trails. The licensee has agreed to leave re-built roads for use as trails.

Trails

There are some existing trails that residents use that are not old roads. The Licensee has agreed to keep the trail at station 312 on the boundary of cutblock 2018 intact and to try to concentrate leave trees, required for owl recruitment, in that corner of the block.

Before the field trip, the map showed block 2017 crossing the stream between stations 230 and 244 however, on the ground, the boundary ribbons did not cross the stream. Even so, the licensee has moved the lower part of the boundary line between stations 230 and 244 away from the stream and has decided to retain more trees in that area (50 – 60 percent) to allow for a new trail to be constructed in that riparian management area. The Board notes that

construction of a trail on Crown land requires approval under section 57 of the *Forest and Range Practices Act*.

Timing of harvest

Harvest must be done between May 1st and October 31st as the blocks are adjacent to goat winter range. Some road building will probably happen this year, but the harvest will most likely take place in 2012.

In summary, in the Board's view the licensee has the right to harvest timber in this area and is making efforts to address the complainant's concerns.

In view of these circumstances and the ratepayer's ability to make a new complaint at any time, it is the Board's view that further investigation at this time will not benefit the complainant. This letter concludes our investigation.

If you have any questions or concerns please contact Glen Pilling at 250 836 3279.

A handwritten signature in blue ink, appearing to read 'R.A. Gorley', with a long horizontal flourish extending to the right.

R.A. (Al) Gorley, RPF
Chair

cc Tamihi Logging Co. Ltd., Ministry of Forests, Lands and Natural Resource
Operations