



File: 97250-20/040598

December 20, 2005

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Dear Participants:

Re: Final Board Report on - File 040598/ Laird Creek

Please find enclosed a copy of the final report for Forest Practices Board investigation of file: 040598/Laird Creek.

The Board is currently adjusting the complaint investigation process. In the past, all complaint investigation reports were published. Our new process will ensure that we report to the participants in full, but we only publish summaries of the investigations for the public. Occasionally, a complaint report will be of sufficient provincial interest to be published. This change is intended to deal with complaints more rapidly, effectively and address the issues important to the participants. In this case, the Board is reporting to the participants only. If you require more copies of this report, please contact the investigations section at 1-800-994-5899.

Yours sincerely,

Bruce Fraser, PhD
Chair

Attachment

Forest Harvesting and Road Building in
Laird Creek Watershed

Board Report

Complaint Investigation 040598

December 2005

The Investigation

In October 2004, the Laird Creek Water Users (the complainant) asked the Board to investigate approval of an amendment to a BC Timber Sales (BCTS) forest development plan. The amendment, prepared in spring of 2004, included a proposed cutblock and road system in the Laird Creek drainage.

The complainant says that BCTS disregarded public input and proper planning procedures concerning Laird Creek. The complainant said that the amendment did not address slope stability issues because terrain risk assessments were flawed, a drainage plan was required but not completed, recommendations of a forest hydrologist and a geomorphologist were not followed and salvaging of mountain pine beetle timber did not justify plans to build roads and log the area within the year.

As a remedy, the complainant asked BCTS to:

- assess the combined road/cut block effect on drainage disruption in one terrain stability assessment.
- complete a drainage plan
- make the cutblock smaller, leaving more forest cover; and
- reduce the amount of roads and switchbacks in the block.

Background

Laird Creek is east of Nelson. The area was infested by the mountain pine beetle so BCTS proposed salvaging the pine. The proposed cutblock and road cross terrain with moderate slopes located above steeper slopes. There is both unstable and potentially unstable terrain in a gully below the proposed cutblock. The proposed road climbs the slope by a series of four switchbacks.

BCTS initially used its own professional staff to select the road and cutblock location. Subsequently, BCTS had one consulting firm complete a Terrain Stability Field Assessment (TSFA) for the road and a second firm assess the cutblock. Such assessments identify hazards and evaluate risks. BCTS also had a hydrologic assessment completed. Due to public concerns, a government geomorphologist and hydrologist reviewed all three reports and examined the area from the air.

The district manager approved the Laird Creek cutblock and road on September 9, 2004.

Discussion

Board staff visited the site, discussed the issues with some of the participants and attended a public meeting hosted by BCTS in October 2004. Initially, there appeared to be cause for concern. The amendment involved high road density, stacked switchbacks and a high

proportion of cleared land immediately above a gully. Board staff suggested that BCTS:

- assess the combined road/cut block effect on drainage disruption in one terrain stability assessment.
- complete a drainage plan
- make the cutblock smaller, leaving more forest cover; and
- reduce the amount of roads and switchbacks in the block.

In response to the Board's suggestion and out of concern with the water users, BCTS committed to undertake further measures to ensure that drainage would be controlled and maintained BCTS agreed to:

1. Complete a drainage plan for the sensitive sub-basin area that is affected by the cutblock and road.
2. Inspect the road and the block after harvest, to ensure that natural drainage was maintained and consistent with that drainage plan.
3. Maintain as much non pine as possible above the gully.
4. Update its plans to include beetle harvest and complete hydrological assessments of the proposed cutblocks.

That response seemed to promise what the complainant wanted, but the complainant did not agree. Therefore, the Board examined whether BCTS had adequately planned the amendment, including its response to public input.

Conclusions

1. Was there adequate public review and comment?

The complainant wanted public input as described in a 1992 West Arm Demonstration Forest (WADF) strategic plan. That plan used a joint public/MOFR working committee to discuss forest management. The committee includes a representative from the Laird Creek Water Users.

However, in early 2002, and again in spring 2003, MOF told the committee that reduced government funding meant that expectations based on the WADF plan could no longer be met.

On February 16, 2004, BCTS meet with Laird Creek water users. BCTS provided information on beetles and harvesting plans, including its planning process. The development plan would be amended in March or April. BCTS would do terrain stability and hydrological assessments and produce a site plan. Road construction would start in late summer or early fall of 2004.

The water users were concerned about terrain stability, sedimentation, visual quality, public access, and the experience and qualifications of contracted professionals. BCTS encouraged them to submit their concerns during the public review and comment period. BCTS also offered the water users an opportunity to review the draft site plan, noting that they may only have a short period in which to review it.

The complainant was frustrated with the planning process. At a public meeting in October 2004, BCTS was given a petition signed by more than eighty water users expressing dissatisfaction with the planning process. The complainant said that it had to pursue and prod BCTS in order to agree to meetings and share information.

The opportunity for input and participation in planning the development was less than what was specified in the WADF strategic plan. However, BCTS and the ministry had earlier advised that this would be the case due to government restructuring, reduced funding, and legislative changes. BCTS did provide additional information to the complainant to allow them to bring issues forward and influence how forestry development occurred. BCTS provided the following opportunities:

- holding public meetings to share information and answer questions;
- updating the working committee on BCTS's plans and activities;
- sharing TSFA assessments;
- flying the area with some of the water users;
- providing opportunities to meet with the professionals;
- having the TSFA reports reviewed by regional MOF specialists; and
- instructing consultants to perform additional field work

BCTS exceeded the legislated requirements to advertise the amendment, make it available for review and comment for 60 days, received and considered comments in the amendment. The opportunity for public review and comment was commensurate with the nature and extent of the complainant's interest or rights in the area.

2. Were slope stability issues adequately addressed?

The road and cutblock terrain assessments evaluated the potential impacts of road construction and harvesting on terrain stability and made recommendations to reduce the likelihood of landslides.

The complainant said that a drainage plan was required to address the unstable terrain in the area. Drainage plans identify water courses and prescribes drainage structures to maintain the natural drainage after development. Drainage plans are not recognized in the Forest Practices Code, its guidebooks, or in the *Forest and Range Practices Act*. Proponents recommend drainage plans where there could be a high or very high risk of a stability issues.

There was no legislated requirement that a drainage plan be completed. However, the road consultant considered the request for a drainage plan while completing the road TSFA. He noted that the Laird Creek area is deeply gullied, thereby reducing the potential of redirecting runoff. Road construction is often the largest risk for redirecting drainage. As long as the runoff was contained in the existing drainage courses, it would pose a lower likelihood of redirection provided road construction installed appropriate drainage structures at the gullied areas.

The road TSFA recommended that BCTS have a qualified professional on site during road construction and that BCTS have a professional evaluate drainage after harvesting and road construction. The TSFA report also recommended that there be an annual inspection and clearing of ditches and culverts prior to spring freshet. Lastly, the TSFA stated that the road must be reassessed after five years by a geotechnical specialist for stability of the road and drainage control.

Both TSFAs provided information on existing drainage and recommendations to maintain natural drainage, so no drainage plan was required. The proposed forest development plan amendment adequately addressed slope stability issues.

3. Did the need to salvage mountain pine beetle timber justify faster planning than the complainant wanted?

The complainant said that the salvaging of mountain pine beetle timber did not justify plans to build roads and log the area within the year. As well, the proposed cutblock only contained 33 percent pine and that did not justify the proposed harvesting.

In 2003, BCTS located mountain pine beetle areas in Laird creek. BCTS had been directed by the Ministry of Forests to harvest susceptible and infested pine stands. Consequently, BCTS notified the working committee that it was moving ahead with development in Laird Creek. The complainant preferred the WADF process that would see greater public involvement in development planning and generally took much longer to plan. BCTS adhered to the legislated requirements for planning and did not use any of the expedited provisions of the legislation to quicken the approval process.

BCTS explained that Douglas fir was included in the cutblock to reduce the risk of Douglas fir beetle attack, facilitate fire hazard reduction treatments, improve forest site conditions for regeneration, and to improve the economics of the road construction and harvesting. In the Board's opinion harvesting operations must consider several resource values and meet many objectives. BCTS needed to establish an access road into the Laird creek to harvest infested and susceptible pine stands. It is also evident that costs and site factors influence the entire harvesting and road construction plan. Those site factors include unstable terrain and domestic water use.

BCTS planned to harvest timber in the Laird Creek area in one year. That was somewhat faster than the water users wanted but was justified by the need to establish access to both salvage trees killed by beetle and harvest susceptible stands. The harvesting of species other than pine is reasonable provided that other resources and objectives are considered during planning.

Commentary

This complaint involved a high value resource, domestic water supplies for the residents of Laird Creek, coupled with a need to harvest susceptible pine stands and salvage infested timber. This required road construction in sensitive, landslide prone terrain.

The complainant had a good basis for concern. BCTS and its consultants went beyond legislative requirements to share information and discuss issues with the local water users. However, that was not enough for the complainant, which had high expectations raised by the WADF strategic plan. As a result of government staff and budget cuts and changes in forest legislation, the ministry and BCTS could follow the intent of the strategic plan but not its specific commitments. The WADF strategic plan should be updated to reflect the current legislative and organizational situation. As of October 17, 2005, that is under way. Future development planning and working relationships will be helped by a clear understanding of the revised process to be followed and the respective roles and responsibilities of the WADF participants.

In June 2005, BCTS completed the promised drainage plan. MOF staff concluded that it exceeded the standard for such plans and was impressed with both the amount of time spent in the field and the thoroughness of the work.

The road TSFA recommended that BCTS have a qualified professional on site during road construction and that BCTS have a professional evaluate drainage after harvesting and road construction. BCTS sold the cutblock on October 14, 2005 and, consistent with the TSFA recommendation, BCTS arranged to have the road TSFA contractor on site to ensure the operations are consistent with the drainage plans. The road TSFA also recommended annual inspections of ditches and culverts and that, after 5 years, the road be reassessed for stability of the road and drainage control. BCTS told the Board that, consistent with its environmental management system, it has on-going monitoring and inspections on the Balfour Face Forest Service Road. BCTS focuses its inspections on freshet and rain events. Maintenance of drainage structure is carried out as needed. Lastly, BCTS stated it will track stability issues and consult with a geotechnical professional if stability or drainage problems become evident.

The Board appreciates BCTS extra efforts in responding to the Board's concerns and for its work with the public concerned with the development of Laird Creek.

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