



Forest Practices Board

File: 97250-20/141148

July 25, 2014

VIA EMAIL

Dear Participants:

Re: Complaint 141148 – BX Creek

This is the Board's closing letter for a complaint filed by a group of residents of the Silver Star Road area, northeast of Vernon.

In March 2014, the Board received a complaint from the residents in the BX Creek watershed regarding the visual impact of BC Timber Sales harvesting across the valley from their homes. The residents were also concerned that they had not been directly consulted prior to the logging and wanted to ensure they would be consulted about future harvesting in the area.

Background

A BCTS licensee harvested five cutblocks between January and March 2014, under TSL A64455. After first noticing the logging from their homes, the complainants contacted BCTS staff in the Vernon district office on several occasions during operations to find out how their viewscape would be affected. However, during the course of these conversations, a misunderstanding arose, with the complainants believing timber in the blocks was only being thinned, rather than fully harvested.

The complainants initially contacted the Board in February 2014 with their concerns about the visual impact. The Board contacted BCTS with these concerns and then discussed the BCTS response with the complainants. Unsatisfied, the residents filed a formal complaint with the Board in April 2014.

On June 5, 2014, the Board conducted interviews with both the complainants and BCTS staff. It also assessed the visual impact of the harvesting and determined that the established visual quality objective of 'partial retention' had been achieved. Further, the Board also participated with the complainants and BCTS staff in a field review of the harvested cutblocks to further discuss operational planning and practices.

Following discussions in the field, everyone had a better appreciation of the challenges and concerns faced by both parties. As well, both parties decided how they will maintain communication for future activities. BCTS staff clarified that they intend to do

more harvesting in this area at an undetermined time in the future but that, for now, no additional cutblocks are proposed.

Local BCTS planning and public consultation opportunities

BCTS explained its planning process to the Board. To summarize, public consultation occurs at different levels in the forest planning hierarchy. The 2001 Okanagan Shuswap Land and Resource Management Plan (LRMP)¹ included considerable public consultation to set some high level goals for the area, including direction for visual management. Some LRMP objectives for specific resource values, including visual management, were established as legal requirements in a 2005 land use order.²

BCTS is also legally required to operate under its own forest stewardship plan (FSP), which includes specific results and strategies for achieving legislated government objectives set in regulations³ and land use orders. The FSP must also be advertised and made available for public comment for a minimum of 60 days, prior to approval by the Ministry of Forests, Lands and Natural Resource Operations (FLNR). The FSP, which also identifies the broad development units BCTS operates in, is available on the BCTS website, along with maps that show proposed and approved cutting areas (but without final boundary detail).

At the cutblock level, BCTS must prepare site plans providing operational details for its cutblocks. These are available for viewing at the BCTS office. Further, BCTS, Okanagan Shuswap Forest District operations, engages a public advisory group to provide input as part of the requirements to maintain forest management certification under the Canadian Standards Association (CSA) Z809-02 standard.

Challenges for effective consultation

Local residents often find it difficult to provide meaningful input into forest planning and practices for several reasons. First, they may not be aware of the existence of an LRMP and its higher-level direction for the area, which was the case for the complainants. Second, even if they see an advertisement for providing public comment on an FSP—which the complainants did not—they may not understand the implications for their area.

Similarly, reviewing an FSP may not provide any additional clarity for the interested public; the Board has pointed out in the past that FSPs are not an ideal vehicle for public comment, as they generally lack the detail the public needs to identify a potential concern. Often, such as in this case, the public are not aware of possible impacts from harvesting so they take no interest in forest planning until they see cutblocks being marked out on the ground, or harvested.

¹ <http://www.for.gov.bc.ca/tasb/slrp/lrmp/kamloops/okanagan/plan/files/oslrmpfull.pdf>

² http://www.for.gov.bc.ca/tasb/slrp/lrmp/kamloops/okanagan/plan/rmz/cabinet/OS_order_draft_Nov_18_2005.pdf

³ *Forest Planning and Practices Regulation under the Forest and Range Practices Act (FRPA)*

Clearly, communication prior to logging with those potentially affected can help avoid conflict and, to this end, the Board has stated its expectations for effective public consultation in two bulletins,⁴⁵ The Board expects forest licensees to go beyond the minimum legislated requirements for consultation where circumstances indicate that those requirements may not be adequate.

In this case, BCTS complied with legislated requirements for consultation, primarily through the public review of its FSP and notification of known stakeholders. BCTS planners explained to the Board that it was challenging to go beyond these efforts and determine which residents might have concerns about harvesting in BX Creek because there is no identifiable community or residents' association in the area. Nevertheless, BCTS said that it will likely be faced with similar situations in the near future. In the Board's view it would be beneficial to explore how to ensure potentially affected residents are aware of harvesting plans.

Future Planning

At the conclusion of the field discussions, the complainants and BCTS agreed that they would communicate annually about future harvesting plans. BCTS also committed to include a contact person for the complainants on its referral list for the BX Creek watershed and advise them if any new developments are proposed in the area.

The Board appreciates the effort of BCTS staff and the complainants who participated in the field trip. The resolution of this complaint illustrates the importance of relationship-building and trust.

This concludes the Board's involvement in this file. If you have any remaining questions or concerns, please contact Rob Thomson at (250) 213-4719.

Sincerely,

A handwritten signature in blue ink that reads "Timothy Ryan". The signature is fluid and cursive, with the first name being more prominent.

Timothy S. Ryan, RPF
Chair

⁴ http://www.fpb.gov.bc.ca/BULLETIN_015_Public_Involvement_in_Forest_Management_Planning_in_BC.pdf

⁵ http://www.fpb.gov.bc.ca/INFORMATION_BULLETIN_003_Opportunity_for_Public_Consultation_Under_FRPA.pdf