



**Forest  
Practices  
Board**

## **Harvesting Near a Recreational Trail on the Sunshine Coast**

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*Complaint Investigation #121011*

**FPB/IRC/190**

December 2013

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# Introduction

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## The Complaint

In February 2012, a member of the public who regularly hikes on the Sunshine Coast Trail near Powell River complained to the Board that Western Forest Products Inc. (WFP, or “the licensee” unless otherwise indicated) is not maintaining the integrity of the trail when harvesting close to it. The complainant asserted that buffers were not protecting visual quality or preventing trees from blowing down onto the trail.

The complainant describes the issue generally as “cutblock creep,” saying that cutblocks are appearing one after the other along the trail before adjacent areas are sufficiently greened up. He is concerned that timbered leave areas are too small and that cutblock size might be exceeding the 40 hectare default threshold set under the *Forest and Range Practices Act* (FRPA), increasing the chance of wind damage to the trail.

The complainant has shared his concerns with the licensee on numerous occasions and the licensee has responded. The licensee assured the complainant that it is committed to sustainable forest management and local community values including the Sunshine Coast Trail. The complainant continues to feel that the licensee does not seriously consider his concerns.

It should be noted that the Powell River Parks and Wilderness Society (PRPAWS) was interviewed in this complaint, as they hold a vested interest in the Sunshine Coast Trail, having a maintenance agreement with Recreation Sites and Trails BC (a Branch of the Ministry of Forests, Lands and Natural Resource Operations, or MFLNRO).

## Background

### Trail Location

The Sunshine Coast Trail is a legally established recreational trail running approximately 180 kilometres from Sarah Point, north of Lund, to Saltery Bay, south of Powell River. Sections of the trail are popular with local hikers and the trail is starting to garner wider attention through articles and books, drawing visitors to Powell River. There are many access points along the trail that give users a variety of hiking options, from short walks to longer day and overnight trips. The trail came about through the efforts of PRPAWS. Trail construction began in 1992 and maintenance and improvements continue with considerable help from volunteers.

Approximately 15 kilometres of the trail at the northern end, near Lund, falls within Malaspina Provincial Park. Further south, Inland Lake Provincial Park encompasses 10 kilometres of the trail. A large section of the trail between Lund and Powell River traverses private forest lands where harvesting also takes place along the trail.



*Photo 1: Trail in centre of photo showing proximity to edge of a cutblock at the right edge of the photo*

Outside of these parks and private lands, the trail lies within the tenure area of Tree Farm Licence (TFL) 39, held by WFP, and within the area of some other forest licensees, including the Sliammon First Nation, Powell River Community Forest and BC Timber Sales (BCTS).

The Board was advised that there has been little impact on the trail by activities of the Powell River Community Forest, due to the young age of the forest near the trail in that area. Similar with the Sliammon First Nations tenures, there is limited

harvest as the majority of the trail is located on treaty settlement lands, which are not in effect yet. Where BCTS harvests near the trail, it applies a range of management strategies on a site-specific basis including: a 10-metre reserve and 20-metre management zone on one or both sides of the trail; rerouting the trail; or cleaning the trail after harvesting. Because the Board's authority to investigate complaints is under FRPA, which only applies to Crown land, and the complaint referred specifically to WFP, the complaint investigation focused on TFL 39.

### ***Management history of the trail***

Approximately 48.5 kilometres of the trail, east and south of Powell River, is located on Crown land within TFL 39, Block 1, which is managed by the licensee. Here, much of the trail is within the licensee's operable area and sections of it make use of a pre-existing road and rail grade network.



*Photo 2. Trail being crossed by road into cutblock. All road crossings observed were well graded for easy and safe access.*



In April 1997, the district manager of the Sunshine Coast Forest District authorized PRPAWS to construct and maintain the trail. The following condition was included in the authorization:

*This authorization does not preclude future forest management activities in and around your trail location. There is no commitment to maintenance of buffers with trails except when designated by the district manager. If a designated trail is disturbed through approved harvesting it shall be re-established by the licensee upon completion of operations.*

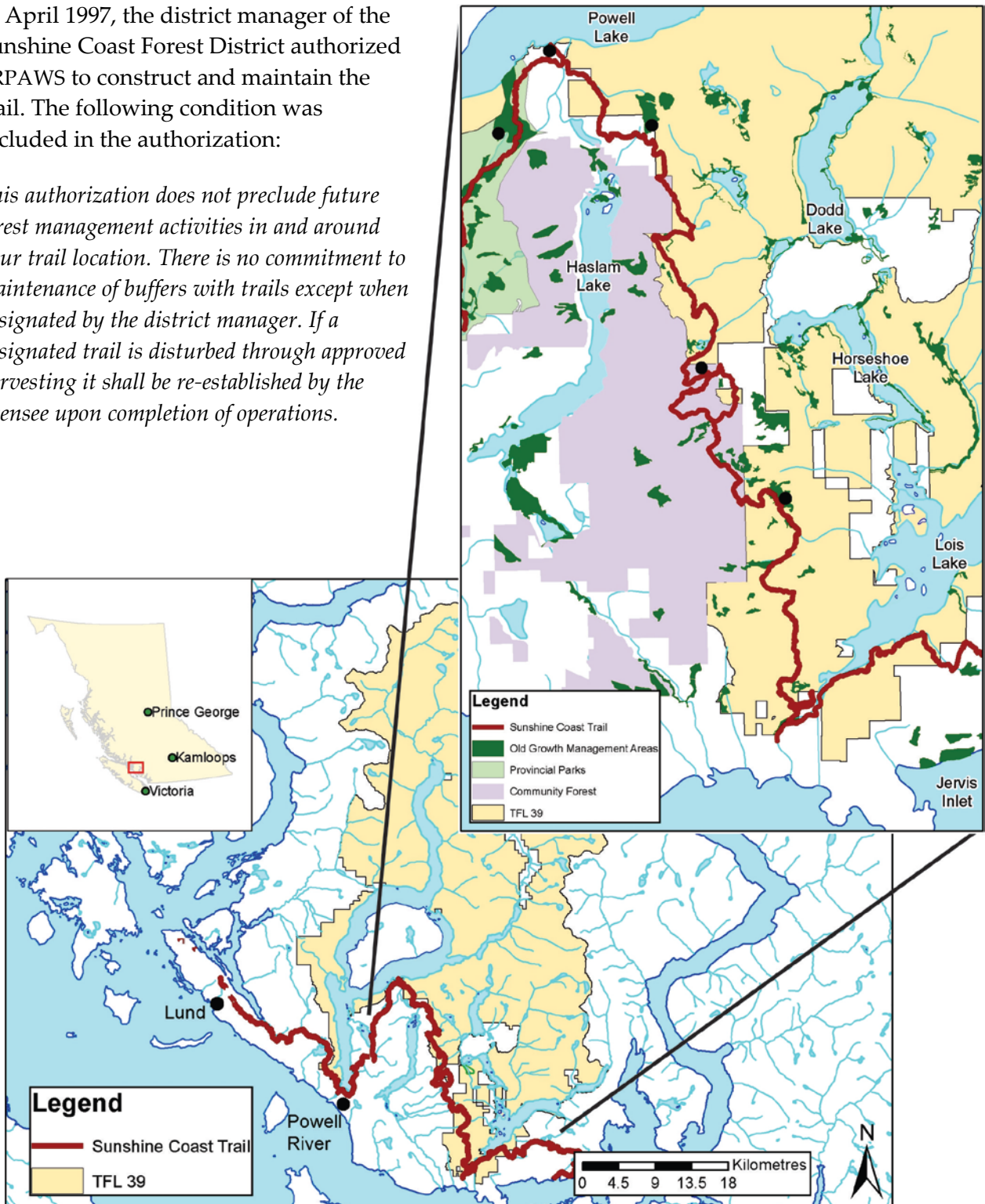


Figure 1. Map of Sunshine Coast Trail.

In 2002, the licensee (not WFP at the time<sup>1</sup>) initiated and led the preparation of the Stillwater Pilot forest stewardship plan (FSP), a pilot project under the old Forest Practices Code, designed to serve as a prototype for the results-based forest stewardship plans that would come into use when FRPA replaced the Code (in 2004). This pilot FSP contained objectives for the Sunshine Coast Trail that included a minimum 10-metre reserve and a 20-metre management zone on the trail, except where it followed the old road grades that could be used for future harvesting opportunities.

In 2007, WFP replaced the Stillwater pilot FSP with a new FSP prepared under FRPA that was significantly different (this ultimately became the subject of a Board complaint investigation and subsequent 2007 report, [Transfer of Planning Objectives under FRPA: Stillwater Timberlands](http://www.fpb.gov.bc.ca/IRC129%20Transfer%20of%20Planning%20Objectives%20under%20FRPA%20Stillwater%20Timberlands.htm)).

In that investigation, the Board noted that, with the cancellation of the original pilot FSP, there was no longer a legal objective for protection of the Sunshine Coast Trail. Instead, the only protection offered by the licensee was an objective to maintain the integrity of the trail that it included in its sustainable forest management plan (SFMP), which was prepared as part of its third party certification. The performance indicator for achieving this objective was to hold field visits whenever a cutblock may potentially impact the trail. Given this, in its 2007 report, the Board commented that the public now had to solely rely on the discretion of the licensee to meet the social contract related to care of the trail.<sup>2</sup>

### *Trail improvements and funding*

In 2009, the Sunshine Coast Trail was established as a recreational trail under section 56 of FRPA.

That designation enabled Recreation Sites and Trails BC to enter into an agreement to manage the trail with PRPAWS and to spend operational funds. As well, with the new designation, the *Forest Recreation Regulation* applied to the trail, so rules relating to the trail could be established and enforced.



*Photo 3. Walt Hill hut (photo supplied by PRPAWS)*

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<sup>1</sup> Weyerhaeuser BC Coastal Group, which later became Cascadia Forest Products, and then was acquired by Western Forest Products.

<sup>2</sup> [http://www.fpb.gov.bc.ca/IRC129 Transfer of Planning Objectives under FRPA Stillwater Timberlands.htm](http://www.fpb.gov.bc.ca/IRC129%20Transfer%20of%20Planning%20Objectives%20under%20FRPA%20Stillwater%20Timberlands.htm)

This agreement with Recreation Sites and Trails BC allowed PRPAWS to secure funding for trail improvements and, since 2009, the Islands Coastal Economic Trust has provided approximately \$3.2 million in grant money to three groups with interest in the trail: PRPAWS, the Powell River Model Community and School District 47. To secure the funding, however, the organizations have to match half the grant in kind with volunteer labour. Other support has come from the regional district, the City of Powell River, the Union of BC Municipalities, and the BC Transmission Corporation. The local forest licensees and logging contractors have also provided funding for trail maintenance and purchase or loaning of equipment and machinery.

PRPAWS has used the funding it received to maintain and improve the trail, using volunteer workers. Improvements have included installation of information signs and benches, as well as construction of eight huts. The funding allotted to the Powell River Model Community and to School District 47 Powell River Educational Society was used to develop an outdoor educational centre on the trail (outside of TFL 39) that is easily accessible to local student groups as well as people with physical limitations.

### *Local planning*

In 2010, a Regional District Parks and Greenspace Plan was developed for the Sunshine Coast to address the long term needs and interests of the region and of its communities, both rural and urban. Initially a 60-metre wide park along the Sunshine Coast Trail was proposed. It was rejected following public consultation and input from the local forest licensees. However, the final plan did include two objectives for the trail:

- to provide a visible and marketable destination trail that invites visitors from around the world to get to know Powell River; and,
- to improve the recreational qualities of the Sunshine Coast Trail.

The plan also made a recommendation to, “support the maintenance and improvements of the Sunshine Coast Trail.”

### *On-going communication between complainant and licensee*

The complainant corresponded regularly with the licensee, sharing his concerns and vision for the trail. He also participated in several field visits and meetings with WFP.



*Photo 4. Bench along trail.*



# Investigation Results

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To address the complainants' concerns, the Board considered these questions:

1. Is the licensee complying with the management requirements for the trail?
2. Is the licensee's forest management planning adequate to support meeting management direction?
3. Should management direction for the trail be reconsidered?

## Is the licensee complying with management requirements for the trail?

This question has been divided up to explore the two key sources of "requirements" for the Sunshine Coast Trail—FRPA requirements, including the licensee's FSP commitments; and direction from the management principles established by Recreation Sites and Trails BC, as laid out in the management principles for the trail.

### Requirements under FRPA

#### *Section 56 Trail Designation*

The designation of the Sunshine Coast Trail as a recreational trail under section 56 of FRPA on its own carries no specific protection, but empowers the Minister to establish objectives for it.

Further, section 16 of the *Forest Recreation Regulation* requires a licensee to obtain the authorization of a recreation officer for industrial use of a recreational trail.

Recreation Sites and Trails BC did not feel an objective was required for the Sunshine Coast Trail, so instead it created a 'management principles' document. The principles are a set of operating rules for forest managers on Crown lands along the trail and provide guidance to the recreation officer when authorizing work near the trail.

#### *Forest Planning and Practices Regulation*

Recreation is not one of the resource values identified in the government objectives in the *Forest Planning and Practices Regulation*.

#### *Biodiversity Practice Requirements – Cutblock Size*

Related to the complainants concern regarding block size near the trail, there is a practice requirement within FRPA to protect biodiversity that limits cutblock size on the Coast to 40 hectares. Exemptions are allowed for salvaging and where the cutblock meets certain criteria for leaving standing timber within the cutblock. A Board review of cutblocks harvested within 100 metres of the trail since 2003 found 21 openings ranging from 1 to 52 hectares in size with an average net cutblock size of 24.5 hectares. Where cutblocks are larger than 40 hectares, they appear to meet the FRPA exemption criteria for standing timber with the patches, strips and peninsulas of timber left onsite (photo 5).





*Photo 5. Cutblock near the trail east of Lewis Lake showing showing a block with retention patches. This block is part of WFPs Variable Retention Adaptive Management Program and is therefore established for research purposes and is not representative of their average cutblock size.*

### **Forest Stewardship Planning Requirements**

Section 21(1) of FRPA requires the licensee's activities on the ground to comply with commitments made in its FSP. The licensee's FSP was approved in January 2007 and extended for a further five years in January 2012.

The FSP must include results or strategies for meeting government objectives. It has results and/or strategies that address some local recreation objectives, including requirements for buffers on the Powell River Forest Canoe Route; but because no objectives have been set for trails under FRPA, there are no results or strategies in the FSP for the Sunshine Coast Trail.

### **Finding**

The licensee is complying with FRPA requirements that are pertinent to the Sunshine Coast Trail. Government has not set objectives for the trail under FRPA and, consequently, the licensee has no FSP results or strategies specific to the trail.

### **Management principles for the Sunshine Coast Trail**

Recreation Sites and Trails BC's intent and mandate is to protect and manage the recreation values of the trail within the context of a working forest. Instead of developing a legal objective for the trail's preservation and management, Recreation Sites and Trails BC developed a management principles document. The principles are not legally binding, but provide guidance to the recreation officer, authorizing work near the trail as required under the *Forest Recreation Regulation*.

The management principles document, which was signed off by Recreation Sites and Trails BC staff and the district recreation officer in December 2009, sets seven principles, which include the following three:

- *These principles provide management guidance and negate the need for legal objectives for the SCT.*
- *It is recognized that the SCT is within the productive working forest and is part (sic) the timber harvesting landbase (THLB). Buffers are not generally required as canopy protected portions of the trail are addressed through those sections that pass through Provincial Parks and Old-Growth Management Areas (OGMAs).*
- *Forest management practices recognize the existence of the SCT and consider the contiguity, aesthetics and utility of the trail. Examples of management practices along the SCT include: cleaning the trail after harvest, trail relocation to areas of less impact, and selective harvesting and tree retention along the trail.*

These management principles are the only guidance available for assessment to determine whether the licensee is maintaining the “integrity of the trail,” and while they lack specific, measurable criteria, they do provide indication of intent.

These principles are subject to interpretation by the licensee, whose discretion it is to apply them with respect to the specific situations presented by each cutblock. The licensee says that it must consider site specific conditions—such as worker safety, windthrow hazard, forest health, yarding requirement, trail relocation opportunities and existing road infrastructure—resulting in different approaches in different areas.

The principles are also open to interpretation by trail users. The principle that directs management practices to “consider the contiguity, aesthetics and utility of the trail” may create expectations with trail users that are inconsistent with the licensee’s interpretation of the principles. While this may be unavoidable, it also contributes to the present conflict with some trail users.



*Photo 6: Example of recent blowdown across the trail.*

The Board notes that the dominant silviculture systems on TFL 39 are a combination of variable retention and clearcut with reserves (mostly patches within the block). The Board also saw evidence of buffers along the trail (for example photo 8), though the approach



was not uniformly applied. Trail relocation is discussed with PRPAWS on a site-specific basis and is an approach commonly used to provide buffers in harvested areas by rerouting the trail into existing constrained areas, such as riparian corridors, old growth management areas, and lakeside buffers.

In April 2012, prior to the Board field investigation, the complainant found a portion of the trail blocked by approximately 15 to 20 trees blown down within a buffer area of 1.14 hectares

(photo 6). Although the blowdown trees created an issue for trail access, the amount is relatively small, representing about three percent of the buffer. WFP's monitoring indicates that the average level of windthrow along recently harvested edges in their tenure area is 11 percent. It is WFP's practice to remove blowdown when it occurs, particularly near the trail. The licensee has since removed the trees and continues to monitor the area and reports no further windthrow has occurred (photo 7).



*Photo 7. Showing trail after blowdown was removed by WFP.*

The complainant maintains that, to prevent blowdown from damaging or blocking the trail, harvesting should only occur on one side of the trail during a harvest entry, always with a buffer. He also stresses that potential harvesting on the other side of the trail should be deferred until initial harvesting has greened up enough to avoid a wind tunnel effect across the trail and buffer. He suggests a 25-metre buffer on each side of the trail made up of a 15-metre reserve with another 10-metre management zone. However, the requested buffer is not consistent with the original trail authorization or the management principles and therefore may not be a decision for the licensee to make.



*Photo 8. Example of wind-firming treatment along cutblock edge by helicopter.*

Both the complainant and PRPAWS requested that a default buffer width be set to avoid the necessity of the field trips with the licensee each time a cutblock is proposed near the trail. The licensee explained that applying linear buffers without consideration of site specific stand, soil and site exposure conditions would only increase windthrow along the trail, which is a primary concern of the complainant.

In general, the licensee and PRPAWS discuss harvesting near the trail on a case-by-case basis. Where they agree that a buffer is required, and where they expect wind damage, the licensee usually windfirms trees at risk along portions of the exposed buffer edges, using topping and top pruning (photo 8). There is a significant cost to the windfirming treatments, but they are known to be successful in reducing windthrow if applied appropriately on edges.

In many cases, to more easily protect the trail, PRPAWS and the licensee agree to relocate the trail away from a proposed cutblock, sometimes into an area where it is more logical to place a buffer, or where the licensee is not intending or cannot harvest anyway.

### **Finding**

The licensee is complying with the management principles for the trail. Although principles always leave room for interpretation, the licensee has demonstrated that it does “recognize the existence of the trail” and makes efforts to integrate the trail into its operational plans.

### **Is the licensee’s forest management planning adequate to support meeting management direction?**

As previously mentioned, the licensee’s activities comply with legal requirements under FRPA and it is meeting the management principles for the trail. As well, the licensee established commitments pertaining to the trail in its sustainable forest management plan. As a result, the licensee discusses proposed cutblock design with PRPAWS whenever operating near the trail. A community advisory group selected by WFP was established under WFP’s certification program to provide public input into WFP’s plans. PRPAWS receives updates from the advisory group notifying it of any upcoming activity near the trail. As well, site visits are held with PRPAWS whenever a cutblock may impact the trail.

However, both the complainant and PRPAWS would like the licensee to prepare a long term harvesting plan so they can see how the landscape will develop over time. Such a plan is not a FRPA requirement and is not currently a standard practice in BC, though planning potential cutblock locations up to five years in advance of harvesting showing conceptual harvesting into the future has at times been done, both in BC and other jurisdictions.

Currently the licensee indicates ‘general interest areas’ for future harvesting in its FSP. The FSP map also shows blocks for which cutting permits have already been issued. Additionally, an operations map is updated monthly and is available to the public online. This map shows both blocks with existing cutting permits as well as proposed cutblocks over the short term.



Occasionally, with individual cutblocks, the licensee may defer harvesting for a few years to give PRPAWS time to relocate the trail, but a long term harvesting plan may be helpful to communicate harvesting intentions in the area over time to PRPAWS and other interested members of the public. That having been said, the current management approach taken by the licensee appears to be working to meet the direction currently in place for the trail. If that direction changes, a different management approach may be required.

### **Finding**

The licensee's forest management planning meets the current management direction.

### **Should management direction for the trail be reconsidered?**

The complainant, supported by PRPAWS, argues that values related to the trail have changed and that the management principles that the licensee currently operates under will not maintain the integrity of the trail into the future. They believe that maintaining the integrity of the trail requires the uniform application of buffers. It is important to note that, while others may share the same values, the Board does not assume that either the complainant or PRPAWS represents a comprehensive public perspective.

Both the licensee and Recreation Sites and Trails BC counter the above views, stating that, when the trail was first authorized and located 20 years ago, it was described as a trail that would showcase the working forest. At the time, there was an understanding among all parties that the trail was being constructed within the timber harvesting landbase and that harvesting would occur along the trail.

Licensee professionals say they frequently encounter situations with the current trail location where they feel that uniform buffers would, isolate timber beyond the trail, prevent the safe falling and yarding of trees, increase yarding distances to existing road networks, or create vulnerable edges in high windthrow hazard situations. Given the many constraints already on the Crown landbase, the licensee has encountered numerous situations where relocation of the trail into an adjacent constrained area has provided buffers and also facilitated access to the timber harvesting landbase, while avoiding excessive windthrow.

As mentioned earlier, the use of uniform buffers was the original direction when the Stillwater Pilot FSP was in force. However, since then, the licensee's available harvest opportunities have decreased by over 25 percent due to the creation of Inland Lake Park, the establishment of old growth management areas and wildlife habitat areas, and tenure reallocation to BC Timber Sales and First Nations. Harvesting operations have moved from the Powell Lake area into the Stillwater operating area, where the Sunshine Coast Trail is located.

The complainant says he is not against harvesting but feels that funding for trail improvements, along with the efforts of PRPAWS volunteers, have changed the nature of the trail, which now should have increased protection in the form of buffers. He believes that is necessary to maintain the integrity of the trail. PRPAWS notes that the current popularity of the new day huts suggests that the trail is more attractive to new visitors from further away and it is concerned

that current logging practices near the trail will discourage that use. The Board has no evidence at this time demonstrating that harvesting is discouraging use of the trail or that it will do so in the future. In the Board's view, there may be ways to encourage public acceptance of harvesting activities, such as creating educational opportunities at strategic locations along the trail to inform the public of WFPs practices, including habitat management techniques, retention strategies and watershed management.

MFLNRO produced the *Trail Strategy for BC*, following a provincial survey of a range of public and government organizations about recreational trails in BC. Some noteworthy trends reported in the survey by responding municipalities and regional districts included: an increasing demand for adventure tourism; an increasing demand for safe wilderness experiences; a significant increase in the awareness and recognition of the health and economic benefits of trails; and the emerging benefits of trails related to the economic development opportunities for remote communities.<sup>3</sup>

The licensee says that the current management of the trail is consistent with these trends. Certainly, improved access to different areas of the trail created by the licensee's operations would facilitate use of the trail. How well the trends in the survey fit with the current forest practices depends on the public's values and the type of experience they desire. As mentioned, there are likely opportunities to enhance the experience that the public has in the working forest.

As previously noted, government could set legal objectives for the Sunshine Coast Trail. However, Recreation Sites and Trails BC suggests that establishing a fixed or default buffer along the trail is not consistent with the intent of FRPA, which allows for professional discretion. Also, the licensee has provided operational examples of why a protected linear corridor is not practical within the working forest.

Although the complainant and PRPAWS do not believe that the trail should be impacted by harvesting, the trail was established to be managed within the working forest, and impacts including harvesting up to and over the trail were anticipated. Over the years, changes have been made to objectives for the trail, but also to the licensee's operating area. The management direction provided in the management principles has only been in place for a few years and not long enough to evaluate its effectiveness.

The preferences of trail users and the value of the trail to the local economy could, at some point in the future, prompt a re-evaluation of the management focus and guiding principles. If that happens, it should be done within a strategic land use planning process, where all benefits and costs, including those pertaining to timber values, can be evaluated within a landscape context. However, even if the focus of the trail continues to be uniquely integrated with management of the working forest, the licensee, Recreation Sites and Trails BC, and PRPAWS should continue their collaboration to clarify what that means. Ultimately the goal should be to avoid conflicting interpretations.

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<sup>3</sup> [http://www.sitesandtrailsbc.ca/documents/Trail\\_Strategy%20for\\_BC.pdf](http://www.sitesandtrailsbc.ca/documents/Trail_Strategy%20for_BC.pdf).

## **Finding**

The trail was established to be managed within the working forest and there are conflicting views between some users and the licensee and government about what that means. However, management direction and the nature of the trail were considered by government in 2009 and more time should be given to apply the management principles.

## **Conclusions**

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To address the complainants' concerns, the Board investigated these questions:

### **1. Is the licensee complying with the management requirements for the trail?**

There are no legal requirements in FRPA specifically relating to protection of a recreational trail such as the Sunshine Coast Trail, but the licensee must have activities around the trail authorized by the recreation officer. Government has established management principles, which provide general direction to licensees and the recreation officer. The licensee is complying with the management principles and conducts field reviews for blocks near the trail as committed to in its certification plan.

### **2. Is the licensee's forest management planning adequate to support meeting management direction?**

The licensee's FSP shows general interest areas for future harvesting. It also provides maps to the public on a regular basis, showing proposed harvest areas in the short term. The licensee's planning meets the current management direction.

### **3. Should management direction for the trail be reconsidered?**

Although significant improvements have likely made the trail more attractive to potential users in recent years, the management principles have not been in effect long enough to warrant a review of the management direction. Any future review of management principles should be done within a strategic land use planning process, where all benefits and costs, including those pertaining to timber values and recreation, can be evaluated within a landscape context.



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