



**Forest
Practices
Board**

Conservation of Imperiled Coastal Douglas-fir Ecosystem

FPB/IRC/168

June 2010

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Introduction

The Complaint

In February 2010, the Forest Practices Board received a complaint from a resident of Nanoose Bay about forest practices in the Coastal Douglas-fir ecosystem (CDF). The complainant is concerned about these issues:

1. Whether government is abiding by an earlier commitment not to issue new forest tenures in the CDF.
2. That district lot (DL) 33, a 64-hectare parcel of Crown land near Nanoose Bay, was not selected for ecosystem protection.
3. The apparent lack of public consultation about proposed logging on DL 33.
4. Whether government is adequately protecting the CDF ecosystem.

Background

The 256,800 hectare CDF ecosystem occurs only in British Columbia (BC) and part of Washington State. Its primary plant association is classified as “globally imperiled.”¹ The CDF has the greatest density of species in BC of provincial and global concern, has experienced the highest level of ecosystem conversion to human development (49 percent), and almost all of its forests have been logged since European contact.² If the CDF were undeveloped and subject to natural disturbance, the predicted amount of forest over 250 years old is about 29 percent.³ However, because of land development and logging, less than one percent of the CDF is old forest. In total, five percent (12,700 hectares) of the CDF is set aside as provincial, federal or local government protected areas. These areas might eventually age to become old forest.

The province controls about nine percent of all lands in the CDF (23,500 hectares). Of that, 7,600 hectares are in provincial protected areas. The remaining 15,900 hectares of provincial Crown land is either vacant or tenured for woodlots and other interests.

About 80 percent of the CDF is private land, with the remaining 11 percent held by federal and local governments.

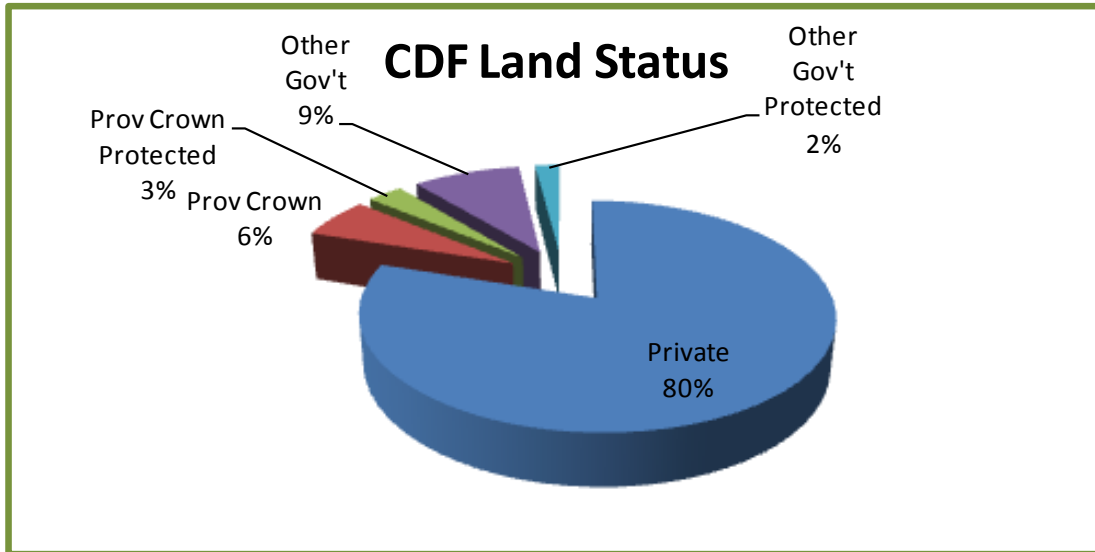
¹ NatureServe. 2006. NatureServe Explorer: An online encyclopedia of life [web application] http://www.natureserve.org/explorer/servlet/NatureServe?searchCommunityUid=ELEMENT_GLOBAL.2.787981 (April 2009). The BC Conservation Data Centre uses methodology and standards established by NatureServe. G2 rank = globally imperiled.

² Austin, M.A., D.A. Buffett, D.J. Nicolson, G.G.E. Scudder and V. Stevens (eds.). 2008.

Taking Nature’s Pulse: The Status of Biodiversity in British Columbia. Biodiversity BC, Victoria, BC. 268 pp.

Available at: www.biodiversitybc.org

³ *The Biodiversity Guidebook*, 1995, Appendix 4.



The Board has reported twice previously on forest practices in the CDF.⁴ In 2005, the Board recommended that government develop a conservation protocol before approving any further timber harvesting in the CDF on Vancouver Island. Subsequently, government decided to defer new forest tenures and some non-forest Crown land tenures and sales in the CDF.

In 2007, the Board recommended that government finalize and implement a stewardship strategy for the CDF. Government responded that it would:

1. Establish a land use objective (LUO) for Crown land parcels in the CDF.
2. Complete ecological mapping of the CDF.
3. Continue interim stewardship measures pending establishment of an LUO.
4. Initiate a public awareness program targeting non-provincial landowners and people working on Crown lands in the CDF.

DL 33 is a 64-hectare parcel of provincial forest Crown land completely surrounded by private land (see Image 1). In December 2009, residents living beside DL 33 found flagging tape marking cutblock boundaries and roads. The residents subsequently learned that Snaw-Naw-As Forest Services Ltd. (the licensee) intends to harvest 15,000 cubic metres of timber from about 19 hectares of DL 33. The licensee applied to MFR for a cutting permit in March 2009. MFR is now reviewing the cutting permit application. A cutting permit is required before harvesting operations can begin.

The complainant and other residents did not anticipate that DL 33 would ever be harvested; they use DL 33 for recreation, are concerned about its ecological value, and object to it being logged.

⁴ *Logging and Conservation of Endangered Plant Communities on Vancouver Island* (2005) and *Woodlot Harvesting and Red-listed Plant Communities in the Coastal Douglas-fir Ecosystem of Vancouver Island* (2007).

Government recently proposed an LUO under the *Land Act* to protect an additional 1,600 hectares of provincial Crown land within the CDF. DL 33 is not included in the proposed LUO.

Discussion

Did government abide by its commitment not to issue new forest tenures in the CDF?

In 2006, subsequent to the Board's first CDF report, the Ministry of Forests and Range (MFR), the Integrated Land Management Bureau (ILMB) and the Ministry of Environment (MOE) agreed that government would not issue new forest tenures in the CDF until an LUO was established.⁵ In March 2008, in response to the Board's second CDF report, government reiterated that it would not issue any new forest tenures in the CDF.

On November 6, 2009, a month before public consultation on the proposed LUO began, MFR issued a non-replaceable forest licence to the licensee. The licence included DL 33.

Government's ecosystem mapping describes only part of DL 33 as CDF. However, a recent ground-check by an independent vegetation ecologist confirmed that all of DL 33 is CDF. Public review and comment on the proposed LUO has concluded, but government has yet to announce a decision about it. Therefore, government did not abide by its earlier commitment not to issue new forest tenures in the CDF until an LUO was established.

MFR explained that its agreement not to issue new tenures in the CDF was for management at an operational level, was voluntary, and was not legally binding or part of a legal land use

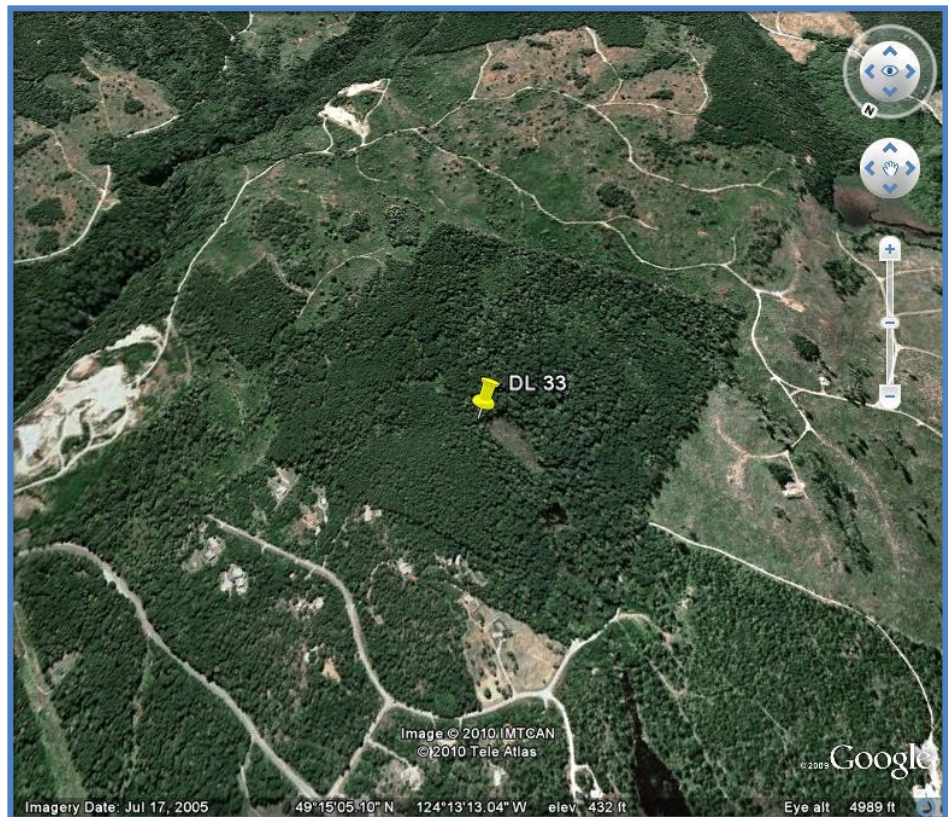


Image 1. District Lot 33 surrounded by private land.

⁵ Except for three tenures, which at the time, were in an advanced planning and award stage of approval.

designation. MFR also said that it needed to fulfill a government commitment under an interim measures agreement with the Nanoose (Snaw-Naw-As) First Nation,⁶ and so issued the new tenure, but did so knowing that DL 33 would not be part of the proposed LUO. In July 2008, ILMB and MFR had selected areas for possible protection through the proposed LUO. The agencies did not select DL 33.

Why wasn't DL 33 selected for potential protection in the proposed land use objective?

ILMB said that due to demands on the Crown land base by existing legal commitments, infrastructure requirements, population growth and commitments to First Nations treaty resolution, government limited its proposed LUO to a target of 1,600 hectares, which is about 10 percent of the remaining 15,900 hectares of available provincial CDF Crown land.

Using ecosystem maps and other map overlays, ILMB and MFR assessed all Crown land CDF parcels on the basis of large size; whether on Vancouver Island; conservation value; linkage to potential future conservation lands; and diversity of ecological associations. Using these criteria, the agencies identified 3,200 hectares for further evaluation, from which they would ultimately select about 1,600 hectares for the proposed LUO. The maps used for the original assessment showed only about half of DL 33 as being within the CDF. The agencies did not select DL 33 for further evaluation based on the physical and ecological selection criteria, and its mapped ecosystem information.

The complainant considers that all of DL 33 is CDF in good ecological condition⁷ and that it and other parcels of Crown land containing mature forest are important to CDF conservation, particularly so while other more recently altered areas recover and age. That view is echoed by some ecologists and others who believe that remaining examples of mature CDF should be retained for ecosystem maintenance and recovery.

Was there public consultation about proposed logging on DL 33?

There was no legal requirement for, and no public consultation specific to logging on DL 33. In 2006, there was a required *Forest and Range Practices Act* (FRPA) opportunity for public review and comment of a BC Timber Sales (BCTS) forest stewardship plan (FSP) that identified DL 33 as a forest development unit. However, non-binding supporting documents to that plan indicated that BCTS would not harvest timber in the CDF until it received additional government direction. Therefore, a reviewer of the FSP might assume that DL 33 was unlikely to be harvested under that plan. No public comment about DL 33 resulted from the 2006 review and comment opportunity.

⁶ The licensee is a company operated by the Nanoose First Nation. Government and First Nations sometimes enter into interim measures agreements on forestry-related matters, to provide a greater degree of stability for investment and development while treaty negotiations continue. See: http://www.bctreaty.net/files/issues_forestry.php#3

⁷ Recent ground verification by a vegetation ecologist revealed that all of DL 33 is CDF and in good condition.

In 2009, BCTS reached an agreement with the licensee to allow it to operate under BCTS' FSP. There was no further requirement for public consultation, or public review and comment concerning logging on DL 33. None has since happened. Furthermore, nothing obliged the licensee to follow BCTS' earlier voluntary decision not to harvest in the CDF.

Recently, MFR, a licensee contractor and the complainant met on DL 33 to review the current cutblock plans and concerns. In addition, the licensee and complainant have also met to discuss the situation. The complainant remains opposed to the logging proposal.

Is government adequately protecting the CDF ecosystem?

Government has not stated an explicit goal for the CDF, but a common goal for conservation planning is to ensure ecosystem viability. In forested BC, risk to ecosystem viability is commonly represented, in part, in terms of protected old forest. In 2007, scientists advised government that the CDF is at high risk and that ecosystem viability there is unlikely to persist.⁸ ILMB later calculated that, to move ecosystem viability of the CDF from high risk to moderate risk, the current five percent⁹ (12,700 hectares) of protected area would need to be increased to ten percent (26,000 hectares). To move ecosystem viability from high risk to low risk would require that protected area be increased to 20 percent (52,000 hectares).¹⁰

Should government approve its proposed LUO, the total amount of protected land in the CDF will increase from five percent to just under six percent (14,300 hectares). Ecosystem viability will therefore remain in its current high risk category. That is inadequate to give confidence that ecosystem viability will persist.

The reality is that there is insufficient provincial Crown land in the CDF to satisfy conservation and other needs. If all the remaining available provincial CDF Crown land (15,900 hectares) were to be protected, the risk to long-term ecosystem viability could move from high to moderate. However, given the many priorities and public needs faced by government, it seems unlikely that all available provincial CDF Crown land could be protected.¹¹ Private landowners, federal and local governments, and non-government conservation agencies will have to fill the gap, assuming all are committed to conservation.

⁸ Holt, R.F., 2007. *Conservation Planning and Targets for the Coastal Douglas Fir Ecosystem. A Science Review and Preliminary Approach*. Unpublished. Report prepared for Integrated Land Management Bureau, Nanaimo.

⁹ Although five percent of the CDF is protected, less than one percent of the ecosystem is old forest. ILMB's risk categories presume that the protected areas will eventually support forests over 250 years old.

¹⁰ Information provided by ILMB as it calculated from Holt, 2007, *Conservation Planning and Targets for the Coastal Douglas Fir Ecosystem. A Science Review and Preliminary Approach*.

¹¹ If it approves its proposed LUO, the provincial government will have set aside for conservation almost 40 percent of the CDF lands under its direct control.

Conclusion

Government did not abide by its commitment not to issue new forest tenure in the CDF pending establishment of a land use objective; government has yet to establish a land use objective. In the Board's opinion, harvesting mature or old forest in the CDF, such as that found in good condition on DL 33, is not consistent with a vision of overall ecosystem integrity. Such modifying actions jeopardize the contribution to conservation that these remnant ecosystems can make while other protected, or yet-to-be protected, areas in poorer condition age and recover.

Government did not select DL 33 for potential protection based on its physical and ecological selection criteria, and its mapped ecosystem information.

There was no legal requirement for, and no public consultation specific to logging on DL 33. A legally-required opportunity for public review and comment occurred in 2006 for a BCTS FSP that included DL 33, but non-binding information associated with that FSP indicated that areas within the CDF would not be harvested. That statement was negated by the subsequent addition of another licensee to the FSP that intended to harvest in the CDF.

Based on the proposed government land use objective, the CDF ecosystem is likely to remain at high risk. Given land ownership in the ecosystem, and competing interests and priorities for use of the remaining provincial Crown lands, achievement of a goal of low or moderate risk to long-term ecosystem viability is likely beyond the province's capability.

There is insufficient provincial Crown land in the CDF to satisfy conservation and other needs. If all the remaining available provincial CDF Crown land were to be protected, the risk to long-term ecosystem viability could move from high to moderate. However, given the many priorities and public needs faced by government, it seems unlikely that all available provincial CDF Crown land could be protected. Private landowners, federal and local governments, and non-government conservation agencies will have to fill the gap, assuming all are committed to conservation.



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