



# Forest Practices Board

File: 97250-20/112007

May 15, 2013

VIA EMAIL

Dear Participants:

## **Re: Complaint 112007 – Tyaughton Lake Logging**

This is the Board's closing letter for the investigation of a complaint about harvesting associated with cutting permit 17 (CP 17) issued to Interwest Timber Ltd. under forest license A80509. This letter summarizes the results of the Forest Practices Board investigation into this complaint.

### **Background**

This complaint arose when Interwest (the licensee) planned six cutblocks in the vicinity of Tyaughton Lake. Residents at Tyaughton Lake became aware of this planned activity when they noticed harvest boundaries marked in the forest above their properties in early 2011. The Tyax Ratepayer's Association (the ratepayer's association) was formed in the spring of 2011 to represent the residents and their concerns regarding this development.

In the 1970s, a recreational zone or 'greenbelt' was established around Tyaughton Lake. It was replaced in 1994 when visual quality objectives (VQOs) of partial retention and retention were established for the planning polygons surrounding the lake. These VQOs were later 'grandparented' under the *Forest and Range Practices Act* (FRPA) in 2004. A draft Lillooet Land and Resource Management Plan (LRMP) released in 2004 also provides guidance for management in the area.

Under FRPA, there is no specific requirement for the licensee to conduct a visual impact assessment (VIA), however the licensee made a commitment in its forest stewardship plan (FSP) to conduct an assessment where VQOs had been established. In this case, the four cutblocks closest to the lake had VQOs of 'mainly retention'<sup>1</sup> for block 1 and 'partial retention'<sup>2</sup> for blocks 2 to 4.

A member of the ratepayer's association reviewed the licensee's visual impact assessment in May 2011 and communicated concerns regarding the ability of the proposed blocks to meet the VQOs to both the licensee and the forests ministry's Cascades District Office. In response, the regional landscape forester reviewed the licensee's assessment and found the methodology to be generally consistent with the

---

<sup>1</sup> Alteration on the landscape is difficult to see, small in scale and natural in appearance. FPPR 1.1.

<sup>2</sup> Alteration on the landscape is easy to see, small to medium in scale and natural in shape FPPR s.1.1.

*Visual Impact Assessment Guidebook 2001*, though some recommendations were made to the licensee. A copy of that review was sent to the ratepayer's association.

In December 2011, district staff wrote to the ratepayer's association advising them that the licensee had applied for a cutting permit and a decision was imminent. Still concerned with the potential visual impacts, the association expected the cutting permit would not be approved without further discussion with the association.

The cutting permit was issued without further input from the association and one resident of Tyaughton Lake then filed the complaint with the Board. The most visible blocks were harvested at that point and association representatives were generally satisfied. The association and the complainant remained concerned about the consultation process and the effort required to be informed about the harvest plans.

### **Was Consultation Effective?**

It is the Board's view that consultation was not effective in the early stages of this development, but improved over time.

In its bulletin on public consultation, *Opportunity for Public Consultation under the Forest and Range Practices Act*<sup>3</sup>, the Board noted that the "public must have an opportunity to access and provide input at all planning levels, from strategic through to operational, depending on their specific interests and how they are affected by forest operations."

The licensee advertised its forest development plan (FSP) for public review and comment in 2007. The FSP did not identify the specific cutblocks near the lake and no comments were received from the local residents. The ratepayer's association members learned of the harvest plan at the cutblock field layout stage, when they noticed the flagging tape. The licensee did not contact any of the local residents when it was initially developing the permit, nor did it hold a local public meeting. While the licensee is not legally required to do so, these are options that have been used elsewhere in BC under similar circumstances to facilitate effective public consultation.

The licensee later communicated to the residents through the main representatives of the ratepayer's association. The association provided its comments on the licensee's VIA in May 2011; however, they did not receive a response to their concerns at that time. In July 2011, the review of the licensee's VIA by the ministry landscape forester was provided to the association. The licensee also met in the field with some members of the association to discuss concerns.

Under FRPA, the forests ministry has little involvement in operational planning after an FSP is approved. And, the district manager has almost no ability to refuse to issue a cutting permit if the application meets certain content requirements. Public consultation is the responsibility of the licensee.

---

<sup>3</sup> <http://www.fpb.gov.bc.ca/WorkArea/DownloadAsset.aspx?id=1342>

In the Board's view, consultation by the licensee met FRPA requirements, but was ineffective until the residents initiated communication with the district and the licensee.

The licensee and the ratepayer's association agree that communication between them improved over time. In the end, the licensee addressed all questions posed by the association and provided them with the draft harvest plans and cutblock maps. Residents advised the Board that they would like to be engaged earlier in the process and have input to the plans for future developments.

### **Looking forward**

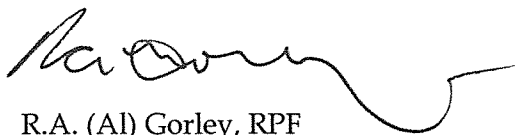
The licensee feels that it needs to do some field work before contacting the public. However, this should not preclude consultation early in the reconnaissance stage, prior to final cutblock design, with further communication as needed through the planning process. Both the licensee and the association felt that communication evolved and improved over the course of developing the current permit. With this foundational relationship, it should be relatively easy to build a better process for future consultation.

With regard to CP 17, the licensee would have preferred the complainant and the association to direct their comments directly to them (Interwest) rather than to the district office, which subsequently directed the concerns to the licensee's professionals. While it is more effective for the public to directly contact licensees while plans are being developed, the public must first be made aware of those plans and the potential impacts they may have. On this point, the ratepayer's association expressed a concern that the forests ministry has no role under the current legislation to help resolve planning issues with the licensee and it feels that the ministry should be the contact for accessing information relevant to local concerns.

The Board regularly comments more extensively on key issues related to forest stewardship through special reports and bulletins. The Board is currently developing a series of bulletins on FRPA related topics, including public consultation, and generally draws on examples from its audit and investigation work. The situation at Tyaughton Lake has provided a good example of the issues around effective public consultation and the Board may refer to this case in subsequent bulletins or reports.

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,



R.A. (Al) Gorley, RPF  
Chair