

File: 97250-20/111005

April 17, 2012

Dear Participants:

Re: Complaint 111005 - Toba Inlet

Coast Mountain Expeditions (CME) submitted a complaint to the Forest Practices Board in September 2011 asserting that a recently approved log dump in Toba Inlet will impact its business.

Although the log dump will be operated as part of a forestry operation, the application was approved under the Land Act. The Board does not have jurisdiction to consider Land Act issues and, as a result, cannot consider this complaint. However, I believe it is worth highlighting the circumstances of this issue as an example of the problems that can arise when two tenure holders rely on the same resource for different purposes.

Background

Coast Mountain Expeditions (CME) offers kayaking adventures to its clients. A government-issued tenure permits CME to operate and camp on the BC coast and it has been doing so for about 20 years.

In August 2011 CME learned that a license of occupation had been approved for International Forest Products (Interfor) to develop a log dump in a small bay on Toba Inlet – the same bay that CME uses for a camp site. CME’s concern is that the dump will ruin the wilderness experience it offers to its customers, making the camp site unusable for them. The roughly one kilometre stretch of beach used by CME, other tourism companies and recreationists is the only suitable camping site in the area according to CME.

According to Interfor, the log dump location is the only option it has in Toba Inlet. Another site previously used as a log dump is near two salmon streams and Interfor believes that an application for that site with the Department of Fisheries and Oceans would be unsuccessful.

The current log dump was approved under the Land Act by the Ministry of Forests, Lands and Natural Resource Operations in August 2011. The authorization includes a restriction that the dump site not be operated during July and August when tourism operations are active. Since the log dump was approved, the licensee and the tourism operators, including CME have discussed the issue and

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Interfor offered to adjust a harvest boundary 100 feet or more back from the campsite. Interfor has also withdrawn a planned harvest area behind the log dump to provide visual screening, and has agreed to retain other visual buffers. Interfor will also remove log booms, docks, ramps, and skid ways from view during the July-August window.

From CME's perspective, these measures do not address the underlying problem which is that they will no longer be able to provide a wilderness experience to their clients in Toba Inlet. CME estimated its and other kayak tourism businesses annual contribution to the provincial economy to be substantial, hundreds of thousands of dollars in some cases. They assert that this is not well considered by government in the context of forest development.

The Board did not investigate the assertions in this complaint but notes that the situation is similar to other complaints it has investigated where the activities of one tenure holder may impact the business of another tenure holder. In 2010 the Board reported on a situation in the Vanderhoof area where there was a conflict between two tenure holders. The Board recommended that government establish a mediation process when conflicts between tenure holders cannot be resolved through the normal comment and review process of the Forest and Range Practices Act. However, government did not agree. That report and the government response can be viewed at the following webpage:

http://www.fpb.gov.bc.ca/IRC163_Logging_and_Lakeshore_Management_near_Vanderhoof.htm?__taxonomyid=304

In addition, government provides guidance to both forest licensees preparing a forest stewardship plan and commercial recreation tenure holders for interaction during the FSP review and comment process where forest operations overlap with commercial tenures. This bulletin can be found at: <http://www.for.gov.bc.ca/ftp/hth/external/!publish/Web/frpa-admin/frpa-implementation/bulletins/frpa-admin-no-14-tourism-modified.pdf>

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, appearing to read 'R.A. Gorley', with a long horizontal flourish extending to the right.

R.A. (Al) Gorley, RPF
Chair