



File: 97250-20/17013

July 28, 2017

Dear Participants:

**Re: Resolution of Complaint 17013 – Planning harvesting to maintain landscape-level biodiversity values**

On February 8, 2017, the Forest Practices Board received a complaint from the Lhtako Dene First Nation asserting that planned harvesting by Tolko Industries Ltd. (Tolko) will impact moose populations and landscape-level biodiversity in their Traditional Territory. The Lhtako Dene also said that communication with Tolko has been difficult and that they did not receive landscape-level biodiversity assessments they requested from Tolko in a timely manner.

**Background**

In January 2016, Tolko sent the Lhtako Dene referral packages that included plans to harvest multiple cutblocks in three cutting permits (CPs 342, 900 and 901) over two landscape units (Willow and Lightening) east of Quesnel, BC.

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Beginning in October 2016, the Lhtako Dene communicated their concerns to both Tolko and the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) about Tolko's planned harvesting, including that some cutblocks exceed the 60 hectare maximum allowed under the *Forest and Range Practices Act* (FRPA). They also said that some planned cutblocks are located on the edge of one or more existing large cutblocks, creating very large openings. According to the Lhtako Dene, the existing harvesting exceeds the targets in the Biodiversity Guidebook for very large openings of young forest. The Lhtako Dene are concerned about the detrimental effects of very large cutblocks on biodiversity but also on moose populations, which they have observed to be in decline in other heavily harvested landscape units to the west of Quesnel.

The Lhtako Dene said that, in October 2016, Tolko committed to completing a patch size analysis<sup>1</sup> for the two landscape units. Tolko completed the analysis in February 2017 and sent it to the Lhtako Dene. The analysis showed that existing and planned harvesting is within the target range for smaller early seral (i.e., young forest) patches, up to 80 hectares in size, but exceeds the range for larger patches greater than 80 hectares (i.e., 80-250+ hectares) in size. The analysis also showed a surplus of mature and old seral forest compared to the target range suggested in the Biodiversity Guidebook.

In its communication with the Lhtako Dene, Tolko referenced the *Regional Biodiversity Conservation Strategy – Update #4*, which provides guidance on implementing the biodiversity components of the Cariboo-Chilcotin Land Use Plan. Tolko said that Update #4 places an emphasis on retaining larger patches of mature and old seral forests across landscape units and that patch size targets for early seral (young) forest, as stated in the Biodiversity Guidebook, are a vision to be met in the long-term. A FLNRO land and resource specialist confirmed Tolko had correctly interpreted the direction in Update #4.

The Lhtako Dene cited several issues with Tolko's patch size analysis. However, their main concern was that Tolko did not adequately communicate how a surplus of mature and old seral forest that exists in the landscape units would mitigate the actual or perceived impacts on moose populations and biodiversity generally, resulting from very large patches of early seral forest that exist on the landscape units.

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<sup>1</sup> A patch size analysis is typically completed to determine whether the size and distribution of patches on the landscape (divided into categories of 'early' and 'mature + old') are consistent with desired conditions (also referred to as 'patch size targets') set for natural disturbance types. Tolko's patch size analysis used targets for seral stage distribution contained in the Forest Practices Code Biodiversity Guidebook (note – there is no legal requirement in FRPA to conduct a patch size analysis or to adhere to patch size targets in the Biodiversity Guidebook).

On May 10, 2017, Board staff attended a meeting with FLNRO staff<sup>2</sup>, representatives from the Lhtako Dene, and Tolko woodlands staff. The purpose of the meeting was to discuss Tolko's patch size analysis and to address the Lhtako Dene's concerns about early access to information and communication in relation to harvesting the three cutting permits.

The meeting helped to open dialogue between the Lhtako Dene and Tolko. However, the Lhtako Dene said they remained unsure about Tolko's rationale, as adopted from Update #4, for exceeding the patch size targets for very large patches of early seral forest.

Board investigators reviewed Tolko's forest stewardship plan (FSP). The FSP includes a strategy for landscape-level biodiversity that commits Tolko to completing a connectivity assessment for biodiversity for each cutting permit prior to harvesting and to consider the results of the assessment when prescribing retention. Because Tolko included a strategy for landscape level biodiversity in the FSP, it is exempt from the requirements for landscape-level biodiversity in section 64 of the *Forest Planning and Practices Regulation*, including the requirement that cutblocks not exceed 60 hectares in size. Board investigators confirmed that Tolko completed the connectivity assessments committed to in the FSP.

### **Resolution to the Complaint**

Tolko told Board investigators that its current approach for managing landscape-level biodiversity, as stated in its FSP, was developed in the context of large-scale mountain pine beetle salvage harvesting, and involves planning for connectivity corridors at the cutblock and landscape level. However, both FLNRO and Tolko agree that this approach is not adequate to address biodiversity requirements as Tolko and other licensee's transition to green timber.

In 2016, district managers from three districts, including the Quesnel Natural Resource District, issued a joint expectations letter for new FSP submissions that applies to all licensees and BC Timber Sales programs operating in the three districts. In the letter, the district managers set their expectations for the content of results or strategies in FSPs submitted for approval. In relation to landscape-level biodiversity, the expectations letter includes the following:

- an awareness about mature plus old seral stage requirements as well as cutblock size and adjacency as licensees transition from salvage harvesting to green timber profiles;
- expectations that FSPs include results or strategies that address landscape connectivity, species composition, temporal distribution of cutblocks and patch size consistent with objective 9 FPPR.

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<sup>2</sup> FLNRO staff included the district manager, Quesnel Natural Resource District; a district First Nations advisor and a regional land and resource specialist.

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Tolko recognizes that better communication is required with the Lhtako Dene to explain how it is managing for landscape-level biodiversity and other forest values. Tolko's current FSP expires in December 2017 and Tolko has stated its intention to consider the district manager's expectations when preparing the new FSP. The Lhtako Dene will have an opportunity to review the replacement FSP and provide comments to Tolko before it is submitted to the district manager for approval.

The Lhtako Dene are satisfied that Tolko is improving efforts to communicate its harvesting plans and address their concerns about landscape-level biodiversity and other forest values including moose populations. Recently, the Lhtako Dene provided referral comments regarding two new cutting permits and informed Board investigators their concerns have been adequately addressed.

This concludes the Board's involvement in this file. If you have any remaining questions or concerns, please contact Doug Wahl at (250) 213-4723.

Yours sincerely,



Timothy S. Ryan, RPF  
Chair

cc: Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development.