

File: 97250-20/17053

October 15, 2019

VIA EMAIL

Dear Participants:

Re: Resolution of Complaint 17053 – Yates Creek Flooding

On May 23, 2018, the Forest Practices Board (the Board) received a complaint from a property owner in the Yates Creek Watershed near Kamloops. The complainant asserted that recent harvesting by Interfor Corporation (Interfor) in the Yates Creek watershed had increased peak flows, which, combined with inadequate road maintenance by Interfor and the Ministry of Transportation and Infrastructure (MOTI), caused damage to Yates Creek, Yates Creek Road and his private property.

Background

The Yates Creek watershed is located approximately 22 kilometres northeast of Kamloops and the Yates Creek Road accesses the lower part of the watershed. The Ministry of Transportation and Infrastructure (MOTI) administers the Yates Creek Road under the *Transportation Act*. Interfor has a road permit on a resource road that branches off Yates Creek Road further up the watershed.

In 2015, the complainant raised concerns about potential flooding that could result from the planned harvesting in the watershed. Interfor received the complainant's concerns; however, there is no legal requirement for licensees to consider downstream private property or road infrastructure in a domestic watershed. Interfor completed the cutblock development and completed harvesting in 2016.

In May 2017, a significant storm passed through the region and caused the damage referred to by the complainant. After the storm, MOTI and Interfor replaced washed out culverts on the roads and restored the roads to be useable. In early May 2018, a rain on snow event caused abnormally high flows that almost overtopped the culverts and caused the Yates Creek Road ditch to erode into the road prism. Concerned that Interfor's harvesting had caused peak flows to increase, the complainant submitted the complaint to the Board.

Resolution

The Board asked the complainant what they would like for relief. The complainant asked that harvested areas be immediately reforested; the roads, ditches and their waterline be repaired; the stream crossings be replaced to allow fish passage; monitoring occur during freshet to ensure the stream remained in its channel; no new harvesting happen until the watershed

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recovered hydrologically; and in future Interfor consider downstream elements at risk in other domestic watersheds.

The complainant submitted a claim for damages to MOTI. MOTI reviewed and settled it based on the particulars of the event. MOTI also replaced a culvert with one of a larger diameter, committed to replacing another culvert, repaired the eroded sections of road, and helped the complainant locate and repair their waterline.

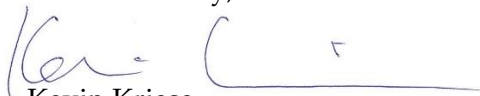
Interfor monitors the road during high stream flow events. Interfor implemented a drainage plan developed by a hydrologist it hired during the investigation, doubled the capacity of the culvert that had failed on its road permit road, and has reforested the cutblocks. It intends to harvest lower down in the Yates Creek Watershed within five years but does not think the new harvesting will affect peak flow. Nevertheless, Interfor committed to engage a hydrologist to review its future development plans in the watershed and follow any recommendations the hydrologist prescribes.

Finally, Interfor addressed the complainant's final concern about only doing what was legally required in domestic watersheds. The Association of British Columbia Forest Professionals and Engineers and Geoscientists BC have recently developed voluntary Professional Practice Guidelines: Watershed Assessment and Management of Hydrologic and Geomorphic Risk in the Forest Sector. Chapter 2 of the guidelines lays out a risk management framework where watershed values that could be put at risk are identified and provides for communication with parties that could be affected. During the investigation, Interfor said that since it had developed the cutblocks in this watershed, it has been following a similar unwritten framework and Interfor committed to developing a written procedure that would follow that framework.

The complainant is satisfied with both MOTI's and Interfor's efforts and commitments. All parties consider the complaint resolved.

This concludes the Board's involvement in this file. Thank you for your cooperation during the investigation. If you have any questions or concerns, please contact Glen Pilling at (250) 213-4731.

Yours sincerely,



Kevin Kriese

Chair

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