

File: 97250-20/19064

December 16, 2019

VIA EMAIL

Dear Participants:

**Re: Complaint Investigation File 97250-20/19064 – Impacts of Forestry Activities on
Mushroom Habitat near Kitwanga**

On September 9, 2019, the Forest Practices Board (the Board) received a complaint from a resident of Kitwanga. The complainant is concerned that planned harvesting of BC Timber Sales (BCTS) timber sale license A52734 Block 001 (the cutblock) will damage valuable mushroom habitat. The complainant does not want BCTS to build access roads or harvest the cutblock. This letter is the Board's report on the outcome of the investigation.

Background

BCTS has an approved forest stewardship plan (FSP) under the *Forest and Range Practices Act* (FRPA) that covers its operations in Kitwanga, about 96 kilometres northeast of Terrace, BC. Under FRPA, the FSP must be consistent with objectives in regulation and any land use orders. Once approved, BCTS must comply with its FSP and with the practice requirements set out in regulations under FRPA.

BCTS began developing the cutblock just north of Kitwanga in 2018. It was auctioned and sold in November, 2019.

To investigate this complaint the Board considered two questions:

- 1) Did BCTS meet its legal obligations?
- 2) Was BCTS's consultation with the complainant appropriate?

Legal Obligations

BCTS's legal obligations to maintain mushroom resources are provided in three plans:

1. Kispiox Land and Resource Management Plan (LRMP);
2. BCTS's FSP; and

3. the site plan for the cutblock.

The Kispiox LRMP is a strategic plan that all forest licensees and BCTS in the Kispiox area follow and it describes the resource objectives for the area. The LRMP's objective for mushrooms is to "maintain mushroom resources and provide opportunities for sustainable harvesting of mushrooms." This objective applies to the entire LRMP area, but does not define mushroom habitat.

The BCTS FSP describes site-specific attributes that are used to categorize an area as productive pine mushroom habitat. When the attributes are present, BCTS prescribes management activities to mitigate its impact on mushroom habitat. In this instance, BCTS identified productive mushroom habitat in the cutblock. The mushroom habitat was subsequently incorporated into a wildlife tree retention area located in the central part of the cutblock. In the site plan for the cutblock, BCTS states that "by retaining this area within a large encompassing wildlife tree retention area it will provide protective properties to the isolated pockets of pine mushroom ground..."

Consultation

In 2018, the complainant contacted the Board about the cutblock planned by BCTS. The Board contacted BCTS and arranged a conference call with the complainant and BCTS on October 3, 2018, to discuss the complainant's concerns and to try and find a resolution. The following week, BCTS met with the complainant to review the planned cutblock. BCTS provided the complainant with a map of the planned cutblock showing areas it had identified as productive pine mushroom habitat reserved from harvesting. It asked the complainant to identify any additional areas within the cutblock they considered important mushroom habitat. BCTS did not commit to cancel its planned activities in the cutblock, but said that it would look at options to mitigate the impact of harvesting if additional information on important mushroom habitat was provided. The complainant did not provide any information, so BCTS continued with the development of the cutblock.

BCTS did not hear back from the complainant. The Board heard from the complainant again in August 2019, and soon after the complaint was submitted. Communication between the Board, BCTS and the complainant occurred from September until November 2019, during which time the Board started a complaint investigation. BCTS requested meetings with the complainant through emails and phone calls. BCTS wanted to meet, preferably in the field, to identify any additional mushroom areas. The complainant did not meet with BCTS and did not provide any information on additional important mushroom habitat, so BCTS was unable to address the complainant's concerns.

The Board communicated its initial findings to the complainant on October 30, 2019, emphasizing the need for a timely response, given the block was being finalized and put up for auction. The Board has not heard back from the complainant.

Findings and Conclusions

The Board determined that the approach taken by BCTS to manage pine mushroom habitat met the requirements of FRPA and was consistent with the LRMP. BCTS's consultation efforts were also appropriate. It is unfortunate that the complainant has not responded to BCTS or communicated further with the Board. As stated in the Board's 2003 Bulletin, [Opportunity for Public Consultation under the Forest and Range Practices Act](#), "...the public shares responsibility for ensuring effective public consultation. Consultation works best when members of the public make efforts to stay informed, and focus comments on substantive matters that can have material influence on the planned forest activities."

This concludes the Board's involvement in this file. If you have any questions or concerns, please contact Cameron Leitch at (250) 213-4728.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kriese", followed by a horizontal line extending to the right.

Kevin Kriese
Chair

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