

Terms of Reference for a Special Report

Follow-up on the Board's Experience with Forestry and Water Users

The Forest Practices Board (the Board) has investigated and audited many cases where domestic water users are concerned about forest and range activities in their watershed. In 2011, the Board published its special report [*The Forest Practices Board Experience with Forestry and Water Users*](#) (the 2011 report). It has been almost ten years since the Board reported out on domestic water issues, and it continues to receive a high number of domestic water-related complaints. This report will examine what the Board has found over time in its investigations and audits related to domestic water use, and summarize what actions should be taken to make improvements

BACKGROUND

The 2011 report summarized the Board's experience under the *Forest Practices Code* and *Forest and Range Practices Act* (FRPA) with forestry and water users to inform government's review of the *Water Act*. The report was based upon some 30 complaints from people who draw consumptive or irrigation water from forested public lands, and from several Board audits that examined the protection of water during forest and range activities.

The Board expressed hope that the (then) proposed *Water Sustainability Act* would include measures to help address the recurring issues observed by the Board. The Board suggested that government should help to ensure water users have realistic expectations about the rights their tenures convey, water users should have strengthened involvement and influence in resource use activities in and about sources of domestic water; and that government decision makers may need to step in and mediate where conflicts persist.

In 2014, the *Water Sustainability Act* (WSA) replaced the *Water Act* as the primary law for managing the public's water resources. Water-related provisions in FRPA remain unchanged since FRPA was enacted, and the *Drinking Water Protection Act* (DWPA) is still in effect. FRPA, WSA, and DWPA all include mechanisms to address risks to water quality.

The Board has published a total of 28 complaint investigation reports on water-related issues, three audit reports specific to water management, and a special investigation of community watersheds. Yet, the Board continues to receive a high number of public complaints regarding domestic water.

OBJECTIVE

This special report will examine the public complaints investigated by the Board, audits carried out, and special investigations completed under the FRPA regime related to domestic water in BC forests. It will summarize the issues identified in its experience, and suggest actions that could be taken to improve on the recurring issues.

The following questions will form the basis of the report:

- **What are the top issues the Forest Practices Board has identified related to forest and range practices and domestic water users?**
- **What actions can be taken to improve upon the top issues the Board has identified?**

SCOPE

The findings and any recommendations coming from domestic water, and other relevant, water-related investigations of the Board since FRPA came into effect (see attached list of reports).

APPROACH

This special report will be prepared by:

1. Reviewing relevant domestic water related audits and investigations since 2005, tracking issues identified in each report by theme. Themes to be determined by the investigator based on issues found.
2. Ranking the themes based on how often they have been identified by the Board.
3. Determining whether the top themes have changed since the 2011 report.
4. Determining what tools exist in legislation, policy, and guidance to potentially address these issues.
 - Include FRPA, WSA, DWPA
5. Determining what concrete actions can be taken by licensees, water users, or government to improve upon the top themes.
 - Discuss with Board staff
 - Potentially interview officials responsible for the implementation of FRPA, WSA, and DWPA to understand whether the legal or policy tools are being used, and the outcome of their application.
6. The Board will conclude on what actions can be taken immediately, and what more is needed to address the concerns of domestic water-users in BC

REPORTING

The results will be reported to the public. Opportunities for improvement may be identified related to improving the protection or management of the water value under FRPA.

List of Reports for Water Special Project

Report Type	Report #	Title	Year
Audit	ARC82	Audit of Water Management in Norns and Springer Creek CW	2006
Audit	ARC121	Activities in Kiskatinaw River Watershed	2010
Audit	ARC140	Audit of Forest and Range planning and practices affecting water quality in Oyama and Vernon Creek CW	2012
Audit	ARC204	Range use in the Thompson Rivers NRD	2016
Complaint	IRC33	Protection of Water Quality and Scenic Values from the effects of Logging at Gun Lake	2000
Complaint	IRC123	Domestic Water Concerns near Elmer Creek	2007
Complaint	IRC130	Eagle Creek Pine Salvage	2007
Complaint	IRC140	Forest Practices in Leet Creek	2008
Complaint	IRC152	Salvage Logging at Sitkum Creek	2009
Complaint	IRC154	Road Construction and Harvesting in a woodlot near Carter Creek	2009
Complaint	IRC161	BCTS blocks in Slocan Park	2010
Complaint	IRC162	Mounce Creek	2010
Complaint	IRC166	Pine Beetle Salvage Logging and Water Flows near Williams Lake	2010
Complaint	IRC176	Logging in the Deroche Creek CW	2011
Complaint	IRC179	Twinflower Creek	2011
Complaint	IRC181	Gilpin Creek Debris Slide	2012
Complaint	IRC185	Salvage Logging and Water Flows at Cooper Creek	2012
Complaint	IRC186	Laird Creek Landslide	2013
Complaint	IRC191	Harvest Planning and Practices in the Hunaker Creek watershed	2014
Complaint	IRC193	Timber Harvesting and Potential Impacts to the Duhamel Creek Alluvial Fan	2014
Complaint	IRC194	Harvesting upslope of cabins on Shuswap lake	2014
Complaint	IRC202	Debris flood at Cooke Creek	2015
Complaint	IRC199	Clearwater Hydrology	2016
Complaint	IRC199	Harvesting impacts on water flows near clearwater	2016
Complaint	IRC201	Forest Harvesting and Stream flows in Bonneau Creek watershed	2016
Complaint	IRC203	Dry Creek - Hydrology and Wildlife Concerns	2016
Complaint	IRC208	Impacts of Harvesting and Road Consturction to Malakwa Creek	2017
Complaint	IRC211	impacts of harvesting and road construction on water quality in McClure Creek	2017
Complaint	IRC220	Harvest Planning for EBM Haida Gwaii	2019
Complaint	IRC224	Peachland	2019
Complaint	IRC226	Yates Creek Flooding	2019
Complaint	IRC232	Glade	2020
Special	SIR16	Effect of MPB and Salvage	2010
Special	SR39	CEA Kiskatinaw	2011
Special	SIR40	community watersheds	2014
Special	SR46	A decade in review	2014
Special	SR49	Access Management and Resource Roads	2015
Special	SIR38	Bridge Planning and Design	2016
Special	SR55	opportunities to improve FRPA	2017