



September 15, 2021

Ref: 267201

**EMAIL: [kevin.kriese@bcfpb.ca](mailto:kevin.kriese@bcfpb.ca)**

Kevin Kriese, Chair  
Forest Practices Board  
PO Box 9905 Stn Prov Govt  
Victoria, BC V8W 9R1

Dear Kevin Kriese:

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the ministry), please accept this letter as government's response to the Forest Practices Board's (the Board) recommendations from the complaint investigation: *Compliance with Biodiversity Requirements in the Nahmint Watershed* (May 2021). The ministry recognizes the importance of the Board's investigation and recommendations and remains committed to maintaining biodiversity within forest ecosystems in British Columbia.

Please find below the ministry's responses to each of the Board's four specific recommendations:

**Recommendation #1: The Ministry should promptly complete, and implement as legal direction under FRPA a landscape unit plan for the Nahmint that provides clear objectives for mature and old forest and rare ecosystems and make it consistent with Nahmint's designation as a High Biodiversity Emphasis landscape unit.**

The ministry agrees with this recommendation. Ministry staff in the South Island Natural Resource District is currently working on a Landscape Unit Plan for the Nahmint which is nearing completion, subject to First Nations consultation and public review and comment. The ministry believes the proposed old growth management areas (OGMAs) in the new Landscape Unit Plan will achieve the Vancouver Island Land Use Plan Higher Level Plan Order (HLPO) old growth representation requirements by variant and site series, including emphasizing the retention of regionally rare and under-represented ecosystems in the Nahmint Landscape Unit.

**Recommendation #2: BCTS should amend its 2017 West Coast Forest Stewardship Plan to be consistent with the Vancouver Island Land Use Plan Higher Level Plan Order.**

The ministry agrees with this recommendation. BC Timber Sales (BCTS) has drafted a new Forest Stewardship Plan strategy for HLPO Objective 4<sup>1</sup> which will be consistent with the new Nahmint Landscape Unit Plan noted above, and fully consistent with the HLPO. This new strategy will be included in BCTS' updated FSP. BCTS plans to submit this replacement FSP to the District Manager for approval prior to its current FSP expiring in April 2022. Until the replaced FSP is approved, BCTS will adhere to the new Nahmint Landscape Unit Plan and will not develop timber in areas that would place rare and underrepresented site series in deficit in the Nahmint Landscape Unit.

**Recommendation #3: BCTS should assess its operations for site level representation of old forest, and ensure that it is not developing or selling timber sales that contain old seral forest in site series that may be below the interim targets until a landscape unit plan is approved.**

The ministry agrees with this recommendation. BCTS has assessed its operations and will not be developing or selling timber sales in old and mature forest on site series where they are inconsistent with the targets established in the new Landscape Unit Plan that is anticipated to be finalized in 2021.

**Recommendation #4: The Ministry should examine legislation and identify a mechanism to allow FSPs to be reviewed, and potentially corrected, if they are found to be inconsistent with government objectives, including the ability for the Forest Practices Board to appeal an FSP approval to the Forest Appeals Commission.**

The ministry has a combination of existing legal tools, policy and guidance which enable districts to hold licensees accountable to achieve FRPA objectives as outlined in their FSPs. Under the *Bill 21 – Forest & Range Practices Amendment Act*, there are new provisions in place to limit the maximum term of an FSP and FSP extensions. This will enable the ministry to revisit and update FSPs more frequently, ensuring FSPs are regularly reviewed for consistency with objectives.

Further, the ministry is currently exploring different options to allow FSPs to be corrected after the approval decision if, and when, they are found inconsistent with government objectives, including the ability for the Board to appeal an approval to the Forest Appeals Commission during the entire term of FSP rather than only during the first 60 days following an approval. In the 'Intentions Paper' ([Modernizing Forest Policy in British Columbia](#)) released on June 1,

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<sup>1</sup> Maintain late-successional habitat elements and attributes of biodiversity in forested 341 ecosystems with emphasis on regionally rare and underrepresented ecosystems, by retaining old seral forest at the site series/surrogate level of representation.

2021, the ministry has committed to “continuing to improve the *Forest and Range Practices Act*”. This may include legislative and/or regulatory amendments that could be brought forward at a future legislative session. In the shorter term, the ministry is committed to explore policy opportunities to address this recommendation.

In summary, the ministry agrees with all recommendations in this report. The ministry believes that once the new Nahmint Landscape Unit Plan is approved and BCTS’ FSP is replaced, protection of biodiversity and old growth values in the Nahmint Landscape Unit will be strengthened. This will also enhance BCTS’ existing FSP strategies, including reserving regionally rare and under-represented ecosystems at the site series level within or adjacent to cutblocks. I also want to share that while the ministry agrees with the Board’s recommendations, we do not agree with the Board’s methodology. This methodology that resulted in a finding of 10 site series deficits did not use nor fully examine the best available information. The ministry believes that the current state of old and mature forests in the Nahmint Landscape Unit, including within these ten site series, all but one<sup>2</sup> exceed the requirements of the HLPO.

We would be pleased to discuss any element of our response in more detail. Please contact Craig Sutherland at [Craig.Sutherland@gov.bc.ca](mailto:Craig.Sutherland@gov.bc.ca) to arrange a meeting.

In closing, I would like to reiterate the ministry’s appreciation for the Board’s comprehensive review and insightful recommendations. The ministry is committed to managing for Old Growth and biodiversity values, and looks forward to continuing to work with the Board on improving forest practices in BC.

Sincerely,



Jeff Sheldrake  
Acting Assistant Deputy Minister  
Coast Area

pc: Diane Nicholls, Assistant Deputy Minister, Chief Forester, Office of the Chief Forester  
David Muter, Assistant Deputy Minister, Resource Stewardship Division  
Matt Austin, Assistant Deputy Minister, Integrated Resource Operations Division  
Craig Sutherland, Assistant Deputy Minister, Coast Area  
Ray Luchkow, Executive Director, BC Timber Sales  
Sharon Hadway, Regional Executive Director, West Coast Region, Coast Area

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<sup>2</sup> The CWHvm1(14) site series was logged pre-VILUP; as a result, does not meet targets set by the FPB and therefore recruitment area is required in younger forest.

Allan Powelson, Director, Sustainability and Forestry, Associate Deputy Minister's Office

Rachael Pollard, Acting Director, Resource Practices Branch

Rhonda Morris, District Manager, West Coast Region, Coast Area

Don Hudson, Timber Sales Manager, Coast Area

Leith McKenzie, Acting Manager, Sustainable Resource Management, Resource Practices Branch



# Forest Practices Board

File: 97250-20/18047

October 15, 2021

## VIA Email

Jeff Sheldrake  
Acting Assistant Deputy Minister, Coast Area  
Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
PO Box 9352, Stn Prov Govt  
Victoria BC, V8W 9M1

Dear Jeff Sheldrake:

### **Re: Government's response to recommendations - Complaint Investigation 18047**

Thank you for your September 15th, 2021 letter responding to the four recommendations made by the Board in its *Compliance with Biodiversity Requirements in the Nahmint Watershed* complaint investigation report.

The Board appreciates government's clear statement that it agrees with all four recommendations, and its commitment to maintaining biodiversity in BC's forests.

We understand that government has nearly completed a landscape unit plan for the Nahmint and that it will reflect the requirements of the Vancouver Island Land Use Plan Higher Level Plan Order (HLPO). Further, BCTS is preparing a new forest stewardship plan (FSP) that will be consistent with the HLPO, and it will not develop or sell timber in old and mature forest on site series if inconsistent with the new landscape unit plan. Once these actions are implemented, we are satisfied that government will have addressed the first three recommendations.

The Board's fourth recommendation was aimed at finding a way to correct errors when approved FSPs are found to be inconsistent with government objectives. We appreciate that a quick fix through legislation is not realistic, and that an appropriate first step is to examine options.

Jeff Sheldrake  
October 15, 2021  
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The board requests that the Ministry provide us with an update when the landscape unit plan is complete and on the results of the review of options to allow for the correction of FSP's.

While we will continue to monitor government's progress on implementing the Board's recommendations, we now consider the file closed.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kevin Kriese', with a long horizontal line extending to the right.

Kevin Kriese  
Chair

cc: Diane Nicholls, Assistant Deputy Minister, Chief Forester, Office of the Chief Forester  
David Muter, Assistant Deputy Minister, Resource Stewardship Division  
Matt Austin, Assistant Deputy Minister, Integrated Resource Operations Division  
Craig Sutherland, Assistant Deputy Minister, Coast Area  
Ray Luchkow, Executive Director, BC Timber Sales  
Sharon Hadway, Regional Executive Director, West Coast Region, Coast Area  
Allan Powelson, Director, Sustainability and Forestry, Associate Deputy Minister's Office  
Rachael Pollard, Acting Director, Resource Practices Branch  
Rhonda Morris, District Manager, West Coast Region, Coast Area  
Don Hudson, Timber Sales Manager, Coast Area  
Leith McKenzie, Acting Manager, Sustainable Resource Management, Resource Practices Branch

Message sent on behalf of James Proteau:

Good afternoon Keith Atkinson,

I am writing to advise that the Nahmint Land Use Objectives Order establishing Old Growth Management Areas and Landscape Unit plan has been approved, effective July 13, 2023. This endeavour was undertaken as part of Recommendation #1 in complaint investigation #18047, *Compliance with Biodiversity Requirements in the Nahmint Watershed* (May 2021).

More information is available here:

[South Island District Landscape Unit Plans - Province of British Columbia \(gov.bc.ca\)](https://www.gov.bc.ca/south-island-landscape-unit-plans)

Spatial updates into GeoBC is in queue for updates anticipated for mid-July. Please feel free to contact me if you have any questions or concern.



Regards,

**ALLISON CHEN, RPF** (she/her)  
Land and Resource Specialist,  
South Island Natural Resource District

Phone: (250) 736-6818  
[allison.chen@gov.bc.ca](mailto:allison.chen@gov.bc.ca)



File: 97250-20/18047

August 8, 2023

VIA EMAIL

James Proteau  
District Manager  
South Island Natural Resource District  
4885 Cherry St.  
Port Alberni BC V9Y 8E9  
James.Proteau@gov.bc.ca

Dear James Proteau:

**Re: Nahmint complaint investigation - Response to recommendation**

Thank you for your July 14, 2023 email responding to the first recommendation the Board made in its 2021 report *Compliance with Biodiversity Requirements in the Nahmint Watershed*.

The Vancouver Island Land Use Plan and the Vancouver Island Higher Level Plan Order established the Nahmint as a special management zone and provided specific direction for biodiversity. Important details to guide implementation were to be addressed in more detailed landscape unit planning, but that was never completed.

The Board highlighted the urgency in addressing that situation as some ecosystems were already at or below the targets for old forest. It recommended that the Ministry promptly complete and implement a landscape unit plan for the Nahmint that provides clear objectives for mature and old forest and rare ecosystems, and to make it consistent with Nahmint's designation as a high biodiversity emphasis landscape unit.

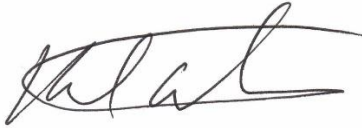
The Board is pleased to learn that the Ministry has fulfilled this recommendation by completing the *Nahmint Landscape Unit Plan June 29, 2023* and the *Order Establishing Objectives for Nahmint Landscape Unit – 2023*.



James Proteau  
August 8, 2023  
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We understand that this important and complex work took a significant effort and we would like to recognize the good work done by your staff to ensure that the Nahmint is managed consistent with its designation as a special place.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Keith Atkinson", written over a light blue horizontal line.

Keith Atkinson  
Chair