



August 15, 2023

Re: Request to appeal the district manager's decision approving amendments to BC Timber Sales' forest stewardship plan

This is an open letter response to a request from a member of the public to appeal a decision made by government.

Background

In July 2023, the Forest Practices Board (the "Board") received a request from a member of the public to appeal a district manager's approval of amendments to BC Timber Sales' Okanagan Columbia Forest Stewardship Plan (2018-2023) ("FSP") to the Forest Appeals Commission ("Commission"). The Board has the authority under the FRPA to appeal certain government decisions to the Commission, including the approval of amendments to an FSP.

The FSP amendments relate to a 1996 order establishing the Rose Swanson Mountain area as a sensitive area (the "Order"). The Order established four objectives for the sensitive area:

- Maintain and enhance trail network for use by recreationalists
- Protect visual quality of area
- Maintain recreation values by limiting timber harvesting to low impact silvicultural systems
- Protect area against vandalism and timber theft

Starting in 1995, representatives of the Ministry of Forests, in consultation with local stakeholders, discussed the best long-term strategy for the area and, in 1996, established a management plan ("Management Plan"). In broad terms, the Management Plan contemplated that timber harvesting will occur in the Rose Swanson Mountain area while preserving and enhancing recreation opportunities. The Management Plan recommended that the government establish the sensitive area and objectives described above. The Management Plan also included one or more strategies for each objective and recommended that the government establish certain visual quality objectives for the Rose Swanson Mountain area.

The Management Plan, which never had legal status¹, was cancelled in 2006 in accordance with a provision within it and a new management plan has not been established since. Although

¹ Management plans do not have legal status unless the government issues an order giving them, or parts of it, legal status

cancelled, the Board considers the Management Plan to be relevant and helps everyone better understand the meaning of each objective and matters that were important to the public at the time.

The Forest and Range Practices Act (“FRPA”) requires BC Timber Sales to include results and strategies in its FSP that are consistent with the objectives in the Order. In 2021, the Board investigated a complaint and concluded that BC Timber Sales’ FSP did not include results or strategies that were consistent with the objectives in the Order [[CLOSING LETTER - Rose Swanson Mountain \(bcfpb.ca\)](#)]. After the Board’s investigation, BC Timber Sales proposed amendments to its FSP by adding results and strategies that focus on the objectives in the Order and, in June 2023, the district manager approved the amendments.

BC Timber Sales’ FSP is publicly available [[Okanagan-Columbia Forest Stewardship Plan \(gov.bc.ca\)](#)] and the relevant results and strategies are on pages 47-48 and 54-58. Appendix I-1 (pages 122-124) includes additional information that is relevant to the results and strategies on pages 54-58. A copy of the Order and Management Plan are also in Appendix I-1 (pages 125-141).

Analysis and discussion

In the Board’s view, BC Timber Sales’ results and strategies represent a reasonable balance between timber harvesting and preserving recreation activities and values in the Rose Swanson Mountain area.

Describing the Board’s thorough analysis of BC Timber Sales’ results and strategies is beyond the scope of this letter. The paragraphs that follow, in a general way, summarize and describe what the Board thinks about the key results and strategies in BC Timber Sales’ FSP.

BC Timber Sales’ results and strategies divide the Rose Swanson Mountain area into Zone 1 and Zone 2 with timber harvesting restrictions that apply to each zone. This is consistent with the proposal that the group who made the Management Plan had in 1996.

Zone 1 includes the main trails and the timber harvesting restrictions that apply to this area should result in little to no impact to recreation in this area. Under BC Timber Sales’ results and strategies, no timber harvesting will occur within 100 metres of Zone 1, except timber harvesting necessary for sanitation and salvage. The Board notes that the results and strategies applicable to Zone 1 go beyond what the Management Plan proposed (ie: no timber harvesting within 100 metres of a trail in Zone 1).

Timber harvesting can occur in Zone 2 but the harvesting will be limited to low-impact silviculture systems and a maximum of 50% of the basal area can be harvested within 15 metres of a Zone 2 trail. It is important to note that BC Timber Sales defined a Zone 2 trail in the FSP as “a trail used predominantly for recreational purposes that is currently established on old resource roads or harvesting trails, and includes sections of existing trails that are used to connect portions of these old road or harvesting trails.” Some trails in Zone 2 fall outside of this definition and will not benefit from the timber harvesting restrictions that apply to Zone 2 trails.

BC Timber Sales will be required to consider input from the public when it plans to harvest timber. BC Timber Sales committed, in its results and strategies, to refer timber harvesting plans to the public for input at least 120 days before starting the work.

Results and strategies that existed in BC Timber Sales’ FSP before these amendments already addressed the potential visual impact of timber harvesting, especially from outside of the area. These results and strategies included a commitment to achieve the visual quality objectives (“VQO”) that apply to the Rose Swanson Mountain area. In addition to results and strategies described in this paragraph and the two previous paragraphs, above all, BC Timber Sales will be limited to harvesting a maximum of 5% of the timber harvesting land-base in any 10-year period, with exceptions for wildfire and forest health issues.

BC Timber Sales’ results and strategies also include a range of commitments meant to minimize the impact from its road use and construction in the Rose Swanson Mountain area. Some of these commitments also relate to preventing unauthorized access, timber theft and vandalism in the area.

The Board considered whether the proportion of Zone 1 and Zone 2 that BC Timber Sales designated in its mapping is consistent with the Order. The Management Plan proposed 34% of the area being Zone 1 and BC Timber Sales designated about 20% of the area as Zone 1. Although it is not relevant to whether the results and strategies are consistent with the Order, it is notable that BC Timber Sales voluntarily included Zone 1 and Zone 2 areas that are outside of the Rose Swanson Mountain area designated in the Order. It is also notable that BC Timber Sales’ results and strategies for Zone 1, as described above, restrict timber harvesting more than proposed in the Management Plan.

The main difference between Zone 1 proposed in the Management Plan and Zone 1 in BC Timber Sales’ FSP is that the latter does not include a trail from the main trails in the eastern part of the Rose Swanson Mountain to Mt. Swanson and beyond to the western boundary. The Board learned from a local trail society that a trail does connect the summit of Mt. Rose to Mt. Swanson, although the Board understands that this is not a widely used trail that would

warrant the timber harvesting restrictions that other more popular trails have. This particular area was not part of BC Timber Sales' original harvesting plans. If its plans change and BC Timber Sales plans to harvest timber in this particular area, the public will have an opportunity to comment on the importance it places on this trail.

The Board also considered whether the definition of a Zone 2 Trail was consistent with the Order. That definition is reproduced in a paragraph above and excludes trails that fall outside of the definition. The Board confirmed with a local trail society that BC Timber Sales' trail map in the FSP includes almost all of the trails in Zone 2 but not the one described above between Mt. Rose and Mt. Swanson. BC Timber Sales' results and strategies do not provide specific timber harvesting protection for this trail or any others not depicted in BCTS's map. Nonetheless, BC Timber Sales' commitment to achieving the applicable VQOs, to harvesting a maximum of 5% of the area in any ten-year period, and to using low-impact silviculture systems, which prohibits clear cutting, will all contribute to reducing the impact of timber harvesting throughout the Rose Swanson Mountain area, including areas in Zone 2 that are outside of the definition of a Zone 2 trail.

Conclusion

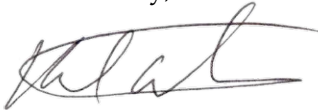
The Board has decided not to file an appeal of the district manager's decision. In coming to this decision, the Board considered both the merits of an appeal and whether the public interest calls for an appeal. The Board considers a range of factors when deciding if the public interest calls for starting an appeal ([MANDATE POLICY - Review and Appeal \(bcfpb.ca\)](https://www.bcfpb.ca)).

The Board's decision here to not file an appeal is based on its analysis that there is not enough merit to an appeal. The Board's analysis indicates that the Commission would likely conclude that the results and strategies in BC Timber Sales' FSP are consistent with the objectives in the Order, to the extent required under FRPA. If the Board had found that there was sufficient merit to an appeal, the Board's public interest test for appealing would have been met.

The request for the Board to appeal the district manager's decision has confirmed for the Board that the local community has a significant interest in the future of the Rose Swanson Mountain area with many people opposed to any timber harvesting there. A local government, multiple non-profit groups and other individuals are focusing their efforts on protecting the Rose Swanson Mountain area. Thousands of people use the area each year for a range of activities including hiking, mountain biking, equestrian, summer and winter motorized sports, snowshoeing, wildlife viewing and others.

The government has an opportunity now to address the public's concerns by developing a new management plan that takes the local community's knowledge and input into account. The Board understands that there is an interest in long-term planning for the area. The Management Plan contemplated appropriate changes being made to the plan or a new plan being developed to reflect up-to-date perspectives on the issues. Neither of these steps took place and, as a result, the Management Plan was automatically cancelled in 2006. A new management plan that reflects the public's current perspective would be valuable to give clear meaning to the objectives in the Order.

Yours truly,

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

Keith Atkinson
Chair, Forest Practices Board