

Sunshine Coast Conservation Association comments on the 2006 Forest Stewardship Plan of Sechelt Community Projects, Inc.

Introduction and Background

Sechelt Community Projects, Incorporated (SCPI), is the newest logging license holder on the Sunshine Coast and is wholly owned and operated by the District Municipality of Sechelt. There are many sensitive and ecologically important lands within its operating areas including the Chapman and Gray *Watershed Reserves*, which provide 23,000 people with drinking water. The Sunshine Coast Conservation Association and many other citizens groups and other municipal governments, objected to the establishment of this “Community Forest” on the grounds that adequate and meaningful consultation with the public and public stakeholders did not take place.¹

Under the new Forest and Range Practices Act, SCPI is required to have an approved Forest Stewardship Plan (FSP) prior to start up of operations. The purpose of this paper is to provide input by examining the commitments made in this plan to see if they provide adequate management and conservation of the public’s environmental assets. We also wish to consider whether or not the level of environmental protection promised by the District of Sechelt during the approval process is reflected in the content of the FSP.²

FSPs and the Forest and Range Practices Act

The purpose of the new Forest and Range Practices Act (FRPA) is to streamline the approval process for cut-blocks while maintaining the environmental protections of the province.³ FRPA is a results-based code, meaning that government sets goals and objectives and licensees develop strategies to achieve the required results. The FSP is the document in which licensees outline these strategies and commit to measurable results which then become legally entrenched. Written strategies and results are mandatory for most of the goals and objectives of government. An FSP must also detail how compliance with government orders, notices and higher level plans are to be achieved.

¹ See the Community Forest Briefing Note and the SCCA submission to the Minister’s Community Forest Advisory Committee on the SCCA website; www.thescca.ca

² Sechelt Mayor Cam Reid frequently asserted that the purpose of the community forest was to achieve a higher level of environmental protection and stewardship than that practiced by private licensees.

³ Statements to this affect we made repeatedly by the Minister of Forests in the legislature and in numerous government press releases and publications.

An FSP may opt to use default results (specified in the Forest Planning and Practices Regulations) instead of developing strategies and results of its own. Default strategies and statements of intent to comply with government orders and notices are the minimum requirements needed to make an FSP approvable. FRPA states that if the minimum requirements of Section 5⁴ of the act are met, the FSP *must* be approved. Virtually everything in FRPA is qualified by the phrase “...without unduly restricting the flow of timber from crown lands...”. In other words, all forest values are secondary to timber supply considerations, under the FRPA regulatory regime.⁵ This does not mean that environmental protections can not be created, just that these protections must be considered in the context of impact to timber supply.

It is important to note that an FSP is not restricted to the “minimum requirements” of the Act. A licensee may choose to write strategies and results for any environmental value and may exceed the minimum requirements of the Act as well as the minimum indicators of government notices, if it so chooses⁶. Licensees also have the right of direct appeal to the Forest Appeals Commission if they believe that any decision of the Ministry of Forest and Range, in regard to their license, was made in error.

In essence, the holder of a forest tenure has considerable latitude to establish measures of environmental stewardship in an FSP. Whether or not a licensee exercises these rights, is a matter of choice. The public is entirely justified in holding the District of Sechelt and its consultants, accountable for the contents of SCPI’s Forest Stewardship Plan.⁷

Results and Strategies: Old Growth

Section 1.5.1.1 of this FSP⁸ relates to the government order requiring that a small inventory of old growth be maintained on a landscape unit level. We note that the FSP

⁴ Section 16 of FRPA says “the minister must approve a forest stewardship plan or an amendment to a forest stewardship plan if it conforms to section 5.”

⁵ The term “unduly restricting” is not defined in FRPA or any other relevant legislation.

⁶ The BC Government publication, *FSP Guidebook*, outlines the proper procedures and requirements for writing verifiable strategies and measurable results. These guidelines constitute a major policy statement on implementation of FRPA. It is available on line at the Ministry of Forest and Range website.

⁷ The District of Sechelt owns SCPI and maintains a majority on its board of directors. The public has no direct control over SCPI other than through municipal electoral process.

⁸ I am referring to government’s *Order Establishing Provincial Non-Spatial Old Growth Objectives*.

commits only to meeting the minimum indicators required by law. As noted above, the FSP could set higher standards of old growth retention as long as these measures do not “unduly” impact the flow of timber.

We note that old growth retention is a critical component of biodiversity protection in BC’s forests and that the original guidebooks supporting the Forest Practices Code called for much higher levels old growth retention than are required by the current government order. It is also important to note that even the currently required minimum levels of old growth retention have, in many cases, been impossible to meet because of excessive harvesting in the past. All the low elevation ecosystems in the community forest’s operating area⁹ are in old growth deficit condition.

Considering that veteran trees¹⁰ are the only old growth elements left throughout much of the low and mid-elevation landscape¹¹, it is entirely reasonable to take steps to protect them. We suggest that the FSP be amended to require 100% veteran tree retention, unless these trees pose a genuine risk to worker safety. As well, a clear commitment not to harvest any stands or remnants stands of old growth in the low and mid-elevation ecosystems is clearly warranted.

Results and Strategies: Wildlife

The Government’s goal and objective for wildlife (the Wildlife Order) is, without unduly reducing the flow of timber, to insure the survival of species-at-risk and regionally significant wildlife. The Wildlife Order provides *indicators* of the minimum amounts of land required for this purpose. There is no claim in FRPA or its associated policy that these amounts are actually sufficient to ensure the survival of any of the identified species and there is no prohibition against strategies and results that exceed the minimum indicators as long as these measures do not unduly restrict timber supply.

⁹ Coastal Western Hemlock- dry maritime (CWHdm) and extra dry maritime (CWHxm) ecosystems currently have inventories of less than 3% old growth. The old growth order calls for 9% retention. These forest types are among the most biologically diverse in Canada.

¹⁰ Veteran trees on the Sunshine Coast trees, generally speaking, are those that survived the major fires between 1870 and 1910.

¹¹ In the situation that insufficient old growth is available to meet Landscape Unit retention targets, the general practice is “recruit” from younger age classes. In making Old Growth Management Area selections, priority should be given to the next oldest stand, ie, if no Age Class 9 exists, then Age Class 8 stands should be selected. In terms of old growth inventories in SCPI’s operating area, any remaining Age Class 8 stands in the CWH dm or xm ecosystems, should be protected as OGMA. If this is not the case, the Landscape Unit Plan should be amended.

The SCPI FSP does not commit to protective measures of any species identified as at-risk or as regionally significant, beyond the minimum indicators specified in the Wildlife Order. As well, the FSP claims that because other licensees have indicated that they will seek Wildlife Habitat Area designations, this FSP does not need to develop strategies and results of its own in regard to several species. The following is a general description of measures that can be taken in this FSP to meet the goals and objectives of government for wildlife.

Marbled Murrelets.

This species is recognized, both federally and provincially, as critically imperiled and threatened.¹² It is an offence under several federal statutes to take, kill, harass or destroy or disturb the residence of this species in any way whatsoever.¹³ Even the accidental destruction of a residence (nest) is an offence, unless a permit for such is issued. The Marbled Murrelet is known to occur in SCPI's operating area.

The best currently available scientific information on the needs of this species has been assembled by the federal Marbled Murrelet Recovery Team (MMRT). The recommendations of this body call for much greater amounts of land to be protected than the minimum indicators of the Wildlife Order. Consequently, it is reasonable to expect this FSP to exceed the minimum requirements of the provincial order.

We recommend that the SCPI FSP commit to "meeting the goals and objectives of government for wildlife" by adopting a strategy, in its FSP, of not proposing logging or road building in any Class I, II or III Marbled Murrelet nesting habitat. This strategy would also be consistent with the recommendations of the Forest Practices Board.¹⁴ Note that measures to comply with federal statutes, Forest Practices Board and MMRT recommendations could not possibly be considered as "unduly restricting the flow of timber....".

Tailed Frogs.

¹² This species is listed on Schedule 1 of the federal Species-At-Risk Act (SARA) as *threatened* and is also listed provincially as *threatened* at the BC Conservation Data Tracking Center.

¹³ SARA and the Migratory Birds Convention Act as well as the provincial Wildlife Act carry the noted prohibitions.

¹⁴ The Forest Practice Board is the public's independent forest industry watch dog. Complaint findings, special reports, audits and investigations can found on its website: www.fpb.bc.ca

The approach to conservation of the Tailed Frog¹⁵ in this FSP is similar to that taken in regard to the Marbled Murrelet. The stated assumption is that the planned protection of a small parcel of land in BC Timber Sales' operating area near Roberts Creek satisfies the Wildlife Order and releases all licensees from any obligation to Tailed Frog conservation anywhere in the timber harvesting landbase of the forest district. Whatever the legal implications of such a statement maybe, this position is ecologically absurd as it can not be said that this measure will "ensure the survival of the species".

A more respectable approach would involve a commitment to identify the streams that support Tailed Frog populations, determine where the core areas are and apply special management considerations to ensure that the most critical of these areas remain ecologically functional. This is not a radical idea; Terminal Forest Products also operates in the Sechelt Landscape Unit and has this level of inventory information for its operating areas. We recommend that SCPI satisfy the Wildlife Order by actually devising a strategy to ensure the survival of this species in the community forest operating area.

Queen Charlotte Goshawk

Again, the FSP evades responsibility for this species through reference to the planned efforts of other licensees. By establishing only the barest legal requirements of FRPA, SCPI is signaling the public that it intends to practice forestry that is less than mediocre.

Other species and plant communities at-risk

There are no strategies or results specified for any of the other listed species of the Identified Wildlife Management Strategy or any of the plant communities recognized as at risk by the province's Conservation Data Center or the Committee on the Status of Endangered Wildlife (COSEWIC). Considering that one of the main purposes of the Community Forest Initiative, as promoted by the District of Sechelt during the application process, was to achieve environmental protection, this minimalist approach to stewardship is entirely unacceptable.

Results and Strategies: Fisheries

This FSP states that there are no Fisheries Sensitive Watersheds designated in the

¹⁵ The Tailed Frog is a "blue listed" species on the Conservation Data Center and is also listed as a species of management concern by the federally mandated Committee On the Status of Endangered Wildlife in Canada (COSEWIC).

Sunshine Coast Forest District and declines to establish any strategies and/or results for fish beyond the minimum requirements for riparian management in the Forest Planning and Practices Regulations. This approach is consistent with the minimum legal requirements of Section 5b of FRPA as there are no “fisheries sensitive watersheds” designated in the SCFD. Considering such major fish-bearing rivers as the Brittain, Deserted, Skwawka, Tzoonie, etc., that were once major contributors to the fishing industry and now have only residual runs, this a disturbing situation. There are a number of important salmon and cutthroat streams within the SCPI operating area, including the Angus, Chapman, Gray and Wilson creeks, yet no results or strategies are incorporated in the FSP for these drainages. Wilson Creek is of particular concern.

In 2001, logging was stopped in the Wilson Creek watershed, pending completion of a Coastal Watershed Assessment Procedure.¹⁶ This watershed was becoming hydrologically unstable because of excessive harvesting. At the time, the district manager was obligated under law to ensure that all forest values were being “adequately managed and conserved”¹⁷. Today, under the new legislation contained in FRPA, neither the district manager nor SCPI have this legal obligation. It is noteworthy that since 2001, private land owners have logged large tracts in this watershed and have probably aggravated the threat to fish.

In the absence of a specific commitment in this FSP, there are no legal conditions limiting the scale of disturbance in the Wilson Creek watershed. We note that the draft Operational Plan identifies numerous areas for new harvesting in this watershed. This is simply not acceptable.

We recommend that SCPI develop verifiable strategies outlining measurable results for all the salmon and cutthroat bearing streams of the SCPI landbase. At the very least, this should include a Coastal Watershed Assessment Procedure for Wilson Creek.

Results and Strategies: Community Watersheds

The goals and objectives of government for management of community watersheds is to protect publicly owned water treatment plants and human health , from “materially

¹⁶ Forest Development Plan approval letter from MoF District Manager Greg Hemphill to Interfor, July 10 2001: “prior to proposing future development in the Wilson Creek watershed a CWAP must be carried out”.

¹⁷ The Preamble as well as Section 41-b of the original Forest Practices Act established these broad obligations to conservation. The current act, FRPA, contains no such requirement.

adverse impacts” of logging and road building, unless this unduly restricts the flow of timber from BC forests. Almost anyone, on a moments reflection, can see that this goal and objective is seriously flawed, legally suspect and an affront the principals of democratic and administrative justice. We know of no part of the FRPA regulatory system that begs for strategies that exceed the minimum legal requirements, more than this.

The idea that an industrial interest could be established in law to take priority over the broad public interest in drinking water protection is deeply disturbing. Fortunately, the writers of this FSP are not restricted to the minimum requirements of Section 5 of FRPA. In fact, a precedent has already been set that establishes the right of the license holder to undertake measures to correct this situation.

In Interfor’s approved FSP for the Sunshine Coast Forest District, there is a strategy to achieve the goals and objectives of government for community drinking watersheds by not proposing logging or road building in 6 community drinking watersheds. The fact that the Interfor FSP was approved clearly shows that this strategy is acceptable and does not “unduly restrict the flow of timber”.

As well, it is important to note that a major agreement between the Sechelt Indian Government and the Sunshine Coast Regional District that relates to governance of the drinking watersheds was signed October 1, 2005: the Joint Watershed Management Agreement. The owner of the probationary community forest license, the District of Sechelt, is a signatory to this agreement, which strongly implies that SCPI can not undertake an activity in the Chapman and Gray watersheds without first securing the agreement of the Joint Watershed Management Committee, as specified in the signed agreement.

We suggest that, for the purpose of establishing a measure of protection for the public’s resources, equity and safety, that SCPI satisfy the goals and objectives of government for community drinking watersheds by adopting the strategy of not proposing logging or road building in the Chapman or Gray community watersheds during the term of the probationary license.

Summary

The managers of the District of Sechelt’s Probationary Community Forest Agreement have chosen, in its Forest Stewardship Plan, to adopt the barest legally enforceable levels of environmental stewardship permissible under the Forest and Range Practices Act. This

outcome is in stark contrast to the frequent assurances given by the District of Sechelt to the public during the application process, that the purpose of the Community Forest Initiative was to achieve environmental protection. Instead of achieving environmental protection in the areas that are critical for the well being of Sunshine Coast communities, District of Sechelt consultants have established an FSP containing the lowest standard of environmental stewardship of any licensee in the Sunshine Coast Forest District. We believe that the people of the Sunshine Coast deserve better than this.