

SCCA complaint to the Forest Practices Board re/ Failure to Protect Biodiversity in the SCFD - March 9, 2000

To: The Forest Practices Board
P.O. Box 9905, Stn Prov Gov't
Victoria, British Columbia
V8W 9R1

Notice of Complaint

Re/ Failure of the District Manager to conserve biodiversity in the Sechelt Supply Block of the Sunshine Coast Forest District.

March 9, 2000

Daniel Bouman Linda Williams
Directors of and acting for the
SUNSHINE COAST CONSERVATION ASSOCIATION
P.O. Box 1969
Sechelt, BC V0N 3A0

Grounds for Complaint

At the December 15th public presentation of Interfor's 2000-2003 Forest Development Plan for FL A19220 in the Sechelt Supply Block, members of the Sunshine Coast Conservation Association became aware that in 1999 the District Manager of the Sunshine Coast Forest District (SCFD), Greg Hemphill, had given a number of Category A approvals in areas of extreme old growth deficit and in areas of extreme sensitivity for wildlife. Subsequently, we requested from the Fish and Wildlife Habitat Branch of the Ministry of the Environment Lands and Parks copies of their recommendations in these areas. It is apparent from successive years of these referrals that the recommendations of competent and duly authorized wildlife managers, representing Forest Practices Code minimum requirements to protect biological diversity, have been entirely disregarded.

Specifics of the Complaint

Our complaint is that the District Manager of the Sunshine Coast Forest District has consistently failed to consider relevant information critical to discharging his duties under Section 41(3) and the relevant sections 41(1)a and 41(1)b of the Forest Practices Act. Section 41(3) requires that the District Manager is satisfied that all other forest values are adequately conserved in the area to which the plan applies, before approval is granted. He also failed to act reasonably with regard to a wildlife management plan or strategy for the protection of ungulate winter ranges requested by Designated Environment Officials. The District Manager also failed to give "known" status to ungulate winter ranges in order to have the Chief Forester and the Deputy Minister of MELP invoke Section 69 of the

Operational Planning Regulation of the FPC Act. This blind-eye approach to ungulate winter range management will have immediate and serious repercussions for existing ungulate populations within the Sechelt Supply Block.

There are 4 specific areas that we believe illustrate the District Manager's failure to comply with the noted obligations:

1. Seral stage distribution and relative percentages by natural disturbance type (as set out in the FPC Biodiversity Guidebook) is a moderate, exhaustively negotiated coarse filter approach to conserving biodiversity at the landscape and stand levels. Despite this, Category A approvals have been granted in biogeoclimatic subzones, known by the District Manager, to currently retain less than the lowest target thresholds of old growth which are recognized by the Biodiversity Guidebook to be the minimums required to protect biodiversity at this planning level. Specific cutblocks are noted on the attached list (Appendix A). Some blocks are in subzones retaining as little as 0.8% old growth.
2. Old Growth Management Areas (OGMA) are a basic component of the landscape level biodiversity strategy outlined in the Biodiversity Guidebook. The pattern of Category A approvals is rendering a large number of OGMA candidates useless for their intended purpose. Specific examples are provided in the attached list (Appendix B).
3. As part of the Identified Wildlife Management Strategy, candidate Wildlife Habitat Areas (WHA) have been mapped by MELP throughout the SCFD. Protection of Marbled Murrelet nesting habitat is one of the main goals of this strategy. Marbled Murrelets are provincially, nationally and internationally significant but have now been placed at extreme risk of extirpation in the SCFD. The attached list of approved cutblocks and their locations details 83 Category A cutting approvals in Marbled Murrelet WHA candidates (Appendix C).
4. Protection of critical Mountain Goat winter range is absolutely necessary for the survival of the species. Wildlife habitat specialists have expended considerable effort to identify these critical areas. Critical goat winter range cannot co-exist with any form of timber harvesting, yet the District Manager has granted 29 gated approvals in critical goat winter ranges within the Sechelt Supply Block of the SCFD. The same pattern applies to the very limited amount of critical deer winter habitat which remains. A list of these blocks and their locations is attached (Appendix D).

There are a total of 128 Category A approved cutblocks noted in the Appendices.

Steps Taken to Try to Solve the Problem

Almost all of the individual members and member groups which comprise the SCCA have, over the past decade, participated in the public reviews of Forest Development

Plans and have submitted numerous briefs and perspectives to Interfor, MoF, and MELP not one of which has ever received any serious consideration. We have also endeavored to participate in public processes and policy reviews. We have responded to Timber Supply Reviews 1 and 2 with our concerns about the AAC and its effect on local ecosystems and wildlife populations. It is reasonable to say that we have responded to every opportunity given the public for participating in local forest use planning.

The SCCA reviewed Interfor's 2000-2003 FDP and expressed its concerns in writing to the appropriate personnel. We requested that Interfor voluntarily withdraw from all candidate Wildlife Habitat Areas, all documented critical deer and goat winter range, and all severe old growth deficit situations and candidate Old Growth Management Areas, pending implementation of landscape level planning and full compliance with the biodiversity guidelines of the Forest Practices Code Act of British Columbia. A copy of the letter is attached.

Additional Comments in Support of the Complaint

This complaint is directed toward the District Manager of the SCFD. It is the District Manager's legislated responsibility to ensure that all forest resources are adequately conserved in the area of his jurisdiction. Interfor also has obligations in law and could alleviate this situation. We are baffled as to why any member of the Registered Professional Foresters Association of British Columbia would affix their seal to Forest Development Plans which are clearly not in compliance with the intent of current legislation and are at variance with the assessments of the Designated Environment Official.

The District Manager currently has the necessary autonomy to act to conserve forest resources and is specifically protected from being fettered in making his decisions. The decision to give gated approval to Interfor's FL A19220 1999-2003 FDP is not consistent with legislated obligations to manage and conserve the forest resources of the area to which the plan applies. The District Manager has knowingly become an impediment to the orderly implementation of the minimum requirements for maintaining ecosystem functions and biodiversity as mandated by the Code and as described in the Biodiversity Guidebook.

We do not believe that the submitted list of cut blocks with Category A approvals are the exceptions to an otherwise exemplary record. **These approvals demonstrate a deliberate policy to preempt the purpose of the FPC Act by targeting for logging the lands that are the components of an integrated strategy of biodiversity conservation.** The District Manager is allowing the draw-down of old growth resources even though the draft landscape units have not been officially "assigned" the low biodiversity emphasis. As well, there are no mitigation strategies in place, as required by the current "draw-down" policy which applies in landscape units assigned the low BEO. Rare older, mature age classes 7 and 8, in old-growth deficit areas, are being targeted simultaneously.

The FPC Act recognizes minimum standards necessary for the protection of biodiversity. These minimum standards rest on a firm foundation of scientific evaluation and represent the commitments of government to maintain biodiversity and save species at risk from extirpation. The Biodiversity Guidebook states, within the section entitled "Establishing seral stage objectives for natural disturbance types", on page 14, that:

"This guidebook, while acknowledging the uncertainties, presents the minimum requirements considered to have a good probability of maintaining biodiversity within the landscape unit. It assumes that greater change from natural seral stage distributions would increase the risk to biodiversity, and less change would decrease the risk."

Given the minimum requirements for maintaining biodiversity at the landscape level as outlined in the Biodiversity Guidebook, the recently introduced policy allowing the draw-down of old seral forest in landscape units assigned the low BEO, creates an ethical dilemma.

Consider the Marbled Murrelet, which is provincially Red-listed and recognized nationally as a Threatened species. The federally sponsored Marbled Murrelet Recovery Team has established minimum standards for retention of Marbled Murrelet habitat which have been accepted by the Wildlife Habitat Branch of MELP. Unfortunately, Category A approvals in 50% of the WHA candidates of the SCFD virtually guarantee that this recovery strategy will fail.

Conclusion

Given the Preamble which establishes the intent of the Forest Practices Code of BC Act legislation and the Biodiversity Guidebook minimum requirements considered to have a good probability of maintaining biodiversity, we ask the Forest Practices Board to consider this complaint and, as well, to consider these questions.

1. Is it reasonable for the public to expect the District Manager to conserve biodiversity as directed by the FPC Act?
2. Does the pattern of Category A approvals relative to remaining options for conserving biodiversity in the Sechelt Supply Block of the Sunshine Coast Forest District constitute reasonable grounds for public concern?
3. Does the current policy of allowing draw-down of old seral forests, to below the minimum thresholds recognized in the Biodiversity Guidebook, conflict with legislated obligations to adequately conserve forest values?

Thank you for your consideration.

Daniel Bouman
Director SCCA

Linda Williams
Director SCCA

APPENDICES

Appendix A:

Category A cut blocks in areas of extreme old growth deficit where less than 1/3 of the target minimum exists.

The Chapman LU has 2.3% standing old growth in the CWHdm subzone. Interfor blocks 504, 505, 511 and 515 have Cat. A status.

The Sechelt LU has less than 2.7% standing old growth in the CWHdm. Interfor block 57 is also in an OGMA candidate.

Also note that there are at least three old growth Terminal Forest Products cut blocks in the Sechelt LU which have Category A status. Blocks 116-300, 116-505 (recently logged) are CWHdm and block 116-525 is CWHxm. There is less than 1.2% standing old growth of this type in the LU. (These blocks are currently under discussion with TFP representatives who indicate they may waive Category A status).

Appendix B:

Category A approved cut blocks in Old Growth Management Area candidates. Note that most of these candidates are in subzones containing less than the target minimums for standing old growth in the landscape unit. (Note also that block 151 was reserved for deer winter habitat by the MoF and Conservation Branch in 1979).

Sechelt Block 57

Chapman Blocks 151, 181 and 183

Jervis Blocks 11, 900, 901, 902, S515, S520, 9601, 9602, 9603, 9604, 9605, 9650, TR512 and TR517

Salmon Blocks 78, 319, 354, 60, 62, 351, 257 and 539

Skwawka Blocks H95, H96, L14, L6a, L20 and P20

Brittian L19 and N6

Appendix C:

Category A approved cut blocks in Wildlife Habitat Area candidates.

Chapman Blocks 121, 124, 145, 146, 186 and 187

Jervis Blocks 1, 3, 15, 16, 17, 20, 21, 24, 29, 33, 35, 36, 37, 38, 39, 43, 830, 833, 834, 835, 885, 900, 901, 902, 903, S501, S502, S506, 9611 and 9612

Narrows Blocks H11, H101, H111, H117, H119, H120, H121, H138, 19, 21, 60, 62, 77, 86, 88a, 88b, 102, 201a, 210, 315, 325, 337, 354, 371, and T3

Skwawka Blocks H86, H87, H88, H88a, H90, H91, L6a, L10, L12, L13, L14, L97, S18, S46, S48, S49 and S50

Brittian Blocks L16, N2, N3, N4 and N5

Appendix D:

Category A approved cut blocks in Critical Goat Winter Range and Critical Deer Winter Range.

Chapman Blocks 181, 183, 504 and 505

Jervis Blocks 43, 44, S504, S505 and S508

Narrows Blocks H142, 102, 303, 311, 315, 319 and 351

Skwawka Blocks H46, H88, H88a, H89, H90, H91, H93, P10, P11, S18, S45, S46, S48, S49, S50

Appendix E:

Letter from the Sunshine Coast Conservation Association regarding Interfor's 2000-2003 Forest Development Plan in the Sechelt Supply Block of the Sunshine Coast Forest District

Sunshine Coast Conservation Association
Box 1969, Sechelt, B.C. VON 3A0

February 14, 2000

International Forest Products Ltd.,
P.O. Box 381,
208-5760 Toreda Street,
Sechelt B.C.
VON 3A0

Att: Mike Hedburg, RPF, and Jeffrey W. Pollock, RPF

Dear Sir:

Re: Interfor's FDP for the Sechelt Supply Block

The Board and many members of the Sunshine Coast Conservation Association have conducted a thorough review of your current FDP for the Sunshine Coast Forest District. We are not satisfied that this plan complies with Sec. 41(1)b of the Forest Practices Code Act, which requires that all forest values be maintained. It is apparent that this plan does not comply with the minimum standards of the Biodiversity Guidelines, and will cause irreversible damage to a range of values such as critical ungulate winter range, Marbled Murrelet nesting habitat and community water resources. We are also very concerned about the pattern of proposals and approvals in severe old growth deficit areas, which reflects noncompliance with current Provincial policy and will preempt the benefits and purposes of landscape level planning.

We request that Interfor voluntarily withdraw from all candidate Wildlife Habitat Areas, all documented critical deer and goat winter range, and all severe old growth deficit situations and candidate Old Growth Management Areas, pending implementation of landscape level planning and full compliance with the biodiversity guidelines of the Forest Practices Code Act of British Columbia.

Thank you for your consideration.

Daniel Bouman, Director
Sunshine Coast Conservation Association

Appendix F:

SCFD Landscape Unit Planning Old Growth Distribution and Targets by BEC Unit -
September 18, 1998

Appendix G:

Letter to International Forest Products dated February 3, 2000 -
Outstanding Resource Management Concerns Regarding Category A Blocks Tabled by
Landscape Unit - Darryl Reynolds; FES; Fish, Wildlife and Habitat Protection, MELP