# NICCRD FMLT Meeting #27 – Minutes
## January 24, 2019 9:00 am – 12:15 pm
## NICCRD Office, 2217 Mine Road, Port McNeill

Dial-in Information: 1-877-353-9184; 7664179

Attendees – Jon Flintoft (Chair), Andrew Ashford, Shane Simard, Charlotte Mellstrom, Paul Barolet, Mike Desrochers, Cyndy Grant, Kim Lefebvre, Kai Sonnenburg, Joe Leblanc, Megan Hanacek, Terry Basso (by phone), Ione Brown (by phone), Jennifer Peschke (by phone), Amy Beetham (facilitator), and Jessica Garrick (guest)
Regrets: Blair Wriglesworth, Lisa Brown, Gary Gallinger, Tracy Ng, Ivan Tallio

**Welcome & Safety** – Andrew welcomed everyone to the 27th meeting of the NICC FMLT and completed a safety briefing.

1. **Review Agenda** – Jon reviewed the agenda. Joe expressed interest in fibre recovery zones being added to the discussion.

2. **Adopt November 1, 2018 Meeting Minutes and Review FMLT Action Items** –

Jon noted that the minutes were circulated December 4, 2018 (link below) with no comments received and are now adopted.

https://www.for.gov.bc.ca/ftp/RCO/external/!publish/FMLT%20Publish/North%20Island%20Central%20Coast/November%201,%202018%20FMLT%20Meeting%20Minutes/November%201%202018%20NICC%20FMLT%20Minutes.pdf

**Table 1: FMLT Action Items Summary**

| Action Generated | Issue | Responsibility | Due |
|---|---|---|---|
| April 25, 2018 | Large Cutblocks and VILUP Working Group: The working group will provide a progress update (by email) to FMLT which may include the circulation of a draft guidance document. *(Awaiting document circulation.)* | Kim LeFebvre (lead), Joe LeBlanc, Trevor Egely, Ione Brown, Jon Flintoft, Tracy Ng, Christina Mardell | 1-Aug-2018 *(overdue)* |
| November 1, 2018 | Grizzly Bears: Contact Coast Region in relation to the relevance of road density. *Email sent to Pam Silver November 26, 2018. Information link sent January 18, 2019.* | Andrew Ashford | January 24, 2019 *(Completed November 26, 2018)* |
| November 1, 2018 | Wildfire: Contact Fire Centre Manager Ken Taekema related to decision-making process for initial response by industry. *Email sent November 26, 2018 and topic* | Andrew Ashford | December 31, 2018 *(Completed December* |

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| | *also discussed at the December 12 OIF meeting. Related OIF response circulated to FMLT on December 17.* | | *17, 2018)* |
| November 1, 2018 | L1 Lake Management Zones in the former Mid Coast Forest District: Andrew will consider this discussion and the history of the order and report back at the January FMLT. | Andrew Ashford | January 24, 2019 *(Completed)* |
| November 1, 2018 | Streams Working Group: Will meet to determine their focus | Joe LeBlanc, Jon Flintoft, Paul Barolet, Mike Desrochers | January 24, 2019 |

Jon reviewed the action items with the group. In terms of L1 Lake Management Zones in the former Mid Coast Forest District, upon review Andrew feels these are superceded by ecosystem-based management objectives, making them redundant. Andrew and Paul will discuss whether this needs to be turned off through formal notification, or left as it is now given the redundancy. Joe will pass this information along to his team. The working groups will report out later in this meeting. There were no additional questions or comments from the FMLT related to the action items.

3. **FMLT Terms of Reference (TOR)** – The draft 2019 TOR was circulated with the meeting agenda. We intend to seek consensus on any revisions and adopt a final TOR at our April meeting. **Action Item**: All members to review draft TOR prior to our next meeting and provide any comments or suggestions to Amy for discussion in April.

4. **OIF (December 12, 2018) Update** – Andrew

   Joe was also at the OIF meeting. Topics of discussion included:

   - wood waste landfill policy – Kevin Kilpatrick (Forest Tenures Branch) introduced recent revisions to the Provincial Forest Use Regulation which allows District Managers to issue a Special Use Permit (SUP) for management of wood waste at remote log dumps; 3 hectare size limit, discretionary decision, policy to come
   - modernization of land use planning – 2018 focus has been about organizing a team; there is a strong commitment to work with First Nations and this is seen as a Government to Government process; the Ministry has been scoping project ideas and politically some large projects have already been agreed to; a West Coast Region scan identified 14 project ideas and then vetted them through a scoring matrix; background papers on land use planning identify a range of options from large multi-value and multi-year projects down to very small single value projects
   - Fibre Recovery Zones (FRZs) (South Island Example) – the focus was on the South Island District plan which brought together fibre producers and fibre

purchasers/users to discuss waste and the lower grades profile; 25% of the waste is cedar; plan put together to reduce burning and to reduce fibre pressure and has voluntary participation

- Chief Forester Timber Objectives – two years ago district specific timber supply area reports were prepared showing things such as species profile; these reports were updated this summer and sent to licensees; Andrew reviews every one, and in our district the inventory generally matched the harvesting profile except for one TFL and the GBR North Timber Supply Area are showing overharvest of the cedar profile, this is something the District Manager is looking to address; the Chief Forester could reduce the annual allowable cut if the full profile is not contributing to harvest; Joe said he followed up with Dan Turner (Forest Analysis and Inventory Branch) on his concerns about approach and they were open to other methodologies
- Species at Risk – John Deal from WFP provided a marbled murrelet update; provincial and federal approach differ and final goalposts are not firmed up while the federal government and the province are still negotiating
- Forest Enhancement Society (FES) – Steve Kuzuki (FES) was looking for suggestions; talked about enhanced utilization and forest rehabilitation, subsidizing harvest of low value stands; mostly in the interior rather than the coast; $50 million to spend this year and $150 million in proposals received for the call for projects which ended November 2018; project approvals can turnaround in a week if they need to, and we saw that locally with the forest fuel hazards abatement Woss project – delivered what they said they could; Les Kiss spoke about the Forestry Forum and the Professional Governance Act and Species at Risk Act risk is building
- Professional Governance Act – a member wants to look at the Professional Governance Act that he thinks will drive a wedge between clients and consultants; mandatory peer reviews will be difficult for small operators, increased costs, concerns about Forest and Range Practices Act changes; Note: Joe provided a link to the Professional Governance Act Intentions Paper, which was circulated to the FMLT January 28, 2019. Comments on the paper will be received until March 4, 2019.
- Ken Taekema presentation (copy circulated to the FMLT January 28, 2019), succession management and training challenges; Morgan Kennah spoke to Coast Forest Sector Revitalization's six objectives and a number of FRPA updates coming
- Fibre Recovery Zones (general) – three in the province expected (Coast, North, South Areas), enhanced utilization mandated through lower benchmarks and

penalties for overages, there is going to be a map for where this will apply, biased to where it makes sense due to the presence of secondary users in proximity; Terry stated that 3 years ago we couldn't sell pulp on the coast, any thoughts about that?, Andrew said you need to be able to sell it to a secondary user, I am hoping this consideration goes into the development of the FRZs; Joe asked what happens when the secondary users don't want the volume? Pulp users are saying they are highly unsupplied today, the question is how flexible and nimble will the zone be when markets shift, how do we deal with where the waste is, FES projects may help incentivize secondary use

- Lisa Nordin talked about the Forest and Range Evaluation Program (FREP) and common strategies for positive outcomes, good layout crews, senior staff communication, specialized training for those working around streams, FREP improvements, invertebrates may be too variable as a useful measure, some S6 streams are more important than others, may look at differentiating this in the legislation / FREP assessments, discussion on value of S6 streams directly tributary to the ocean

5. **What's going on out there?** Around the table discussion of top of mind issues/interests.
-Kim: In terms of First Nation land use planning - what can we expect, how is the province handling these?; Andrew – for example, the Kwakiutl First Nation put one out last year and the Crown considers this useful information, more generally, they are not legally enabled but the First Nation is expressing values to us that can inform our management; there are also opportunities to formalize these plans through processes with MIRR, and there is an expectation to do our best to integrate the community's vision and values; tough if operations are not congruent with community plan and we will deal with these situations as they arise; where land use plans show an area different than consultation boundaries, the government will consult on areas where the First Nation expresses they have interests
-Mike: The recent Wet'suwet'en First Nation pipeline dispute highlights challenges with consulting with hereditary versus elected chiefs; Andrew - the courts seem to be expressing that who you consult with depends on the governance structure within the individual community (self-governance approach), and you need to understand the authority of the group you are meeting with; our First Nations Advisors here have been ahead of curve trying to be knowledgeable regarding these governance structures
-Joe: FRPA changes and the Professional Governance Act worry me, may see more requirements to interact with the public on our operational planning; Andrew -it will be interesting when all these changes roll out in the spring (FRPA, Professional Governance, Coast Forest Sector Revitalization); if we had to show a year's worth of harvest plans for

the public could we? Some licensees have one to three years laid out or planned, some First Nation clients want 5,10, 20 years plans, but it gets to be a paper exercise the further out you get; what about transition to the new legislation, there will likely be reactions to seeing so many years of harvest visually, and we will likely need to speak to growth and silviculture actions to help reassure people around the sustainability of your plans; some areas of the province show every licensee's planned blocks and roads on the same interactive map with contact information; Paul – what about forest health overrides to address things like Douglas-fir bark beetle and windthrow?; if all licensees need to do this planning exercise, is there enough capacity within industry and government to ramp up? - staffing levels aren't what they used to be; First Nations are interested in cumulative effects and seeing what is planted, where oil & gas is going, where supporting tenures like SUPs, Land Act tenures, etc. are located; iMap has a lot of that functionality

-Megan: Private Managed Forest Land review/audit Terms of Reference is being developed, so will be interesting to see what this looks like

-Ione: old growth on Vancouver Island discussion is of concern, is EBM coming to Vancouver Island?; growing concern about illegal logging and poaching on the North Island; Andrew is seeing two streams of unauthorized harvest: high value cedar and firewood; there is enormous pressure to address old growth with a focus from the confidence agreement and political commitments, a number of options for discussion within government have been prepared, no decision on the path to date; Megan notes there will be a lot of interest internationally when Ian McAllistair's rainforest film comes out this year

-Cyndy: reminder that Federal Marine Planning network meeting has been shifted out to February for stakeholders; Bruce Storry (storryb@telus.net) and Warren Warttig (warren.warttig@gmail.com) are the Coastal Forestry Stakeholder representatives for the North Vancouver Island and Central Coast areas respectively; implications to marine transportation corridors are unclear with potentially big impacts on existing log handling areas; we have been sending information in to the process about existing log handling areas; Sally Cargill (Sally.Cargill@gov.bc.ca) is the provincial representative; concern raised that the Federal Government will fast track this process without consulting all affected parties

6. **On the Radar** –
    - FREP Multiple Resource Value Assessment Report, Vancouver Island Land Use Plan Area, North Island – Central Coast Natural Resource District – Paul highlighted that the draft sent out to FMLT has a review deadline of February 1, 2019 with only a few comments received so far, and the final release in March is

likely the last one in this format/style; the next iteration of this FREP report may be an integrated stewardship monitoring report , and will likely have a cumulative effects focus; Note: copies of the report were emailed January 10 and 30, 2019 to FMLT members.

- Cutting Permit Refusal Regulation – Andrew described that this new regulation has been circulated to licensees and took effect January 8, 2019; the regulation gives a District Manager the ability to refuse a CP in specified circumstances; to address pirating of BCTS charts which impact the BCTS timber pricing mandate; maps attached to the regulation show BCTS operating areas and the Pacific Timber Supply Area; the regulation is flexible enough to allow BCTS to work with others in their areas, as there is some discretion built into it
- Vancouver Island Land Use Plan (VILUP) – Forest Practices Board (FPB): Old Growth Investigation: There is an ongoing FPB investigation in the Nahmint Special Management Zone (SMZ) and old growth representation at the site series level; we have related SMZs here (Goletas, West Coast Nahwitti Lowlands and Brooks Bay); concern is twofold - licensee FSP did not commit them to managing old growth to the site series level, and whether they are meeting VILUP in the field; FPB is likely to expand their review outside of the Nahmint SMZ to look at similar SMZs; Andrew provided courtesy calls to licensees operating in these SMZs; Joe observed that terrestrial ecosystem mapping (TEM) is not as readily available for Vancouver Island compared to ecosystem-based management areas, so ends up being an aspatial exercise; this is an interesting nuance in VILUP which makes you wonder are there others out there that need to be managed – Andrew is looking into this further; not unrealistic to expect a critical board report
- Tabular Rates – No information for discussion today; **Action Item**: Amy to circle back internally within FLNRORD and with Gary who suggested this agenda item but is unavailable for today's meeting to see if this is a topic for a future meeting.
- Post wildfire reforestation update (FRPA s.108) – Paul described that if you have a block under obligation and you didn't start the fire, you can receive funds to get it back to the state it was at when impacted by fire; it is a one-time approval; the designated decision-maker has one year to make a decision, and locally these decisions have happened much quicker (example: 3 days for the last one); What about logged blocks not yet planted?, there is some ability to recoup extra costs you would not otherwise have experienced (such as the loss of plantable spots or harsher regeneration conditions that could lead to future losses and provide coverage for a future need to replant); please speak to the district first

for conversation and joint field review; this reforestation is funded by the Province

7. **First Nations Advisor Update** – Jessica Garrick (Senior Advisor, First Nations Relations NICCNRD) described that the Ministry has two basic priorities in 2019 one of which is reconciliation with indigenous peoples; Dzawada'enuxw First Nation has issued a notice of civil claim (filed in 2018) which names / includes government and industry and also more recently a claim against the federal government; Gwa'sala-'Nakwaxda'xw First Nation elections are coming up in July (for Chief and 4 councillors); Kwikwasut'inuxw / Haxwa'mis First Nation elections are coming up in May (entire council); Mamalilikulla First Nation election is coming up in April (entire council); Kwakiutl First Nation land use plan was submitted to the province and asserts a larger traditional territory; the Ministry of Indigenous Relations and Reconciliation (MIRR) is in active discussion on this boundary and where we need to legally consult, and we expect the consultative boundary to change very soon, information dissemination to licensees will occur once this boundary change takes effect; February 13 is the Moose Hide campaign day and everyone is encouraged to take part, it was initiated by an indigenous couple, the focus is on standing up against violence against women and children in our society, it is a grassroots campaign which is provincially supported – a great cause (https://www.moosehidecampaign.ca/); Quatsino First Nation recently let go of their Band Manager and the position is not yet filled; Kim noted that she is the contact for the Quatsino First Nation joint venture with Strategic Natural Resource Consultants called Blue Green Consulting

8. **Integrating Principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in Statutory Decisions** – there is pressure on decision-makers to implement UNDRIP, but some legislation allows little to no discretion (i.e. through 'must approve' type requirements); MIRR is leading the development of a review of the legislation to identify opportunities to improve flexibility for decision-makers through legislative changes; decision-makers will need to consider all 10 principles when turning their mind to a decision; at a workshop Andrew attended, most successful application examples have occurred in large scope and scale projects or strategic level decisions; it may be more difficult for forestry operational-level decision-making; licensees may hear questions about UNDRIP and these principles at information-sharing meetings with First Nations; Discussion: What about overlap areas where one First Nation gives consent and another does not provide consent?, there needs to be reasonableness in the duty to consult and is there mitigation for impacts; the Truth and Reconciliation Commission website has UNDRIP pocket books available for purchase

Link to the 10 draft principles and related resources:
https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/frequently-asked-questions-ten-principles

9. L**arge Cutblocks and VILUP Working Group Progress Update** –Kim (lead)
   Kim said there is not much to report and no draft available as they are waiting to resolve issues with one member who has concerns, and also incorporate ABCFP guidance that came out at the end of 2018. They hope to have something by the next meeting.

10. **Streams Working Group Progress Update** – Joe, Jon, Paul and Mike
    There are four new FREP streams-related extension notes available since the release of the FMLT document – Riparian Emphasis Guide; there has also been a small streams workshop and OIF update on FREP approach; Jon would like to revisit the guide in terms of this new information; Paul thinks there is no new FREP information that needs to be incorporated at this time; Joe wanted to know how FREP sampling went and Paul noted we have been experiencing positive trends locally and reviewed some examples; riparian training needs (like the VQO workshop) could be an outcome from this working group; they plan to have a conference call as so far they have had email communications only; they will share their progress at the next meeting and what their plans in 2019 will entail

11. **Next Meeting** – Suggestions for the next meeting include: professional governance, fire, and working group updates; the field trip portion of the meeting needs a planning committee and volunteers included: Paul (or someone from his team), Kim, WFP, Mike; focus/theme: 2019 the year of change or everything old is new again, FES cedar-release project (consider effectiveness), Woss fire guarding project (scope considerations), Nimpkish knotweed, alder management conversion from conifer with Coast Region Implementation Team guidance; Andrew asked Mike if we could have our group photo taken with a drone; suggested dates: April 24 (office) – 25 (field)

12. **Closing and check-in** – Thanks to everyone for coming out for this half day meeting; good meeting; shorter day is good, reflects our efficiency; thanks to Andrew for the oranges; went better than I expected and always good to communicate; interesting conversations and everyone dealing with the same issues - misery loves company; like updates to stay ahead of the curve and keep abreast of things, great meeting and learned more things again, lots in flux; reflect on priorities again; disappointed to not be there in person, a lot of information in three hours, good job chairing Jon; looking

forward to being there in person; looking forward to contributing more the next meeting; struggle to balance the information versus professional discussion at these meetings and collaboratively work together to solve problems, thanks for the good discussion and welcome to new members and thanks to our former members for their participation