
**North Island – Central Coast District
Forest Management Leadership Team
Meeting #14 - Minutes**

Date: October 8, 2014

Location: North Island –Central Coast District Office Boardroom, Port McNeill

Time: 9:30-4:30 pm

Attending: Andrew Ashford, Jon Flintoft, Cyndy Grant, Ione Brown, Scott Mitchell, Paul Barolet, Kai Sonnenberg, Tiffany Wyatt, Lisa Nordin (by video), Peter Share (by phone), David Flegel (by video), Randy Hart (by video)

Guests: Derek Tripp, Billy Wilton (by phone), Kathy DesRochers, Sheldon Martell

1. Welcome/Housekeeping – Jon Flintoft
2. Review Minutes from April 29th FMLT & Agenda for the day - Jon
All action items were captured as topics for this meeting.
3. OIF Report – Andrew Ashford
Action Item Review – AAC Stabilization Project – led by CFPA in 3 Management Units. Intelligent design process involves stripping current landbase withdrawals (multiple layers) and attempting to coordinate and layer complementary reserves to maximize THLB. Will look at whether product achieves non-timber resources. Similar process is taking place in Interior – Kamloops. Kai asked about whether current TSR assumptions are being challenged. Andrew: yes, refinements will be incremental when we look at assumptions of all reserves. Looking to OIF to take advocacy role. WFP is working on project (John Deal) in 3 LUs; Branch is reviewing results. Paul mentioned that this topic is on the CRIT agenda today. Some upward pressure (AAC) might be achieved with some revisions of assumptions. Timelines for intelligent design LU project: December 2014. **Expect update at January 2015 FMLT meeting.** Scott mentioned that BCTS needs to get involved with WFP in design of San Jo LU; looking at targets for individual species.

William Tsilhqot'in SCC decision – CFPA would like FLNRO to consider different model for interim consultation (currently based on JAG interpretation of decision). Expect that this discussion is taking place at cabinet. Clients should expect delays. Locally we're conducting assessment of strength of claim, and sending decisions to JAG, where necessary. Prioritization is based on Ministerial decision, employment criteria. Government needs to work closely with licensees and FN in the interim. Corby Lamb suggested that FNs are feeling more confident in their roles. Some NICC FNs are consulting status quo, some are asserting stronger claim; there are tools that local staff are using to make assessments. Strong message is that licensees should spend time with FNs sharing information, small "a" accommodation, attempting to gain support from FNs on decisions – Document!

FNs are looking to access unused volume. Randy Husband made presentation about FN operating areas – looking to uncharted areas, partnerships. Kingcome charting process is on the horizon and may assist with identifying operating area to land licences for this unused volume.

UWR, WHA – Province is looking at building a minor amendment process into the GAR orders so that if you meet the criteria, a statutory decision would not be required.

BC Forest Safety Council – delays based on phase congestion are being addressed in current working group. Identify priorities, focus on communication, quality submissions. FMLTs should be having these conversations. Andrew asked later in the meeting about CP issuance: Andrew asked about anecdotes

regarding cutting permits – Acknowledged delays related to William’s case. Andrew indicated that we’ve moved from 10 to 40 day turn-around. Encouraged licensees to communicate priorities in cover letter. Phone calls should be directed to Amy Beetham. Call Andrew as second resort.

OIF Field Day – Intended to talk about visuals (foggy). Visited block in White River TFL 39; elk management area; \$11/m³ spent on silviculture – high site index; stand had been heavily impacted by elk. What is the highest and best use here? Tim Sheldon brought the group to the point of discussion around Elk Management Plan – there WILL be timber impacts. Need to consciously determine social implications to elk management (high elk population). Talked about bridges and safety. Visited Kelsey Bay DLS, automated weigh scale, log handling site – would not work if multiple licensees brought wood to scale site. No hammer marking. Visited Pye Lake – first FN Woodland Licence, previously un-charted THLB. Visited Stella Lake – AAC stabilization project. All constraints were shown on a white board to see comparison of current THLB impacts and intelligent design process.

Transportation of Loose Unscaled Wood – Pilot in progress in the NICC - central coast.

MRVA reports – Licensees concerned about how information from MRVA report will be used/broadcast. There was some debate regarding protocol.

IWMS policy review – role in species at risk – federal regulation. Do we know where we’re at with targets?

4. MRVA Report - Paul Barolet, Derek Tripp, Andrew – see presentation material
Derek gave a presentation regarding small streams and FREP Riparian Protocol

The presenters’ message is that forest professionals should be considering health of S5, S6 streams – try to apply BMPs, so same treatment is not applied everywhere. **Is task team or FMLT guidance document required? (Warren, Paul,?)**

Comments:

Paul Barolet during presentation wondered what is being considered for S5 and S6 RMA management or is it just a cookie cutter approach to management to clear-cut the RMA regardless? Can slash deposition into streams be avoided or removed as per MRVA report?

Peter gave his historic perspective on stream cleaning through the 80s that it was expensive and too much CWD was removed which also became problematic. Peter also cited safety concerns which a number of FMLT acknowledged a scenario of danger tree implications with respect to leaving old growth cedar stems in the RMA of an S6 as partial retention. Conversely felling the stem also results in break-up of the tree in the RMA. Peter discussed approaches to S5 and gully management which generally results in more protection, avoidance. S6 streams are so common – the THLB impacts of retention.

Paul – BMP’s doesn’t have to be mature trees retained, retention of non-merchantable trees/saplings, vegetation within 5 meters of stream.

Kai - The 23% of the streams (S5 and S6’s) not properly functioning is not his experience on IFP charts. Also stream cleaning does not always increase function. Kai indicated that 23% high impact is alarming.

Derek suggested looking at overlapping constraints. Allow professionals to look at applying specific prescriptions (stratifying) to certain types of S6. Concern harvest impacted S6 and S5 streams and when the next rotation that more impacts to these streams.

Andrew- Based on findings is concerned about risks to social licence under FRPA, and more regulations being introduced?

FMLT group agrees to pursue this issue further under professional reliance and continuous improvement. **Members should read the MRVA report for the next FMLT and we will set aside 30-60 minutes to go over questions, visuals, stand level biodiversity, and water quality.**

5. Public Trust in Registered Forest Professionals – Mike DesRochers

Mike was unable to attend. **Bring topic forward to January 2015 meeting.**

6. Vegetation Resource Inventory Update – David Flegel

Mid Coast Forest Information update started in 2005 when we began acquiring air photos for MC TSA; subsequently had IRC (consultants: <http://www.ircgroup.ca/>) to type and inventory, field verification, new mapsheets developed, GeoBC data layers were updated. Currently, 254 1:20,000 mapsheets are available - have now been quality checked and uploaded. Second phase of quality checking random plot selection (100 plots/BEC zone) to make adjustments on-going. For more information, contact provincial experts, Mark Rousseau (Team Lead Vegetation Update Kamloops (250) 828-4426), Bob Krahn (Forest Sample Data Coordinator (250) 953-3867).

Scott indicated that field samples likely goes toward Decay waste and breakage, growth and yield curves. Andrew: landscape level analysis was conducted by licensee, then the inventory data had been changed. Encourage licensees to use best information possible – understand that information is changing.

David/Scott: SLRDs will be revisited based on the new information. Lisa: when leading species and crown closure change there are implications to wildlife habitat modelling. Scott: Stand typing (polygon) is based on entire management unit; this makes it difficult to use this to make landscape level decisions. Paul: in field, his experience has been that estimating crown closure is highly variable – best to use air photos.

7. Elk Management Plan – Billy Wilton – See presentation.

Andrew asked about any information that this NICC FMLT should understand. Billy – sent letter to stakeholders 3 weeks ago. Looking at trapping at Sayward and relocating to Mahatta River area.

Andrew asked about White River – forest and elk values exist; coast OIF asked Tim Sheldon to look into the decision making process for land use in this area – landscape level decision. Silviculture costs are built into the appraisal.

Scott asked about draft MP as identifying population targets and driving translocation plan. Who endorses this plan on behalf of government? Billy – goes through RED, up to ADM and DM for sign-off. Scott- will impact analysis be conducted (forest, agriculture, etc.)? Billy – not specific cost-benefit analysis. Andrew indicated that this recommendation came up at the OIF last week. Scott – although you didn't write the report, you did move the table – have the population targets been shifted? Yes, these are now reflected in the appendix.

Scott - targets for management were questioned, was there any changes based on those comments?

Paul asked about evidence about northern range – seems to be over-estimated. Wondering about translocation, and whether elk had historically existed there before. Billy - Records from early settlers suggested that elk had existed there in the past. Paul questioned the distinction between Rocky Mountain elk vs Roosevelt elk. Billy: Rocky mountain species are not usually coastal. Jon asked about Mahatta relocation – surprised that relocation is in play, hasn't seen the letter referenced above. Concerned about safety, road use, etc – requested communication as time gets near.

8. Wood Waste – Cyndy Paul & Peter – See presentation
Wood Waste – Presented options and considerations. Peter shared TimberWest’s idea of disposing of wood waste on West Cracroft. It is a very tricky situation with marine, arch constraints, lack of burning permit, inability to acquire registration under the Code of Practice, cost of barging material to registered/permitted site. NICC log dumps are geographically isolated; the feeling is that MOE policy is written for less remote locations/situations. The consensus is that any impact to THLB should be a last resort. There is concern with consistency, exploiting the “loophole” in MOE regulation/exemption/policy. Look at SUP process to address local logistical concerns (exemptions). Members reluctant to put their names to working group for fear of legal implications. Consider initiating trials, coordinated effort to attempt innovative solutions – FP Innovations? Are licensees considering wood waste disposal as cost of doing business? Bella Coola Small Business (and others) have a sort with a permit, but space is limited.
- TimberWest and NICC work to bring the issue to OIF – Forestry exemption to Code of Practice - need to bring MOE rep into the conversation. Invite MOE rep to present at next FMLT meeting.
9. Log Handling tenures – Sheldon Martell – See Handout.
Sheldon explained different tenure types and the importance of being explicit in the application regarding purpose and improvements planned.
- What to do when C&E has issued trespass notice – ask for an Opportunity to be Heard, request additional time to discuss with FN and submit amendment. Andrew cannot tell C&E what action to take or not take. When an amendment has been requested, clients have been working with FNs to request a letter of support (specific or blanket acknowledgement).
- In cases of historic tenures, may need to amend LH tenure to include camp purpose - recommend contacting the FN to request confirmation that they understand that a camp fits the general log handling definition (blanket or by tenure). Please contact Sheldon or Jen for more information
10. Update on First Nation Consultation in NICC – Kathy DesRochers
Q&A – Update on Kwakiutl case? No dates have been set for the hearing of the appeal. Our legal counsel has advised that neither they nor Canada will take a ‘position’ on the Kwakiutl’s application to further amend the appeal to review the BCSC finding that the consultation on the decisions associated with the *Chartrand* case was adequate. Materials related to the amendment still must be exchanged between the parties.
- Following the June 26th, 2014 SCC Tsilhqot’in decision – Kathy reminded everyone that the Tsilhqot’in is the only Aboriginal group in BC who has had a declaration of Aboriginal title. Although all FNs within our District are asserting Aboriginal title and rights within their Traditional Territories. Within government a number of Working Groups at the highest levels have been struck to assess the implications of the decision, both within the Title area and in the asserted Title areas. The Province needs to ensure that we are continuing to fulfill our legal obligations and part of that is ensuring that we are consulting/have consulted at the appropriate level, based upon the SCC clarity around Aboriginal title.
- Within the NICC we remain focussed on reviewing applications and processing them as efficiently as possible. However, there are additional ‘checks’ in our processes to ensure that we are meeting the legal obligations. For the most part we are continuing to process applications/decisions as we were pre-Tsilhqot’in. There are going to be specific areas and specific decisions/applications that may be held up – especially in those areas where there exists a strong likelihood of Aboriginal title, the First Nation has not meaningfully engaged in info sharing or consultation or the First Nation has asserted their Aboriginal title claim on a territorial-wide basis, triggering an increased expectation around accommodation.

Within our district, the Wuikinuxv, the Gwawaenuk Tribe and the Kwakiutl have asserted such claims – some requesting that decisions be deferred until they have been appropriately accommodated. Some of our FNs are delaying the renewal of their Forest Consultation and Revenue Sharing Agreements – as they are expressing the view that the accommodation provided under them is no longer adequate in light of the SCC decision. Government is reviewing all of our policies related to FN consultation, including our accommodation policies. Our interest remains in continuing to meaningfully and collaboratively engage with our First Nations charting a course forward. It will take some time while both Government and the First Nations come to an understanding of what some options are.

A Regional Strength of Claim team has been struck to assist in the initial assessment of the strength of claim in a particular area. It must be recognized that our SOC assessments are initial in nature and are used to ensure that we are engaging in consultation at the appropriate level or to support our Decision-makers for those decisions which are yet to be made. The initial assessments of SOC for title are to be the starting point of our dialogue with the First Nation, who are then to confirm the assessment or provide additional information to the Province for consideration during the consultation process. As the initial assessments are confirmed/enhanced through direct consultation with the First Nation, our preliminary assessments of the SOC for Aboriginal title should become more clear. It was suggested that industry review the SCC decision and using the guidance provided conduct their own initial assessments of the SOC of a particular FN. Also for applications/decisions in areas that have a greater potential of an Aboriginal title claim – delays are a greater possibility.

Locally we are reviewing applications/decisions for meaningful proponent-led engagement, a letter of support (post-Tsilhqot'in) is best. Advice was to continue to document and provide us with details of the info sharing and any accommodation/mitigation that was undertaken. Where we have consultation process agreements, we continue to engage in accordance with them. Licensees are advised to continue to build on the relationships and mitigating impacts upon Aboriginal rights and title as they arise during the info sharing processes (similar to in the past).

In those situations where we are obligated to engage our Regional SOC team, we should expect some time delays. The Province must be very cautious in those areas where a FN could potentially make out a strong Ab title claim, as there is liability for the Crown if decisions are made in that area and a declaration of Ab title is made to the FN at some point in the future. Realistically, initial work by the Teams will be slower, but it is hoped that over time as more and more assessments are done on the District FNs, the process will become much more efficient.

Any questions about the adequacy of info sharing, or anything else FN-related, can be directed to Kathy at (250) 956-5093 – as there is no one-size fits all answer or situation. It was suggested that if the info sharing/support from a FN is older and pre-Tsilhqot'in, that the licensees, out of respect for the significance of the Tsilhqot'in decision, confirm that the support still stands.

Kathy will communicate to licensees as necessary and appropriate when there are changes regarding consultation process or new assertions are made.

11. Working Group Reports
Riparian - Warren, Paul, ? – Look into creating a guidance document with advice to forest professionals re: management of S5, S6 streams. Focus on continuous improvement on prescription writing based on results.
12. Check In/Wrap-up /Meeting Evaluation –
Jon – concerned about attendance, down from previous meetings. Good meeting, good topics.

Kai – Good meeting; liked OIF summary – AAC stabilization conversation; challenges himself to look further into MRVA, stream management issue – social licence – speaks to professional Public Trust issue.

Tiffany – appreciated the LH and CP update.

Scott – requested to continue to attend in new role.

Ione – liked speakers; enjoyed riparian presentation; felt that wood waste proposal was a bit of a stretch; speaks to the desperation out there with this issue.

Paul – concerned about drop in attendance, but 5 licensees represented.

Cyndy – appreciate professional forum to discuss wood waste issue; frustrating to deal with MOE regulation/policy – hopeful to find a solution(s); concerned with attendance, wondering if information is getting distributed.

David – good meeting; appreciate the effort of presenters and staff.

Randy – look at Continuing Education credit angle to improve attendance – also, try a different day of the week; enjoyed the wide range of topics, appreciate effort.

Andrew – attendance; liked presentations and attendance; happy to see that working groups & guidance documents are back on the table.

Suggested topics for January 2015 meeting – Wood Waste, FP Innovations, 30-60 minutes to go over questions from MRVA report (visuals, stand level biodiversity, and water quality), Public Trust in Registered Forest Professionals (Mike D), SLRD update (Bob Craven), AAC stabilization

Suggested topic for spring 2015 field trip – riparian results MRVA report.

Next meeting: January 22, 2015