



File: 97250-20/070762

April 14, 2009

Mikel Leclerc  
Recreation Officer  
Prince George/Mackenzie District  
Ministry of Tourism, Culture and the Arts  
2000 South Ospika Boulevard,  
Prince George, B.C. V2N 4W5

Bill Marshall  
Director, Recreation Sites and Trails  
Ministry of Tourism, Culture and the Arts  
5th Floor, 800 Johnson Street  
Victoria, BC V8W 9C2

Jim Ladds  
Regional Recreation Manager  
Northern Interior Region  
Ministry of Tourism, Culture and the Arts  
1011 4th Avenue  
Prince George, B.C. V2L 3H9

Dear Participants:

**Re: Response to Board Recommendations in the *Biodiversity in the Interior Cedar-Hemlock Forests near Dome Creek* report**

I would like to thank the Ministry of Tourism, Culture and the Arts for its January 20, 2009, and February 19, 2009, responses to the Board's three recommendations in its investigation of complaint 070762 entitled *Biodiversity in the Interior Cedar-Hemlock Forests near Dome Creek*.

The Board accepts the response to two of the recommendations but is not satisfied with the response to the third recommendation and is extending the deadline for a response to that recommendation until May 3, 2010.

**The following is the Board's consideration of the responses and its conclusions.**

The Board concluded in its report that both the Driscoll Ridge Trail and the Ancient Forest Trail had not been legally established, nor did they have management objectives established under section 56 of the *Forest and Range Practices Act* (FRPA). Without established objectives, there is no FRPA requirement for licensees to address the recreation values associated with the trails in forest stewardship plans, nor are there

requirements under the *Forest Planning and Practices Regulation* that prohibit forest activities from damaging the trails. The Board made six recommendations. Three recommendations pertain to the Ministry of Tourism, Culture and the Arts (MTCA). The Board requested that MTCA notify the Board of the steps taken to implement the Board's three recommendations by May 1, 2009.

The Board recommended:

**4. The Minister of Tourism, Sport and the Arts should establish the Driscoll Ridge Trail and the Ancient Forest Trail as recreation trails under section 56(1) of the *Forest and Range Practices Act*.**

**5. The Minister of Tourism, Sport and the Arts should consider setting legal objectives for each of the trails as empowered by section 56(3) of the *Forest and Range Practices Act*.**

**6. The Minister of Tourism, Sport and the Arts should consider designating the Ancient Forest hiking trail as an interpretative forest site as empowered by section 56(1) of *Forest and Range Practices Act*.**

Recommendation 4 asked MTCA to establish the Driscoll Ridge Trail and the Ancient Forest Trail as recreation trails under section 56(1) of FRPA and recommendation 6 asked MTCA to consider designating the Ancient Forest hiking trail as an interpretative forest site. On January 20, 2009, MTCA provided the Board with copies of an Order under section 56(1) of FRPA. The Order establishes the Driscoll Ridge Recreation Trail and the Driscoll Ancient Forest Interpretative Site. The Order was signed November 19, 2008. **I have concluded that recommendations 4 and 6 have been satisfactorily met.**

Recommendation 5 asked MTCA to consider setting legal objectives for each of the trails.

MTCA said in its email that it had not yet established any objectives for the trail or site. MTCA stated that it was relying on the protection provided under section 16 of the *Forest Recreation Regulation*. They preferred to develop the objectives as part of an extensive review of all sites, interpretative sites and trails within the district. MTCA has stated that it remains their goal to eventually have objectives for all of its Prince George district sites and trails but does not have an anticipated completion date.

To evaluate the adequacy of MTCA's response, I considered the risks to the integrity of the ancient cedar stands if MTCA does not, or delays, establishing objectives for the Driscoll Ridge trail and the Driscoll Ancient Forest interpretive site.

I considered three relevant factors, namely the application of:

1. section 16 of the *Forest Recreation Regulation*;
2. section 70 of the *Forest Planning and Practices Regulation* as it applies to recreation features; and
3. a Ministerial Order under the *Land Act*.

### **1. Section 16 of the Forest Recreation Regulation**

The trail and interpretive site are now established under section 56 of FRPA. Section 16 of the *Forest Recreation Regulation* requires authorization of the use of a recreation site, trail or interpretive forest site for a business or industrial activity. Any harvesting or road construction can be considered an industrial activity. This means that forest licensees have to get authorization, under section 16 of the *Forest Recreation Regulation*, from a MTCA recreation officer before they undertake any industrial activities, such as timber harvesting, road construction, or site preparation on recreation trails or sites. Presumably, the exercising of the authority of MTCA could include the extreme of not authorizing the activity or placing restrictions on that activity.

In my view, section 16 provides some limited protection. However, there is a risk that other ministries may not be aware of this requirement. As well, I note that recreation sites and trails are part of the timber harvesting land base and the timber volumes are considered available for harvesting. Forest licensees may well propose harvesting without any legislated objectives to consider.

### **2. Recreation features and section 70 of the Forest Planning and Practices Regulation.**

While the site and trail are established, in my opinion they are **not** recreation features as defined by section 1 of FRPA.

Currently, section 5 of the *Government Actions Regulation* (GAR) lets the minister responsible for the *Forest Act* identify resource features, including recreation trails. Once established, section 70 of the *Forest Planning and Practices Regulation* stipulates that industrial activities must not damage or render ineffective a resource feature, which includes recreation trails.

The site and trail have not been established as recreation features by the Ministry of Forests and Range, so licensees are not obliged to follow the regulation that prohibits them from damaging or rendering ineffective a resource feature.

### **3. Protection offered by a Ministerial Order under the Land Act.**

On February 3, 2009 the Integrated Land Management Bureau established an objective designating an old growth management area near Dome Creek. The objective was contained in a Ministerial Order issued under the *Land Act* that stated all timber within the Old Growth Management Area will be retained.

Accordingly, pursuant to section 8 of FRPA, an approved forest stewardship plan must be amended to take the order into account within one year of the effective date. The Ministerial Order took effect on March 12, 2009 when published in the Gazette.

I have considered the Order, and note that, while it does provide for protection of timber on the Driscoll Ancient Forest interpretive site, it does not apply to the length of the Driscoll Ridge trail. As well, while the objective is to retain all timber, this may not protect other elements of the ecosystem within the ancient forest stands. For example, morel pickers could impact the site.

### **Conclusion**

In considering the adequacy of MTCA's response to the Board recommendations, I examined three factors that influence the risks to the integrity of the ancient cedar stands if MTCA does not establish, or delays establishing, objectives for the Driscoll Ridge trail and the Driscoll Ancient Forest Interpretative Site. I conclude that the establishment of the trail and site under section 56 of FRPA does provide some level of protection. Once established, Section 16 of the *Forest Recreation Regulation* requires authorization of the use of a recreation site, trail or interpretive forest site for a business or industrial activity. This authorization from MTCA should be noted by other ministries as a requirement. I also conclude that the Ministerial Order provides protection to the interpretative site but not the Driscoll Ridge trail.

However, I do not yet consider the response to recommendation 5, that MTCA establish objectives for the site and trails, to be adequate. Nevertheless, MTCA has identified a greater need to establish objectives throughout the district and this is beyond what the Board recommended. I commend the ministry for this recognition and so will extend the deadline for our recommendation. In addition, I expect that MTCA could establish objectives throughout the district in stages. That is, first address high risk areas and ensure that the objectives are established expeditiously, and then establish objectives on less urgent sites and trails in sequence.

File: 97250-20/070762

Page 5

April 14, 2009

**Under section 132 of the Forest and Range Practices Act, the Board requests that the Ministry of Tourism, Culture and the Arts, notify the Board of the steps taken to implement the Board's recommendations by May 3, 2010.**

Yours sincerely,

*ORIGINAL SIGNED*

Bruce Fraser, PhD

Chair

cc:

- TRC Cedar Limited
- District Manager, Prince George Forest District, Ministry of Forests and Range
- Regional Executive Director, Northern Region, Integrated Land Management Bureau
- Bob Brade, Ecosystem Biologist, Omineca Region, Ministry of Environment
- complainants



April 30, 2009

Dr. Bruce Fraser, Chair  
Forest Practices Board  
3<sup>rd</sup> Floor, 1675 Douglas Street  
PO Box 9905 Stn Prov Govt  
Victoria BC V8W 9R1

Dear Dr. Fraser:

On behalf of the Integrated Land Management Bureau (ILMB), please accept this document as government's response to recommendation #3 in the Forest Practices Board's Complaint Investigation Report 137, *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek (May 2008)*.

Forest Practices Board Recommendation 3:

"The Regional Executive Director of ILMB should provide the Board with a copy of the decision on whether to establish spatial OGMAs, upon the completion of the Legacy Project. The document should incorporate a rationale for the decision including the factors considered and how values and risks were identified and addressed."

Factors, Values and Risks considered.

The Inland Rainforest or Interior Cedar Hemlock zone (ICH), in the Prince George Forest District has economic, social and environmental values. More specifically the values include:

- Globally significant and rare for biodiversity, old forest attributes and environmental values;
- economic value for timber harvesting;
- economic value for tourism and recreation; and
- social values to the Dome Creek, Crescent Spur and Prince George communities.

These values are thoroughly explored in the *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management Plan Area, March 2008* (Guidance document).

A number of factors contributed to the decisions on how to balance and provide direction for the management of the above values. The *Forest and Range Practices Act (Act)* regime relies on a combination of practice requirements, legal objectives and professional reliance to

.../2

protect values. The decisions made by ILMB are believed to be within the latitude of acceptable management with regard to the *Act* framework and reliance on professionals.

There are specific statutory factors required by the Land Use Objectives Regulation that the decision maker must consider before establishing an objective. These statutory factors include providing for an appropriate balance of social, economic and environmental benefits, and ensuring that the importance of the objective outweighs any adverse impact on opportunities for timber harvesting or forage use. The Land Use Objectives Regulation also directs that the decision maker must consider any written comments received during the review period.

Other factors considered were issues, information and advice gathered from a number of sources including academia, community groups, tenure holders, and others members of the public.

A number of activities and conditions are believed to reduce potential risks and support the decisions made. Communication to Forest Licensees and other stakeholders regarding the guidance Old Growth Management Areas (OGMA) was thorough.

ILMB, other agencies and individuals will continue to monitor the values in the ICH zone, of the Prince George Forest District.

#### Response by Government

57 ha of old growth surrounding the Ancient Forest Trail was advertised for public review and comment, potential designation as OGMA due to high biodiversity and high recreation values. The public review and comment period began on May 31, 2008. This 57 ha OGMA Order was signed-off February 3, 2009, and includes the Ancient Forest Trail.

In addition, another 4770 ha of guidance OGMA has been identified and included in the Guidance document. This document has been posted on the ILMB website and was approved as technical guidance to be implemented through professional reliance of forest professionals.

The intention of the Guidance document is to reduce risk to biodiversity through spatial identification and to provide some flexibility related to timber supply and access. ILMB staff will continue to review and monitor old growth values identified in the Guidance document.

I believe that the combination of the following initiatives adequately manages the risk to biodiversity in the ICH zone, in the Prince George Forest District, at this time:

- The Guidance document
- Legally established OGMA (Slim, Dome and Humbug landscape units 2002 and 2003);
- The *Order Establishing Landscape Biodiversity Objectives for the Prince George Timber Supply Area (October 20, 2004)*;

- The *Order (2009)* establishing a 57 ha OGMA around the Ancient Forest Trail;
- The establishment of Notations of Interest over all old growth spatially identified within the Guidance document; and
- A digital layer of all spatially identified old growth has been entered into the Land and Resource Data Warehouse to ensure reliable access and monitoring of spatial data by Forest Licensees.

ILMB staff will continue to monitor the spatially identified old growth areas within the Guidance document. In the longer term, I will consider any future analysis to determine if further spatial designation would be appropriate.

If the board has any questions regarding this response, please contact Shannon Carson at (250) 565-4463.

Yours truly,



Eamon O'Donoghue  
Regional Executive Director  
Northern Interior Region, ILMB

pc; Honourable Pat Bell, Minister of Forests and Range  
Honourable Bill Bennett, Minister of Tourism, Culture and the Arts  
Honourable Ron Cantelon, Minister of Agriculture and Lands  
Honourable Barry Penner, Minister of Environment  
Steve Carr, Chief Executive Officer, ILMB  
Doug Konkin, Deputy Minister, MOE  
Larry Pedersen, Deputy Minister, MAL  
Ralph Archibald, ADM, Environmental Stewardship Division, MOE  
Gary Townsend, ADM, Regional Operations Division, ILMB  
Bill Warner, Regional Executive Director, MFR  
Phil Zacharatos, A/ADM Operation Division, MFR  
Jim Snetsinger, Chief Forester, MFR  
Mikel Leclerc, District Recreation Officer, MTCA  
Bill Marshall, Director, Recreation, Sites and Trails Branch, MTCA  
Diane Medves, Director Forest Practices Branch, MFR  
Greg Rawling, District Manager, Prince George Forest District, MFR  
Bruce Sieffert, Director, Land Use Planning, ILMB  
Kristine Weese, Forest Practices Branch, MFR  
Andy Witt, Manager, Habitat Management Section, MOE





File: 97250-20/070762

August 17, 2009

Doug Konkin  
Deputy Minister  
Ministry of Environment

Dana Hayden  
Deputy Minister  
Ministry of Forests and Range

Steve Carr  
Chief Executive Officer  
Integrated Land Management Bureau

Jim Snetsinger  
Chief Forester  
Ministry of Forests and Range

Dear Participants:

**Re: Response to Board Recommendations in the *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek* report**

I would like to thank the Ministry of Forests and Range and the Ministry of Environment, for their May 8, 2009, and May 15, 2009, responses to two of the Board's recommendations in its investigation of complaint 070762 entitled *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek*. The government responses are posted on the Board's website. The following is the Board's consideration of the responses and its conclusions.

**Recommendation 1** was that the Ministry of Forests and Range, Ministry of Environment and the Integrated Land Management Bureau formulate an overall stewardship strategy for the interior rainforest to ensure that biodiversity values are adequately managed and conserved.

In response, the ministries described their stewardship strategy, which contained a variety of components. In my opinion, the most significant component is the April 2008 policy entitled *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management Plan Area* (guidance policy). The policy states that it is intended as guidance and best available information for biodiversity management in the area, but also stresses that the policy is not direction and is not legally binding. It also states that should biodiversity management in the ICH be found to be significantly inconsistent with this guidance, future legal objectives may be considered by government.

The guidance policy identifies and locates 4,770 hectares of draft old growth management areas (OGMAs). The policy goes on to recommend specific results and strategies for forest licensees to use in their forest stewardship plans. For the draft OGMAs the recommended strategy is to exclude the areas from harvesting and to locate any roads at least 200 metres away from the boundaries.

The Board is concerned that the guidance policy is not legally enforceable. Licensees may disregard it and still be in compliance with the *Forest and Range Practices Act* and meet the requirements of the 2004 biodiversity order. Government's stewardship strategy has stopped short of using the available legislative tools to ensure certainty of conservation of the ICH forests in this area. Vulnerable forest stands can still be legally harvested despite clear guidance to the contrary. A guidance policy approach would seem reasonable for values that have widespread occurrence and that can be managed through general application of practices across the landscape. The old growth or ancient cedar stands that are the subject of the draft OGMAs are, however, rare on the landscape, precisely located, small in total extent and essentially irreplaceable. For such values the stronger measures provided for in legislation appear to be necessary and could be invoked with better effect prior to discovering that the guidance is not being followed, not afterwards. For this reason, I conclude that the recommendation has not been met.

In **Recommendation 2**, the Board recommended that the Minister of Forests and Range examine the UNBC research and the ILMB Legacy Project reports to identify vulnerable interior rainforest stands and the risk to such values from harvesting. Once areas were identified as vulnerable and at risk, the Board recommended that the Minister should designate those areas under Part 13 of the *Forest Act* and suspend, vary or refuse to issue cutting permits and other timber harvesting plans for up to ten years.

In May, 2008, the Ministry of Forests and Range responded that there is a timber supply review currently underway for the Prince George TSA and that the implications of the 4,770 hectares of draft OGMAs in the guidance policy would be assessed in a timber supply sensitivity analysis. For this reason the MFR stated it would not proceed with a Part 13 *Forest Act* designation. However, since then, the ministry has informed the Board that it will not be able to conduct the sensitivity analysis for the chief forester's AAC determination, which is scheduled for October 2009, due to the press of other more urgent and consequential analyses. Instead, a sensitivity analysis of the impact of the guidance areas will be done sometime in the future after the October 2009 AAC determination.

In the chief forester's 2004 AAC determination, he noted that there is a partition for harvesting cedar and hemlock stands and those future decisions about the partition

August 17, 2009

would be subject to a complete analysis and review of current management practices within the ICH zone.

I understand that the 4,770 hectares of draft OGMAs are not reflected as current practice in the base case timber supply scenario; even though the guidance policy has now identified the vulnerable interior rainforest stands. In the Board's view the ILMB guidance policy should be considered current practice and reflected in the base case analysis. Without the sensitivity analysis, the continuation of the cedar/hemlock partition and its impact on the ICH forests and timber supply will be unknown and the chief forester may not have the information necessary to consider both the ICH resource values and the impacts of the partition in the impending AAC determination. For this reason, I find the ministry response to the recommendation to be inadequate.

**Under section 132 of the Forest and Range Practices Act, the Board requests that the chief forester prepare, for the Minister of Forests, a Part 13 designation under *the Forest Act* for the 4, 770 hectares of draft OGMAs identified in the policy guidance until such time that the sensitivity analysis is done. The Board requests that the chief forester notify the Board of the steps taken to implement the Board's recommendations by February 1, 2010.**

In conclusion, I note with appreciation that government staff have prepared a thorough analysis and stewardship strategy that does identify vulnerable interior rainforest stands. However, in the Board's view the government's response is not adequate to ensure effective management and conservation of the significant biodiversity values in this case and could be significantly improved by use of existing legislative tools.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bruce Fraser". The signature is written in a cursive, flowing style.

Bruce Fraser, PhD  
Chair



File: 97250-20/070762

August 18, 2009

Eamon O'Donoghue  
Regional Executive Director  
Northern Interior Region  
Integrated Land Management Bureau  
Bag 5000  
Smithers, BC V0J 2N0

Dear Eamon O'Donoghue:

**Re: Response to Board Recommendation #3 in the *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek* report**

I would like to thank you for your April 30, 2009 response to the Board's recommendation #3 in its investigation of complaint 070762, entitled *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek*. The following is the Board's consideration of the response and our conclusion.

Recommendation 3 was that the Regional Executive Director of the Integrated Land Management Bureau provide the Board with a copy of the decision on whether to establish spatial OGMAs upon the completion of the Legacy Project. The Board suggested that ILMB provide a rationale supporting the decision and the rationale should speak to the factors considered and how values and risks were identified and addressed.

In your April 3, 2009 response you note that the April 2008 document, entitled *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management Plan Area* (guidance policy) thoroughly explored the economic, social and environmental values associated with the interior cedar-hemlock forests. You also noted that *Forest and Range Practices Act* (Act) regime relies on a combination of practice requirements, legal objectives and professional reliance to protect values. These factors were highlighted in your decision not to legally and spatially establish the 4, 770 hectares of draft OGMAs identified in the Legacy Project and reflected in the guidance policy.

As you know, on August 17, 2009, the Board considered the government response to two other Board recommendations, in which the ministries outlined a stewardship

strategy for the interior cedar-hemlock forests in the Prince George timber supply area.

The Board recognises and commends the thorough agency staff work that went into the Legacy Project and the stewardship strategy and detailed identification of the draft OGMA's. Our concern at this point is that the strategy is limited by a policy choice that renders it less effective than it could be.

In my opinion, the most significant component of the strategy is the April 2008 guidance policy. The Board concluded that there were inherent weaknesses in the reliance on guidance alone. To be effective, the reliance on professionals needs to be based on a clear planning framework supported by legislation. I accept that ILMB intends to monitor the draft OGMA's. As the guidance policy is non-binding and the monitoring would only show damage after the fact, our concern is that the ICH values represented in the draft OGMA's are now rare and cannot be recovered if lost.

I appreciate your offer to consider any future analysis to determine if further spatial designation would be appropriate. The Board has made a recommendation in its August 17, 2009 letter to the chief forester to prepare, for the Minister of Forests, a Part 13 designation under the *Forest Act* for the 4,770 hectares of draft OGMA's identified in the policy guidance that would ensure their integrity until such time that the sensitivity analysis is done to establish the potential impact on timber resources.

When a sensitivity analysis is completed by the chief forester, I would expect that it would be appropriate to consider taking the opportunity to reconsider the spatial designation of the draft OGMA's.

In conclusion, I thank you for your response to the Board's recommendation.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Fraser".

Bruce Fraser, PhD  
Chair



# Forest Practices Board

File: 97250-20/070762

November 25, 2009

Honourable Pat Bell  
Minister of Forests and Range  
PO Box 9049  
STN PROV GOVT  
Victoria, BC V8W 9E2

Dear Minister Bell:

**Re: Old growth management areas in the Prince George Timber Supply Area.**

Thank you for meeting with me on November 19, 2009. During our meeting we discussed the issue of the ancient cedar stands in the Prince George Timber Supply Area and the findings of the Board's investigation of complaint 070762 entitled *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek*. You were concerned that spatially identifying old growth management areas would reduce or eliminate flexibility on the landscape. Specifically you were concerned with losing the best growing sites that could buffer losses to the mid-term timber supply.

The potential impacts to timber supply if ancient forest stands are spatially established as draft old growth management areas (OGMA) have been studied by the Integrated Land Management Bureau (ILMB) in Prince George. This information is included in ILMB's April 2008 policy entitled *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management Plan Area* (guidance policy). Their analysis considered the impact on the timber harvesting landbase including how much of the spruce-leading stands are in the guidance policy draft OGMA's. The guidance policy was developed in part as a response to the Board's investigation. That policy provides much of the information that I have used to help address your concerns.

**First, there are significant biodiversity values at risk to forest development.** The Board's investigation examined whether or not specific interior cedar hemlock (ICH) stands warranted spatial establishment in OGMA's. We reported that ILMB; the chief forester; and University of Northern BC researchers, all identified significant biodiversity values in specific ICH stands and that these stands are at substantial risk from development. Without spatial designation, licensees are legally permitted to

Tel: (250) 213-4700 | 1-800-994-5899 | Fax: (250) 213-4725  
PO Box 9905 | Stn Prov Gov't | Victoria BC | Canada | V8W 9R1

[www.fpb.gov.bc.ca](http://www.fpb.gov.bc.ca)



harvest the most sensitive, non-replaceable ancient cedar stands. These stands are rare on the landscape, precisely mapped, small in total extent and essentially irreplaceable. These stands are globally rare, containing both red-listed and newly discovered species.

**Second, how much of these ICH forests stands are protected already?** ILMB conducted an exhaustive study of the existing 2004 Order and concluded that current reserves (OGMAs, parks, and protected areas) do not capture the highest value ICH stands. Eighty-four percent of the areas identified as having a high probability of containing antique stands, and 81% of those with a medium probability, are outside existing reserves. Conversely the stands with lower biodiversity values make up the majority of area in current reserves. ILMB staff had recommended that the draft OGMAs be spatially designated. They concluded that the OGMAs were consistent with established enactments and would not introduce additional harvest constraints or costs to the area.

In the Board's opinion, by spatially identifying the OGMAs, licensees gain a certainty of where their operations can now focus and this was anticipated in the 2004 Order.

**Third, will designation of OGMAs limit the mid-term timber supply?** You mentioned that you wanted to maintain flexibility to use the best growing sites to buffer losses to the mid-term timber supply. The ILMB policy guidance stated that its selection of OGMAs did so with keen attention to that issue. ILMB noted that their analysis did not consider areas in the SBSvk2 or ESSF which contain significant levels of mid-term harvest opportunity. They avoided leading spruce stands as much as possible when locating the 4,770 hectares of draft OGMAs. The guidance policy provides substantial detail about the limited impact on mid-term timber supply. I note that they analysed the impact to each of the three licensees operations for the ICH vk2 and ICH vk3.

The overall impact would constitute 408 hectares from 30,412 hectares in the timber harvesting landbase of the three licensees planning cells. That is, the OGMAs would spatially identify 1.34 percent of spruce leading stands from these planning cells. This would be part of the timber volume already removed from the timber harvesting landbase as part of the 2004 Order. Spatially designating the OGMAs will conserve the highest value biodiversity areas and assist licensees in identifying other stands which provide the best opportunity for timber harvesting. It will provide the licensees with certainty.

**Lastly, if biodiversity targets must be reduced are the ancient forest stands the best choice?** These ICH stands are clearly the highest value for biodiversity conservation. Should you determine that more stands are needed for mid-term timber supply a

Minister Bell  
November 25, 2009  
Page 3

conservative approach would be to remove low or medium biodiversity stands first, rather than target the globally rare ancient ICH forests. As well, the mountain pine beetle has significantly altered the visual landscape throughout the timber supply area. Recognizing that in some cases the objectives can no longer be met, removal or adjustments of those social objectives may be a better source of volume.

ILMB has identified the types of stands that would conserve the rarest of the forest stands. Staff recommended that the OGMA's be spatially designated which was previously recommended by the chief forester as well. In our investigation, we recommended that the chief forester prepare for the Minister of Forests, a Part 13 designation under the *Forest Act* for the draft OGMA's identified in the policy guidance until such time that the sensitivity analysis is done. I understand that the analysis is almost complete and the results confirm ILMB's conclusions that designation of the sites will not have an appreciable effect on the timber supply. Input from the chief forester and the Prince George Forest District Manager should clarify the level of concern with the mid-term timber supply.

In conclusion, I appreciate the opportunity to discuss this issue with you. If you have any questions I would be pleased to meet with you or your designate to resolve the issue.

Yours sincerely,



Bruce Fraser, PhD  
Chair

cc: - Jim Snetsinger, Chief Forester, Ministry of Forests and Range  
- Greg Rawling, Prince George District Manager, Ministry of Forests and Range





File: 280-30  
Ref: 167580  
FEB 04 2010

Bruce Fraser, Chair  
Forest Practices Board  
PO Box 9905  
Victoria BC V8W 9R1

FEB 04 2010	
RECEIVED by:	
Original _____	
File # _____	
ACTION:	COPIES:
	FPB-Directors B. Fraser
<input type="checkbox"/> NIA Int.	<input type="checkbox"/> FYI Int.

Dear Dr. Fraser:

Thank you for your letter dated August 17, 2009, evaluating Government's response to two Forest Practices Board recommendations in its investigation report entitled *Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek*.

In that letter, the Board expressed concern with Government's response to the recommendations and made a follow-up recommendation to the Chief Forester as follows:

*Under section 132 of the Forest and Range Practices Act, the Board requests that the chief forester prepare, for the Minister of Forests, a Part 13 designation under the Forest Act for the 4770 hectares of draft OGMAs identified in the policy guidance until such time that the sensitivity analysis is done. The Board requests that the chief forester notify the Board of the steps taken to implement the Board's recommendations by February 1, 2010.*

We also acknowledge receipt of the Board's November 25, 2009 letter, requested by the Minister of Forests and Range, elaborating on the Board's rationale for the follow-up recommendation.

As the Board was informally advised this fall, the Ministry of Forests and Range (MFR) is conducting a timber supply sensitivity analysis for the 4770 ha of guidance OGMAs as part of preparation for an upcoming timber supply review for the Prince George Timber Supply Area (TSA). This analysis will be included as part of the timber supply analysis report for the Prince George TSA timber supply review in early 2010.

This sensitivity analysis and supporting data is in the process of being finalized and shared with Eamon O'Donoghue, Regional Executive Director of the Integrated Land Management Bureau's (ILMB) Northern Region and the delegated decision-maker responsible for establishing OGMAs within the Prince George TSA.

In February 2010, Mr. O'Donoghue will review the timber supply sensitivity analysis and supporting data sets. He also intends to consult with affected forest licensees regarding their application of the March 2008 *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management Plan Area*. He will determine if any additional legal designations will be advertised once he has reviewed the analysis, confirmed the licensees' approach to implementing the 'guidance' document and considered any other pertinent information that may be relevant to this decision. We expect that this process will take approximately three to four months and have asked Mr. O'Donoghue to respond directly to the Board by May 31, 2010.

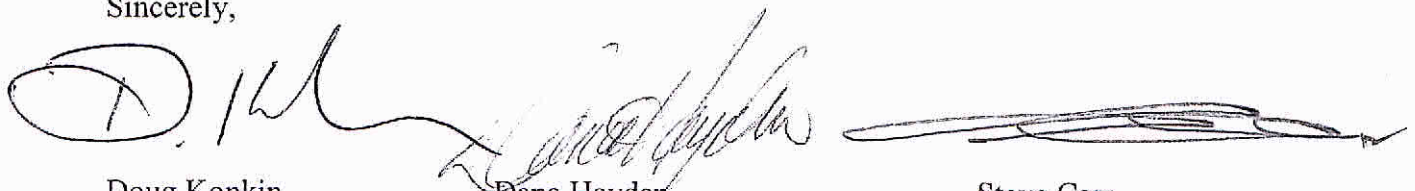
In the meantime, we have considered the Board's concern that these 4770 ha are at risk of being harvested by the forest licensees that operate in the area. We do not, however, believe a moratorium on harvesting is necessary in this case. We remain confident that the forest licensees in the area will maintain the integrity of these guidance OGMA's for the following two reasons:

- The licensees have demonstrated that they are honouring the March 2008 *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone within the Prince George Land and Resource Management plan Area*.
- None of the licensees are currently targeting cedar-leading stands in the ICH for harvesting. They are currently targeting dead pine, and this is expected to continue for a number of years.

If the Board has any questions or would like further information regarding Government's actions to address the Dome Creek follow-up recommendation, we ask that you contact Mr. O'Donoghue directly at [eamon.odonoghue@gov.bc.ca](mailto:eamon.odonoghue@gov.bc.ca) or 250 847-7495.

In closing, we thank the Forest Practices Board for its follow-up recommendation and the expressed desire to see the values in these unique, ancient forests maintained into the future.

Sincerely,



Doug Konkin  
Deputy Minister  
Ministry of Environment

Dana Hayden  
Deputy Minister  
Ministry of Forests and Range

Steve Carr  
President and CEO  
ILMB

pc: Larry Pedersen, Deputy Minister, Agriculture and Lands  
Jim Snetsinger, Chief Forester, Ministry of Forests and Range  
Ralph Archibald, ADM, Environmental Stewardship Division, Ministry of Environment  
Gary Townsend, ADM, Regional Operations Division, ILMB  
Phil Zacharatos, ADM, Operations, Ministry of Forests and Range  
Eamon O'Donoghue, Regional Executive Director, Northern Region, ILMB  
Diane Medves, Director, Forest Practices Branch





# Forest Practices Board

File: 97250-20/070762

February 10, 2010

Doug Konkin  
Deputy Minister  
Ministry of Environment  
PO Box 9339, Stn Prov Govt  
Victoria, BC V8W 9M1

Steve Carr  
President and Chief Executive Officer  
Integrated Land Management Bureau  
PO Box 9352, Stn Prov Govt  
Victoria, BC V8W 9M1

Dana Hayden  
Deputer Minister  
Ministry of Forests and Range  
PO Box 9525, Stn Prov Govt  
Victoria, BC V8W 9C3

Dear Participants:

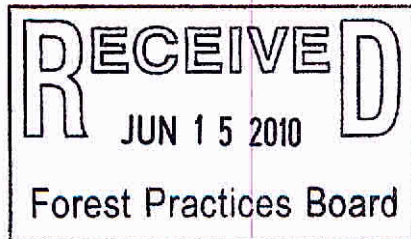
Re: Timber Supply Sensitivity Analysis of Guidance OGMAs

Thank you for your February 4, 2010 letter responding to the Board's letter of August 17, 2009 evaluating government's response to the report Biodiversity in the Interior Cedar-Hemlock Forests near Dome Creek. The Board looks forward to the results of the timber supply sensitivity analysis of the OGMAs identified by policy guidance in the Prince George Timber Supply Area. While the Board has expressed its concern for the interim fate of these areas we take note of your confidence that they are not at risk for development. Board staff will contact Eamon O'Donoghue regarding the sensitivity analysis.

Yours sincerely,

Bruce Fraser, PhD  
Chair

cc: Eamon O'Donoghue, Regional Executive Director, Integrated Land Management Branch



File: 17730-30-ICH  
(Your File: 97250-20/070762)

June 10, 2010

Al Gorley, Chair  
Forest Practices Board  
PO Box 9905  
Victoria, BC V8W 9R1

Dear Mr. Gorley:

**Re: Correspondence relating to Biodiversity in the Interior Cedar Hemlock Forests near Dome Creek**

This letter is a follow-up to a letter dated February 4, 2010 from Doug Konkin, Dana Hayden and Steve Carr to Dr. Bruce Fraser.

As per previous communication with the Forest Practice Board, the natural resource agencies of the Government of BC are committed to managing the biodiversity values in the Interior Cedar Hemlock (ICH) zone of the Prince George Forest District.

One of the initiatives set out to achieve this management is the Guidance Old Growth Management Areas (OGMAs) as laid out in the *Guidance and Technical Background Information for Biodiversity Management in the Interior Cedar Hemlock Zone with the Prince George Land and Resource Management Plan Area, March 2008*. Staff at the Integrated Land Management Bureau (ILMB) and the Ministry of Forests and Range (MoFR), have been monitoring the 4770 hectares currently identified as Guidance OGMAs in the Prince George Forest District.

There has been some road building activity proposed in one of the polygons identified as a Guidance OGMAs. Discussions have occurred between the Forest Licensees proposing the road and MoFR District staff, ILMB Planning staff and UNBC academics who have expertise with some of the values contained in the Guidance OGMAs. There has been no additional commercial harvesting proposed in the balance of these polygons.

I have met with the 3 major Licensees who have operating areas in the vicinity of the Guidance OGMAs and they have no foreseeable plans to harvest within them.

.../2

I have also reviewed the sensitivity analysis conducted by MoFR as part of the Prince George Timber Supply Review IV process. This analysis indicates that the timber supply impact of legally establishing the OGMA's under the *Land Use Objectives Regulation* is relatively minor. The sensitivity analysis was done considering a partition harvest for the cedar leading stands in the ICH zones. The timber supply model indicated an impact of 2,100 hectares of Timber Harvesting Land Base and 7,500 m<sup>3</sup> per year impact if the Guidance OGMA's were to be removed from harvesting opportunity.

In conclusion, at this time, I continue to believe that the Guidance OGMA's adequately manage the risks to biodiversity values.

My staff and I will continue to monitor the values in the ICH. I will consider new relevant information, when it arises. We will notify you if our management action(s) change.

Should you wish to discuss this matter further, please contact me at [Eamon.ODonoghue@gov.bc.ca](mailto:Eamon.ODonoghue@gov.bc.ca) or (250) 847-7495.

Sincerely,



Eamon O'Donoghue  
Regional Executive Director  
Northern Region, ILMB

- pc: Gary Townsend, ADM, Regional Operations Division, ILMB  
Jim Snetsinger, Chief Forester, MFR  
Greg Rawling, District Manager, MFR  
Kristine Weese, Forest Practices Branch, MFR  
Dave Tudhope, Manager, Land Use Planning Policy, MAL





# Forest Practices Board

File: 97250-20/070762

June 24, 2010

Eamon O'Donoghue  
Regional Executive Director  
Integrated Land Management Bureau  
200-1488 Fourth Avenue  
Prince George, BC V2L 4Y2

Dear Eamon O'Donoghue:

Thank you for your letter of June 10, 2010 providing an update on the status of the 4770 hectares of Guidance Old Growth Management Areas (OGMA) and your assessment of the timber supply sensitivity analysis.

In your letter you explain that there has been little harvesting activity in these areas to date and in your discussions with the major licensees you understand that they have no foreseeable plans to harvest within them. You also state that the timber supply impact of legally establishing these areas is relatively minor.

In this case, the Board remains convinced that legally establishing the draft Guidance OGMAs is prudent. Legal establishment would require amendments to licensee's forest stewardship plans and licensees conduct harvesting consistent with what is in their plan. Without legal designation there is a risk that an area will fall through the cracks, or economic pressures may cause a licensee to be interested in these sites. A licensee can submit a cutting permit application, whether or not they know about the biodiversity interest, and the District Manager has limited ability to refuse to issue a cutting permit.

However, the authority to decide whether to legally establish spatially defined areas as OGMAs rests with your ministry and we are confident that the Board has fully explained its concerns with the conservation value of the Guidance OGMAs. We will now close this file.

Eamon O'Donoghue

June 24, 2010

Page 2

The Board will continue to assess old growth management and is currently conducting a province-wide special investigation into the implementation of old growth retention objectives.

Thank you again for your consideration of the Board's concerns on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R.A. Gorley', with a long, sweeping underline that extends to the right.

R.A. (Al) Gorley, RPF  
Chair

Cc

Gary Townsend, ILMB

Jim Snetsinger, MFR

Greg Rawling, MFR

Kristine Weese, Forest Practices Branch, MFR

Dave Tudhope, Land Use Planning Policy, MAL

Dave King, Prince George Backcountry Recreation Society

Rick Zammuto, Save-the-Cedar League

Hugh Perkins, Dome Creek Forest Information Committee