



Reference: 272779

May 24, 2024

Keith Atkinson, Forest Practices Board Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8X 9R1

Dear Keith Atkinson:

The Forest Practices Board (the “Board”) plays an integral role to the success of the *Forest and Range Practices Act*. We appreciate the care taken and advice provided to improve range practices for the benefit of British Columbia’s ecosystems.

In response to the Board’s Complaint Investigation on “Livestock Grazing in the South Okanagan and White Lake Grasslands Protected Areas” (FPB/IRC/250), the Ministry of Forests (the “Ministry”) recognizes the importance of sustainably managing public land and resources to ensure healthy ecosystems in B.C., while ensuring a vibrant ranching economy.

Please find below the ministry response to the Board’s recommendations:

Recommendation 1: Define ‘ecologically suitable species’ in FRPA to ensure consistent application for forest and range practices. Prepare and implement appropriate guidance for selecting ecologically suitable species.

The Ministry will be updating the Range and Forest Planning and Practices Regulations which will include a definition of ‘ecologically suitable species to support the expeditious revegetation of disturbed soil to prevent erosion and the introduction and spread of invasive plants. Guidance will be developed for selecting and establishing ecologically suitable species in step with the amendments. However, the schedule for this update will be preceded by several other regulatory updates currently in-line for Cabinet deposition.

Recommendation 2: In collaboration with First Nations, prepare and implement a long-term, comprehensive management plan for the South Okanagan Grasslands Protected Area (SOGPA) that integrates livestock grazing and the protection of cultural and ecosystem values. The plan should include (i) a field-based assessment of forage availability and range condition across the protected area, and (ii) strategies that will be implemented to restore areas negatively impacted by livestock grazing and the construction of range developments. The applicable *Range Act* agreements and range use plans should be amended to be consistent with the content of the management plan.

The Province (MOF, MOE, MIRR, WLRS) is currently engaged in conversations with the Lower Similkameen Indian Band (LSIB) to develop a shared decision making, collaborative stewardship model, within the territory. A range table, with membership from the Okanagan Shuswap Natural Resource District (DOS), LSIB, BC Parks and local range tenure holders has been established; collaborative range tenure management and monitoring within the SOGPA are in scope for the group. The Province is optimistic this work will result in improved range management and monitoring results in the area.

With regards to your findings, please find the Ministry response below:

1. Range agreement holders at the Mt Kobau site within the SOGPA did not comply with FRPA practice requirements. Range agreement holders at the Blue Lake site within the SOGPA complied with FRPA requirements.

DOS staff will be visiting the Mt Kobau site with the RUP holders, LSIB and BC Parks staff to review the alleged non-compliances, in the spring of 2024. The agreement holders will be instructed to address any appropriate remediation.

2. The Ministry did not comply with section 51 of FRPA in obtaining authorization to construct fence and water developments. The Ministry did not comply with section 46(1) of FRPA by causing damage to the environment. The Ministry did revegetate exposed soils with ecologically suitable species within 2 years but acted contrary to the guidance in the MOU with Provincial Parks.

The practice DOS staff have traditionally followed is to consider a third-party contract for fencing developments (and associated repair), approved by a District Manager (or Acting District Manager) to be sufficient in meeting section 51 requirements. District range staff are currently working with Range Branch to review and develop range authorization policy/procedures. Until this work is complete, DOS staff will ensure that a contractor not proceed with fencing works without a s.51 letter of authorization.

Historically, it has not been standard practice in the Province to obtain a *Water Act* license, prior to the construction of small, “off stream” watering developments, associated with diverting water for cattle. Note, water diversions are beneficial in managing cattle pasture rotation and help protect riparian areas from herd congregation impacts.

Ray Crampton, District Manager,
Okanagan Shuswap Natural Resource District

Most of the water diversions in the Kobau/SOGPA area (including the Middle Mountain diversion) were constructed between 1979 and 1982, under a Federal funding initiative, decades prior to the establishment of the SOGPA. During wildfire recovery efforts, the trail in question, a part of the Middle Mountain diversion, was bladed for safety purposes and the existing damaged water line was replaced. No new trail construction occurred, and we note, most of the side cast was in situ prior to this work.

In response to concerns raised by the Board early in the investigation, the District retained a professional geomorphologist to assess the restoration work along the water diversion trail and provide remediation recommendations. A preliminary report was received in 2021 and recommended works (grass seeding, drainage structure establishment, etc.) were implemented later that year (note, a copy of the Westrek Geotechnical Services Ltd. 2023 final report was made available to the Board in 2023).

Testalinden Wildfire remediation works included grass seeding disturbed areas with a standard early establishing erosion control mix. Unfortunately, the SOGPA portion of the Middle Mountain water diversion was overlooked in error, and we accept that portion should have been seeded with an ecologically suitable species, per the MOU.

3. Government inspections and monitoring were adequate at the Mt Kobau site within the SOGPA but did not achieve compliance. The other sites within the SOGPA did not have adequate inspections and monitoring to detect issues.

Field monitoring was disrupted by successive wildfires in the South Okanagan/Similkameen and later, by COVID-19; some scheduled monitoring inspections were deferred. Going forward, District staff are currently working with the parties on monitoring protocols and an inspection regime to ensure compliance with the pasture grazing schedule, riparian protection, and other RUP requirements.

Ministry staff will continue to work with compliance and enforcement officers, local First Nations, BC Parks staff and with the *Range Act* agreement holders to evaluate grazing management and ensure protected areas are not harmed.

Again, the district appreciates the Board's work and the opportunity to respond to your concerns.

Sincerely,



Ray Crampton,
District Manager, Okanagan Shuswap District

pc:
Jamie Jeffreys,
Assistant Deputy Minister, South Area



Reference: 411091

July 10, 2024

Keith Atkinson, Chair
and Board Members
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria British Columbia
V8X 9R1

Sent via email: FPBoard@bcfpb.ca

Dear Keith Atkinson:

BC Parks has been working in collaboration with partners in the Ministry of Forest and Ministry of Water, Lands and Resource Stewardship to make progress towards the recommendations and findings outlined in *The Forest Practice Board October 2023 Complaint Investigation: Livestock Grazing in the South Okanagan and White Lake Grasslands Protected Areas*.

Please find below the BC Parks response to the Board's recommendations:

Recommendation 1: Define 'ecologically suitable species' in FRPA to ensure consistent application for forest and range practices. Prepare and implement appropriate guidance for selecting ecologically suitable species.

- BC Parks will continue to work with the Ministry of Forests to identify suitable species for parks and protected areas throughout British Columbia. It is our intent to address this issue as part of the work of the team that has come together between BC Parks and the Ministry of Forests to examine our working relationship regarding range management in parks and protected areas and the MOU that guides it. This inter-ministry team is developing a work plan to identify and pursue improvements to range management in parks and protected areas and guidance on seed selection will be an element of that plan.

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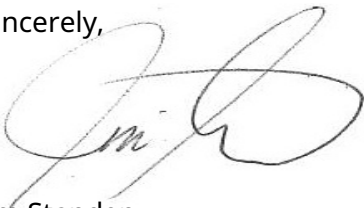
Recommendation 2: In collaboration with First Nations, prepare and implement a long-term, comprehensive management plan for the South Okanagan Grasslands Protected Area (SOGPA) that integrates livestock grazing and the protection of cultural and ecosystem values. The plan should include (i) a field-based assessment of forage availability and range condition across the protected area, and (ii) strategies that will be implemented to restore areas negatively impacted by livestock grazing and the construction of range developments. The applicable Range Act agreements and range use plans should be amended to be consistent with the content of the management plan.

- BC Parks agrees with the content of the update on this recommendation that the Ministry of Forests provided the Board on May 24, 2024.

In general, since Fall 2023, BC Parks and the Ministry of Forests have been increasing our collaborative efforts in range/grazing management in parks and protected areas and there are noticeable improvements in some areas already. From BC Parks perspective, there is work to be done to enhance the functionality of the MOU and ensure ongoing collaborative efforts are sustained. This is the mechanism we believe is best suited to support joint work together, as well as address issues that are not resolved at the local level between our operational teams. It is BC Parks view that range management in parks and protected areas should meet best practices for range management, in full alignment with FRPA. Further, there is an opportunity for parks and protected areas to be the setting for innovative ideas in managing grazing to minimize environmental impacts and BC Parks will continue to pursue this direction as part of its ongoing collaboration with Ministry of Forests in this area.

Thank you again for taking the time to write.

Sincerely,



Jim Standen
Assistant Deputy Minister
Conservation and Recreation Division

cc: Chris Oman, Director of Investigations, BC Forest Practices Board
Doug Wahl, Manager, Audits and Investigations, BC Forest Practices Board



Forest Practices Board

File: 97250-20 / 20047 and 21072

July 29, 2024

VIA EMAIL

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Re: Response to the Board's recommendations

Dear Ray Crampton and Jim Standen:

Thank you for your responses to the recommendations the Forest Practices Board made in its *Livestock Grazing in the South Okanagan and White Lake Grasslands Protected Areas* report.

The Board's first recommendation was to "Define 'ecologically suitable species' in FRPA to ensure consistent application for forest and range practices. Prepare and implement appropriate guidance for selecting ecologically suitable species."

The Ministry of Forests (MOF) indicated that ecologically suitable species will be defined in upcoming amendments to the *Range Planning and Practices Regulation*. Further, BC Parks will continue to work with the MOF to identify ecologically suitable species for revegetation in protected areas. This will be one issue that is addressed as the two agencies examine their working relationship regarding range management in protected areas. We appreciate this proposed solution and want to encourage interim steps as much as possible, knowing that legislative amendments can take some time.

Ray Crampton and Jim Standen

July 29, 2024

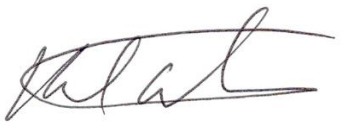
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The second recommendation was “In collaboration with First Nations, prepare and implement a long-term, comprehensive management plan for the South Okanagan Grasslands Protected Area (SOGPA) that integrates livestock grazing and the protection of cultural and ecosystem values. The plan should include (i) a field-based assessment of forage availability and range condition across the protected area, and (ii) strategies that will be implemented to restore areas negatively impacted by livestock grazing and the construction of range developments. The applicable *Range Act* agreements and range use plans should be amended to be consistent with the content of the management plan.”

I understand that the MOF and other government agencies are engaged with First Nations to develop a collaborative stewardship model that will include range stewardship and monitoring. BC Parks concurs and acknowledges that there is work to be done with MOF to realize a higher standard of range stewardship in protected areas.

I want to acknowledge your intention to collaborate with First Nations and each other to improve range stewardship within protected areas. That was the Board’s intention when it made the recommendation. I accept your response and we look forward to continuing to monitor government’s progress towards improved range stewardship in protected areas including the SOGPA.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Keith Atkinson', written over a horizontal line.

Keith Atkinson

Chair

Cc Jamie Jeffreys, ADM South Area, Ministry of Forests
Ben Vander Steen, Regional Director, Kootenay/Okanagan, BC Parks