

Minutes
CSA Community Advisory Group
To Western Forest Products
September 12, 2016
Western Forest Products Boardroom

Attendance

Refer to attached sheet

6:00 pm: Meeting called to order
Quorum met.

Safety Review

Facilitator noted fire exits and first aid attendants in case of emergency. Meeting place in case of emergency was noted.

Code of Conduct

Code of Conduct for Community Advisory Group was reviewed.

Review and Acceptance of Agenda

Agenda was accepted.

Review and Acceptance of Minutes

Minutes reviewed and accepted.

Correspondence

Copies of recent correspondence was provided and reviewed

Letters to PRPAWS

Emails to First Nations

Welcome and Introductions

Chair welcomed guest speaker and members introduced themselves. The new Operations Planner at Western Forest Products Stillwater is Darwyn Koch. He has been working in the forest industry since the early '80s starting in the Castlegar area working his way through the Kootenays. He went back to university to get his forestry degree in the late '80s through early '90s and has since been working in the Prince George regional area working for a variety of companies. He started with Slocan Forest Products which was a very big forestry company bought out by Canfor in 2002. He then went to the Sinclair Group and has now join WFP. He has been planning for the past 25 years and has been involved with numerous CSA public groups since the late '90s. He has also been involved with joint CAGs with other licensees. Darwyn wrote the CSA SFM plan for the Sinclair Group. He solicited the public group, ran them through the process, and built the indicators. He is very familiar with the CSA standard and the process behind the public group involvement. Also, he is familiar with the SFI standard because the Sinclair Group had both certifications. Soon WFP will have both. Phillips Arm will be SFI and the rest will be by the end of next week. Darwyn has been involved in this certification. There is no public involvement necessary for SFI certification but it meets the American standard. The American certification standard oddly fits better with forest legislation in BC than the Canadian one. Darwyn and his family enjoy the outdoors and are involved in hockey. He was a volunteer fire fighter for many years. He has always been active in his communities.

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Operational Information Map Update

Current Activities

Harvesting – TM-263, PD-463, PD-464, PD-530, PD-480, PD-531, PD-262, PD-164, PD-539, UL-821, ST-079, UL-830, UL-844, WL-346

Road Construction – ST-328, GI-134, GI-136, ST-281, PD-287, ST-388, LL-040, PD-541, PD-507, WL-012, ST-112, WL-948

Engineering – ST-060, PD-212, GI-070, GI-142

What's New on the Map

New Blocks – EL-671, EL-681, EL-358, EL-679, EL-360, EL-684, GL-639, PD-212, ST-026B, EL-703, EL360, GL-644 (addition)

New Roads – None

Cutting Permit Approved Areas – (PD-507, UL-821, ST-080), (UL-844, UL-830, ST-028, WL-346, ST-351, TM-183)

Logging Complete – GL-021, GL-022, ST-031, ST-093, TM-247, ST-152, FH-041, WL-014 ST063, ST-065, ST-066, GI-056, GI-058, GI-062, GI-061, GI-064, GI-130, GL-021, GL-022, ST-063, GI-119, GI-140

Road Construction Complete – PD-500, GI-206, ST-284, ST-096, ST-249, GI-135, ST-249, PD-287, TM-261, ST-328, WL-346

Engineered Blocks – ST-067, BT-637, PD-466, PD-527, PD-528, ST-026B, ST-055, ST-286, GI-118, WL-948, GI-009, EL-702

Engineered Roads – WL-948, GI-009, EL-702

There was one new block near the Sunshine Coast Trail this summer and FH-044 will have the SCT rerouted through a special management zone later this fall.

Guest Speaker: Mark Sloan, First Nations Advisor, Sunshine Coast Resource District

Mark provided a current structure organizational chart with contact information for the group. He clarified who to talk to about different issues.

Mark is the First Nations Relations Advisor; he does all of the First Nations consultations in the district. We have 11 First Nations that overlap in the Sunshine Coast District. He works closely with about half a dozen of them and the others relatively infrequently. His job is to consult and determine if an application is affected by Section 35 Aboriginal Interest.

The folks in the office may not have all of the answers but they will be able to direct you to somebody that can answer your question.

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Members of the group expressed some frustration over not being able to find out who the right person is to talk to about different issues.

Comment: Regarding the question about where to take environmental complaints, I think the government is heading towards a call centre type of structure where you would call one number for any concerns regarding enforcement and your issue would go into a queue to be addressed based on its importance.

Comment: We should be told that when we ask who to speak to.

Comment: I don't think they are there yet.

This kind of forum helps us know how to move forward and make it easier for people to communicate and report.

Mark brought in some material that documented the treaty and treaty settlement land and what it means, what it means to BC and the community. Rules that apply on treaty lands are not the same as the rules that apply on crown tenure land. He also showed the group maps that marked treaty settlement lands and other holdings such as their woodlot. The treaty settlement gave a forest tenure for 50,000 m³ to Tla'amin and it is in the process of being rolled into a single First Nations Woodland License. It is in the vicinity of Inland Lake not over the provincial park and the higher lands around Haslam Lake. It remains crown land and the forest operations in that area are the same as for Powell River Community Forests. The treaty land is different. It is more of a fee simple title so the Tla'amin Nation has the jurisdictional authority to own, manage, enjoy and benefit from the treaty settlement areas without provincial legislative oversight similar to what any large private land holding would have. Federal and Provincial laws that apply to private land holdings would apply there. For example, there would be no regulation for cut block size and no regulation for amount of wood to be harvested. It is up to them to manage it based on their rules and traditional values.

Comment: What about elk?

They have under the treaty hunting rights which include a significantly larger area than the settlement lands and within that area they need licensing as determined by the Tla'amin government.

Comment: Should we talk to Craig Galligos about both the treaty lands and the woodlot?

Craig would be a good person to start with, yes.

Treaty has been pursued by the government because it provides certainty to the claimed area of the First Nation. Unlike the rest of the country BC did not historically sign treaty with the First Nations. There is a legal obligation of the crown to consult on lands with a First Nation claim on them because of this history. Because BC did not sign treaties with First Nations historically the vast majority of the province is still subject to Aboriginal Land Claims. They claim to have ownership and right of the land and they have never ceded, surrendered or lost a war. There are questions as to whether that was actually true or if they were just overwhelmed by the European population that immigrated. In 1972 the Supreme Court of Canada said that their interests in the land have never been extinguished. In 1982 that was written in

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the Canadian Constitution Act Section 35 which states that the rights and title of the aboriginal people of Canada are recognized and affirmed by Canada. This means the crown has a legal obligation to consult and it is necessary to accommodate First Nations where they have an asserted claim that has never been proven or settled by treaty or in court. One of the things Aboriginal Title does confer as determined by the court is the ownership of the natural resources on the land including timber. This impacts how the province has to discharge its constitutional obligation to consult and what consultation looks like if aboriginal title has been established.

Title can be established through the courts, through agreement, or through treaty. Title is based on historical use and occupancy. Areas that were integral to the groups culture, identity and community such as village sites and traditional fishing sites prior to contact would provide a strong case for proving title. With treaty title is established through negotiation not through litigation. It is the full and final settlement of a claim to this area.

Comment: Can First Nations title overlap with another?

For rights yes, but not for title.

The difference between how we interact with Tla'amin and Sechelt is due to the fact that Tla'amin has a treaty and Sechelt has aboriginal claim. They still consult with Tla'amin but according to their established treaty rights. Sechelt and the province do not know where they might be able to prove title if they went to court.

The province recently concluded negotiations on an interim forestry agreement with Sechelt which standardizes the consultation process. It didn't touch on where title or rights – these are part of a treaty discussion. The province said they would consult with them and what the consultation will look like according to established time lines through established mechanisms. The agreement was signed and now the ministry is consulting under the new agreement where Sechelt has a claim (which includes around half of the TFL). Any application the ministry receives goes through the consultative process with Sechelt. This takes between 21 and 75 days. They have not had any applications take 75 days yet but if there are issues there are provisions in the agreement to elevate the discussion of the application and the potential impacts out of the forestry agreement to a solutions forum table. This has not happened yet.

Question: Could this give people south of the border reason to claim this is not a free market?

If anything it could be argued that it is more of an expense. The agreement provides funding in the form of capacity and revenue sharing to the First Nation. The crown acknowledges that while Sechelt may not be able to prove title everywhere it probably could prove title to certain areas under certain conditions so there is a formula that provides them with a portion of the stumpage. It is not a lot perhaps around 5%.

Question: Is this something that is being charged on other company's cutting?

Any crown timber is scaled and billed for stumpage would go into that formula. It is an activity based model.

Question: Does this mean that the more area that their claim covers the more money they will get

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It is based on volume. Wood that is harvested from the claim area would go into the formula.

Question: I've heard that Sechelt wants logging rights from Palm Beach up towards Lois Lake, is this correct?

No, it is revenue from this area that they want. If the timber originates from within Sechelt territory they would get income from the stumpage.

Question: And it doesn't matter who logs it including BC Timber Sales?

Yes. It doesn't matter who logs it. It is a revenue agreement with the government to share stumpage.

Question: We heard that Sechelt became more proactive with the change in band council two or three years ago. Is this the case?

That may partially be true, but it would not have changed the actual claim or the ability to prove title should they decide to go to legislation versus negotiation with the province. There hasn't been a change in policy just more of a lobbying direction. Sechelt has always advocated strongly for their rights and their view is they have aboriginal title to their entire territory and that the government is authorizing illegal activity.

Question: What is happening with logging on the lower Sunshine Coast?

Interfor has been successful working collaboratively with Sechelt.

Comment: I know a number of the actual logging contractors are no longer working down there.

I don't know if that is related to authorizations or if the cut in the area has just been achieved for the licensees. Interfor still has their cut and are logging in Vancouver River right now.

Comment: BC Timber Sales has shifted some of their harvesting up here because they couldn't get approvals down there.

I am aware of that. It is balancing, timing and other operational stuff to be considered.

It comes down to trust, building relationships and finding common ground. It is important to engage with First Nations especially in the absence of agreements like a treaty. The Sechelt territory is a really big area and there are areas where they would have more likelihood of proving a successful claim for title. When an application comes in we look at the historic record and look at the decisions of the Supreme Court judges in the Tsilhqot'in case and the indicators that they used to determine where the Tsilhqot'in Nation did or did not have title. The Tsilhqot'in decision established what factors the Supreme Court considered when they made the title declaration.

Mark said his office does not have any major projects going on at this time. There has been work on Ungulate Winter Ranges and Wildlife Habitat area but those projects are pretty much complete. They have the last couple of landscape unit plans which have been put up for approval. There is some land base investment strategy funding for the Upper Sunshine Coast primarily targeting Douglas fir stands to increase timber values and habitat values around Lois Lake and Texada Island.

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Question: What about funding for the Goshawk studies?

Darwyn said it is still ongoing. They had a biologist here for about a week and a half. WFP is financing a portion of it working with the government.

Mark said there were some Goshawk surveys this summer through Horseshoe Lake.

Darwyn said they found a couple of nests there. They are trying to identify nests with an active and returning population. Last year WFP identified 4 nests and 3 were occupied.

Question: Is Forestry doing any research projects in the TFL?

There is silviculture research going on long term yield research. Two types; some for genetic gains and looking for genetic resistance to rust to make white pine a commercially viable species again and growth and yield plots that look at site series and increment growth.

Darwyn said they have a couple of plantations where they have planted alternate species and are monitoring their development. It is a long term study. It is testing species resilience by planting them offsite.

June Field Trip Update – Mark Anderson

The June field trip was hosted by Walt Cowlard of WFP and Brad Eaton of Stonecroft Engineering to review best practices for bridges and culverts that protect fish habitat and water quality. They reviewed several sites near Tin Hat, Spring Lake, Lewis Lake and Fiddlehead Farm. They saw numerous bridge and culvert installations which were rigorously designed and built to best practices. They saw excellent examples of bridge construction including a 23 meter span on spur 19 which involved a lot of ingenuity in order to cross the gully with a machine. They also saw several examples of culvert installations and ditch modifications which required close scrutiny with environmental monitors in efforts to capture local fish and move dirty water away from the sites during the construction. They captured the fish that were local, pumped the dirty water out, repaired the culverts and let the streams reestablish themselves then reintroduced the fish that they had caught. Additionally they reviewed embedded culverts where gravel was placed in the bottom of the culvert to support a more fish friendly stream. Best practices noted included excellent planning and construction during the fish windows. Concrete guard rails, bridges, modified ditches, environmental monitors, fish trapping, pumping dirty water away, and follow up research. It was an excellent trip and it is good to know that our fish and water are considered important.

Road Hotline/Facebook Page update & discussion

Darwyn said that as of last week he has committed to making weekly updates to the Road Hotline. He showed the group his first update. It will be shared to all three versions of WFP's social media; Twitter, Facebook, and the Powell River Road Information Website. Darwyn recommends the website because more information can be shared there including downloadable maps. Facebook is good but the Powell River information gets buried with all of the information from the Island operations.

Action: Darwyn to send links to the group for Road Info website and social media sites.

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Some things will be changing with road information. Facebook and Twitter will likely continue and the website will continue. The website will be the focus for all of the divisions. They are going to call it Road Hotline and Safety Information website. It will be an interactive map. You will be able to put your cursor on a road and it will tell you the status of the road (planned, build, deactivated, etc.). The same will be true of blocks. You will be able to see things like if it is being logged. The OIM map will still come out as well. The new interactive map should be out in a couple of months.

Comment: It doesn't say anything about radio frequencies. It should say something about having a radio on active logging roads.

Annual Allowable Cut (AAC) Update

The AAC for TFL39 was re-determined on August 29 by Diane Nicholls, Chief Forester BC. It is set for 10 years. There was a drop which reflects the cuts made to Block 1 with the Community Forest and Tla'amin Treaty agreement. It is now 1.416 million m³ over 5 blocks. For Block 1 and Block 2 there are partitions set. A partition is a restriction on the harvesting. It says that of the annual volume that is allowed for harvest a certain amount must come from some constraint like species or operability or dead and damaged timber. This partition is for operability. For Block 1 and Block 2 1.375 million m³ is allowed. Of that a certain percentage has to be non-conventional wood which is basically heli-wood. The entire TFL39 Block 1 had an operability study on it to identify the conventional ground versus non-conventional (heli). This is now hard wired into their management plan to identify how much land base WFP has in each of the categories and that was used in the determination to figure out how much wood is heli and how much will be harvested by conventional means. Block 1 has a conventional AAC of 380,000 m³ and non-conventional is 89,200 m³ for a total AAC of 469,200 m³.

Question: What was it before?

The AAC is close to what it was before for Block 1. The change has affected Blocks 3 and 5 more. These are blocks that overlap the Great Bear Rain Forest.

With this decision came a bunch of rationals from the Chief Forester. One is about transmission line right of ways. There is an expectation that the TFL holders and District staff will monitor and quantify any impact on harvest operations related to the Toba/Montrose Hydro Electric project.

Comment: We fought that transmission line so hard all the way through.

They expect the TFL holder to improve the terrain stability mapping, they expect the TFL holder to stay abreast of new developments in Growth and Yield, there are regeneration expectations, they expect the TFL holder and District staff to work with other licensees to collect forest regeneration data for the entire TFL39 and incorporate the information into future timber supply reviews, and expect the TFL holder to continue to work with all interested groups to find means of maintaining the recreational integrity of the Sunshine coast Trail.

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There are expectations around continuing information sharing and relationships with First Nations, expectations around the Great Bear Rain Forest for the TFL holder and District staff to bring it into their stewardship plans and AAC calculation. There expectations around non-conventional harvest areas and engaging with First Nations in particular in Block 5 (Phillips). TFL holder is expected to monitor and avoid harvest waste. The District staff is expected to annual monitor the extent to which stand are harvested before culmination age. For Block 5 (Phillips) they expect the Block holder to continue to engage Kwiakah First Nation with the intent to develop an approach for viable timber harvesting operations in Block 5 that would minimize impact on Kwiakah sustainable bear viewing operation.

Action List Items

Action Items	Who	When
Fix Road Hotline	Stuart/Zac	February 2016
Look into having the website send emails regarding updates to subscribers	Stuart/Zac	January 2016
Send links to the group for Road Info website and social media sites	Darwyn	September 2016

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Adjourned 8:50 pm

Stillwater CSA Community Advisory Group Western Forest Products September 12th Attendance

Name	Position	Member Seat
PRESENT		
Jane Cameron – Chair	Primary	Member at Large
Nancy Hollmann	Primary	Tourism
Wayne Brewer	Alternate	Tourism
Colin Palmer	Primary	Local Governments
George Illes	Alternate	Environment
Mark Anderson	Alternate	Member at Large
Dave Hodgins	Primary	Recreation
Read English	Alternate	Recreation
Barry Miller	Primary	Environment
Paul Goodwin	Primary	Forest Dependent
Karen Skadsheim	Alternate	Local Government
Joseph McLean	Alternate	Local Business
Ben Berukoff	Alternate	Forest Dependent
7 Seats represented		
ABSENT MEMBERS		
Bill Maitland	Primary	Local Business
Andy Payne	Primary	Employment & Education
Doug Fuller	Primary	DFA Worker
Russ Parsons	Alternate	DFA Worker
Mark Hassett	Alternate	Contractor
Rory Maitland	Primary	Contractor
Resource – others		
Mark Sloan	Sunshine Coast Resource	
Darwyn Koch	WFP	
Valerie Thompson	Facilitator/Secretary	