



Dear Private Managed Forest Land Program Review Committee,

This submission is from the Elk River Alliance (ERA), a community-based charity located in the Elk River Valley in the East Kootenay region of British Columbia. Our mission is to connect people to the Elk River in order to **keep it drinkable, fishable and swimmable for future generations**.

We have two major concerns regarding logging on private lands in the Elk Valley: (1) the high timber harvest rate; and, (2) the logging practices being used by Canwel Forest Products. Canwel's harvest rates and logging practices are affecting the key environmental values established in the *Private Managed Forest Land Act* (the Act). ERA's mission applies to the soil conservation, water quality and fish habitat values.

Canwel has chosen to participate in the Private Managed Forest Land Program and, therefore, should comply with the Act and with regulations established by the Managed Forest Council (the Council). ERA challenges Canwel's claim that they are in compliance with Council regulations and are achieving the Forest Management Objectives for soil conservation, water quality, and fish habitat.

Soil Conservation: Protect soil productivity on harvested areas by minimizing the amount of area occupied by permanent roads, landings, and excavated or bladed trails.

Canwel's Performance Regarding this Objective:

- Road density is already very high in the Elk River watershed (see more details below regarding cumulative effects of road density) and Canwel is pushing these densities even higher above the "high risk" benchmark for erosion.
- There is no evidence that Canwel is minimizing roads, landings and trails; expediency has been observed to be the rule as trees are harvested at unprecedented rates.
- A significant portion of Canwel's logging is on steep terrain with no evidence of measures taken to mitigate and manage erosion on steep slopes.

Water Quality: Protect human drinking water both during and after harvesting.

Canwel's Performance Regarding This Objective:

- The rapid rate of timber harvest means that there are large tracts of freshly logged land (often on very steep slopes) criss-crossed with roads and trails – all leading to a high potential for substantial erosion.
- The Elk River is already prone to drinking water quality issues related to high suspended sediment loads (as evidenced by frequent boil water advisories during high river flows). Canwel's practices have a high potential to contribute even higher loads of suspended solids.

Fish Habitat: Retain sufficient streamside mature trees and understory vegetation to protect 7 important fish habitat features such as cover and woody debris.



Canwel's Performance Regarding This Objective:

- Stella Swanson (an ERA Board member and signatory to this letter) has personally witnessed the almost complete removal of riparian vegetation, accompanied by substantial disturbance of soils along a tributary known to contain spawning habitat for Westslope cutthroat trout (Figure 1). This damage was caused during the tenure of the previous owner (Jemi Fibre), but ERA is concerned that similar practices are continuing under Canwel.
- When Canwel leaves strips of riparian vegetation on fish-bearing streams it is questionable that the strips are sufficient to meet the above fish habitat needs.

ERA has been unable to locate any information regarding investigations of Canwel's practices by the Council. We are not aware of any Consent Agreements or Compliance Determinations as per the Act.



**Figure 1. Fish-bearing stream affected by logging practices: tributary to Michel Creek.
Photo by Stella Swanson**

Given the lack of any compliance investigations, ERA strongly questions the effectiveness of the current Act and the administration of the Act through the Council.

According to the Cumulative Effects Framework of the Province of British Columbia, the Province is committed to considering cumulative effects as an integral component of natural resource decision-making (Province of BC 2016). Thus, the Province should include consideration of cumulative effects in its legislation and decision-making regarding the management of logging on private lands.

A brief summary of the results of the Elk Valley Cumulative Effects Assessment (Elk Valley Cumulative Effects Working Group 2018) which are relevant to the values referenced in the Act is presented below.

Five Valued Components (VC) were assessed: Old and Mature Forests; Riparian Habitat; Westslope Cutthroat Trout (WCT), Grizzly Bear; and, Bighorn Sheep. Based upon assessment of hazard associated with effects on indicators of performance for each of these five values, key findings included:

- There is high hazard in terms of the amount of old growth forests in the Elk Valley, particularly in the lower elevation portions of the study area;
- The valley bottoms and eastern portions of the valley present high hazard for WCT and riparian areas, with the majority of the Elk Valley falling under moderate hazard;
- Road density is the dominant stressor affecting VC performance in the Elk Valley (Figure 2); and,
- Forest harvest and mining are the most prevalent secondary stressors.

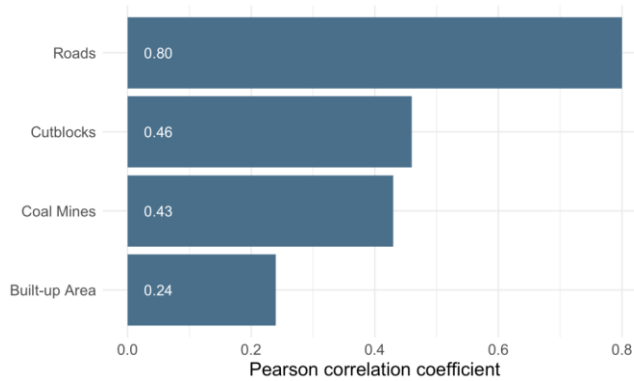


Figure 2. Correlation between land use variables and combined VC indicator performance. Higher correlations infer a greater effect on indicator performance. (From Elk Valley Cumulative Effects Working Group 2018).

The report concluded that the combined effects of human land use and climate change are likely to result in further impact to VC performance in the Elk Valley. **The assessment pointed out that Private Managed Forest Lands are likely to experience greater rates and amounts of environmental impact relative to other areas on the landscape**, largely due to levels of timber harvest and road development, which ultimately increase hazard to most VCs.

The current logging on private lands in the Elk Valley is contributing to increases in hazard from equivalent clearcut area (ECA), road density on steep slopes, riparian disturbance, stream crossings, and road density near streams (Figure 3).

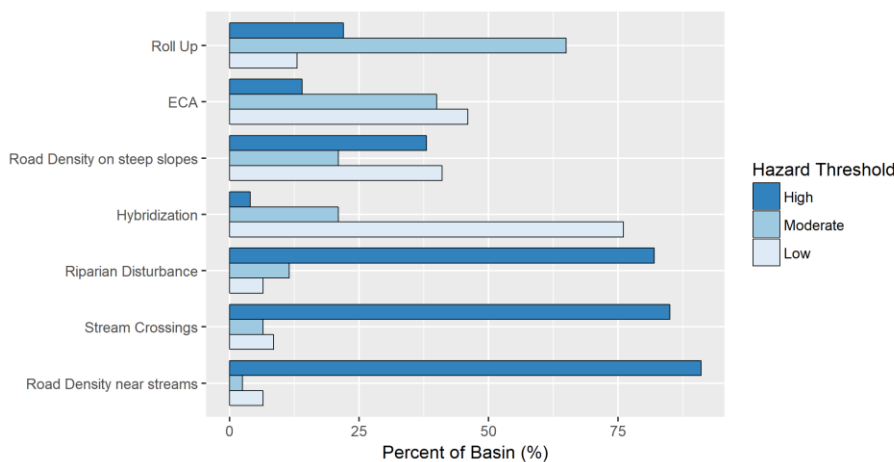


Figure 3. Percent of Elk Valley study area by hazard level for individual indicators contributing to the hazard roll up (total hazard). ECA = Equivalent Clearcut Area. (From Elk Valley Cumulative Effects Working Group 2018).

The majority (65%) of assessment watersheds in the Elk Valley are at moderate hazard (Figure 4). Stream crossings and road density near streams contributed the greatest hazard to aquatic systems at the scale of the entire Elk Valley.



Given the high proportion of Elk Valley watersheds which are already experiencing high hazard, and given the Province’s stated commitment to considering cumulative effects as an integral component of natural resource decision-making, it is imperative that legislation and regulation is effective in managing these hazards. This includes amendments to the Private Managed Forest Land Act.

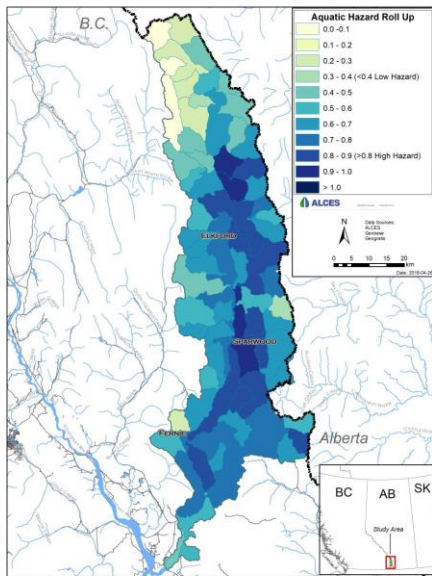


Figure 4. Combined pressure indicators of hazard to aquatic ecosystems for 78 watersheds in the Elk Valley. (From Elk Valley Cumulative Effects Working Group 2018).

The most important mitigation measures for improving the condition of VC were **deactivation of roads, implementing access management, minimizing timber harvest in riparian areas, allowing for recruitment from mature to old growth forest**, and minimizing or avoiding development in core sheep winter range habitat. **Four of the five important mitigation measures are directly relevant to management of logging on private land.**

Recommendations for Amendments to the Act

ERA calls for the Act to be amended to ensure that timber harvesting on private lands achieves the objectives for the values stipulated in the Act *and* is conducted in a manner that effectively mitigates and manages cumulative effects of hazards created by logging. Our recommendations are:

- The Act should include mandatory regulations to be applied to logging on private lands above a defined threshold of harvest which would distinguish between small woodlot operations and large, industrial-scale timber harvesting.
- The mandatory regulations which would apply to large, industrial-scale timber harvesting should include quantitative standards for protection of the values stipulated in the Act.
- The Act should include processes and procedures to set sustainable harvest rates which reflect the sensitivity of the values in the harvest area as well as the current level of hazard to those values.
- The Act must include explicit enforcement processes for large-scale timber harvesting, and must also include processes which would provide sufficient resources to ensure this enforcement.
- The Act should include a requirement for regular reporting by large-scale operators regarding indicators of environmental performance related to the values stipulated in the Act. The frequency of reporting should be commensurate with timber harvest rates and current hazard to the values. The indicators should be consistent province-wide and selected on the basis of experience gained through the application of the BC Forest and Range Practices Act as well as indicators developed for the provincial Cumulative Effects Framework.



- The Act explicitly should cross-reference relevant requirements of the *Water Sustainability Act* and the federal *Fisheries Act* as they pertain to values stipulated in the Act.
- Indigenous communities must be consulted and have authority over uses which would affect Indigenous rights and title.
 - Provision of capacity for Indigenous communities to consider, assess, and decide regarding timber harvest which affects rights and title must be included in the Act.
- Regional governments should have authority to develop and enforce bylaws to protect values within their jurisdiction, commensurate with their authority under the *BC Municipal Government Act*.
 - Provision of capacity for regional governments to consider, assess, develop, and enforce bylaws must be included in the Act.
- Public consultation regarding the level of protection required for values within the harvest area should be required for all large-scale timber harvest operations.
- Additional values should be stipulated in the Act; e.g., cultural, aesthetic and recreational values.

In conclusion, the Elk Valley is a unique area with one eighth of the land privately managed for timber harvest. The current Private Managed Forest Lands Act is insufficient to provide adequate protection against both immediate and cumulative impacts in the watershed to the values stipulated in the Act. ERA urges the province to amend the Act in order to ensure protection of these values.

As a collaborative community organization, the Elk River Alliance is open to working with industry and government, and we look forward to improvements to the Act. Thank you for the opportunity to provide our comments and input.

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