

**Woodlot Harvesting and
Red-listed Plant Communities
in the Coastal Douglas-fir
Ecosystem of Vancouver
Island**

Complaint Investigation: 060733



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The Investigation

Introduction

In August 2006, the Carmanah Forestry Society (the complainant) submitted a complaint about approval of timber harvesting on several woodlots in the coastal Douglas-fir ecosystem (CDF) of Vancouver Island, within the South Island Forest District. The complainant said that timber harvesting on woodlots is occurring without identification and ecological assessment of endangered plant communities, putting those communities at risk.

Background

The CDF ecosystem occurs only in British Columbia's Georgia Basin and Washington State's San Juan Islands. Its primary plant association is internationally classified as "globally imperilled."¹ There are some 2,650 square kilometres of CDF in B.C., about half of which is on Vancouver Island. However, less than seven percent of the CDF on Vancouver Island is on Crown land, and it is mostly in small parcels separated by expanses of private property.

Most of the CDF on Vancouver Island has been altered by urban development and agriculture, and there is a long history of logging in many remaining forests, both on public and private lands. Residual forests are currently young; less than one percent of the forest on the Crown lands is old, yet land development continues.

The Ministry of Agriculture and Lands (MAL) estimates that an area of forested CDF equal to that currently in parks and protected areas — about three percent of the ecosystem — is either harvested for timber or developed for other uses each year.

Woodlots account for more than 1,000 of the 4,300 hectares of Crown land available for logging in the CDF on Vancouver Island. Since August 2005, government has approved 16 cutblocks in CDF woodlots on Vancouver Island, totalling 85 hectares.²

There are 29 types of endangered (red-listed) plant communities in the CDF, and it takes ecological and botanical skill to identify and assess them.³ Assessments are needed to

¹ NatureServe. 2006. NatureServe Explorer: An online encyclopaedia of life [web application]. Version 6.1. NatureServe, Arlington, Virginia. Available: http://www.natureserve.org/explorer/servlet/NatureServe?searchCommunityUid=ELEMENT_GLOBAL.2.787981 (accessed: March 9, 2007).

² A woodlot forest development plan only shows the proposed location and approximate size of cutblocks; so the area ultimately harvested may be less than the 85 hectares approved (anything much larger than originally proposed would require amendment of the approved FDP).

³ BC Conservation Data Centre. 2006. BC Species and Ecosystems Explorer. BC Ministry of Environment. Victoria, BC. Available: <http://srmapps.gov.bc.ca/apps/eswp/> (accessed January 5, 2007).

identify whether a red-listed plant community is present and, if so, to rank its conservation value. When those factors are known, a land manager can consider the potential impact of a proposed development and apply appropriate management strategies. Without such assessment, forestry and other activities can unknowingly damage red-listed plant communities by physical disruption and subsequent invasion by undesirable plants.⁴

The Board previously considered these problems in its August 2005 report, “*Logging and Conservation of Endangered Plant Communities on Vancouver Island.*” In that report, the Board found that government approval of a forest development plan in the CDF was not reasonable without cutblock-specific information about conservation of red-listed plant communities.⁵ The Board recommended:

- that government develop a conservation protocol for assessing areas for red-listed plant communities before any further harvest plans were approved in the CDF; and
- for the interim, that the Ministry of Forests and Range (MOFR) ensure that red-listed plant community assessments are done for proposed cutblocks within the CDF before it approves further harvesting in that ecosystem.

Subsequently, a conservation protocol for assessing red-listed plant communities was developed by the Ministry of Environment’s Conservation Data Centre with assistance from MOFR.

The conservation protocol helps:

- identify red-listed plant communities that are candidates for conservation at a landscape (ecosystem) level;
- allow comparison of Crown land parcels on which they occur; and
- to rank the likelihood of persistence of a red-listed plant community given the landscape’s current condition.

Assessment of all the Crown land parcels in the CDF would ultimately provide insight into whether a particular site should be altered or preserved. It will, however, take time for government to assess sufficient sites to determine the best candidates for conservation.

In response to the Board’s second recommendation, MOFR responded that it can neither compel a licensee to assess red-listed plant communities, nor reject an operational plan or cutting permit on the basis of no assessment. Nevertheless, section 41(1) of the *Forest Practices Code of British Columbia Act* (the Act) stated that:

⁴ The *Forest and Range Practices Act* (FRPA) and its regulations define some undesirable plant species as invasive and require licensees to include measures in their plans to prevent the introduction or spread of those particular plants.

⁵ See the Board website: <http://www.fpb.gov.bc.ca/news/releases/2005/08-16.htm>

The district manager must approve an operational plan or amendment submitted under this Part if:

- (a) the plan or amendment was prepared in accordance with this Act, the regulations and the standards; and
- (b) the district manager is satisfied that the plan or amendment will adequately manage and conserve the forest resources of the area to which it applies.

Section 41(1)b provides an MOFR district manager with the discretion to withhold approval of a forest development plan if he or she is not satisfied the plan would adequately manage and conserve forest resources. Where there is reliable evidence that red-listed plant communities occur in an area, it would be reasonable for a district manager to decide—in the absence of more specific information or detailed strategies—that red-listed plant communities, as a forest resource, will not be adequately managed and conserved.

The MOFR South Island Forest District has a different view. It suggests that where there is reliable information that red-listed plant communities occur throughout an area, it would be reasonable for a district manager—in consideration of balancing all forest resources—to assume that red-listed plant communities will *not* be at risk. In the Board’s view, the key to support such an assumption rests on what information about red-listed plant communities is—or is not—available for the area.

The Board also believes that for woodlots still operating under the Code⁶, the district manager could also use sections 19(1) and 19(2)g of the *Woodlot Licence Forest Management Regulation* to compel a licensee to describe in its site plan measures to accommodate non-timber forest resources, such as protection of red-listed plant communities. Alternatively, government staff or contractors could do this job prior to plan approval, then advise the district manager accordingly, with the most up-to-date and reliable information.

Regardless of its apparent ability to collect more specific information, the MOFR South Island Forest District states that it cannot reject a proposed harvesting plan if that plan is consistent with legislation. The district argues that the *Forest Act* grants a right to harvest timber if woodlot plans and prescriptions are in accordance with legislation.

Although compelling information about red-listed plant communities may be available, the district says that it is not its mandate to establish such features as wildlife habitat areas (WHAs), old-growth management areas, or to change land-use policies to protect plant communities. In granting a licensee the right to harvest timber, the district believes that the legislation assumes some level of risk to non-timber forest resources in the area of timber harvest.

⁶ In January 2004, FRPA replaced the Code as British Columbia’s forest practices legislation. The transitional provisions of FRPA state the Code continues to apply to forest practices carried out under a forest development plan. Current forest development plans for woodlots must, on their expiry, be replaced by a woodlot licence plan under FRPA.

The district points out that section 41(1)b of the Code Act refers to adequately managing and conserving all forest resources, not just red-listed plant communities. The district told the Board that for it to apply the precautionary principle to a single forest resource when that resource is found throughout the area, and to reject a harvesting plan on that basis would be inappropriate.

Whatever the case, the debate about the utility and intent of legislative tools under the Code is becoming irrelevant. In time, all woodlots will operate under the *Forest and Range Practices Act* (FRPA). FRPA has no provisions to compel a licensee to provide any additional information to government. Under FRPA, government must approve timber harvesting plans if they meet prescribed content requirements and are consistent with government's stated objectives.

In addition to recommending assessments in 2005, the Board also recommended that government should:

- promptly designate red-listed plant communities in the CDF as species-at-risk under FRPA and establish WHAs to conserve them;
- assess whether old-growth management areas would be adequate for long term conservation of red-listed plant communities; and
- consider increasing its current one-percent of timber supply impact limit for WHAs in the South Island Forest District.

In June 2006, government designated two of the 29 red-listed plant communities in the CDF as species-at-risk, but has not decided to increase the timber supply impact limit for the forest district. Consequently, government has established no additional WHAs for either plant community, though one pre-existing WHA remains in place.

However, government is considering adjustments to other WHAs on Vancouver Island to allocate greater protection to the CDF and has also increased the amount of old-growth forest it intends to set aside from as little as three percent in the short term to as much as 14 percent overall. Recently, the Ministry of Agriculture and Lands (MAL) identified a number of potential old-growth management areas that meet the elevated target of 14 percent. Though not legally established, government intends to manage these areas to provide old forest values, which may in turn protect some red-listed plant communities, depending on where the areas are located.

A major forest operator on Crown land, BC Timber Sales (BCTS), has voluntarily stopped its logging in the CDF by shifting its operations elsewhere.⁷ Delay of BCTS operations in the

⁷ Although BC Timber Sales voluntarily stopped its logging in the CDF following the Board's 2005 report, it maintains its cutting authority in that ecosystem and may resume harvesting there in future.

CDF may give government time to decide if, and where, further conservation is needed (several of the woodlots are wholly within the CDF and do not have the option to shift their operations elsewhere).

The intent of the Board's earlier recommendations was to promote development of an overall stewardship strategy for the CDF ecosystem. Government is progressing toward that goal. In addition to applying the Conservation Data Centre's assessment protocol, government agencies (under the direction of MAL) are also mapping the CDF to determine where the most valuable plant communities are likely located, and are developing targets and policy options for stewardship of both public and private lands.

MAL says that a stewardship strategy will likely focus on adequate representation of the CDF ecosystem, and anticipates that such a strategy may be announced in the fall of 2007.

Discussion

The complainant's concerns relate to forest planning under the *Forest Practices Code of British Columbia Act* and regulations (the Code). Code requirements for woodlots are found in the Code Act and the *Woodlot Licence Forest Management Regulation*.

The Board investigated:

1. Whether assessments for red-listed plant communities were done prior to recent MOFR approval of timber harvesting on woodlots in the CDF;
2. If so, whether red-listed plant community assessments were helpful to MOFR in deciding whether to approve woodlot harvesting; and
3. Whether an effective stewardship mechanism is in place for red-listed plant communities in the CDF.

1. Were assessments for red-listed plant communities done?

The complainant's concern was that government had approved woodlot harvesting in the CDF without first assessing the risk of harm to red-listed plant communities that might be on those woodlots. The analyst considered six woodlots for which plans had been approved since August, 2005 (when the Board made its recommendations). Two of the six woodlots had had *Forest Act* management plans approved, but there was no subsequent approval of operational plans under the Code. While those two woodlots were not considered further, the four remaining woodlots had either a forest development plan (FDP) amendment or cutblock site plan approved; these are operational plans under the Code.

There is no Code requirement that red-listed plant communities be identified or assessed prior to approval of timber harvesting. Nevertheless, for three of the four woodlots, government did check parts of each woodlot for the presence of red-listed plant communities prior to approving the licensee's operational plans. Several red-listed plant communities were recognized by the assessment personnel but, in each case, just one red-listed plant community (the most common one in the CDF) was actually assessed. Each assessment sought to identify the extent of that plant community and assign a conservation rank to the occurrence.

The Conservation Data Centre explained that it had decided to limit the scope of the assessments to only two red-listed plant communities (of which only one was present on the assessed woodlots), because the Centre had only two ecologists for species-at-risk, and could not rank all the red-listed plant communities that were potentially present. Instead, the ecologists focused on the two CDF plant communities currently designated as species-at-risk under FRPA.⁸

No assessment for red-listed plant communities was done prior to operational (site plan) approval for the fourth woodlot. The South Island Forest District explained that it did not consider an assessment necessary because the cutblocks on that woodlot were previously approved in an FDP, and the district believed that the Board had previously recommended that assessments were best completed during the FDP process. The district also felt it had sufficient knowledge that the most common red-listed plant community in the CDF was present throughout the fourth woodlot. On that basis, the district reasoned that completing a formal assessment would not have provided any additional information in support of its plan approval process.

In the Board's view, the district's reasoning about the fourth woodlot precluded consideration of whether the known red-listed plant community within the cutblocks had some particular conservation value. Furthermore, the district's approach failed to consider the other 28 red-listed plant communities in the CDF that might also occur on that, or the other woodlots.

The Board's view is that the ministry's approach to approving plans was not appropriate given the scarcity of CDF forest on Crown lands on Vancouver Island. Both levels of plan approval could have benefited from further information about red-listed plant communities.

Assessment for one of 29 red-listed plant communities was done for three of four woodlots prior to harvesting approval. No assessment was done for the fourth woodlot.

⁸ Presumably, the second plant community was not encountered during the assessments to date.

2. Were the assessments helpful in deciding whether to approve or reject timber harvesting plans?

The Board examined whether conservation assessments were helpful to MOFR in deciding whether to approve or reject timber harvesting plans.

In the circumstances underlying this complaint, MOFR did consider the available conservation assessments prior to its approval of the woodlot plans. MOFR believes that:

- by considering the available conservation assessments, it followed the Board's recommendation for cutblock level assessment;
- it is the prescribing forester's responsibility to collect the site-specific information necessary to support cutblock-level plans; and
- the ministry cannot direct licensees to undertake work that goes beyond that provided for in legislation.

District staff told the Board that they were involved in the assessments for three of the four approvals, and had local knowledge about occurrence of red-listed plant communities in the fourth approval. However, the Conservation Data Centre said that its conservation assessment procedure was not designed to address cutblock-level concerns or make recommendations about whether a specific timber harvesting plan should be approved or rejected.

Notwithstanding MOFR's interpretation, the Board intended that two levels of assessment would be completed.⁹ An initial landscape level assessment was needed to compare land parcels (as designed by the Conservation Data Centre), and another more detailed assessment was needed at the cutblock approval level, to guide mitigation or avoidance of red-listed plant communities during logging.

Instead, no cutblock level assessments were done, so, not surprisingly, the district manager found that the completed landscape level assessments were not useful to the plan approval process. The district manager explained;

"This is because the assessments are finding that the red-listed plant communities, or rather the potential for them, can be found throughout the woodlot area. Having the assessment does not provide any information on how to proceed with harvesting proposals in support of the approval process."

There were three problems with using the landscape-level assessments at the cutblock level.

⁹ See recommendations; *Logging and Conservation of Endangered Plant Communities on Vancouver Island*, Board report IRC 112, August 2005, <http://www.fpb.gov.bc.ca/complaints/IRC112/IRC112.pdf>

First, the assessments were limited to just one red-listed plant community of many that may occur in the areas to be harvested. Even when other red-listed plant communities had been observed on the woodlots, the assessment reports did not include information about them. Second, the assessment procedure was not intended to assist decisions about cutblock approval. Assessments did not relate to specific proposed cutblocks; they had no map; and they did not discuss potential consequences of proposed harvesting on the assessed plant community.

Third, a problem arose because very few assessments have been done to date, and those few have similar conservation rankings (for the three woodlots, two were “fair” and the third contained areas of “fair” and “good”). According to MOFR, this made it difficult to compare conservation value among the locations (the Board notes, however, that MOFR could have chosen to respond differently to the areas of “good” conservation value in the third woodlot, but that it did not do so).

In some cases, MOFR staff advised the district manager prior to plan approval about whether a proposed cutblock overlapped an assessed red-listed plant community, however, information about overlapping values (or the one “good” ranking) had no apparent effect on subsequent plan approval—all the proposed cutblock plans were ultimately approved.

The forest district said the decision to approve was based on its interpretation of the information about the abundance of red-listed plant communities throughout the woodlots, and that it wouldn’t have mattered where the cutblock was located, as there would inevitably be overlap. The Board’s opinion, however, is that if overlap with red-listed plant communities is inevitable, it makes sense to do a cutblock-specific assessment so that informed decisions can be made about how best to manage for them, and that not to do so risks damage. The Conservation Data Centre’s view is that timber harvesting may reduce a red-listed plant community with a “good” conservation value to a rank of “fair” or “poor,” and that, conversely, a forested area that is not harvested could in time increase in rank from “fair” to “good.”

Under the circumstances, the district manager considered that existing forestry legislation, government policies and guidance were enough to justify approval of the woodlot plans. MOFR based its woodlot plan approvals on the assumption that, if large parts of a woodlot were to remain unharvested in the short term, red-listed plant communities would likely survive on those parts. However, while such a risk management approach is suitable for conservation of abundant biodiversity values at a landscape level, it is not appropriate for small areas such as woodlots, and it is probably also inappropriate for the relatively small area of Crown land that remains in the CDF ecosystem. Simply assuming that red-listed plant communities will continue to exist elsewhere in a small area, without actually locating them, risks damage to the best remaining examples of those plant communities.

As a rebuttal, the MOFR South Island Forest District points out that most of the CDF woodlots have previously been either harvested or burned and have regenerated, both naturally and by planting. The district reports that the most common red-listed plant community (Douglas fir – dull Oregon grape) is found in relative abundance on these previously disturbed woodlots. Given that this red-listed plant community has apparently been tolerant of past forest disturbances, district staff assumed that further harvesting would not result in damage to it or to other red-listed plant communities. The district says that its harvesting approvals were based on the principles of administrative law, and on balancing the risks to potential conservation values with those of the tenure holder’s harvesting rights.

The district’s position on the vulnerability of red-listed plant communities to timber harvesting is contrary to that of government plant ecologists. The ecologists do not consider Douglas fir – dull Oregon grape to be abundant, instead they note that the community is globally imperilled. They believe that repeated disturbance and subsequent invasion by undesirable plants will fundamentally alter the nature of the ecosystem and that in time, the ecological function of red-listed plant communities, and the habitats and species they support, will be lost.

The assessments as carried out were not intended to determine whether extraordinary protection of a red-listed plant community was needed in a cutblock or within a woodlot. MOFR did not find the assessments necessary or informative to its plan approval process. The assessments were not helpful in deciding whether to approve or reject timber harvesting plans.

3. Is an effective stewardship mechanism in place for red-listed plant communities on CDF woodlots?

The Board considered six possible stewardship mechanisms under FRPA, the *Foresters Act* and the *Forest Act* that could be used to conserve red-listed plant communities on CDF woodlots.

The mechanisms are:

1. Wildlife habitat areas
2. General wildlife measures
3. Wildlife habitat features
4. Wildlife tree patches
5. Reliance on forest professionals
6. Designated areas

Some of these mechanisms have been implemented by government agencies, several woodlot licensees, and their respective professionals. The others could be, or are being

considered by those organizations. The Board is not recommending any particular mechanism at this time.

3.1 Wildlife habitat areas

One mechanism is for the Ministry of Environment (MOE) to establish “wildlife habitat areas” under FRPA’s *Government Actions Regulation* to protect red-listed plant communities. There is currently one 22-hectare WHA for a red-listed plant community in the CDF. Unfortunately, there are strong barriers to establishing more, including:

- A one percent limit for WHA impact on short-term mature timber supply in the South Island Forest District has been reached and, although the limit is merely policy, any increase effectively requires Cabinet intervention.¹⁰ As an alternative, MOE is considering reducing the area of WHAs elsewhere to add more to the CDF.
- MOE has designated only two of the 29 red-listed plant communities in the CDF as species-at-risk under FRPA, even though such designation is a necessary precursor to WHA establishment. MOE also has yet to determine the vulnerability to forest practices of many of these plant communities. Therefore, a lack of designation does not necessarily mean that a plant community is not at risk from forest practices—the risk is uncertain.

3.2 General wildlife measures

A second mechanism would be for MOE to establish “general wildlife measures,” also under the *Government Actions Regulation*, to protect red-listed plant communities on Crown land in the CDF. As for WHAs, this mechanism first requires designation of the plant communities as either species-at-risk or regionally important wildlife under FRPA. General wildlife measures would provide specific management direction to forest practices occurring in a particular area. The ministry has not established general wildlife measures for red-listed plant communities in the CDF, except within the one established WHA.

3.3 Wildlife habitat features

The *Government Actions Regulation* also allows MOE to identify red-listed plant communities as “wildlife habitat features,” which are protected from harmful forest activities under the *Forest Planning and Practices Regulation*. However, for this third mechanism to apply, the plant communities must be localized and sufficiently described so as to be readily identifiable to forest workers. No wildlife habitat features have been established or identified for red-listed plant communities in the CDF.

¹⁰ The Board recommended in 2005 that government should consider relaxing its one percent impact policy on WHAs in the CDF. At the time, the Ministry of Environment did not consider an increase a solution because of the small amount of Crown land in the CDF. The Board believes that any additional WHAs may be significant to an individual plant community.

3.4 Wildlife tree patches

A fourth mechanism would be to protect red-listed plant communities by placing a “wildlife tree patch” over them. This would work for small plant communities but they would still need to first be identified by skilled people, and since there is no legislated requirement for a woodlot licensee to assess its woodlot for red-listed plant communities, such work would have to be done voluntarily by the licensee or government. Further, even in woodlots where some red-listed plant communities have been inventoried, there is no specific requirement that a woodlot licensee incorporate the identified areas into wildlife tree patches. In addition, FRPA is reducing the recommended amount of wildlife tree patches in CDF woodlots on Vancouver Island. Until recently, most woodlots in the CDF followed guidance from the *Biodiversity Guidebook* and *Landscape Unit Planning Guide*, which recommended that 12 to 16 percent of the woodlot be designated as wildlife tree patches. FRPA now sets a default standard for woodlot wildlife tree patches of eight percent. Some of the CDF woodlots have already adopted a reduction to eight percent, thus diminishing the utility of wildlife tree patches as a stewardship mechanism for red-listed plant communities.

The combination of incomplete inventory of the many red-listed plant communities; voluntary (therefore unenforceable) assessment for red-listed communities; lack of requirement to utilize inventories or assessments to guide future placement of wildlife tree patches; and reduction in the amount of wildlife tree patches in CDF woodlots restricts the usefulness of this stewardship mechanism.

3.5 Reliance on forest professionals

A fifth mechanism is to rely on forest professionals for appropriate management of red-listed plant communities.¹¹ Foresters have some stewardship obligations under the *Foresters Act* to achieve sustainability of forests, forest lands, forest resources and forest ecosystems.¹² The woodlots’ forest professionals have, so far, generally assumed that viable examples of red-listed plant communities would continue to be represented elsewhere on each woodlot, in reserves and unharvested areas and also in previously harvested but regenerating forest stands. As discussed above, this is a risky approach as it disregards the possibility that some of the 29 red-listed plant communities may not be well-represented anywhere else, and that a community in a proposed cutblock may be the best that remains.

In October 2006, MOFR informed the woodlot licensees and their consulting foresters of the issues and challenges associated with forest management of red-listed plant communities in the CDF. As a result, a group of consulting forest professionals that work with woodlot licensees is now developing guidelines for operational planning in the CDF. The foresters’ governing body, the Association of British Columbia Forest Professionals (ABC FP), has

¹¹ Association of BC Forest Professionals, 2004. *Definition of Professional Reliance*

http://www.abcfp.ca/regulating_the_profession/documents/guideline-definition-reliance.pdf

¹² An object of the Association of BC Forest Professionals is to uphold the principles of stewardship of forests, forest lands, forest resources and forest ecosystems (Section 4(2)b of the *Foresters Act*).

defined a standard for management of species-at-risk which could include red-listed plant communities. ABCFP members are obliged, to the extent that the factors that relate to forest management are under their control, to give management advice on how to recover or adequately protect species-at-risk so they are no longer at risk.¹³

That obligation, applied to the circumstances underlying this complaint, would require forest professionals to seek out and recommend low-risk approaches to forest management when operating in areas with red-listed plant communities. However, for this mechanism to be effective, evaluating the risk of harm to red-listed plant communities would require knowing which communities occur, and where, on the woodlots. None of the woodlots reviewed has done such a detailed inventory for red-listed plant communities.

3.6 Designated Areas

A sixth and more severe mechanism would be for government to specify Crown lands in the CDF as “designated areas” and officially suspend logging until assessments have been done. Part 13 of the *Forest Act* allows government, through MOFR, to suspend, vary or refuse to issue cutting permits and other timber harvesting plans for up to ten years in designated areas. Such an action would allow government to gather information, evaluate potential land use, and assess the effect of past decisions as well as the public interest. Government has used this mechanism elsewhere to temporarily defer logging from Crown lands while determining the conservation requirements for red-listed birds.¹⁴ As yet there is no Part 13 designation in the CDF, but government is considering some long-term stewardship options which may include setting further lands aside from logging. In the meantime, MOFR continues to approve licensees’ timber harvesting plans and permits. This creates an increasing risk that red-listed plant communities on Crown lands in the CDF will be harmed while government takes the time needed to develop its overall stewardship strategy.

In summary, the Board finds that here is no effective stewardship mechanism in place for red-listed plant communities on CDF woodlots.

Conclusions

1. Were assessments for red-listed plant communities done?

Assessment for one of 29 red-listed plant communities was done for three of four woodlots prior to harvesting approval. No assessment was done for the fourth woodlot.

¹³ Association of BC Forest Professionals, 2003. *Managing for species at risk: What are a forester’s professional responsibilities?* http://www.abcfp.ca/regulating_the_profession/policies_guidelines.asp.

¹⁴ Haida Gwaii/Queen Charlotte Islands Designated Area No. 3, BC Regulation 251/2006, effective September 8, 2006. See <http://www.for.gov.bc.ca/tasb/legsregs/forest/faregs/haidagwaii3/haidagwaii-3.htm>). See also <http://www.haidanation.ca/islands/Agreement.html>.

2. Were the assessments helpful in deciding whether to approve or reject timber harvesting plans?

The assessments as carried out were not intended to determine whether extraordinary protection of a red-listed plant community was needed in a cutblock or within a woodlot. MOFR did not find the assessments necessary or informative to its plan approval process. The assessments were not helpful in deciding whether to approve or reject timber harvesting plans.

3. Is an effective stewardship mechanism in place for red-listed plant communities on CDF woodlots?

There is no effective stewardship mechanism in place for red-listed plant communities on CDF woodlots.

Board Commentary

This investigation corroborated the complainant's concern that government is continuing to approve some timber harvesting on woodlots in the CDF without prior identification or assessment of endangered plant communities. There is no legal requirement to do so and, in the circumstances, compliance with the law was enough for MOFR to approve the proposed harvest plans.

The Board appreciates that BCTS has voluntarily stopped its logging on the limited amount of Crown land in the CDF on Vancouver Island pending further direction from government. That is significant to stewardship because BCTS could potentially be logging considerably more of the CDF each year than the woodlots.

Government is making some progress in assessing and managing risk to the CDF ecosystem through development of a stewardship strategy, but it remains unclear which, if any, of the 27 red-listed plant communities that are not currently designated species-at-risk under FRPA are imminently threatened by forest practices. Until government determines the risks, or implements an all-encompassing strategy, management of those red-listed plant communities will remain subject to debate and disagreement.

This situation does not warrant public confidence in the stewardship of scarce elements of one of BC's most threatened and globally significant ecosystems.

Over the next few years, woodlots will have to convert their operations from the requirements of the Code to those of FRPA. The requirements for biodiversity under FRPA are few, and if FRPA's requirements are met MOFR cannot refuse to approve a timber harvesting plan. There is currently nothing in the content requirements for a woodlot licence plan that specifically addresses stewardship of red-listed plant communities at the cutblock level (there is no requirement to show cutblocks).

If stewardship of red-listed plant communities is a public priority, the public will have to rely on government to establish sufficient protected areas and protective measures, and also on woodlot licensees and their forest professionals to be voluntary stewards of endangered plant communities. This scenario may require government agencies and professional organizations to further educate forest licensees and forest workers about the conservation values of the many red-listed plant communities in the CDF and the potential risks of forest harvesting on those communities. Therefore, an educational aspect to government's evolving stewardship strategy is probably warranted.

For an ecosystem-wide stewardship strategy to be successful, enhanced inventory of red-listed plant communities in the CDF will be required, and the Board appreciates that government is already mapping the CDF ecologically. Besides helping to develop government's overall stewardship strategy, this mapping will be essential for woodlot licensees who make the stewardship decision to identify, assess and consider the appropriate management of red-listed plant communities on their woodlots.

Finally, FRPA does not require government to approve cutblock-level plans for woodlots, so the Board's earlier recommendation that MOFR ensure assessment of red-listed plant communities at the cutblock level may no longer be as relevant.

Nevertheless, the Board maintains the intent of our earlier recommendation—red-listed plant communities should be identified and assessed as cutblocks are planned in the CDF.

In the Board's view, effective planning would consider the location and condition of red-listed plant communities rather than simply assuming that they cannot be avoided during the course of harvesting, or that the potential impact of harvesting cannot be lessened. Mitigation techniques could mean that harvesting proceeds in a manner sensitive to maintaining or improving the desired plant community.

The Board hopes that forest licensees, forest professionals and private landowners in the CDF will adopt that suggestion as a measure of sound stewardship.

Recommendation

Red-listed plant communities are imperilled in the CDF and are at some risk of harm from forest harvesting (and other land development). The limited amount of Crown land available within the CDF, and the history of use on those lands, presents a special challenge to stewardship of the ecosystem. This investigation and previous Board work indicates that an overall stewardship strategy is needed—one that encompasses the full range of red-listed plant communities and the habitats and species they support.

Under section 131(2) of the *Forest and Range Practices Act* the Board recommends:

That government promptly finalize and implement an overall stewardship strategy for the CDF ecosystem and communicate its strategy to the public.

Under section 132, the Board asks the Ministry of Agriculture and Lands to report in writing to the Board by March 31, 2008, about the steps it has taken to give effect to the Board's recommendation.