

July 15, 2024

To: Charlene Strelaeff, RPF, Selkirk Natural Resource District Manager, Ministry of Forests, Charlene.Strelaeff@gov.bc.ca

To: George Edney, RPF, BC Timber Sales Manager, Kootenay Boundary Region, George.Edney@gov.bc.ca

cc: Ktunaxa Nation Council, KNCREception@ktunaxa.org

cc: Hon Bruce Ralston, K.C., Minister of Forests, bruce.ralston.MLA@leg.bc.ca

cc: Doug Clovechok, MLA Columbia River-Revelstoke, doug.clovechok.MLA@leg.bc.ca

cc: Roly Russell, MLA, Boundary-Similkameen, roly.russell.MLA@leg.bc.ca

cc: Hon Katrine Conroy, MLA, Kootenay West, katrine.conroy.MLA@leg.bc.ca

cc: Tom Shypitka, MLA, Kootenay East, tom.shypitka.MLA@leg.bc.ca

cc: Brittny Anderson, MLA, Nelson-Creston, brittny.anderson.mla@leg.bc.ca

Good afternoon Charlene and George,

We write to you regarding the newly amended *Forest Planning and Practices Regulation (FPPR)*. We are concerned that section 9 of that regulation may not be properly considered in the ongoing issuance of cutting permits for logging in the Selkirk Natural Resource District.

[Section 52.05](#) of the newly amended *Forest Act* states “The minister must refuse to issue a cutting permit if one or more of the following circumstances applies: (a) the minister determines that, taking into account prescribed matters, if any, issuance of a cutting permit would compromise a prescribed government objective...”

As the minister’s designates for issuing cutting permits in the Selkirk Natural Resource District, you now have the responsibility to refuse to issue cutting permits that would result in an objective set by government being compromised.

As you know, one of the objectives set by government in the *FPPR* is for wildlife and biodiversity at the landscape level. Section 9 of that regulation now states: “The objective set by government for wildlife and biodiversity at the landscape level is, to the extent practicable, to design areas on which timber harvesting is to be carried out that resemble, both spatially and temporally, the patterns of natural disturbance that occur within the landscape.”

As you also know, the clause limiting the impact of this objective on the timber supply of BC has recently been removed by an amendment to the *FPPR*. By that action the government of BC has confirmed that cutting permits should only be issued for logging that resembles natural disturbance—both spatially and temporally—at the landscape level.

Including the language “both spatially and temporally” makes it clear that the objective is aimed at ensuring that the rate of logging resembles the expected rate of natural disturbance at the landscape level.

A critical consideration in making a comparison between these two rates is the natural disturbance return interval at the landscape level. The most recent science-based assessments of the temporal dimension of natural disturbance in BC is contained in the 2020 [Standards for Assessing the Condition of Forest Biodiversity under British Columbia's Cumulative Effects Framework](#) and the Old Growth Technical Advisory Panel's [Background and Technical Appendices](#).

We have consulted with a reputable forest ecologist who is an expert on natural disturbance return interval, and what that implies. She agrees with us that for logging to resemble natural disturbance at the landscape level in the ICHvk1 biogeoclimatic subzone variant, for example, both spatially and temporally, no more than 1/250 of the ICHvk1 portion of the timber harvesting land base in TFL 55 (for example) could be cut in a year, on average, over a 250-year period.

We initially had questions about what the language of section 9 of the *FPPR* means, legally. But based on common sense and the Ministry of Forest's [glossary of terms](#), we are now confident about section 9's meaning.

Section 9's use of the language "to the extent practicable" should not be interpreted as having anything to do with this objective's possible impact on the timber supply of BC. After all, as mentioned above, the "unduly" clause that previously limited the application of this objective because of its effect on timber supply has been purposefully removed by legislative amendment.

The ministry itself defines "practicable" to mean "Is possible and can be accomplished with known means and resources." In the case of the *FPPR* section 9 objective, designing timber harvesting that resembles, both spatially and temporally, the pattern of natural disturbance is both possible and can be accomplished using the science-based natural disturbance intervals developed by the Ministry of Forests.

The *FPPR* section 9 objective's use of the language "to design areas on which timber harvesting is to be carried out" clearly limits the applicability of the objective to the timber harvesting land base. In our analyses (see the results below), we used the Ministry of Forest's own account of the areal extent of the timber harvesting land base in the timber supply areas, tree farm licences and landscape units we examined.

A question may arise regarding what is meant by the *FPPR*'s use of the language "at the landscape level". The [ministry's definition](#) of "landscape level" is certainly applicable, in our view, to a tree farm licence and a landscape unit. We also ran analyses for the Revelstoke, Boundary, Arrow and Kootenay Lake TSAs. While TSAs are larger than "landscape level", they are the sum of a number of landscape units. If the rate of logging for an entire TSA is greater than the cut available under the *FPPR* section 9 objective, then the equivalent of a flashing yellow light should be guiding your issuance of cutting permits at the landscape level.

To determine the area logged between 2004-2023, our analyses used the ministry's [RESULTS Openings](#) database. Using that information we have determined that the spatial and temporal distribution of logging disturbance between 2004 and 2023 (20 years) significantly exceeded

the predicted rate of natural disturbance in all of the TFLs, landscape units and TSAs in the Selkirk Natural Resource District.

Please note that in all cases our analyses ignored the impact of actual natural disturbance in the THLB of each of the management units we considered. This approach has the effect of minimizing the calculated amount of overall disturbance compared to the expected rate of natural disturbance. That is, our analyses understate the rate at which logging has exceeded the expected rate of natural disturbance.

Here is what we found for the management units we considered in the Selkirk Natural Resource District:

TFL 55

Estimated THLB: 19,174 ha

Total cut 2004-2023: 3546 ha

Average cut per year over that period: 177.3 ha

Available annual cut based on section 9 of *FPPR*: 72 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 2.5 times

- Cutting in ESSFvc exceeded the expected rate of natural disturbance by 3.2 times
- Cutting in ICHvk1 and ICHwk1 exceeded the expected rate of natural disturbance by 2.3 times

TFL 8

Estimated THLB: 64,605 ha

Total cut 2004-2023: 14,824 ha

Average cut per year over that period: 741.2 ha

Available annual cut based on section 9 of *FPPR*: 394.2 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 1.9 times

- Cutting in ESSFdc1 and ICHmk1 exceeded the expected rate of natural disturbance by 1.7 times
- Cutting in IDFdm1 exceeded the expected rate of natural disturbance by 2.9 times
- Cutting in MSFdm1 exceeded the expected rate of natural disturbance by 1.7 times

TFL 23

Estimated THLB: 144,623 ha

Total cut 2004-2023: 26,045 ha

Average cut per year over that period: 1302.3 ha

Available annual cut based on section 9 of *FPPR*: 618.8 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 2.1 times

- Cutting in ESSFwc1, ESSFwc4 and ESSFwh1 exceeded the expected rate of natural disturbance by 7.2 times
- Cutting in ICHmw2 exceeded the expected rate of natural disturbance by 1.8 times
- Cutting in ICHwk1 exceeded the expected rate of natural disturbance by 5.4 times

TFL 3

Estimated THLB: 27,587 ha

Total cut 2004-2023: 3555 ha

Average cut per year over that period: 177.7 ha

Available annual cut based on section 9 of *FPPR*: 101.6 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 1.8 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 5.2 times
- Cutting in ICHmw2 exceeded the expected rate of natural disturbance by 1.3 times

Rendell LU

Estimated THLB: 44,462 ha

Total cut 2004-2023: 12,201 ha

Average cut per year over that period: 610 ha

Available annual cut based on section 9 of *FPPR*: 248 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 2.5 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 11 times
- Cutting in ICHmk1 and MSdm1 exceeded the expected rate of natural disturbance by 1.7 times

Boundary TSA (entire)

Estimated THLB: 272,286 ha

Total cut 2004-2023: 61,624 ha

Average cut per year over that period: 3081.2 ha

Available annual cut based on section 9 of *FPPR*: 1617.2 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 1.9 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 9 times
- Cutting in ICHmk1 and MSdm1 exceeded the expected rate of natural disturbance by 1.7 times

Arrow TSA (entire)

Estimated THLB: 183,392 ha

Total cut 2004-2023: 38,651 ha

Average cut per year over that period: 1932.6 ha

Available annual cut based on section 9 of *FPPR*: 837.5 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 2.3 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 8.5 times
- Cutting in ICHdw1 exceeded the expected rate of natural disturbance by 1.6 times
- Cutting in ICHmw2 exceeded the expected rate of natural disturbance by 2.1 times

Kootenay Lake TSA

Estimated THLB: 182,990 ha

Total cut 2004-2023: 47,623.8 ha

Average cut per year over that period: 2381.2 ha

Available annual cut based on section 9 of *FPPR*: 1018.7 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 2.3 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 10.4 times
- Cutting in ICHmw2 exceeded the expected rate of natural disturbance by 2.6 times

Revelstoke TSA

Estimated THLB: 88,073 ha

Total cut 2004-2023: 6946 ha

Average cut per year over that period: 347.3 ha

Available annual cut based on section 9 of *FPPR*: 234.4 ha

Factor by which actual cut exceeded expected rate of natural disturbance: 1.5 times

- Cutting in ESSFwc1 and ESSFwc4 exceeded the expected rate of natural disturbance by 3.2 times
- Cutting in ICHvk1 and ICHwk1 exceeded the expected rate of natural disturbance by 2.4 times

Our calculations take into account the relative proportions of biogeoclimatic subzone variants in the THLB and those variants' scientifically-determined natural disturbance return intervals.

This evidence shows that for many years now, the rate of logging in the Selkirk Natural Resource District has been approximately double the rate that is now understood to be the expected rate of natural disturbance. During that period (and the 20 years previous to that) there has been significant degradation of wildlife habitat and loss of biodiversity as a result of this overcutting. The objective set by government for wildlife and biodiversity at the landscape level in 2004 through the *FPPR* has been compromised.

Application of sections [64](#) and [65](#) of the *FPPR* and other strategies employed by the various tenure holders in their forest stewardship plans have clearly not resulted in timber harvesting resembling, both spatially and temporally, the patterns of natural disturbance that occur within the landscape.

Our concern is that current plans for logging in the district do not appear to reflect the requirements of the legislative amendment to section 9 of the *FPPR*.

As noted above, we estimated the available annual cut in TFL 55 would need to be limited to approximately 72 hectares per year in order that the rate of logging resembles the expected rate of natural disturbance. This assumes that no actual natural disturbances—like fire or insect infestation—occur in the THLB of TFL 55.

The ministry's Forest Operations Map shows 242.6 hectares of proposed cutblocks in TFL 30. But to resemble natural disturbance, this would need to be spread out over an approximately 3.5-year period in order that the proposed logging not compromise the *FPPR* section 9 objective.

Below is a summary of the area of recently proposed cutblocks (not including road segments) as indicated in the Forest Operations Map (FOM) in each of the timber supply areas we considered in your district:

Boundary TSA

Area of cutblocks proposed in the FOM (not including roads): 2773.4 ha
Estimated available cut based on section 9 of the *FPPR*: 1617.2 ha

Arrow TSA

Area of cutblocks proposed in the FOM (not including roads): 2399.5 ha
Estimated available cut based on section 9 of the *FPPR*: 837.5 ha

Kootenay Lake TSA

Area of cutblocks proposed in the FOM (not including roads): 1235.5
Estimated available cut based on section 9 of the *FPPR*: 1018.7

Revelstoke TSA

Area of cutblocks proposed in the FOM (not including roads): 1030.9 ha
Estimated available cut based on section 9 of the *FPPR*: 234.4 ha

The numbers above do not include previously approved cutblocks that have not yet been logged.

In each management unit we considered, it seems clear that the area proposed for logging is considerably greater than the area that would be available in a year under section 9 of the *FPPR* if timber harvesting is to be carried out that resembles, both spatially and temporally, the patterns of natural disturbance that occur within the landscape.

As previously noted, section 52.05 of the newly amended *Forest Act* states "The minister must refuse to issue a cutting permit if one or more of the following circumstances applies: (a) the minister determines that, taking into account prescribed matters, if any, issuance of a cutting permit would compromise a prescribed government objective..."

As the minister's designate, we expect that you will refuse to issue any cutting permits that would result in the objective set by government for wildlife and biodiversity at the landscape level being compromised.

Please let us know as soon as possible what action you intend to take on this issue. We will wait 10 business days to hear back from you. If we have not heard from you by July 31, we will follow through with a complaint to the Forest Practices Board that your district may be failing

to properly regulate the rate of logging as required under section 9 of the *Forest Planning and Practices Regulation*.

We look forward to hearing from you.

Sincerely,

Eddie Petryshen for [Wildsight](#), Marlene Johnson, resident at Kootenay Lake, Ray Hanson for [Boundary Forest Watershed Stewardship Society](#), and David Broadland for [Evergreen Alliance](#)