

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Corporate and Administrative Services Committee – April 23, 2020

AUTHOR: Julie Clark, Planner 1 / Senior Planner

SUBJECT: BC TIMBER SALES (BCTS) OPERATING PLAN 2020-2024, FOLLOW UP

RECOMMENDATIONS

THAT the report titled BC Timber Sales (BCTS) Operating Plan 2020-2024, Follow Up be received;

AND THAT staff invite the Province to make a presentation to Planning and Community Development Committee to outline the MLUP process, scope, timeline and stakeholders for the Sunshine Coast, and how this process relates to the landscape level planning BCTS has referenced in communications with the Sunshine Coast Regional District.

BACKGROUND

BC Timber Sales (BCTS) has an annual referral process to gather feedback from the public on forestry plans for the upcoming 5 years. In addition to inviting public feedback, the Operating Plan is referred to a number of specific agencies to provide comment within their scope of work.

SCRD's technical review of the 2020-2024 Operating Plan was presented to the Planning and Community Development (PCD) Committee on April 9, 2020. The [staff report](#) is Annex B in the linked agenda package.

During the April 9, 2020 PCD meeting the Committee received communications from Elphinstone Logging Focus, including a set of recommendations they requested to be added to the staff recommendations and submitted to BCTS. This communication is included here as Attachment A.

Staff were asked to follow up with a technical review of ELF's recommendations. In conducting this analysis, staff differentiated between areas of SCRD mandate/service/service impacts and conservation advocacy. SCRD does not have planning expertise or capacity (or a mandate) to conduct detailed analysis of wildlife habitat or heritage resources – or of the implications of timber harvest or risk mitigation measures on these areas. Accordingly, many of ELF's comments are best addressed directly to the Province as the responsible body for regulation of wildlife and provincial lands.

ELF's work to research and prepare these points is acknowledged. Environmental conservation groups such as ELF perform a valued role in natural resource management decision-making.

Consideration of each of ELF's points is provided below.

DISCUSSION

ELF recommendations

Staff have prepared the following information for the committee's review. ELF's recommendations are in bold, followed by a list of staff comments, including whether the recommendation falls within SCRD service area or is advocacy-related.

a. SCRD is opposed to proposed blocks that are situated directly in the Mt. Elphinstone Provincial Park expansion area (OCP Bylaw 641), i.e.: A67026 (above Guy's Gulch Trail, running east above Roberts Creek) and blocks that overlap the park expansion boundaries, i.e.: A94817 and TA0021.

- This area is Provincial (Crown) Land, within BCTS Operating Area as designated by FLNRORD, and within the OCP area of Roberts Creek (see Attachment B)
- According to SCRD spatial layers:
 - A67026 outside proposed park expansion (see Attachment C)
 - A94817 outside proposed park expansion (see Attachment C)
- Staff recently learned that ELF are using a different set of park expansion boundaries than SCRD, underpinned by the assumption that existing roads would eventually form boundaries (Attachment D)
- The proposed park expansion is an idea contained in the [Roberts Creek OCP](#) which consists of:
 - Polygon on Map 2
 - Parks, Trails and Recreation introduction:
 - Although Mount Elphinstone Provincial Park has been established, there is no management plan in place for its three separate pieces that have no interconnection, and that needs to be addressed. The OCP supports the expansion of Mount Elphinstone Park to the full 1500 hectares originally requested for the lower elevations of the mountain to protect its many diverse habitats (tailed frog and mushrooms, particularly).
 - OCP Objectives, Section 8: a range of objectives to support many types of parks uses
 - OCP Policy 8.2.5:
 - 5) Provincial Park: 3 separate blocks of land on Mt. Elphinstone - approximately 140 Ha (346 acres) total SCRD should work with the Skwxwú7mesh Nation to acquire or protect the horseshoe patch in largest block for inclusion in the Mt Elphinstone Park. Build or protect trails to link the 3 blocks. SCRD should pursue management and ownership of existing trails i.e. Wagon Trail
- The underlying value is clear in the OCP. The need for biodiversity conservation and corridor protection on the Coast is also clear. The OCP objectives and policy direction need clarifying or operationalizing to be specifically actionable in this area of land that is owned by the Province within the BCTS Operating Area. Further, this conversation belongs alongside a broader planning process for conservation values on the Coast, corridor protection and sustainable harvesting /resource extraction. The lack of process and clarity has made for some challenging discussions over the years about the proposed expansion

- The Modernized Land Use Planning (MLUP) process could be key to informing and advocating for a future specific direction for the proposed expansion of Elphinstone Provincial Park
- b. **SCRD is opposed to all blocks preceding until such time that the Modernized Land Use Plan between the province and shíshálh Nation is completed. SCR D is opposed to what is commonly called a "Talk and Log" approach before new public policy is enacted.**
- MLUP is a Provincial land use planning process
 - Under the Foundation Agreement between the shíshálh Nation and the Province, a strategic land use planning process is agreed to take place in the next 4 years
 - Staff are unclear whether this process (beyond the specific process driven by the Foundation Agreement) includes territory east of the swiya line (Sḵw̓xwú7mesh Nation territory) or only shíshálh Nation territory
 - Please see Attachment D to note the majority of the proposed blocks on Elphinstone are located east of the swiya line and do not fall within the shíshálh Nation territory
 - Staff recommend seeking clarification from the Province, shíshálh and Sḵw̓xwú7mesh Nations about the scope, timeline and stakeholders of the MLUP process.
 - Taking a position on the high-level administration of or interrelationship between provincial or First Nations land use planning and forestry is beyond the scope of SCR D services and is an advocacy matter.
- c. **SCR D is opposed to BCTS Blk TA0526 (planned for 2024) within the Chapman Creek Drinking Watershed. SCR D and shíshálh Nation have a Joint Watershed Management Agreement that states both levels of government oppose commercial logging in the Chapman Drinking Watershed. SCR D will be seeking legal counsel on this matter.**
- TA0526 (blocks G052B4R8 and G042B4RC) were reviewed based on their proximity to Chapman community watershed boundaries.
 - Each are outside the boundaries for the watershed according to SCR D and BCTS mapping and as a result were not highlighted in the staff report (Attachment B)
- d. **SCR D is opposed to logging plans in the Dakota Community Watershed, specifically Blk A87126 due to research that has been completed by qualified professionals (McCrary and Millennia Research) showing that the area has a high black bear den population and that Culturally Modified Trees (CMTs) have been registered by The Archeology Department.**
- Bear Dens – staff were unable to locate Provincial legislation that speaks to bears or bear dens
 - Culturally Modified Trees – Provincial legislation, Heritage Conservation Act
 - Not an SCR D service area. Advocacy recommendation

e. BCTS to provide 3 tree lengths, or up to 150m buffer around in undisputed blocks that intersect or run parallel to all community hiking and biking trails.

- SCRD does not have existing trails in proximity to these blocks
- Staff do not have a comment on the adequacy or inadequacy of any particular buffer that may or may not be applied
- Sunshine Coast Trails Society (SCTS) is the umbrella organization working closely with Rec Sites and Trails BC to improve recreational access, exploration and enjoyment within crown land. Staff's understanding is that SCTS and BCTS have built a collaborative relationship to manage forestry impacts to authorized and unauthorized trails on the Coast, using best practices.
- As a large percentage of community hiking and biking trails on the Coast are unauthorized, this advocacy is best to come from Sunshine Coast Trails Society.

f. That BCTS logging plans to comply with the *Heritage Conservation Act* and that these reviews are shared with the SCRD in advance of any activities.

- Existing SCRD recommendation No.5 on page 22 of April 9 PCD agenda includes compliance with *Heritage Conservation Act*
- All users of land are obliged to adhere to the *Heritage Conservation Act*
- SCRD does not have the ability or mandate to be a watchdog or enforce Provincial government legislation (*Heritage Conservation Act*)
- Not an SCRD service area

g. That all BCTS blocks comply with the Forest Practices Board recommendations from their report "Managing At-Risk Plant Communities near Mount Elphinstone Park" and the FLNRORD protocols that address new forest management objectives for managing blue and red listed plant communities that flow from that report.

- Not an SCRD service area.

h. That FLNRORD provide staff with an updated report that addresses the above strategies.

- Staff recommend that updates from the Province be sought in the areas of SCRD service areas, and in particular clarification re MLUP
- SCRD staff have encouraged ELF to submit these recommendations to both BCTS and FLNRORD, and as acknowledged earlier in this report, this work is a valued part of natural resource decision planning and decision making

Analysis

ELF's recommendations speak to a lack of trust in the process of planning, harvesting, monitoring and communicating impacts of forestry activity. Staff note that recommendations from ELF that suggest SCRD has a role to play in process-checking or enforcing Provincial government legislation (*Heritage Conservation Act*, comply with Forest Practices Board) is evidence of the lack of trust.

Staff have observed similar responses and overarching concerns in discussions regarding the proposed blocks in the North Lake Area, the Reed Road Forest / DL 1313 engagement.

SCRD is not positioned (in authority or staffing) to address the challenge of community trust in forestry or other companies, holistic forestry planning, inter-ministry permissions before work takes place or the science of monitoring of impacts that accumulate over time. This statement is not meant to absolve SCRD of care or responsibility. Simply put, SCRD is obligated by the *Local Government Act* to work within established service areas (functions). Coordinated information sharing with groups such as ELF is a way that SCRD can support overall better planning and decision making within the region.

Beyond specific service areas, SCRD can advocate. SCRD is positioned to advocate with the Province for root causes to be addressed, for systems within and between Ministries to be improved, to demonstrate the community's wish for resource extraction that is responsive the current and anticipated complexities of social, environmental, cultural and economic systems on the Coast.

Advocacy of this nature is best directed to the Ministers or Ministries of corresponding Provincial legislation. As BCTS's scope of work is limited to the marketing of timber, advocacy needs to go beyond just BCTS.

Staff feel that it is important to note that when SCRD has raised specific concerns with BCTS that are within their scope of work, such as Suncoaster Trail impacts, BCTS has responded and addressed concerns. Similarly, staff note BCTS has worked to build a collaborative relationship with the Sunshine Coast Trail Society to mitigate trail impacts on the Coast for both authorized and unauthorized trails.

Organization and Intergovernmental Implications

The SCRD and BCTS signed a communication protocol on June 2, 2014. The protocol ensures that BCTS provides timely information about its operational plans and that the SCRD can provide comments back. Each successive year builds on previous years' plans as new field survey information is collected and stakeholder information is considered.

Staff will continue to work cooperatively with BCTS to identify future opportunities for community consultation.

In preparing this report, staff were in touch with ELF and understand that ELF has not submitted feedback to BCTS for the 2020 Operating Plan. In addition to the analysis below, SCRD encourages ELF and others to submit their comments directly to BCTS.

Timeline for next steps or estimated completion date

As per the Communication Protocol, the SCRD has 90 days to comment. The deadline for referral comments from SCRD is April 24, 2020.

Advisory Planning Commissions were scheduled to review the staff report in advance of the Planning and Community Development meeting. Advisory committee meetings have since been canceled due to the COVID-19 emergency. When APC meetings are reinitiated, the report will be referred to APCs and comments will be forwarded to BCTS.

Communications Strategy

BCTS is responsible for consultation related to the Operations Plan. SCRD reviews and in turn refers to Advisory committees for comment in advance of responding to the BCTS referral.

STRATEGIC PLAN AND RELATED POLICIES

Responding to BCTS's 2020-2024 Operating Plan calls on all of the pillars SCRD's 2019-2023 Strategic plan: climate resilience, advocacy, infrastructure and regional collaboration. A multidisciplinary, systems-thinking approach is required to address the concerns described in this report.

CONCLUSION

SCRD received communications from ELF with a request to incorporate further recommendations into SCRD response to BCTS's 2020-2024 Operating Plan. A review of ELF recommendations is provided for the committee.

As per the Communications Protocol, SCRD will respond by April, 24 2020. Advisory committee comments will be shared with BCTS when available.

Attachments

Attachment A – Correspondence from Elphinstone Logging Focus received April 9, 2020

Attachment B – 3D Map BCTS Operating Area

Attachment C – 3D Map Proposed expansion Mt Elphinstone Park, with BCTS blocks

Attachment D – 3D Map of Proposed expansion contrast SCRD and ELF

Reviewed by:			
Manager	X – D. Pady	Finance	
GM	X – I. Hall	Legislative	
CAO	X – D. McKinley	Other	

Received at April 9, 2020 Planning and Community Development Committee

Subject: Elphinstone Logging Focus Comments on BCTS Operating Plan (2020-2024)

From: Elphinstone Logging Focus <loggingfocus@gmail.com>

Sent: April 8, 2020 9:03 PM

To: Andreas Tize; Donna McMahon

Subject: SCRD Staff Report (April 9th)

Hello Andreas and Donna,

In reading over the Staff Recommendations for the BCTS Operating Plan (2020-2024), I would like to propose the following additions to be tabled as amendments.

- SCRD is opposed to proposed blocks that are situated directly in the Mt. Elphinstone Provincial Park expansion area (OCP Bylaw 641), i.e.: A67026 (above Guy's Gultch Trail, running east above Roberts Creek) and blocks that overlap the park expansion boundaries, i.e.: A94817 and TA0021.
- SCRD is opposed to all blocks preceding until such time that the Modernized Land Use Plan between the province and shishalh Nation is completed. SCRD is opposed to what is commonly called a "Talk and Log" approach before new public policy is enacted.
- SCRD is opposed to BCTS Blk TA0526 (planned for 2024) within the Chapman Creek Drinking Watershed. SCRD and shishalh Nation have a Joint Watershed Management Agreement that states both levels of government oppose commercial logging in the Chapman Drinking Watershed. SCRD will be seeking legal counsel on this matter.
- SCRD is opposed to logging plans in the Dakota Community Watershed, specifically Blk A87126 due to research that has been completed by qualified professionals (McCrary and Millennia Research) showing that the area has a high black bear den population and that Culturally Modified Trees (CMTs) have been registered by The Archeology Department.
- BCTS to provide 3 tree lengths, or up to 150M buffer around in undisputed blocks that intersect or run parallel to all community hiking and biking trails.
- That BCTS logging plans to comply with the Heritage Conservation Act and that these reviews are shared with the SCRD in advance of any activities.
- That all BCTS blocks comply with the Forest Practices Board recommendations from their report "Managing At-Risk Plant Communities near Mount Elphinstone Park" and the FLNRORD protocols that address new forest management objectives for managing blue and red listed plant communities that flow from that report.
- That, FLNRORD provide Staff with an updated report that addresses the above strategies.

Note for submission to Board and Staff, the Dakota Bear Den Study, the Millennia Research on CMTs in A87126 reports can printed from: <https://loggingfocus.org/2015-research-reports/>

A link is provided to the Forest Practices Board mentioned report that contains the FLNRORD response.

Specially note, the Oct 11, 2018 reply from the ED, Coast Region that spells out a new approach to forest management that should be applied in blocks that are not disputed. <https://www.bcfpb.ca/wp-content/uploads/2018/11/IRC212-Elphinstone-Response-to-Recommendations.pdf>

Ross Muirhead
ELF: Lead Forest Campaigner
604-741-5392 (cell)



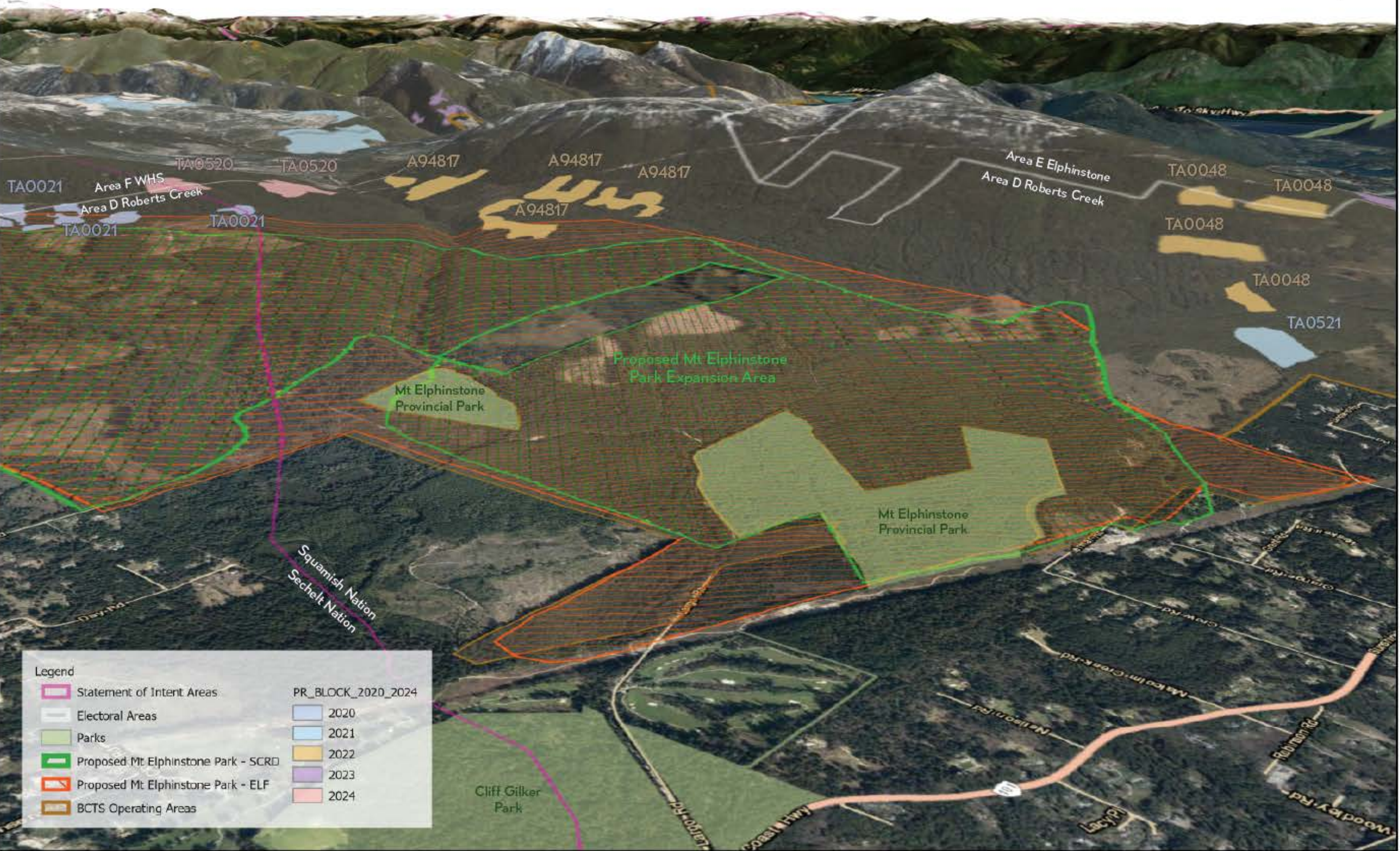
Mt Elphinstone Provincial Park Area and BCTS OPERATING AREA

This information has been compiled by the Sunshine Coast Regional District (SCRD) using data derived from a number of sources with varying levels of accuracy. The SCRD disclaims all responsibility for the accuracy or completeness of this information.



Mt Elphinstone Provincial Park Area and PROPOSED EXPANSION AREA

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Legend

- Statement of Intent Areas
- Electoral Areas
- Parks
- Proposed Mt Elphinstone Park - SCRD
- Proposed Mt Elphinstone Park - ELF
- BCTS Operating Areas

PR_BLOCK_2020_2024

- 2020
- 2021
- 2022
- 2023
- 2024



Mt Elphinstone Provincial Park Area and PROPOSED EXPANSION AREA

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