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File: 18045-30/WEST

January 24, 2013

Dave Ripmeester
West Fraser Mills Limited
Pacific Inland Resources Division
PO Box 3130
Smithers, British Columbia
V0J 2N0

Dear Dave Ripmeester:

Your letter of January 17, 2013, requests approval of Amendment #5 to Pacific Inland Resources' (PIR) Forest Stewardship Plan (FSP). Amendment #5 proposes to add a new subsection (c) to the result/strategy for section 5.1.1 *Ecosystem Representation: Core Ecosystems*, with the following text:

"This subsection applies where timber in a Core Ecosystem is in danger of being damaged, significantly reduced in value, lost, or destroyed, and/or poses a hazard to public safety, and the original Core Ecosystem values are at risk. In these circumstances the FSP holder may develop harvest plans, subject to District Manager approval, that facilitate harvesting of the affected timber. In all cases the Bulkley TSA LRMP balance must be maintained through the introduction of an offsetting constrained area deemed acceptable by the District Manager."

It is not fully clear that Amendment #5 constitutes a significant FSP amendment requiring my approval as delegated decision maker, because it does not propose actions that are contrary to current approved FSP results/strategies (R/S) or intent of objectives set by government. However, because Amendment #5 was submitted in reference to *Forest and Range Practices Act* (FRPA) section 17 - and will facilitate submission of Cutting Permit 335 which proposes harvest in the Quick Core Ecosystem at levels beyond those set by current approved FSP R/S, and possibly future comparable submissions - I have elected to regard Amendment #5 as a significant amendment.

FRPA Section 18 therefore pertains, and indicates a requirement to seek public review and comment. Because the purpose of the amendment is to facilitate submission of a cutting permit for harvest of dead or damaged timber in the Quick Core Ecosystem – timber that must



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Ministry of Forests, Lands
and Natural Resource
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be harvested expeditiously to prevent a significant reduction in the economic value of timber due to deterioration in its quality – I have required advertisement of Amendment #5 for a 10-day review and comment period, as consistent with provisions of section 20(2)(d) of the Forest Planning and Practices Regulation (FPPR).

Because I view my decision for Amendment #5 as being closely linked to my decision for CP 335, I have considered input received from public review and 1st Nations information sharing/consultation for CP 335 in this decision. Because of this linkage, I have also taken the view that the 1st Nations information sharing/consultation process that occurred in referral of CP 335 suffices to address consultation requirements for the Amendment #5 decision.

Following completion of the 10-day public review and comment period, Amendment #5 has now been fully reviewed. I highlight the following strong and consistent concerns that emerged in both public and government comment:

- More time and effort should have been taken to solicit public input. In future, should extent comment period and engage in a public forum.
- This (i.e. the potential approval of harvest of dead and deteriorating timber within Quick Core Ecosystem) should not set a precedent for harvesting in other Core Ecosystems.
- As a rule, because the purpose of CORES is to maintain biodiversity, natural processes should be allowed to run their course. The intent of the Ecosystem Network (EN) must be upheld; there should be no harvesting in a CORE unless it benefits the EN.

In regard to the length of time taken to solicit public input: establishing a 10-day public review and comment period in this specific circumstance is fully consistent with provisions of FPPR section 20(2)(d). That said, in consideration of the volume of responses and the keen and similar concern expressed by all respondents, I shall in future require a 60-day public review and comment period for any similar submissions that propose increased harvest in Core Ecosystems, to solicit comments that would advise my decision. To identify additional process improvements, I also intend to have a broader discussion with the Bulkley Valley Community Resources Board prior to considering further similar amendments or proposals.

In regard to the potential for approval of CP 335 to set a precedent for harvesting in other CE's: my intent is to consider any future CE harvest proposal on its own merits.

In regard to maintaining CORES and upholding their intent: as evidenced by my response to PIR's CP 335 proposal (Attachment 1), I take precisely the same view.

I am satisfied that the amendment was prepared and submitted in accordance with the requirements of Sections 20(1), 20(2), 21(1), 22(1) and 22(2) of the Forest Planning and Practices Regulation (FPPR). I am also satisfied that FSP content requirements of *Forest and Range Practices Act* (FRPA) section 5 and regulations continue to be met. Accordingly as the delegated decision maker under Section 16(1) of the *Forest and Range Practices Act*,

Dave Ripmeester

I hereby approve this amendment to your FSP. My rationale for this determination is below. The term of this plan remains as **July 27, 2007 to July 26, 2017**.

Rationale for Decision

As the delegated decision maker for Forest Stewardship Plans (FSP) in the Skeena Stikine Forest District, I have considered the content of Pacific Inland Resources (PIR) FSP Amendment #5 and additional information provided. A rationale is not a required part of the approval process for a FSP amendment. However, I feel it is important to elaborate on certain points that I considered in my determination.

In making this determination I have considered all the information provided to me which includes:

- Pacific Inland Resources' (PIR's) letter of January 17, 2013, which advised of the submission of FSP Amendment #5 and provided the text of the proposed amendment;
- PIR's amended Forest Stewardship Plan, dated December 21, 2012;
- PIR's September 12, 2012, Proposal for "Finding and Utilizing Flexibility Within the Bulkley LRMP/Higher Level Plan Order";
- My letter of December 19, 2012, responding to that Proposal (Attachment 1);
- PIR's Cutting Permit (CP) 335 submission;
- PIR's summary of public input received during the 10-day public review period, and their responses to comments;
- PIR's December 9, 2012, presentation to the Bulkley Valley Community Resources Board (BVCRB), which provided a summary of the history around CP 335 including field trips taken with government and BVCRB;
- BVCRB's letter of February 1, 2012, regarding "Draft DDM principles to be applied to proposals to harvest at levels beyond Bulkley LRMP zone constraints, consistent with powers and discretion";
- PIR's summary of a January 21, 2013, "Meeting re: Quick Core Ecosystem/ FSP Amendment #5" held with 3 concerned public members;
- Individual letters sent by public respondents;
- The record of provincial government staff review and comment;
- The record of First Nations information sharing and consultation, around the CP 335 decision and Major Amendment #5;
- Ministry of Forests and Range (MOFR) administrative guidance (Administrative Guide for Stewardship Plans) and FRPA Administrative Bulletins Content Requirements.

Public Review and Comment

PIR placed an advertisement in the local Interior News on January 1, 2013. The advertisement provided notice of Amendment #5, advising that its purpose was to facilitate requests to harvest dead and deteriorating timber from Core Ecosystems (CE's) while retaining the overall area of CE's in an unharvested state. It noted that if approved, PIR's intent was to submit a request to harvest dead and deteriorating timber in Quick Core Ecosystem, and that additional areas for harvest may be requested in the future. It advised that the public review and comment period was set to 10 days (January 2 to January 12, 2013), consistent with provisions of FPPR section 20(2)(d).

- I note that Amendment #5 may not constitute a significant FSP amendment requiring my approval, because it does not propose actions that clearly contrary to current approved FSP results/strategies (R/S). However, because PIR's letter of January 17, 2013 submitted FSP Amendment #5 in direct reference to *Forest and Range Practices Act* (FRPA) section 17 - and because my approval of Amendment #5 will facilitate submission of Cutting Permit 335 which proposes harvest in the Quick Core Ecosystem at levels beyond those set by current approved FSP R/S, and possibly future comparable submissions - I have elected to regard Amendment #5 as a significant amendment.
- Because the stated purpose of the amendment is to facilitate submission of a cutting permit for harvest of dead or damaged timber in the Quick Core Ecosystem – timber that must be harvested expeditiously to prevent a significant reduction in the economic value of timber due to deterioration in its quality – I am satisfied that FPPR section 20(2)(d) applies, and that a 10-day public review and comment period was appropriate.

Comments were received from 15 individuals. PIR provided a copy of all individual comments, and their summary of comments and PIR responses.

Several consistent concerns emerged from public comments:

- More time and effort should have been taken to solicit public input. In future, should extent comment period and engage in a public forum.
- This (i.e. the potential approval of harvest of dead and deteriorating timber within Quick Core Ecosystem) should not set a precedent for harvesting in other Core Ecosystems.
- As a rule, because the purpose of CORES is to maintain biodiversity, natural processes should be allowed to run their course. The intent of the Ecosystem Network (EN) must be upheld; there should be no harvesting in a CORE unless it benefits the EN.

My thoughts on these concerns are provided in the Approval Letter. These concerns are consistent with those raised during provincial government staff review of PIR's September 12, 2012 Proposal for "Finding and Utilizing Flexibility Within the Bulkley LRMP/Higher Level Plan Order", which provided options for harvest in the Quick Core Ecosystem under CP 335. I note that concerns are not specific to Amendment #5 text.

First Nations Information Sharing/Consultation:

District First Nations staff advise that FSP amendments normally require consultation with First Nations. However, because this particular amendment only facilitates submission of *proposals* to alter Core Ecosystems (CE), consultation on the amendment can be captured through more site specific information sharing/consultation occurring at the Cutting Permit (CP) stage.

- In recognition of this advice, I have accepted that the 1st Nations information sharing/consultation process presently occurring around my decision for CP 335 also suffices for the decision on Amendment #5.

Information sharing/consultation efforts around the CP 335 decision focused on Moricetown Band (MB), Wet'suwet'en First Nation (WFN), and the Office of the Wet'suwet'en (OW), as these First Nations groups have asserted aboriginal rights and interests in the subject area.

- PIR sent a letter and map to the MB (Chief Duane Mitchell) on September 24, 2012. No comments were received.
- PIR sent a letter and map of CP 335 to the OW (John Ridsdale) on September 24, 2012. No comments were received.
- PIR sent a letter and map of CP 335 to Wetsuwet'en First Nations (Chief Karen Ogen and Council) on October 29, 2012, which they followed up with a meeting on December 5, 2012, with WFN representatives. A field visit was conducted with WFN reps on January 11, 2013. WFN has since advised PIR in a written report that they have no issues with proposed harvest.

PIR's letters specified a 60 day period for First Nations groups to provide comment on CP 335, which is consistent with appropriate consultation timelines provided in the MB and WFN Forest and Range Consultation and Revenue Sharing Agreements (FCRSA) for Level 5 decisions. The Province does not have an applicable agreement with OW.

District First Nations staff sent follow-up letters to the same individuals on January 22, 2013. The letters advised that the procedural aspects of consultation were delegated to PIR, and that the Province recognizes the letter and maps sent as information sharing. No concerns were brought forward to the District, either directly from the First Nations or via PIR.

The consultation conclusion is that the duty to consult has been met, and that the decision to approve the amendment represents a low potential impact on aboriginal rights and interests.

Summary:

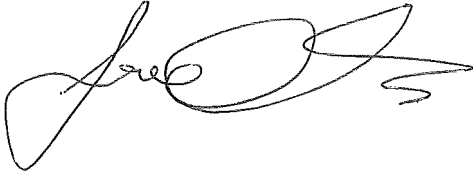
I am satisfied that the proponent has met the public review and comment requirements of Section 20 to 22 of FPPR, and that reasonable efforts were made to communicate the plan at all stages of development. I am further satisfied that adequate consultation has occurred on this FSP Amendment.

Dave Ripmeester

As delegated decision maker I am satisfied that this submission is adequate and complete and meets legislated requirements. Therefore, I approve Amendment #5 to Pacific Inland Resources' Forest Stewardship Plan (FSP).

If you require clarification on any aspect of this determination, please contact Glen Buhr, Stewardship Officer, at 250-847-6300.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jevan Hanchard', with a stylized flourish at the end.

Jevan Hanchard, RPF
District Manager
Skeena Stikine Resource District
Ministry of Forests, Lands, and Natural Resource Operations

Attachment 1: December 19, 2012 District Manager response to PIR's September 12, 2012 Proposal for "Finding and Utilizing Flexibility Within the Bulkley LRMP/Higher Level Plan Order"