

Dear Sirs,

This letter serves to lodge our serious concerns and questions regarding the practices of Island Timberlands and the requirements as prescribed by the BC Foresters Act and the bylaws of the ABCFP. Specifically, we are referring to harvesting decisions that are undertaken on land formerly known as TFL 44 and privately owned by Island Timberlands.

The Watershed Forest Alliance was formed in 2011 with the concern over protection of drinking water sources and the conservation of highly valued wildlife habitats in and adjacent to the Alberni Valley on Vancouver Island, B.C.

The outline of our document is as follows:

- A) Legislation and ABCFP Code of Ethics
- B) Grounds for Concerns
- C) Resolution Attempts
- D) Summary

It is our understanding that Registered Professional Foresters (RPF) advising or employed by Island Timberlands are governed by:

A. Legislation and ABCFP Code of Ethics

1. *The BC Foresters Act [SBC 2003] Chapter 19 and any subsequent amendments*

Section 1. Definition

“practice of professional forestry”

(f) assessing, estimating and analyzing the capability of forest lands to yield a flow of timber while recognizing public values related to forests, forest lands, forest resources and forest ecosystems;

Section 4. Duty and objects of the association

4 (1) It is the duty of the association

- (a) to serve and protect the public interest,
- (b) to exercise its powers and functions, and to perform its duties, under this Act, and

(c) to enforce this Act.

(2) The objects of the association are the following:

(a) to uphold the public interest respecting the practice of professional forestry by

(i) ensuring the competence, independence, professional conduct and integrity of its members, and

(ii) ensuring that each person engaged in the practice of professional forestry is accountable to the association;

(b) to advocate for and uphold principles of stewardship of forests, forest lands, forest resources and forest ecosystems;

(c) to govern its members in accordance with this Act, the bylaws and the resolutions;

ABC FP Code of Ethics – Guidelines for Interpretation March 2009

The *Foresters Act* states that the primary duty of the ABCFP is “to serve and protect the public interest”. To meet this duty the *Foresters Act* obligates the ABCFP to ensure the competence, independence, professional conduct and integrity of its members. These obligations are further defined in Bylaws approved by the ABCFP membership. Bylaw 11 is the Code of Ethics.

Bylaw 11.1

All members, however and wherever they may practice, are bound by the Code of Ethics set out hereunder.

“...The *Foresters Act* is a public interest statute which identifies the primary duty of the ABCFP ‘to serve and protect the public interest’. The public interest is served by advancing each of the above stated responsibility areas and the priority for transacting professional obligations is, therefore, a question of circumstance and balance. The Bylaws provide an indication of the relative priority for the responsibilities that might exist in a variety of circumstances (e.g. 11.3.2 and 11.5.2). If they cannot be resolved, preference must yield to the public interest.”

Bylaw 11.3 The responsibility of a member to the public is:

Bylaw 11.3.1

To advocate and practise good stewardship of forest land based on sound

ecological principles to sustain its ability to provide those values that have been assigned by society.

“This is both a land ethic and a social ethic. The land ethic (“good stewardship of forest land based on sound ecological principles”) is explained by bylaw 12.6.1 Stewardship Standard ‘Members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.’

Ecological principles mean the natural processes which govern the development of an ecosystem and its response to disturbance.

The social ethic (“provide those values that have been assigned by society”) requires an interpretation of ‘values’ and ‘society:’

- Values are the specific or collective set of natural resources and human developments that have measurable or intrinsic worth.

Society, most often, refers to the public of British Columbia as represented by government. In some cases, the reference to society is expected to be a broader group. The ABCFP guidance paper: Interpreting the Publics’ Interests defines public as a continuum of individuals, groups and communities ranging from individuals to the global community. Values assigned by society are therefore found, not only in legislation passed by government, but also through the expression of various publics’ interests....”

Bylaw 11.3.3

To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.

“Members have a professional responsibility to balance environmental, social and economic interests and objectives, recognizing that they work under a legislative and regulatory framework through which a balance is, at times, explicitly stated and at other times, left for the practitioner to determine. Where social choices have not been explicitly made, it is more important for forest professionals to understand the publics’ interest as a critical component in practising good stewardship of forest land. Members must recognize the public interest and act upon those interests based upon member competence, integrity and independence. Interpreting the broader public interest requires one to consider....”

Bylaw 12.6 Stewardship

12.6.1 Members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.

B. Grounds for Concerns

We maintain that the practices of Island Timberlands on TFL 44 did not give sufficient weight to either the “public interest” or ecological sustainability as designated by the Foresters Act and the ABCFP Bylaws.

1. In the Letter of Agreement (Appendix 1) 2004, areas in TFL 44 designated UWR and WHA were to be recognized. Years of work by government scientists culminated in the designation of these UWR and WHA areas (map of areas, Appendix 2a; BC Ministry of Forest, BC Ministry of Environment, *Deer and Elk Habitats in Coastal Forests of Southern British Columbia*, October 1990, Appendix 2b). It should be noted that this Letter of Agreement came as a result of Weyerhaeuser requesting to have their private land removed from TFL 44. Previously, MacMillan Bloedel had attempted the same in 1999 but was unsuccessful due to public protest. (Refer to Office of the Auditor General of British Columbia, *Removing Private Land from Tree Farm Licences 6, 19 & 25: Protecting the Public Interest?*, July 2008.)

Further, in the Letter of Agreement: “Weyerhaeuser and WLAP agree: explore options to purchase or compensate Weyerhaeuser for additional land areas, above the amount previously allocated through the TSR1 budget, that are deemed important to support critical wildlife habitat, through acquisition by the Province or through acquisition by conservation organizations such as the Nature Trust or the Nature Conservancy of Canada.”

Question to Island Timberlands: Can you please cite the scientific evidence used by professional foresters working for Island Timberlands to justify the harvesting of the UWRs and WHAs?

2. In the discussions arising from the Letter of Agreement, the following was contained in Minutes of a meeting July 22, 2008. (Appendix 3)

“The science does not exist that shows harvest can occur in old-growth UWRs without negatively impacting UWR values.” Statement by Ron Diederichs, minutes of July 22nd, 2008 meeting between MOE and Island Timberlands, page 5 (Page 10 FNR-2012-00156)

***Question to Island Timberlands:* As Island Timberlands has harvested more than $\frac{2}{3}$ of the 2400 ha intended to be protected as UWRs and WHAs (referred to in the Letter of Agreement), what is the science used by RPFs of Island Timberlands to show harvest can occur within old-growth UWRs without negatively impacting UWR values?**

3. Email correspondence arising from discussions to remove private lands from TFL 44 in 2001, 2002, reflect deep concern by government scientists regarding the importance of UWRs and WHA in and around Port Alberni. (Appendix 4)

4. Letter from Bill Waugh to Doug Konkin, Deputy Minister BC Ministry of Environment, Sept 2, 2009 (Appendix 5a,b). Waugh, on page 2, under the heading “Ungulate Winter Range Management” refers to a WHA save of 1%, approximately 600 hectares. However this is only for WHA. UWR areas (all but one of the areas on Appendix 2a map) are separate saves from WHA. (See Appendix 5b) All areas once designated UWR and WHA have been either logged or currently have harvest roads built or under construction as of 2014. (Refer to map Appendix 2a)

***Question to Island Timberlands:* What source does Bill Waugh base his information on only needing to save 1 percent Island Timberlands’ TFL 44 holdings for UWR? Please specify geographical coordinates of the 1 percent that will be saved in perpetuity.**

5. Draft letter to Bill Waugh, General Manager, Island Timberlands from Dick Heath, Ministry of Environment, dated 200? [after 2007] reinforces the position that “single-stem and patch-cutting harvests within old-growth UWRs” is not supported by the best available science yet Island Timberlands insists it will be harvesting in those areas. (Appendix 6a, b) See also MOE file note in Appendix 6 summarizing the positions of MOE staff involved in the negotiations with IT obtained through FOI from NDP MLA Scott Fraser August 2, 2012.

***Question to Island Timberlands:* As Island Timberlands is currently single-stem/heli-logging, where is the science that proves that single stem removal will not negatively affect UWR and WHA attributes?**

6. Private Managed Forest Land Act which removed the land from TFL44 status does not exempt RPFs from complying with the Forester’s Act or the bylaws of the ABCFP.

Bylaw 11.1 as interpreted by the Guidelines: “This bylaw holds true for all classes of members regardless of whether they practice on public or private land....Members who are not practicing professional forestry are still expected to

adhere to the ABCFP's bylaws, including the Code of Ethics.”

7. The UWR and WHA areas proposed, designated or grandfathered (see Appendix 2a) are all old-growth predominantly Douglas-fir areas.

Island Timberland's *Sustainable Forest Management Plan (SFMP) May 2007* defines old growth as “conifer forests that are 250 years or older and exhibit few or no signs of human intervention”. (Appendix 7)

As of October, 2013 all former TFL44 Island Timberlands' UWR and WHA areas have been logged or are under harvest with road access underway. Of the 2400 hectares designated as UWR or WHA as referenced on the map (Appendix 2a) and the Letter of Agreement, to the best of our knowledge maybe even less than 900 hectares remain.

Question to Island Timberlands: Given Island Timberlands' definition of old growth, is the company going to leave any intact old-growth forests?

The old growth UWR and WHA remaining areas represent less than 1% of the 74,000 hectares removed from TFL 44 and referred to in the Letter of Agreement.

8. The 2001 letter to the BC Government Wildlife Branch from Trudy Chatwin, rare and endangered species biologist, noted “In addition to the McLaughlin Ridge wildlife values, the WHA protects an excellent representative old growth forest in the dry subzone of the Coastal Western Hemlock biogeoclimatic zone. This subzone is underrepresented in the Protected Area Strategy. The creation of McLaughlin Ridge WHA will be a significant step in the protection of endangered species and ecosystems on Vancouver Island.” (Appendix 8a)

Herb Hammond's landmark book, *Seeing the Forest Among the Trees: The Case for Wholistic Forest Use*, he makes the case for retaining old growth for ecological diversity and states, “For the native animals on Vancouver Island, 85% reproduce in ancient forests.” (P. 31)

Question to Island Timberlands: What proof do the RPFs have that McLaughlin Ridge is not a rare example of an intact old-growth high-elevation Douglas-fir forest, keeping in mind the requirement to balance the environmental and economic balance?

9. McLaughlin China Creek Watershed. In addition to the UWR and WHA and unique characteristics of McLaughlin's ecosystem, it is in the China Creek

Watershed, Port Alberni's drinking water main source.

A 1999 map shows both "unstable" and "potentially unstable" large areas in the McLaughlin Ridge old growth. (Appendix 9a).

Further, topographical map of the area indicates a slope approximating 60 degrees (Appendix 10a, b, c).

Photos of McLaughlin Ridge indicate the steep slope and evidence of previous slide activity (Appendix 11b, c, d, e). The 'J-shape' growth pattern of the Douglas fir is further evidence of slope instability (Appendix 11a).

Climate change studies in the Georgia Basin, adjacent to the Alberni Valley, predict slope instability will increase significantly in areas receiving annual precipitation total of 1,500 to 2,000 mm. [M. Miles and Associates. Effects of Climate Change on the Frequency of Slope Instabilities in the Georgia Basin, BC – Phase 1, 2001, p. 9.]

Slides due to significant rain events have occurred in the Alberni Valley (Beaufort, 2006) and in the China Creek Watershed (2006).

Island Timberlands' 2007 "Water Assessment," indicates considerable natural slide activity throughout the old growth area of McLaughlin Ridge (UWR and WHA) where there was no previous road building but the terrain had a 60 degree slope.

Ministry of Environment 2011 Water Quality Assessment and Objectives for the China Creek Community Watershed states "There have been 142 landslides within the China Creek community watershed...the frequency of landslides on harvested steep terrain was 3.3/km², which is considered to be moderate." (Appendix 9b)

Question to Island Timberlands: What evidence are IT's RPFs relying on to assure Alberni Valley residents that the impact of logging the steep slopes of McLaughlin Ridge will not either diminish the quality and quantity of potable water or increase the costs to taxpayers of treating the water within the next 20 years?

What studies are the RPF's using to overlay the impact of climate change on the China Creek watershed?

What is Island Timberlands' assessed risk of landslides per square kilometre in the McLaughlin Ridge Block over the next 20 years (up to and including stump decomposition)?

10. Public interest evidence (Appendix 12) includes:

(a) Local

(b) Regional (BC Legislature Hansard, Appendix 12f. Letter to Darshan Sihota July 17, 2013 with endorsements, Appendix 13d)

(c) International

Question to Island Timberlands: Given that under Bylaw 11.3.3 RPFs have a “Professional responsibility to balance environmental, social, and economic interests,” what are the environmental and social interests which balance the economic values in TFL 44?

C. Resolution Attempts (2004 – 2013) (Bylaw 14.3.4)

1. BC government Letter of Agreement and subsequent failure of negotiations
2. MLA Scott Fraser questions raised in the BC Legislature (Appendix 12f)
3. Meetings between Watershed Forest Alliance representatives along with MLA Scott Fraser and Darshan Sihota, Bill Waugh (August 21, 2012). See subsequent correspondence October 12, October 30, 2012 in Appendix 13a, b. As well, correspondence of June 18, 19 2013 with regard to remaining old growth. (Appendix 13c)
4. Letter to Darshan Sihota, July 17, 2013 with endorsements (Appendix 13d)
5. Correspondence between Watershed-Forest Alliance and British Columbia Investment Management Corporation (Appendix 13e)
6. Meeting between Watershed Forest Alliance representatives, Scott Fraser and Darshan Sihota (October 19, 2013)(Appendix 15)
7. Meeting between Watershed Forest Alliance representatives along with MLA Scott Fraser and senior representatives of the BC Ministry of Forests, Lands (February 25, 2013; October 21, 2013) Further to this meeting, CTV News reported October 22nd, “While the Province would have preferred to have a formal agreement with Island Timberlands to manage wildlife...” (Appendix 16)

Question to Island Timberlands: Would you please provide the most recent copy of your Wildlife Management Plan, and Old Growth Management Plan?

At both meetings with Darshan Sihota (Bill Waugh unable to attend October 19th, 2013 meeting), he maintained that the UWR and WHA did not apply and, further, that his mandate was to secure the economic value from harvesting the old growth. See letter from Scott Fraser to Darshan Sihota, January 29th, 2014. (Appendix 13f)

D. Summary (see Timeline, Appendix 14)

To date no publicly available peer-reviewed science has been presented to the Watershed-Forest Alliance or to elected representative Scott Fraser, MLA, to justify the logging of all UWR and WHA old growth high conservation areas.

We contend that Island Timberlands has consistently emphasized the economic imperative and legal right to log all old growth areas and has not given sufficient weight to ecological or public interest evidence or to the preponderance of public interest where conflicts arise in the various responsibilities of professional foresters (Bylaw 11.1)

We are also concerned that while having ultimate responsibility for harvesting the UWR and WHA areas, RPFs have not respected Bylaw 12.6.1 wherein members demonstrate stewardship by balancing present and future values against the capacity of the land to provide for those values.

We would of course welcome meetings to discuss the answers to the questions we have raised. What we are asking for is the proof that RPFs have upheld their code of ethics.

Respectfully submitted,

Jane Morden, Watershed Forest Alliance Coordinator

watershedforestalliance@gmail.com