

**APPENDIX VI – FORESTRY PLAN PUBLIC REVIEW COMMENTS AND CONSIDERATIONS**

The public comments and IFPA response and rationale are outlined below by

- 1) Provincial Government,
- 2) First Nations and
- 3) General Public.

**Provincial Government**

*Table 8. Ministry of Forests September, 2001 Forestry Plan Review Comments and IFPA Response.*

Comment	IFPA Response and Rationale.
<p>Relative to forestry plans from other IFPAs, this plan is fairly basic and not nearly as "innovative" as would be expected given the potential activities afforded by legislation. Although this limited scope is still acceptable, the Forest Service staff suggest that the Society consider thinking beyond the recovery of AAC and move towards enhanced management of the Okanagan Timber Supply Area.</p>	<p>The program and projects of the Okanagan IFPA have been set up under the guidance of Section 59.1 of the Forest Act.</p>
<p>There needs to be a monitoring and reporting component to the Plan. The society's timeline is to ask for AAC increases in 2002 based, among other things, on Silviculture II strategy and in various projects they have planned. You need to monitor and report on the success in implementing those various strategies and projects so that the appropriateness of the AAC increase can be judged, this will be especially critical when TSR III comes due and the Chief Forester will have to quantify AAC increases.</p>	<p>The Monitoring Plan (Appendix VII) has been expanded to incorporate all issues raised.</p>
<p>There appears to be an excellent communications plan, however the referral component especially the consultation component to First Nations is extremely skimpy. Whole Nations (Shuswap Nation Tribal Council; Nicola Valley Tribal Council; Okanagan Tribal Council) and Bands (Upper Nicola Indian Band, Lower Smilkameen Indian Band etc.) have been missed from this consultation. There is a generic statement in 2.3.2 regarding heritage resources but there is nothing in the plan specifically describing how this is maintained and protected. This is especially pertinent now that various First Nations are demanding that there be better accounting of how we maintain and protect traditional uses on the land.</p>	<p>Additional information on the communication and consultation with First Nations has been included in the Forestry Plan to outline in more detail the efforts and activities that have been made to provided opportunity for First Nations Involvement.</p>
<p>At some point, the Regional Manager will have to consider not only the various AAC increases that may accrue from the various initiatives and projects that the society is carrying out, but also the various decreases and their sensitivities when the R.M. starts considering what AAC increase may be appropriate. There need to be a better account and discussion on that and some projects should be suggested that would give some parameters around that. Perhaps the silviculture 2 strategy will address this.</p>	<p>Agreed. These considerations will be included in the Okanagan LRMP Base Case Analysis and the Silviculture II Strategy Projects that are currently ongoing.</p>

Table 8. Cont'd.

Comment	IFPA Response and Rationale.
Further to the foregoing, the LRMP should be examined in further detail to see what the impact of some of its' strategies may have on decreasing the AAC...there should be a project by the society to give a first approximation as to what impacts (negative AND positive) various LRMP strategies may have on AAC. From that we can then see if further projects are worth pursuing to give us better insight as to what the AAC can be.	Agreed. This process is included in the Okanagan LRMP Base Case Analysis and the Silviculture II Strategy Projects that are currently ongoing.
The base case TSR in the Forestry Plan should be the Okanagan LRMP revised base case. Ted has explained this to Glen but it doesn't consistently appear that way in the draft plan.	This was the stated assumption. All reference to "base case" in the Forestry Plan has now been changed to the "Okanagan LRMP Base Case."
The reference to the advisory group shouldn't mention names until those members are confirmed.	The necessary change to the Advisory Group was made.
The advisory group should also include key stakeholders. By considering the advice of stakeholders the IFPA Society will make it easier for the SDM to make a decision.	Understood. The IFPA is considering the makeup of the Advisory group to ensure that pertinent stakeholders are aware of and/or involved in the IFPA program.
The proposed timelines are a good planning tool but will not commit any party to anything different than what is required by law.	Agreed.
Section 1.3 refers to Terrain Ecosystem Mapping. It should read Terrestrial Ecosystem Mapping.	Change has been made in the Forestry Plan.

*Table 9. Ministry of Sustainable Resource Management September, 2001 Forestry Plan Review Comments and IFPA Response.*

Section #	Item/Comment	IFPA Response and Rationale.
1.6	The OIFS will use the OSLRMP as a guiding document in determining strategies to enhance, maintain and recruit forest resources and values. Noted as a "foundation" for the IFPA and LRMP implementation expectations	Agreed. Slight changes to the wording have included reference to the LRMP as a foundation in the implementation of IFPA activities.
2.3.4	Table 1 – Local Proportion of Employment Income (%) – should read "Local %"	Addition made.
3.2.1	Old Growth Management Areas (OGMA's) – evaluate the objectives, definition, deployment and mgt of these areas Biodiv – evaluation of associated constraints LRMP direction/expectation here is as per General/Ecosystem Mgt – Forests 3.5	Agreed. The IFPA will use the LRMP as a foundation guiding document as referenced in Section 1.6
	Terrain Stability Mapping – to identify the location of unstable areas and the associated impact on timber supply. Possible Partnership	No response required.
	Assess VQO linework for all non-visible areas in Zone 1 and 2 MOF Inventory.- Possible Partnership (requires review of viewpoints).	No response required.
	Riparian Classification – to improve our knowledge of the resource and associated riparian classification and the impacts on timber supply MSRM Inventory Possible Partnership.	No response required.
	There is a need for a 'flow' diagram (blueprint) to indicate how all the 'things' come together – as an example, the PEM plots and how they do/do not fit into VRI sampling This would give a sense of how the whole comes together.	An outline of the example provided is under construction but has not been added to this edition of the Forestry Plan.

**First Nations**

As outlined above, First Nations have been included in the communications strategy of the Okanagan IFPA. All First Nations Bands and Tribal Councils have been contacted for input into the Forestry Plan. A number of the Bands have voiced an interest in the activities of the IFPA including the Okanagan Nations Alliance, Okanagan Indian Band, Upper Nicola Indian Band, Spallumcheen Indian Band and the Adams Lake Indian Band. Futhermore, the following bands are currently involved in the Silviculture II Strategy for the Okanagan TSA that is in process: Adams Lake Indian Band, Neskonlith Indian Band, Okanagan Indian Band, Upper Nicola Indian Band and the Okanagan Nations Alliance.

One written response was submitted by the First Nations contacts and is included in Figure 3.

Figure 3. Letter received from the Shuswap Nations Tribal Council during the public review period for the September, 2001 Okanagan IFPA Forestry Plan.

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## Shuswap Nation Tribal Council

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October 29, 2001

**WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION**

Okanagan IFPA  
Glen Dick  
Executive Director  
R.R.#2 4280 Highway 6  
Lumby BC V0E 2G0

**Re: Public Review of the Forestry Plan for the Okanagan Innovative Forestry Society**

**File Number: Okanagan Innovative Forestry Society**

Dear Glen Dick

As a result of the recent decision of the Supreme Court of Canada in *Delgamuukw v. British Columbia*, which clarified the law respecting our Secwepemc (Shuswap) proprietary interests in the lands and resources within our traditional territory (see attached map), the Shuswap Nation Tribal Council must make the following general preliminary observations concerning our title and rights, in the context of the Provincial Consultation Policy Framework and land use referral policy of the former British Columbia government:

- The provincial government's consultation framework, land use referral policy and administrative system is inadequate and contrary to the fundamental laws of Canada, because it is based upon an interpretation of the law which is contrary to the lawful interests of the Shuswap Nation in respect of our aboriginal title and rights.
- The lawful proprietary interests of the Shuswap Nation includes our aboriginal title and rights throughout our traditional territory, which have never been ceded, surrendered, extinguished or converted and could never be extinguished, directly or indirectly by the legislation or policies of the government of British Columbia. Our lawful proprietary interests in our lands and resources are valuable and include an inalienable economic component, which we are entitled to pursue in accordance with and to the full extent of the law.
- The lawful proprietary interests of the Secwepemc People must be accorded the full protection of the law, including our Secwepemc law.
- The consultation policy or the land use referral policy are in no respect sufficient to meet the fiduciary obligations of British Columbia, nor do they conform to the law concerning its lawful obligations respecting the protection of our Secwepemc proprietary interests in the lands within our traditional territory.
- The Interior Alliance, which includes the Shuswap Nation Tribal Council, has requested formally of the Premier and Government of British Columbia, that negotiations begin on a formal bilateral agreement, outside of the BC Treaty process, which would include our constituent Secwepemc communities, in order to recognize and accommodate our Aboriginal title and rights through the preparation of Sustainable Development Plans for our Secwepemc Title Territory. At this time, the New Government has made no commitment to consider these proposals.
- In the absence of a formal agreement between the Interior Alliance and the province of British Columbia, which includes the Shuswap Nation Tribal Council and our constituent Secwepemc communities, we will not comment on the substance of a particular land use referral, except at the request of a constituent community.



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- Until such time as the Crown governments fulfill their respective fiduciary obligations and responsibilities by providing the necessary support, our constituent Secwepemc communities do not have, at this time, the financial and human technical resources to conduct a detailed analysis, so as to fully inform ourselves of the appropriateness of each proposed land use decision referred to us. It should be noted that the consultation policies and methodology of the new government of British Columbia are unknown to the Shuswap Nation Tribal Council at this time.
- Any land use decisions, including that contemplated in this referral, made by the provincial government within Secwepemc Title territory are and remain subject to the aboriginal title, jurisdiction, rights and interests of the Shuswap Nation, and British Columbia will be held legally accountable to the Shuswap Nation for these decisions.

We do not wish to unduly prevent development within our traditional territory, but to this date, our title, rights and interests in the land have not been recognized or accommodated by either the Government of British Columbia or the Government of Canada, nor have our lawful interests been given any weight in the decision making process regarding land and resource use or allocation. This has led to our impoverishment and violation of our Human Rights.

Moreover, the Supreme Court of Canada has vindicated our long-standing view of our interests in our traditional lands and resources in their landmark *Delgamuukw* decision, and yet there is continued bad faith evident in the post-*Delgamuukw* actions of British Columbia.

Consequently, due to the continued failure of both British Columbia and Canada to comply with their respective fiduciary obligations to us, respecting our lawful proprietary interests, we have called upon the province of British Columbia to take the following immediate actions on an interim basis:


- Institute a stand-still policy respecting lands and resource uses within Secwepemc territory, including a freeze on the creation of any new interests in the lands and resources; or the renewal of existing interests within Secwepemc territory;
- Maintain and provide to the Secwepemc communities within our traditional territory a strict accounting of the resource uses and revenues derived from those uses, with particular reference to December 11, 1997;
- Enter into discussions outside of the BC Treaty Process, as soon as possible with the Interior Alliance, which includes our Secwepemc communities and their governments, with a view to establishing a bilateral agreement to guide our respective activities and decisions respecting our various lawful rights and interests in the lands and resources within Secwepemc territory, with the necessary degree of substantial consultation and authority to fully comply with the law.

We view these recommended courses of action as reasonable and prudent in the short term, during which time we will continue to pursue our rightful interests, and continue to press for the recognition and accommodation of our Aboriginal title and rights, as such, we do not agree with the development and/or activities of this referral and we cannot guarantee that the development and/or activity which is the subject of this referral will not be negatively impacted or stopped as we exercise our lawful Secwepemc title, jurisdiction, rights, and interests.

We trust that you will understand our position.

Thank you for your interest in the views of the Shuswap Nation Tribal Council.

Yours truly,

  
Chief Arthur Manuel, Tribal Chairman  
Shuswap Nation Tribal Council  
Spokesperson, Interior Alliance

cc. Premier Gordon Campbell  
Prime Minister Jean Chretien



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## **General Public**

The following discussion of public review comments (Table 10), includes the OIFS response and associated rationale. In addition, a letter submitted to the IFPA on the Forestry Plan has been included, along with the associated response.

*Table 10a. Public Comments and IFPA Response from the Forestry Plan Public Review held in Penticton, B.C. on September 19, 2001.*

<b>Individuals</b>	<b>Affiliation</b>	<b>Comments</b>	<b>IFPA Response and Rationale</b>
Bob Gibbard	BC Trappers	No comment provided	No response required
Kevin Barnett	BA Forestry	No comment provided	No response required
Dawn Richards	School District #67	No comment provided	No response required
Denise Sproule	Concerned Citizen	No comment provided	No response required
Zakory Sproule	Concerned Citizen	No comment provided	No response required
Trevor Dermody	Concerned Citizen	No comment provided	No response required
Christina Dermody	Concerned Citizen	No comment provided	No response required

*Table 10b. Public Comments and IFPA Response from the Forestry Plan Public Review held in Kelowna, B.C. on September 25, 2001.*

<b>Individuals</b>	<b>Affiliation</b>	<b>Comments</b>	<b>IFPA Response and Rationale</b>
Reg Volk	FOSS	Pursue forest health pro-active research and treatment for sterile release of insects( I.e. bark beetles) in public forest. The LRMP was not aware this could happen i.e. increased AAC otherwise probably more efforts for protected areas would have been made!	Forest Health risk assessment and research is a forest management issue that will be considered in the future activities of the Okanagan IFPA.
Sandy Mah	RDCP Parks Dept.	Very interesting plan and projects proposed. Information collect would be useful for other projects outside of forestry.	No response required.
Jules Morris	Joe Rich Watershed Monitoring Committee.	Great explanation/information. Inventory aspects seem quite logical and practical. Will visit the website for more info.	No response required.
Glen Deacoff	WL1616-345	Would like to piggyback on innovative procedures and research. Don't forget woodlots.	The Okanagan IFPA does not incorporate the woodlots within the Okanagan Region. Portions of the information produced by the IFPA may be of use to other land managers.

*Table 10c. Public Comments and IFPA Response from the Forestry Plan Public Review held in Salmon Arm, B.C. on October 2, 2001.*

<b>Individuals</b>	<b>Affiliation</b>	<b>Comments</b>	<b>IFPA Response and Rationale</b>
Henry Cornelsen	Chase Creek Community Association	1.Concerns re: hydrology impacts of any increase AAC.  2.Funding for independent "science".	1.Any change in the AAC that may come about through the activities of the Okanagan IFPA will still be developed under the existing legislation on forest practices.  2.It is expected that the scientific community will be an active participant on the OIFS Advisory Committee.
Tom Birch	Concerned citizen	No comment provided	No response required.

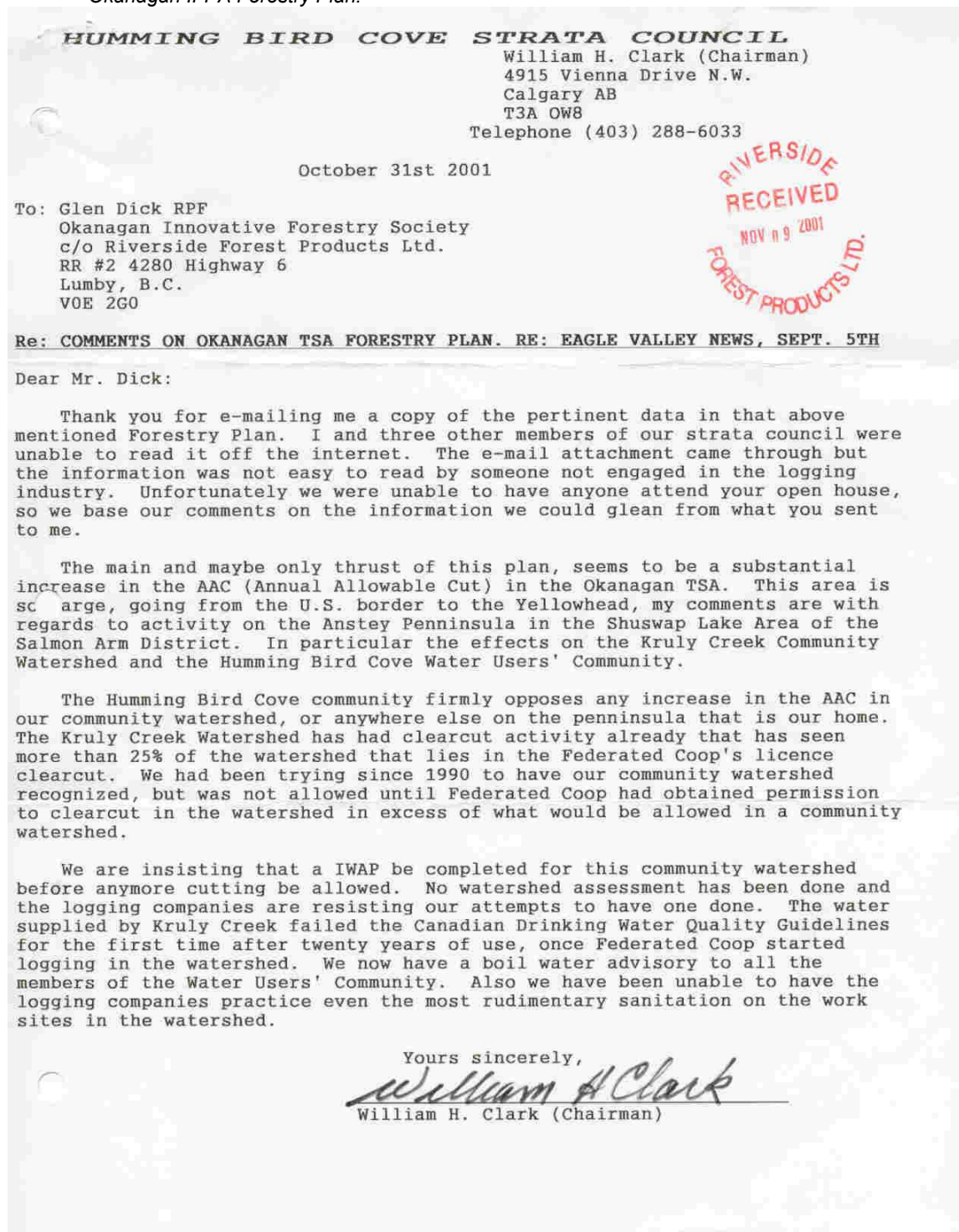
Table 10d. Public Comments and IFPA Response from the Forestry Plan Public Review held in Vernon, B.C. on October 16, 2001.

<b>Individuals</b>	<b>Affiliation</b>	<b>Comments</b>	<b>IFPA Response and Rationale</b>
Anonymous	None given	Looking for general info.	No response required
John Jobst	Tolko Industries Ltd	Interesting insight into the power of PEM. Thanks. Looking forward to seeing some results.	No response required.
Mel Norman	Mabel Lk Westside Assoc.	Very informative	No response required.
Les Dueling	NORD	Proper management of living resources is better than preservation.	No response required.
Larry & Carol Hoyle	Bolean Lake	Long overdue	No response required.
Malcolm Martin		<p>1. One objective is "to realize an increase in AAC". This does not state that it would be by "innovative Forest Practices" necessarily. If it is to be by re-jigging rate of growth calculations, it becomes somewhat questionable.</p> <p>2. Environmental Values (2.3.1) include only species listed in Volume 1 of the Identified Wildlife manual – and not all of them. Volume 2 data has been compiled and is available. These plant and animal species should be included by IFPA as first phase of activity covers the next 5 years.</p> <p>3. Inventories and assessments (Appendix VI) are to be included only if conducted by or on behalf of the Forest Industry. This appears to introduce a built-in bias unnecessarily. Do other inventories exist?</p> <p>4. Overall, greater confidence in this initiative would have required if the main thrust had been towards practiced silviculture and mensuration improvements, rather than attempting to manipulate existing procedures.</p>	<p>1. The practices to be carried out by the Okanagan IFPA will be those described within Section 59.1 of the Forest Act.</p> <p>2. The list of species as included in Section 2.3.1 above is based on the lists outlined in the Okanagan Shuswap LRMP. The OSLRMP is used as a foundational guiding document for the activities of the Okanagan IFPA.</p> <p>3. Upon request for inventory information, the forest industry provided the best response. Due in part to the shift that was occurring in government at the time, there was only limited response from the different ministries. Updates to the inventories list will be carried out in the future.</p> <p>4. The Okanagan IFPA is currently undergoing a Silviculture II Strategy that is due for completion by March 31, 2002 the results of which may be included in a future amendment to the Forestry Plan. The strategy will identify what silviculture activities are recommended with their estimated return on investment as well as where these silviculture activities should be carried out within the Okanagan TSA.</p>

Table 10b Cont'd

<b>Individuals</b>	<b>Affiliation</b>	<b>Comments</b>	<b>IFPA Response and Rationale</b>
Rene Clarke	NOWA	In the inventory of inventories, where would you find the report? Instruction to find data, develop query base in website. Add link to TSR on web page and an "Upcoming events and Dates".	The inventories information on the website will be converted to a queryable database. Additional website suggestions will be considered to provide improved value to viewers of the page.

Figure 4. Letter received from Mr. William Clark during the public review period for the September, 2001 Okanagan IFPA Forestry Plan.



*Figure 5. Okanagan IFPA response to the letter received from Mr. William Clark during the public review period for the September, 2001 Okanagan IFPA Forestry Plan.*

## OKANAGAN IFPA LETTERHEAD

November 23, 2001

Hummingbird Cove Strata Council  
c/o William H. Clark  
4915 Vienna Drive NW  
Calgary AB  
T3A 0W8

### **Re: Comments on Okanagan TSA Forestry Plan**

Dear Mr. Clark:

Thank you for taking time to comment on the Okanagan Innovative Forestry Society's (OIFS) Forestry Plan which just completed its review and comment period. You have brought forward a number of pertinent points and concepts that I will address. I will, however, defer my comments which refer to the site specific forest harvesting practices being conducted by one of our member Companies, Federated Co-operatives Ltd., within the Hummingbird Cove Community Watershed.

You are partially correct in the focus of the Forestry Plan to see a substantial increase in the Allowable Annual Cut. What your letter inadvertently failed to identify is that all the practices proposed by the OIFS will also meet both the Timber and non Timber objectives identified in the Okanagan Shuswap Land and Resource Management Plan (OKLRMP) which was enacted by Cabinet in January 2001. As a resource manager in the Okanagan Shuswap, I believe that it is imperative that the membership of the Society meet the objectives, strategies and intent outlined and agreed to by stakeholder who participated in the OKLRMP process.

First, the Innovative Forest Practices agreements legislation was created in 1996 by the Government of British Columbia, specifically to create an opportunity for Industry to invest into the forest landscape and see a return on its investment in the form of an upward adjustment of the AAC. Clearly, the member companies of the OIFS have responded to the principle to invest into the public forest landbase in favour of seeing a return on their investment in the form of an upward adjustment to the AAC. This principle is consistent with the founding principles by which IFPAs were created by the Government of British Columbia.

Second, the forests of the Okanagan TSA exhibit a robust inventory of standing timber. The forests of the BC interior fall largely in a Biogeoclimatic classification unit which exhibits a history of recurring fire incidences approximating 80 – 150

years. Huge forest fires flashed across the landscape in the late 1890's to the early 1900's. The young forests grew back in a natural state through the 1920 – 1950's. Fire has since been largely precluded from the forests after 1945 as a result of aggressive forest fire control programs which was available to the BC Forest Service using post war technology. The same technology that works effectively to this day. With few exception the 100,000 – 200,000 hectare wildfire prevalent on the landscape at the start of the last century has disappeared from the Okanagan TSA forest landscape and both mature and overmature forest have been created as a result. It is these robust stands of mature timber that are now being targetted by forest health pathogens including mountain pine beetle, spruce bark beetle, douglas fir bark beetle along with blowdown and smaller fire events.

In my opinion, the forest as it is today, grows faster than biological limits affecting the forests, and as such , can support a higher level of AAC just to mimic the growth rate of the forests in the Okanagan TSA. It is this some of this robust inventory that the OIFS wished to capture in the form of short term increase in AAC.

Third, managed forest stands can and will grow at a higher rate of growth that what has occurred in the unmanaged stands of the past. It is this growth rate, the OIFS wishes to identify and capture through a long term increase in AAC. I often equate it to more relavent observations by farmers looking at the productivity of a managed field of corn versus that of the distribution and lower productivity of an unamanaged field of corn.

Fourth, the Forest Practices Codes provide governance on forest land management activities on the public forest land, and furthermore, the OIFS and its members companies are not exempt from operating to the full statutes of law as indentified by the Forest Practices Code. This includes unique management planning and land management activities in Community Watersheds. I will offer, though, that past clearcut activity does and will grow back to become a thrifty young forest within 15 years. The hydrologic recovery of managed forest stands is much faster than forest stands burned by wild fire as has happened in the past. Further , I am directly aware that many water purveyors in the community watersheds in the central and southern Okanagan have publically stated they prefer to see Forest Licensees manage the forested landbase rather that to face the sudden catastrophic after affects of mountain pine beetle and spruce bark beetle induced natural fire such as occurred in the Penticton and Naramata Community Watersheds.

Fifth, while I will not respond directly to your concerns over timber harvesting and silviculture practices in the Kruly Creek Watershed, I will provide that other Licensees operate in Community watersheds in the Okanagan which are currently exhibiting past harvesting practices of 30 – 50% based on area harvested. Again, the water purveyors in the Community watersheds prefer a managed approach rather than an unmanaged approach. Notwithstanding, I am not suggesting to discount any of your concerns in the Kruly Creek

Watershed, however as a professional forester, I am obliged to offer some balance to your informed decision making process.

I would like to thank you again for taking the time and effort to provide input of the Forestry Plan prepared by the OIFS. I sense that most of your letter focusses on the specifics within the Kruly Creek Community watershed. I will committ to discussing this issue with one of the Society's member companies, Federatred Co-operatives Ltd., through its representative Jeff Lipsett RPF to become more familiar with the issue put forward by yourself.

I have received unsolicited verbal response to your letter by another member of your strata Council which would suggest an alternate perspective from the Humming Bird Cove Community which does not fully embrace your position. With that under consideration, I remain open to meet with you with your strata council to provide clarity to the Forestry plan put forward by the Society. If you would like to take me up on my offer, I would be pleased to meet with you at our next open house scheduled in Salmon Arm sometime in February or March, 2002. I will commit to posting the dates of the next open houses on the OIFS website by the end of January, 2002.

If you have any further questions, please call me at 250 308 8958 and I will be pleased to speak with you.

Yours truly,  
**Okanagan Innovaative Forestry Society,**

Glen A. Dick RPF  
Executive Director

cc.  
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