



**Forest
Practices
Board**

A Summary of Complaints to the BC Forest Practices Board (1995 - 2013)

Special Report

FPB/SR/47

May 2014

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May 29, 2014

Twenty years ago, in response to public and forest product market demands for sound forest practices in BC, the government envisioned the Forest Practices Board. In 1995, the Board was established to serve as the public's forest practices auditor, complaint investigator and advocate. The Board is unique in the world, is not part of any government ministry and does not get approval from the government before issuing reports directly to the public.

The Board has the legal authority and a mandate to investigate and respond to forest and range practice complaints from the public. The Board has found this process to be very useful in identifying and tracking forest and range practices that are of broad concern to the public.

This special report summarizes the complaints the Board has received since 1995. Issues investigated range from adequacy of planning and conservation of non-timber resources, to soundness of practices. Public complaints, along with other formal and informal feedback mechanisms, give the Board evidence to support broader investigations of forest and range issues. Complaints also provide an excellent opportunity for the Board to interact with licensees and public complainants, build relationships and work to seek resolutions.

There has been a great deal of change in forestry since 1995. The governing legislation was changed from prescriptive to results-oriented; the BC Timber Sales program is now the largest timber licensee in the province; the mountain pine beetle has altered the interior forest landscape for decades to come; and forest and range practices have improved.

Through it all, the public remains keenly interested in the stewardship of its forests, flora, fauna, and the environment. The public, government and industry rely upon the Board's monitoring to assess, interpret and address current and emerging issues. We welcome your observations and comments with respect to the attached summary of complaints and other work that we do on your behalf.

A handwritten signature in blue ink that reads "Timothy Ryan". The signature is fluid and cursive, with the first name being more prominent.

Timothy S. Ryan, RPF
Chair
Forest Practices Board

Introduction

This report reviews the results of 19 years of Forest Practices Board investigations of complaints from the public. Since 1995, the Board has responded to over 1000 public concerns and has formally investigated several hundred complaints.

The Board is BC's forest and range practices watchdog, independent from government, industry and special interests. A key mission of the Board is to encourage continuous improvement—and thus encourage public confidence—in forest and range practices and BC's forest, range and wildfire legislation. To that end, the Board works to resolve concerns and complaints and to strengthen resource stewardship rather than simply investigate and report. Over the years, the majority of Board recommendations made in complaint investigations have been implemented.

The core mandate of the Board has remained unchanged since its formation in 1995, but in 2004 the legislative framework under which the Board operates evolved from a prescriptive approach to a more results-based approach.

Public complaints about forest and range practices brought to the Board continue to underscore a number of ongoing issues—management of domestic water supplies; conservation of threatened species and habitat; the balance between timber and non-timber interests; the adequacy of public involvement; and First Nations consultation.

In recent years, the implications of climate change on forest health, hydrology and fire behaviour, and issues arising from the associated and accelerated salvage of timber from areas impacted by mountain pine beetle have been more prevalent in public concerns and complaints. Most complaints still focus on specific individual interests and the direct impacts of forest and range practices, but there is also growing concern for the overall cumulative impacts of the many different resource uses that affect our province's forest and rangeland values.

Why have a complaint process?

The Board was created in 1995 when the provincial government brought in stringent legislation to regulate forest practices. At the time, the forest industry and government had lost the public's trust. The Board was created with a mandate to ensure industry would follow the new rules and that government would enforce them. The role of the Board was to bring credibility to the forest management system, provide assurance directly to the public that forests were being managed appropriately, and offer the public an avenue to bring forward concerns and complaints.

A key part of this arrangement was to provide the Board with the authority to investigate complaints from the public. This provided the public with a direct avenue into the forest management system and provided industry and government with an independent arbiter to look at what they have done and either validate it, or suggest improvements for the future.

Despite changes in governments, regulatory requirements and legislation over the last 19 years, the value of this independent oversight model and the avenue for dealing with public complaints have been recognized and maintained. Along with industry's internal quality assurance measures, professional expertise and accountability and government regulation, enforcement and

monitoring, the Board provides a unique contribution to the quality assurance framework for forest and range management in BC.

What is the complaint investigation process?

The Board is required to deal with complaints about forest and range planning and practices; fire prevention and control; protection of forest, range, and recreation resources; and government enforcement of the *Forest and Range Practices Act* and the *Wildfire Act*. The complaint process normally begins when an individual contacts the Board with a concern about forest or range management. Board staff tries to help the individual resolve the concern before it becomes a formal complaint. If it cannot be resolved and becomes a complaint within the Board's jurisdiction, the Board notifies the involved parties that it will investigate. The Board will then consult with participants, almost always visit the site and gather information needed to deal with the complaint.

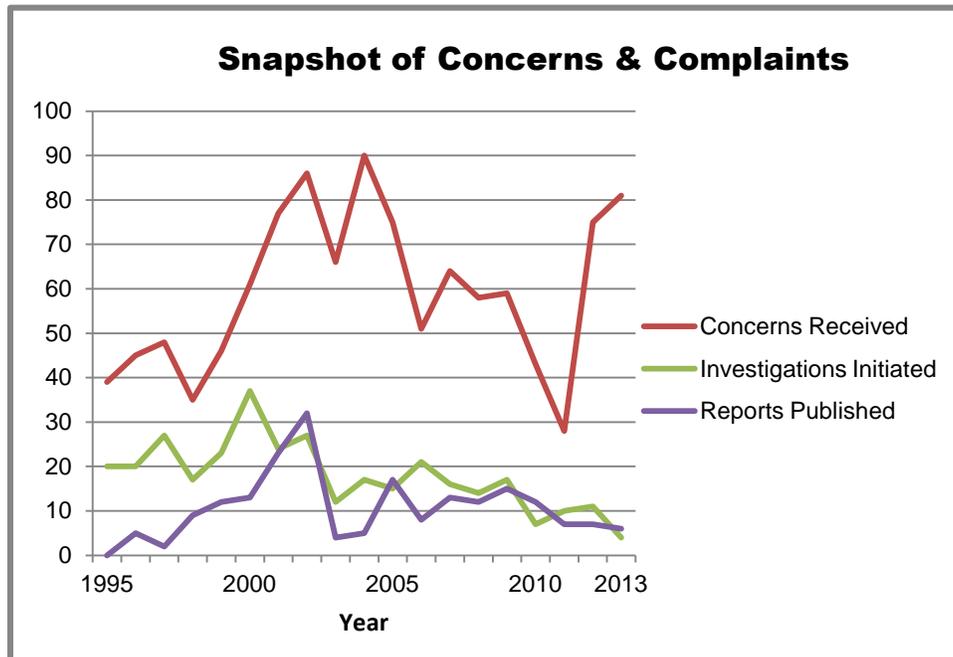
The Board can require a party to provide records and information but it cannot order anyone to stop work or change a decision. The Board prefers to settle disputes, so it continuously looks for ways to resolve complaint issues. During investigations, Board staff consult frequently with participants to verify facts, answer questions and ensure fairness. In some situations (specified in the Act), the Board Chair may decide to stop an investigation. The Board's final report describes the findings and conclusions of the investigation, and may include suggestions or non-binding recommendations. The Board typically asks for a response to its recommendations. If the Board considers the response inadequate, it will inform the complainant and may advise government and the Lieutenant Governor in Council.

Complaint Numbers at a Glance

From 1995 through 2013, the Board:

- responded to 1127 concerns;
- dealt with 339 complaints;
- published 202 complaint investigations either as full reports, summary reports or closing letters; and
- made 181 formal recommendations and many suggestions about stewardship of forest values.

All of the Board's reports, recommendations and participant responses are available on the Board's website.



Complaints in Review

Who complains to the Board?

Complaints come from many sources, including individuals; environmental and other interest groups, water users, First Nations, tourism operators, trappers, ranchers, guide-outfitters and forest licensees.

There is no clear pattern as to where in the province complaints arise—most come from the Kootenay-Boundary Natural Resource Region (22 percent), followed by the South Coast (18 percent) and West Coast (15 percent) regions, while the fewest come from the Northeast region (3 percent). The remaining four regions are fairly evenly represented at about 10 percent each. The distribution probably reflects human population and the variety of competing interests for forest resources, more than a regional difference in forest and range practices.



There are virtually no complaints received from forest industry employees or companies, or from government staff. Government staff has very rarely complained to the Board. Clearly though, the general public has nowhere else to turn to address their concerns, so the Board is a key resource for them.

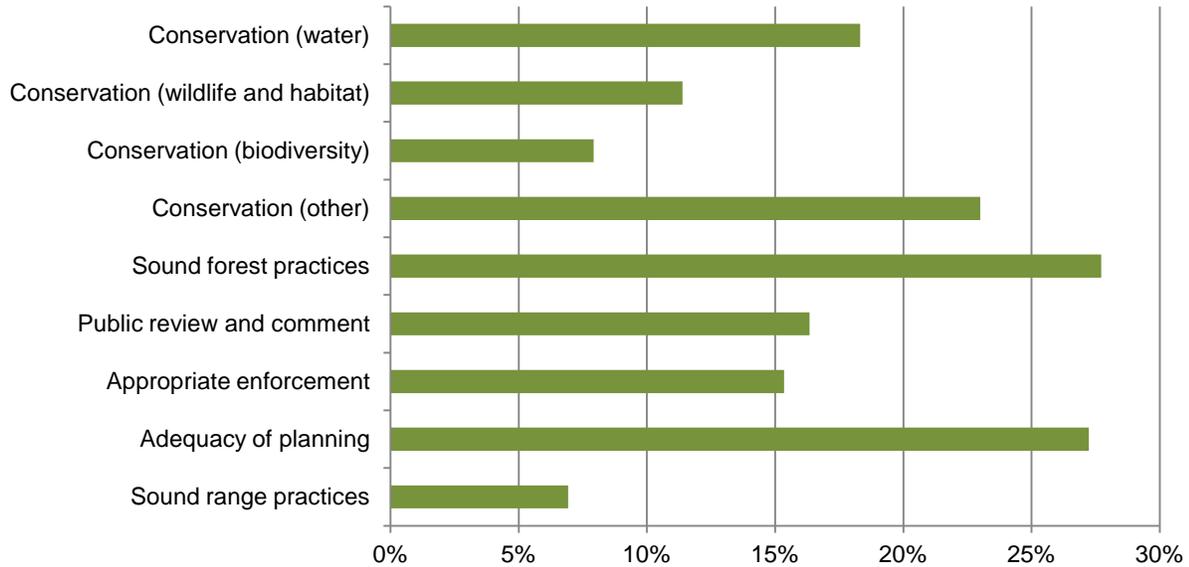
What do they complain about?

In general, complaints to the Board can be sorted into a number of broad categories:

- **Conservation of Non-Timber Resources**
 - *water* – How water resources are being managed.
 - *wildlife and habitat* – How wildlife populations and their habitats are being managed.
 - *biodiversity* – How conservation of biological diversity is being managed.
 - *other* – How other non-timber resources are being managed, including soils, plants and plant communities, fish and aquatic habitats, First Nations interests, visual landscapes, recreation and business interests.
- **Adequacy of Planning** – How forest and range plans were developed and approved.
- **Sound Forest Practices** – What happened on the ground or in the water as a result of timber harvesting.
- **Opportunity for Public Involvement** – How the public was involved in forest and range planning.
- **Appropriateness of Enforcement** – How government enforced its forest and range legislation.
- **Sound Range Practices** – What happened on the ground or in the water as a result of range use.

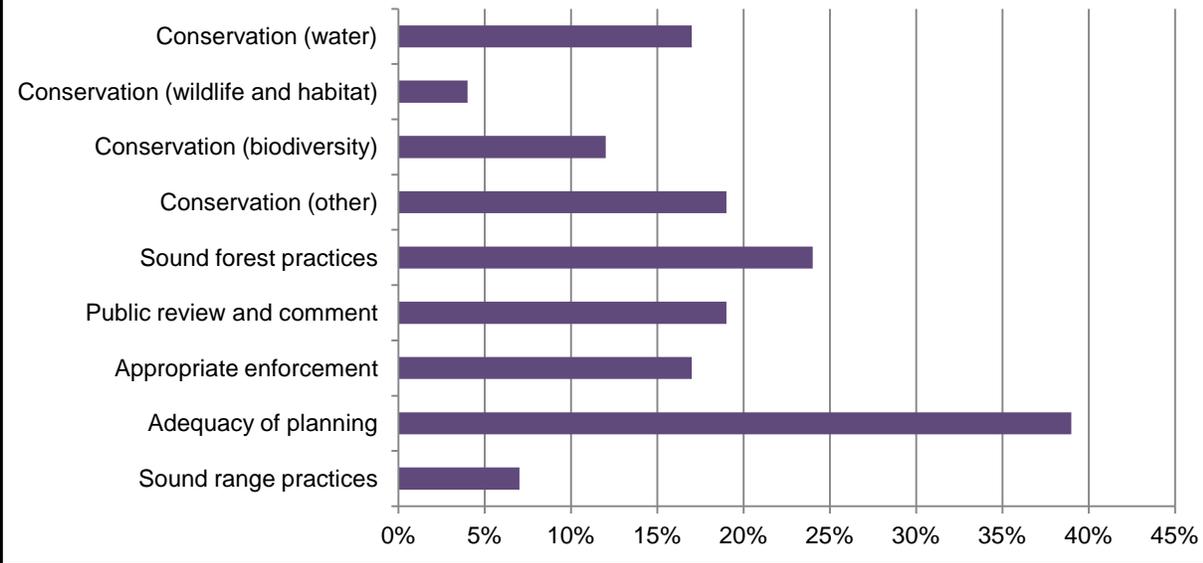
From 1996 to 2013, 28 percent of complaint investigations included issues related to sound forest practices, the most common concern. Adequacy of planning was the second most common issue (27 percent), followed by conservation of water values (18 percent), effectiveness of public review and comment (16 percent), government enforcement (15 percent) and conservation of wildlife and associated habitat (11 percent). Most complaint investigations dealt with two or three issues. For example, a complaint about the adequacy of planning might also relate to protection of water as a forest resource and raise questions about government enforcement.

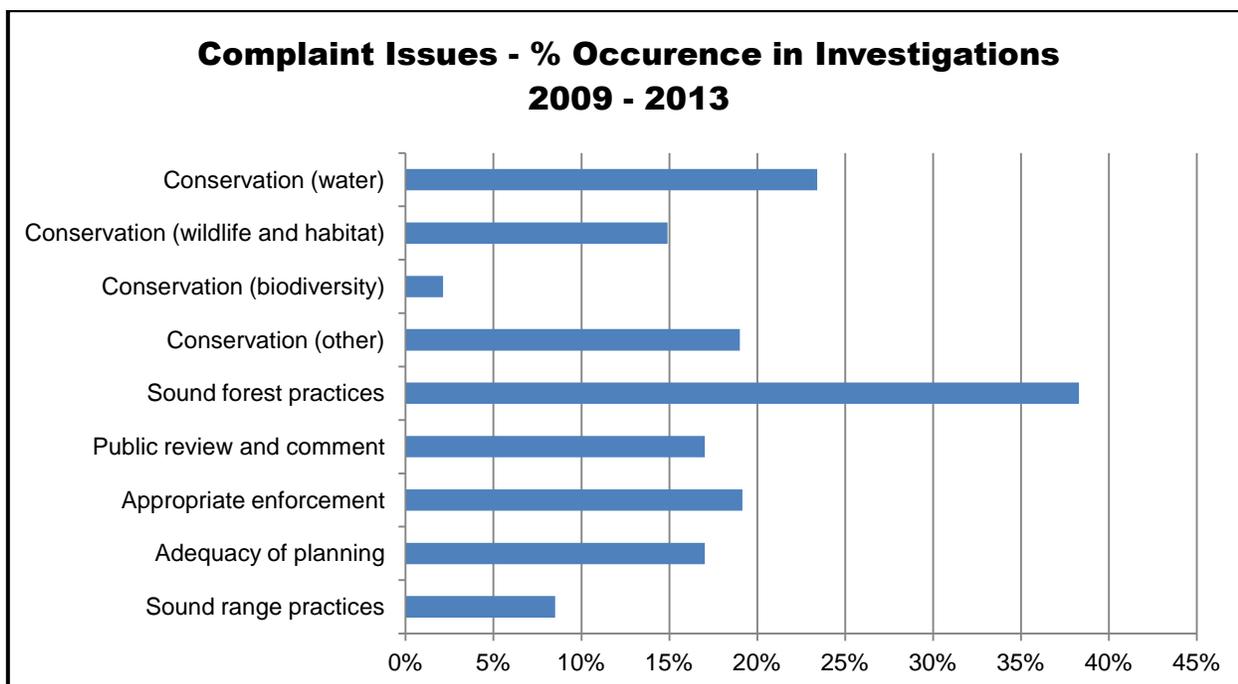
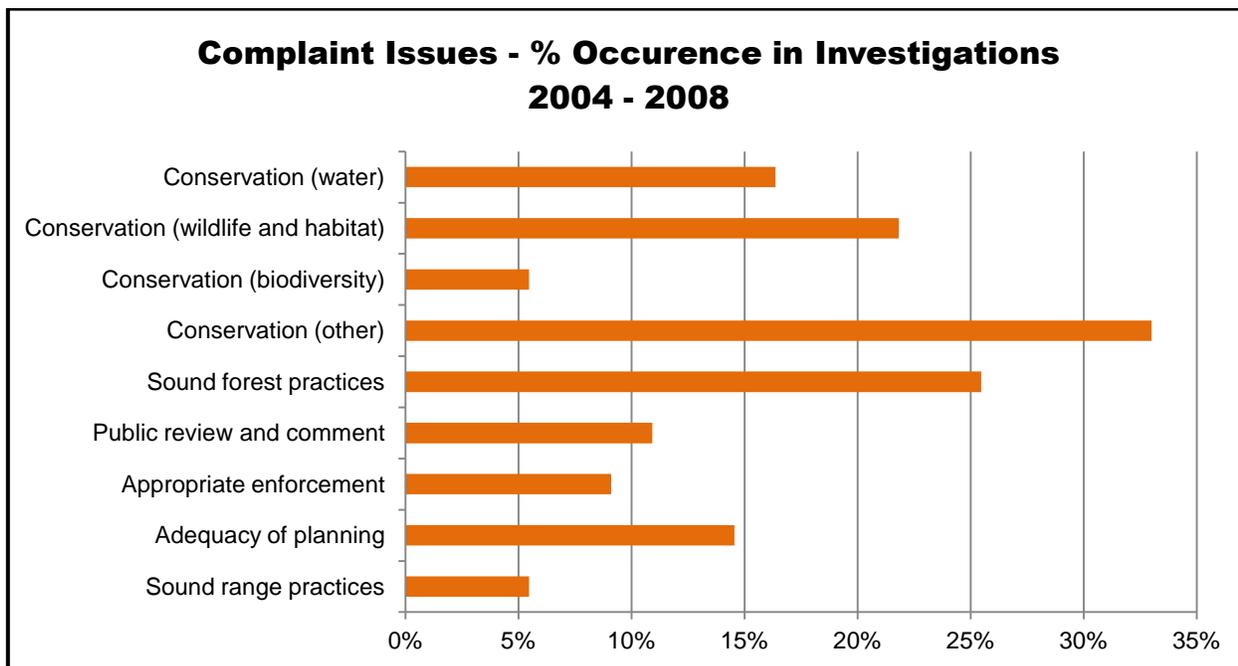
**Complaint Issues - % Occurrence in Investigations
1996 - 2013**



FPB Complaint Investigation Issues Over Time

**Complaint Issues - % Occurrence in Investigations
1996 - 2003**





When complaints are considered by category over time, variability is apparent from era to era. In the past 10 years; sound forest practices have become the most common issue raised in complaints, replacing adequacy of planning, which was the most common issue in the first 7 years. Planning issues together, including adequacy of planning and public review and comment, continue to be important issues in complaints. Concerns regarding appropriate enforcement were at their highest levels in the past 5 years (19 percent), slightly surpassing the first 7-year period. Range practice concerns have remained steady over the past 19 years at 5 to 10 percent.

Collectively, concerns related to conservation of non-timber resource values such as biodiversity, water, recreational opportunities, scenic views and soils dominate most complaints—comprising 39 percent of all complaint issues from 1996 to 2013. Of these, protection of water garnered the most attention over time. Wildlife and biodiversity issues have been similarly important since 2004, in 15 to 22 percent of complaints.

What have we found?

The Board has published just over 200 complaint investigations as reports, summaries or closing letters, from 1995 through 2013. All the Board’s reports and responses to recommendations can be found on the Board website. In some cases, the Board’s involvement helped to facilitate resolution of complaint issues, so some Board reports indicate that the complaint was settled, or partly settled, during the course of the investigation. Not all of the 335 investigations started by the Board from 1995 to 2013 resulted in a published document. About 25 percent of the investigations were stopped under specific criteria included in the *Forest and Range Practices Act*.ⁱ A further 9 percent of the investigations were abandoned or withdrawn by the complainant, and not pursued further by the Board.

In about 70 percent of all the Board’s complaint investigations, the subject of the investigation had complied with the law and had conducted reasonable practices to minimize impacts on other resources and people. However, the Board still frequently noted room for improvement in government legislation and policies; strategic planning, public involvement, operational planning and practices and resource protection. The remaining 30 percent of investigations found some aspect of non-compliance with the law. These were often minor procedural details such as unsigned planning documents, but occasionally extended to significant issues such as failure to maintain roads and bridges.

Interpretation of trends in complaint issues over time should be approached with caution. Complaints are submitted to the Board by people who: (a) have enough knowledge to recognize a potential issue; (b) feel strongly enough about the issue to contact the Board; and (c) feel comfortable in making a formal complaint to the Board. Nonetheless, complaint investigation reports can highlight some important areas of public concern, and indicate where there is a need for improvement.

In recent years, complaint investigations have increasingly identified a need for better approaches to managing the cumulative effects¹ of Crown land use at landscape and watershed levels. For example, in one watershed the impact of mine tailings and salvage harvesting had left the downstream water users at risk, but no single government agency was responsible for managing the combined effect.ⁱⁱ In a second watershed, a lack of coordination between forest licensees increased the likelihood of flooding on a nearby private property.ⁱⁱⁱ In a third, the cumulative effects of harvesting and other activities had reduced the forage supply for cattle.^{iv} In a fourth, the combination of climate change, pine beetle and salvage harvesting contributed to an unexpected

¹ Cumulative effects are effects that are likely to result from the disturbance caused by the project in combination with disturbances from other projects or activities that have been, or will be, carried out in the same geographic area.

loss of water and two floods at a downstream ranch.^v In a 2011 complaint about a hydroelectric project, the Board found the province had no effective way of examining or managing the environmental effects of multiple activities and projects on a landscape.^{vi}

Conflict between tenured resource users and forest licensees operating on the same landbase is also a frequent source of complaints to the Board. Examples include complaints from licenced water users, ranchers, guide-outfitters, tourism operators and trappers concerned about the potential for forest harvesting to impact non-timber values such as water quality,^{vii} forage supply,^{viii} wildlife^{ix} or scenic views.^x Unless there are explicit government objectives for these values at the most relevant scale, it is the forest licensee (guided by their professionals)—not a government official—that decides how to proceed. Conflict ensues when forest licensees gain from these decisions and non-timber resource users must deal with the associated risks.^{xi} In such cases, government has left itself no authority to intervene. Consequently, the affected resource user has no place to appeal, and no reasonable recourse should harm to its interest result.^{xii}



A common and ongoing theme in complaints to the Board relates to the ability of government objectives and policy to adequately manage non-timber values. Such complaints often focus on conservation and protection of wildlife habitat, rare species or other aspects of biodiversity, such as old-growth forest or grassland ecosystems. An important question often arises—are government’s current objectives, regulations and guidance adequate to ensure effective management of non-timber values? The Board finds that more work is often needed by all involved.^{xiii}

People often complain to the Board because they feel they have not been adequately informed about or involved in the planning of forest or range activities that may affect them.^{xiv} About one-third of all complaints investigated by the Board since 1995 have included, at least in part, an issue of public involvement, communication or just a lack of opportunity to review plans and provide comments. Many of the complaints have come from people who were unaware of planned timber harvesting until late in the development process.^{xv} Often, there has been an element of “surprise” based on the unexpected discovery of flagging tape marking proposed cutblocks or roads in areas of concern.^{xvi} Usually, it turned out that there was compliance with review and comment requirements and, in some cases, the review and comment provisions worked well.^{xvii} However, in others, the Board found that not enough relevant information was made available,^{xviii} that notices for public review and comment were potentially misleading,^{xix} or that contact with those potentially affected by forest activities was insufficient.^{xx}

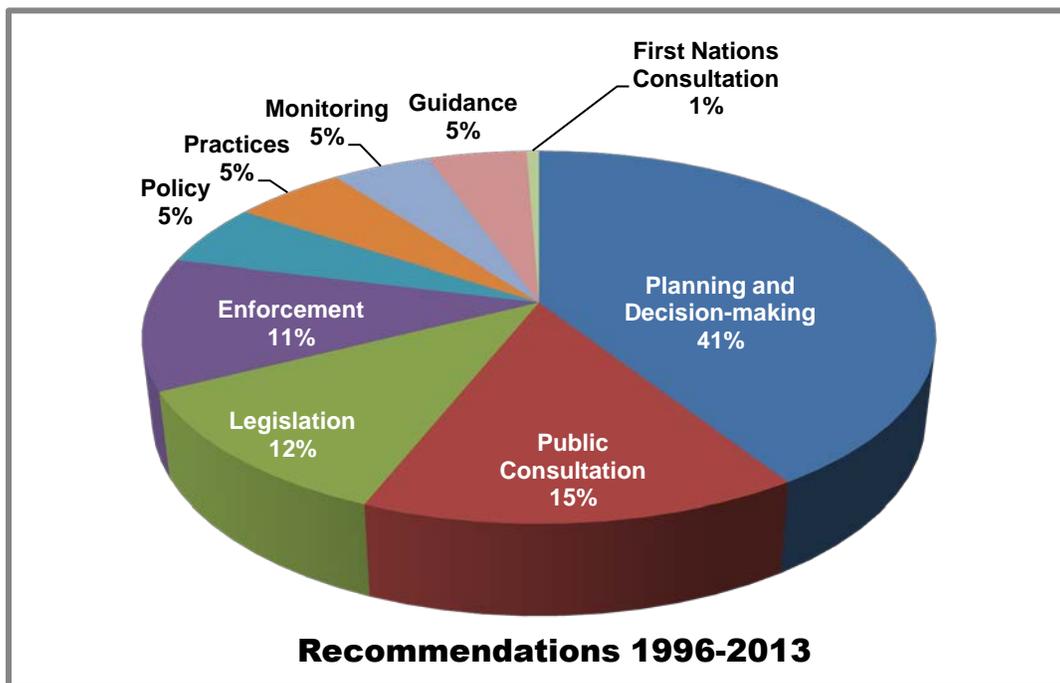
What have we recommended?

From its start in 1995, to the end of 2013, the Board made 181 formal recommendations in 66 of its complaint investigation reports. Recommendations about planning and decision-making were made in 41 percent of the reports with recommendations. For example, in 2008 following a public complaint about damage to grassland ecosystems caused by wildlife and cattle grazing in the

Rocky Mountain Trench, the Board recommended that government reduce forage use on Crown land in the East Kootenay.^{xxi} Government responded to this recommendation with a strategy to address it and the Board will monitor the success of this strategy over time. More recently, following a complaint about planning and practices in the West Kootenays, the Board made some planning recommendations to address outstanding risks, which government responded to.^{xxii} Formal recommendations have spanned the full gammit of elements that influence forest practices, including public consultation, legislation, policy, enforcement and others.

Many more Board suggestions (less formal) in complaint reports have also provided for improvement to forest practices, legislation and government policies. For example, in 2013 the Board received a complaint that commitments in an old previously signed multi-resource plan had not been followed. The Board suggested that government work with licensees and plan signatories to either amend all local land and resource use plans to reflect current management and legislative obligations, or rescind them.^{xxiii}

The Board follows up on its formal recommendations, usually within a year, by asking the relevant party to report on steps taken in response,² but the Board has no power to require that a recommendation be implemented. Even so, about 67 percent of all the Board’s recommendations from complaints have been implemented in whole or in part. If the Board feels that a broader look at a particular issue is required, beyond the geographic confines of the original complaint, it may initiate a special investigation.



² Responses are typically published on the Board’s website.

Conclusion

A key aspect of the Board's work is the investigation of complaints—it is an essential safeguard to the credibility of forest and range stewardship in BC. It is also an important avenue for the public to express concerns and have complaints seriously and independently investigated.

Board complaint investigations have found that, in most respects, those involved in forest and range management comply with the law and generally conduct acceptable practices. This is important verification for industry and government that the current regulatory system is working. Where there are problems, the Board's investigations identifies them and often recommends improvements to licensee practices, government enforcement, and in some cases to the legislation.



Part of the Board's mission is also to promote and encourage the continual improvement of forest and range practices that warrant public confidence. Through its complaint investigation process, the Board has identified many situations where, despite meeting legal requirements, changes in practices, legislation and policy can be, and have been, made to improve resource stewardship and public confidence in BC.

For More Information on Investigations

The Board reports referenced in this document, and other information about the operation of the Board and its policies and activities, are available on the Board's website: www.fpb.gov.bc.ca

See the Board's *Complaint Investigation Reference Manual* for more detailed information about the Board's investigation process.

How to Reach Us

Contact us for further information about filing a complaint or about other Board activities:

Phone: 250-213-4700
Toll Free: 1-800-994-5899
Fax: 250-213-4725 or **Toll Free:** 1-877-708-4607
Email: FPBoard@gov.bc.ca
Website: www.fpb.gov.bc.ca
Facebook: www.facebook.com/pages/BC-Forest-Practices-Board/163884970335862
Twitter: https://twitter.com/BC_FPBoard
Mail: PO Box 9905, Stn Prov Govt, Victoria, BC, V8W 9R1

ENDNOTES

ⁱ A complaint investigation may be stopped by the Board based on any of the following criteria: the Board has no authority to investigate; the matter is more than a year old (depending on the circumstances surrounding the complainant becoming aware of the matter and the Board); there is another adequate legal or administrative remedy available to the complainant; the complaint is frivolous, vexatious, not made in good faith or concerning a trivial matter; further investigation is not deemed to be necessary, or an investigation will not actually help the complainant.

ⁱⁱ Complaint Investigation: Eagle Creek Pine Salvage, Nov 2007.

ⁱⁱⁱ Complaint Investigation: Salvage Logging and Water Flows at Cooper Creek, Aug 2012.

^{iv} Complaint Investigation: Aspen Logging – Grazing Conflict in the Dawson Creek TSA, Jun 2012 .

^v Complaint Investigation: Logging and Winter Streamflow in Twinflower Creek. Dec 2011.

^{vi} Complaint Investigation: Forest Resources and the Toba Montrose Creek Hydroelectric Project, Jun 2011.

^{vii} Complaint Investigation: Logging in the Deroche Community Watershed, Jul 2011.

^{viii} Complaint Investigation: Aspen Logging – Grazing Conflict in the Dawson Creek TSA, Jun 2012.

^{ix} Complaint Investigation: Logging and Lakeshore Management near Vanderhoof, Mar 2010.

^x Complaint Investigation Closing letter Toba Inlet, Apr 2012.

^{xi} Complaint Investigation: Laird Creek Landslide, Feb 2013.

^{xii} Board Bulletin, Volume 16 - Balancing Risk Across Resource Values in Forest Operations, Mar 2014.

^{xiii} Complaint Investigation: Harvesting in the Winslow Goat Winter Range, Mar 2005.

Complaint Investigation: Logging and Conservation of Endangered Plant Communities on Vancouver Island, Aug 2005.

Logging Near Endangered Plants, Feb 2005.

Biodiversity in the Interior Cedar-Hemlock Forests Near Dome Creek, May 2008.

Complaint Investigation: Logging in the Blackwater Pine Mushroom Management Area, Feb 2008.

Complaint Investigation: Biodiversity Management in the Revelstoke Timber Supply Area, Feb 2013.

^{xiv} Board Bulletin, Volume 15 - Public Involvement in Forest Management Planning in BC - Jul 2013

^{xv} Complaint Investigation: Approval of a Cutblock near Fort Nelson without Public Review, Oct 2002.

^{xvi} Complaint Investigation: Conservation of Imperiled Coastal Douglas-fir Ecosystem, Jun 2010.

^{xvii} Complaint Investigation: Consideration of Water Impacts from Planned Woodlot Harvesting near Nakusp, Sept 2004.

Complaint Investigation: Balancing Community Needs and Pine Beetle Logging in the Robson Valley, Aug 2002.

^{xviii} Complaint Investigation: Removal of Wildlife Information from a Forest Development Plan for Knight Inlet, Jul 2002.

^{xix} Nadina Beetle Treatments, Nov 2004.

^{xx} Public Input Regarding Logging on Vedder Mountain, Mar 2006.

^{xxi} Complaint Investigation: Wildlife and Cattle Grazing in the East Kootenay, Jul 2008.

^{xxii} Complaint Investigation: Meadow Creek Cedar Ltd. - Forest Practices and Government Enforcement, May 2012.

^{xxiii} Complaint Investigation: Forest Planning and Development Near Begbie Falls, Nov 2013.



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