

West Coast Forest Stewardship Plan - Major Amendment 2013
South Island Resource District

Review and Comments of First Nations Wildcrafters BC
August 25, 2013



Contents

Introduction..... 3

Table of Comments 5



Introduction

First Nations Wildcrafters, BC (FNW) is pleased to submit our review and comments to Erin Boelk, Planning Forester on the Draft Amendment to the Forest Stewardship Plan (FSP)¹ of British Columbia Timber Sales² (BCTS). This document is also being provided to the below First Nations and/or organizations for informational purposes:

Contact Person	First Nation and/or Organization
Chief Councillor Hugh Braker	Tseshaht First Nation
Chief Councillor Steven Tatoosh	Hupacasath First Nation
Cliff Atleo, Sr.	President, Nuu-chah-nulth Tribal Council
Chief Councillor Jeff Cook	Huuayaht First Nation
Amelia Robinson	Yuułuʔiłʔatḥ First Nation, Land and Resources
Al Little	President, Nuu-chah-nulth Economic Development Corporation
Keith Atkinson, RPF	CEO, First Nations Forestry Council
Sinclair Tedder	Senior Economist Competitiveness and Innovation Branch Ministry of Forests, Lands and Natural Resource Operations
David Trotter	AGRI Sustainable Agriculture Management Branch

FNW is not making this submission of comments and review in any representative capacity of any First Nation affected by the Draft FSP. FNW fully and completely respects the rights and title interests of all First Nations in BC and the applied principles of Free and Full Prior Informed Consent (FPIC). The comments expressed in the table of comments should not be interpreted as being endorsed by any Nation or entity other than First Nations Wildcrafters BC.

We are sharing our comments with additional parties due to the collaborative work we have done through the past years on pilot projects that were designed to work towards addressing some of the needs that have been identified through the numerous steering committee meetings, forestry forums, dialogue sessions, and community meetings we have been honored to have worked with within Nuu-chah-nulth Traditional Territories and across the Province with other BC First Nations and organizations.

Additionally, we have based our comments upon the knowledge and input we have received through the community members we have worked with on cultural resources, traditional foods, and non-timber forest resource management. Due to the cultural sensitivities of some of the species of concern addressed in this submission the specific species have not been included.

¹ Hereafter referred to as the Draft FSP

² <http://www.for.gov.bc.ca/bcts/areas/TSG/FSP-WC-IS-1-2013.htm>



We are also submitting these comments on behalf of our family and the needs of our current and future generations of all life that moves and breathes that depend upon healthy lands and waters to thrive. Some of our comments are based upon what has been observed in the forest. It is our belief that any forest or natural resource plans and decision making needs to include field assessments and observation of the areas impacted by decisions. Without this we have no way of monitoring to know if the decisions made are of benefit and meeting desired outcomes or if there are unintended adverse effects that need adaptive management principles applied to correct.

We would like to extend our deepest gratitude to all of the people that we have had the honor to have worked with through these years in our communities, with the staff of BCTS and the various Ministries we have worked with.

It is our hope that these comments provided by First Nations Wildcrafters BC assists in helping move towards better decision-making that is grounded in the traditional laws and practices of Hishuk ish tsawalk and lisaak. We hope this effort will assist others in moving towards meeting the challenges we all know exist.

The work that we have done has always been much more than a business to us. It is our way of life.

Please feel free to contact us should you have any questions or if additional information is desired.

Respectfully,

Keith Hunter

Contact information for First Nations Wildcrafters BC is:

C. Anne Robinson
FirstNationsWildcrafters1@shaw.ca

and/or Keith Hunter
FirstNationsWildcrafters@shaw.ca

7000-A Pacific Rim Highway
Port Alberni, BC V9Y 8Y3
Office: 250-720-8907
Fax: 250-720-8981
Cell (Keith): 250-731-3998



Table of Comments

FNW Comment Number	Draft FSP Section and Page Reference	Draft FSP Text	FNW Comment
1	S6 p 3	<p>6.0 Stocking Standards and S. 197(5) of the FRPA</p> <p>In accordance with <i>FRPA s. 197(5)</i>, the holder(s) of this FSP may specify in a written notice to Government that stocking standards approved as part of the FSP apply to cutblocks harvested prior to the commencement of this FSP by the holder(s) of the FSP.</p>	<p>In order to achieve abundance-based management objectives of certain understory species for cultural heritage resources and/or other non-timber values, there may be a need in particular situations to deviate from standard stocking standards on a site by site basis.</p> <p>FNW would request that this section be amended to include the allowances of variations in stocking standards on as needed and as identified basis. This would include but not be limited to considerations such as stand density and species.</p> <p>Additionally, this would allow for the application of Agroforestry Management Practices where appropriate.</p>
2	S7.1 p 3	<p>7.1 Provincial Non-Spatial Old Growth Objectives</p>	<p>FNW does not have enough information as contained in the Draft FSP to make an informed comment. Additional information in order to make an informed comment for review would include information as to exactly where on the land-base the existing old growth areas are as well as the proposed replacement areas.</p> <p>Included in this spatial information would also need to be existing and/or planned road access to these old growth</p>



			<p>areas referenced in this section. Plain language as to dominant species composition of these old growth areas would also be helpful, i.e., old growth spruce? Old growth cedar? Old growth fir?</p>
3	S 7.2 p 4	7.2 Vancouver Island Land Use Plan	<p>FNW has knowledge of specific locations and current use and occupancy within RMZ 36 Cou³ that the EFZ definitions of “Secondary Forest Objectives” as identified in the VI LUP are not adequate to conserve and/or adequately protect under the current EFZ designation. This would include the EFZ objectives of:</p> <p>General Access Management Recreation Resources Wildlife Biodiversity Cultural Heritage Resources Non-forest resource descriptions</p> <p>Known Current Use and Occupancy consists of (by way of illustration and not limitation):</p> <ul style="list-style-type: none"> • Spiritual Ceremonial and Prayer Sites • Traditional Medicine and Ceremonial Harvesting • Traditional Foods Harvesting (wildlife and plants) • Local Food Security and Commercial Harvesting sites of Non-timber Forest Products <p>More detailed information is not provided in this comment section due to the proprietary nature of cultural</p>

³ http://archive.ilmb.gov.bc.ca/slrp/lrmp/nanaimo/vancouver_island/plan/summary_lup/efz27_47.htm#rmz36



			<p>sensitivities and the lack of confidentiality agreements.</p> <p>FNW further comments that some of these site specific uses may be appropriate and able to be considered for designation as resource features within the existing EFZ framework. It may be appropriate to consider how these site values identified by FNW may overlap with other FSP results and strategies.</p> <p>Additionally, there is not adequate information in the Draft FSP as relates to potential cumulative impacts from other resource activities from resource activities such as mining exploration and development and associated activities. Cumulative impacts assessment of all activities authorized under the VI LUP would need to be developed and monitored over the five year period of this Draft FSP to implement adaptive management principles for informed decision making as to future timber harvesting related activities.</p>
4	S 7.2.8 p 8	<p>7.2.8 Objectives 9 and 9.1 – Species Composition</p> <p>For those areas that are harvested within an EFZ during the term of this plan, the holder(s) of the FSP will ensure that not more than 20% of the total NAR for all of the cutblocks will be reforested using a single species that is ecologically suited to the area, using a preferred species as set out in the applicable stocking standards.</p>	<p>FNW would request that this section be clarified that no genetically modified or genetically enhanced species will be introduced without express full, free prior informed consent of the affected First Nation community.</p> <p>Additionally, the variance to include species of cultural value would need to be included. See also FNW comment #1 as relates to potentials of using site specific locations for species composition that may be suitable for agroforestry and/or cultural resource management objectives.</p>
5	S 7.3.1 pp 8-9	<p>7.3.1 Objective 1 – Old Growth</p>	<p>See FNW Comment #2</p>



		<p>Management Areas Applies to FDUs: Sproat “suitable OGMA replacement” means forest that is biologically suitable and is of at least equivalent quantity and is identified either (in order of priority) directly adjacent to the existing OGMA, or in the same variant and landscape unit as the adjusted OGMA.”</p>	
6	S 7.3.2 p 9	7.3.2 Objective 2 – Wildlife Tree Retention	<p>The Draft FSP does not contain adequate information for FNW to make an informed comment on this section. For example(s), how are the wildlife habitat features defined within this Draft FSP? Does the FSP address such issues as predation patterns and needs of cougars? What is the baseline and/or other data used to determine actual use of specific forest areas by wildlife beyond stand classifications? Does the planning of WTRA overlap with known areas of Traditional Current Use and Occupancy needs for taking of wildlife? What are the adaptive management approaches utilized for assessments of impacts of commercial sport hunting on WTRAs?</p> <p>In addition, information relating to Regionally Important Wildlife that has been identified for inclusion in the Draft FSP would be helpful in making an informed comment.</p>
7	S 7.5.2 p 11	7.5.2 Wildlife (FPPR S.7) – Marbled Murrelet	<p>FNW is not able to locate within the Draft FSP how the protection of all Species at Risk and/or Regionally Important Species will be addressed in addition to Marbled Murrelet.</p>
8	S 7.5.3 p 12	7.5.3 Water, Fish, Wildlife and Biodiversity within Riparian Areas (FPPR S. 8)	<p>Based upon field observation, FNW would comment that there is a need to expand upon the definitions of RMAs within this Draft FSP due to the loss of culturally significant</p>



			<p>species within wetlands not currently being provided a “buffer” during timber harvest operations.</p> <p>Development of site specific and landscape level data, as well as practical and indicators for cost efficient monitoring, is a continuing need that needs to be addressed due to the limitations of FREP Riparian Evaluations and the lack of a cumulative impacts assessment tool.</p>
9	S 7.5.4 p 13	7.5.4 Community Watersheds (FPPR S. 8.2)	<p>FNW is aware that there are Tseshaht community members that utilize specific springs to collect water for personal and ceremonial use. This section of the Draft FSP would need to be expanded upon to include definitions of Traditional Use Watershed(s).</p>
10	S 7.5.5 p 13	7.5.5 Wildlife and Biodiversity – Landscape Level (FPPR S. 9)	<p>See FNW comment(s) #6 and 7</p> <p>In addition, FNW would comment that current use and occupancy information needs to be developed in order to assess whether or not the landscape level objectives are being met via the stand level management objectives in 7.5.6 Wildlife and Biodiversity – Stand Level (FPPR S 9.1)</p>
11	S 7.5.6 p 14	7.5.6 Wildlife and Biodiversity – Stand Level (FPPR S 9.1)	<p>See FNW comment(s) #6, 7 and 10</p>
12	S 7.5.7 p14	<p>7.5.7 Cultural Heritage Resources (FPPR S. 10)</p> <p>“monumental western red Cedar or cypress” refers to western red cedar or cypress used for making paddles, masks, totems, canoes, and similar traditional use items.</p> <p>2. To provide the opportunity for applicable First Nations to apprise the holder(s) of the FSP of any cultural heritage information related to proposed</p>	<p>The definition of cultural use of western red cedar and/or cypress needs to be expanded to include cedar bark stripping and boughs for ceremonial use.</p> <p>(2) Development of appropriate confidentiality agreements and information management need to be</p>



		<p>road-building or timber harvesting activities that may impact cultural heritage resources the following process will be used by the holder(s) of the FSP for First Nations whose traditional territories fall within the FDUs in this FSP:</p> <p>a) The holder(s) of the FSP will refer to applicable First Nations, areas identified for potential timber harvesting and road construction, if any, and request information respecting special cultural heritage resources within the identified areas.</p>	<p>developed for the implementation of this section.</p> <p>Increased capacity funding is also needed for development of adequate communication and consultation of proposed activities under this Draft FSP. There is currently a known gap of information flow, particularly as relates to inclusion of Traditional Use Practitioners and decision-makers.</p> <p>Additionally, there needs to be a mechanism in the Draft FSP for inclusion of Traditional Ecological Knowledge as an equitable knowledge system in forestry planning that involves cultural resources management.</p> <p>(a) This information needs to be (to the greatest extent possible) in plain language and also include all plans for road deactivation and de-commissioning associated with timber harvesting and road construction activities. This would also need to include information relating to road corridor brushing that may have an impact upon access to and/or abundance of cultural heritage resources.</p> <p>User friendly GIS formats (i.e., kmz, kml) should also be included with shapefile submissions for sharing with community stakeholders that use web-based GIS tools such as Google Earth.</p> <p>Hosting these plans on the BCTS website and/or community specific sites where these plans are readily</p>
--	--	--	---



		<p>b) The holder(s) of the FSP will evaluate the nature and extent of a possible site-specific special cultural heritage resource identified within areas of potential timber harvesting and road construction activities, including making reasonable efforts to share information or consult with the applicable First Nation in respect of the possible special cultural heritage resource.</p> <p>c) The holder(s) of the FSP, when designing a cutblock or road will, prior to harvest or construction, identify</p>	<p>available for community level input may also be a consideration for achieving effective communication with impacted traditional use practitioners.</p> <p>(b) Although site specific assessments are needed, there also needs to be a landscape level tool developed to assess total cumulative impacts upon cultural resources. Impacts upon cultural resources also need to take into consideration access to the abundance of the cultural resources required to avoid potentials for adverse impacts being created due to creating either scarcity of species and/or scarcity of access to species distribution on the landscape level.</p> <p>Site specific evaluations should also consider the location within the planned cut block and whether or not the protected areas can actually safely be accessed following a timber harvest operation. Adjacency considerations should also be included as a weighted value.</p> <p>Also, since the First Nation is the rights and title holder the final decision should not be delegated to a contractor as to whether or not the impacts upon cultural resources is needed to be avoided. Individual contractors do not have all the information as to the totality of impacts upon the landscape level and therefore do not have the adequate information to make such decisions.</p> <p>c) In addition to the requirements enumerated under subsection c), the Draft FSP should also include:</p>
--	--	---	---



Review and Comments on BCTS Draft FSP Amendment

	<p>i. the portion of the area occupied by a special cultural heritage resource, ii. the nature of the special cultural heritage resource, iii. whether the special cultural heritage resource is to be protected or conserved, and iv. if the special cultural heritage resource is to be conserved, what constraints, if any, are to apply to the forest practices carried out on the area.</p> <p>d) For each special cultural heritage resource that has been identified under subsection 2(c) for protection, the holder(s) of the FSP will carry out or authorize a person to carry out a forest practice only to the extent that the forest practice does not damage or render ineffective the special cultural heritage resource.</p> <p>e) For each special cultural heritage resource that has been identified under subsection 2(c) for being conserved, the holder(s) of the FSP will carry out or authorize a person to carry out a forest practice only to the extent that the forest practice is consistent with the constraints, if any, specified in the design for the cutblock or road.</p> <p>3. If, within a cutblock or road where the holder(s) of the FSP is carrying out or has authorized timber harvesting or road construction, a previously unidentified special cultural heritage resource is</p>	<p>v. Determination that the timing of operations do not conflict with other cultural heritage resource utilizations within the area to be impacted by the proposed activity.</p> <p>vi. Mitigation measures for temporary alienation from use of cultural resources during the operational time period (i.e., locked gates, etc)</p> <p>vii. Consideration of post-harvest and/or post construction impacts in adjacent areas to proposed activities.</p> <p>Subsections d) and e) should also include provisions for monitoring of activities during and following operations when requested or deemed necessary by a First Nation.</p> <p>Subsection 3 is an excellent inclusion into the Draft FSP. To strengthen this section language to the effect that the impacted First Nation will be immediately notified and that work will not resume without their consent to the</p>
--	---	--



Review and Comments on BCTS Draft FSP Amendment

	<p>encountered, the holder(s) of the FSP will</p> <ul style="list-style-type: none"> a) require operations within the cutblock or road to cease or be modified to the extent necessary to protect the special cultural heritage resource, b) determine <ul style="list-style-type: none"> i. the nature of the special cultural heritage resource, ii. whether the special cultural heritage resource is to be protected or conserved, and iii. if the special cultural heritage resource is to be conserved, what constraints, if any, are to apply to the forest practices carried out on the area, c) modify the design of the cutblock or road to conform with subsection 5(b)(iii), and d) authorize operations to resume within the cutblock or road to the extent that the operations are consistent with the modified design. <p>4. In addition to subsections (2) and (3), the holder(s) of the FSP recognize that mature western red Cedar and Cypress located within the identified FDUs are special cultural heritage resources to the applicable First Nations and the holder(s) of the FSP will ensure that, in addition to subsections (2) and (3),</p> <ul style="list-style-type: none"> a) these First Nations are aware of and, if requested, provided with any new publicly available inventory for western red cedar completed by the 	<p>adequacy of the mitigation would be a best practice.</p> <p>Clear communication in proponent submissions as to the contact person and process to immediately cease operations from First Nations initiated implementation of this section, along with the communication flow to the Statutory Decision Maker as to the instance of occurrence of this provision, would also be a best practice that would strengthen this section.</p> <p>FNW is specifically requesting that a cedar and cypress management strategy be developed and implemented within Tseshaht First Nation Traditional Territory. Additionally, FNW requests that the definitions of cultural use cedar be expanded to include cedar bark and boughs for ceremonial and other uses. (See also FNW comment(s) #4)</p> <p>Included in this Cedar Management Strategy should be the inclusion of climate adaptation modeling and monitoring of climate change impacts and effects on cedar.</p> <p>Further to this, FNW (based upon communications and</p>
--	---	---



	<p>South Island Resource District for the applicable area.</p> <p>b) western red cedar and cypress, where ecologically suited, will be planted on areas referred to in FRPA s. 29 (1) in accordance with the stocking standards specified in this forest stewardship plan and</p> <p>c) where requested by a First Nation, the holder(s) of the FSP will participate in the process to develop a strategy for and identify western red cedar or cypress, including monumental western red cedar or cypress within their traditional territory.</p> <p>d) where a strategy for western red cedar or cypress as outlined in 4(c) has been developed and agreed upon by the holder(s) of the FSP, the applicable First Nation, the Ministry of Forests, Lands and Natural Resource Operations, and the holder(s) of the FSP will assist in implementation of the strategy.</p> <p>5. In addition to subsections (2) through (4), the holder(s) of the FSP recognizes that species such as bitter cherry, yew and arbutus located within the identified FDUs may be special cultural heritage resources to an applicable First Nation. The holder(s) of the FSP will ensure that,</p> <p>a) where one or more of these species is identified to the holder(s) of the FSP as a special cultural heritage resource by a First Nation, and</p> <p>b) where it is present within a cutblock to be</p>	<p>knowledge within the community) requests that an alder management plan be developed due to the use of alder for smoking fish and carving materials. (See FNW Comment #1)</p> <p>5. FNW does have a list of species that should be included in the list of “special cultural resources” for inclusion into forest planning based upon local scarcity. These species are not included in these comments due to the public nature of this document. Appropriate confidentiality protocols would need to be developed to share this information.</p> <p>Additionally, these protocols of confidential handling of the culturally sensitive nature of some of this information,</p>
--	--	--



		harvested by the holder(s) of the FSP, a component of the species will be maintained within the total area under prescription of the cutblock.	and particularly mapped location of these species of concern/scarcity, need to be developed with the corresponding capacity development for the referral submission process to be robust and effective. As with other sections of the Draft FSP, cut block level assessments need to be evaluated within a matrix of landscape level cumulative effects that includes considerations of road access and other factors that have been identified. Contractors are not in a position to have this information and decision making at the cut block level to determine to what extent a cultural resource value to be maintained should not be delegated to the contractor level of decision making.
13	S 7.6.1 p 15	7.6.1 Objective Set by Order – Ungulate Winter Range #U1-017	The Draft FSP does not contain adequate information for FNW to make and informed comment. Similar to previous comments # 2 and 5, spatial information would be needed to access within traditional knowledge and traditional use practitioners knowledge systems to determine whether this objective would be met based upon TEK as an equitable knowledge system.
14	S 7.7.1 p 16	7.7.1 Visual Quality Objectives for the South Island Forest District	FNW is presuming that the visual quality objectives would need to be expanded upon to meet the cultural use areas of the landscapes that proposed activities would take place within.
15	S 8.3 p 17	8.3 Situations or Circumstances that Determine when FPPR S. 44(4) and the Standards Applicable Under FPPR S.16(4) Applies If the holder(s) of the FSP carries out or authorizes harvesting of special forest products, intermediate cuts or commercial thinning from an	FNW comment s # 1 and 4 may be able to be incorporated to some extent met in this section of the Draft FSP. The inclusion of Traditional Ecological Knowledge as a management practice in developing cutblock level treatments would be valuable to have included in this section.



		<p>area within the area under this plan, cutblock specific uneven aged stocking standards will be proposed as an amendment of this FSP. Uneven aged stocking standards which may be amended into this FSP will be maintained on the area for twelve months following the completion of the harvesting.</p>	<p>Additionally, these practices described could also be used to meet cultural heritage resource objectives (in addition to “special forest products”).</p>
<p>16</p>	<p>S 9.0 p 17</p>	<p>9.0 Measures to Prevent the Introduction and Spread of Invasive Plants</p>	<p>Based upon field observations, FNW does not believe that this objective as contained in the Draft FSP is adequate to meet this result. For example, it is highly unlikely within the canopy of a proposed cutblock that some of these priority species will exist pre-harvest or pre-construction.</p> <p>However, some of these species, particularly scotch broom, does exist within the road corridors and/or in close proximity to where rock quarries have been established to build roads and/or where the traffic generated during harvesting will occur.</p> <p>Some of these infested areas have been observed to have existed for literally years with no treatment being implemented. The design of an invasive species management plan would need to include not introducing invasive species into an area, as well as post-harvest treatment of areas that become infested that are not being treated or managed.</p> <p>More work on this section would be required to be measurable and enforceable. A monitoring component should also be included.</p> <p>b) to the extent that grass seed is utilized, FNW would</p>



Review and Comments on BCTS Draft FSP Amendment

	<p>b) has been certified by the Canadian Seed Growers Association that the seed;</p> <ul style="list-style-type: none"> i. meets the standards for varietal purity established by the Canadian Seed Growers Association for seed of that species (Seeds Act, Seeds Regulation s.2(1)), and ii. is of native origin. <p>2. If the holder(s) of the FSP carries out a forest practice in an applicable area, the holder(s) of the FSP will:</p> <ul style="list-style-type: none"> a) Confirm known locations of priority invasive plants within the plan area using the most current recognized provincial database, <p>3. If the holder(s) of the FSP carries out a forest practice in an applicable area, the holder(s) of the FSP will, within one year of completing the activity authorized in the timber sales licence or cutting permit</p> <ul style="list-style-type: none"> a) revegetate contiguous areas of exposed soil that exceed 0.25 ha using preferred seed provided the preferred seed is <ul style="list-style-type: none"> i. readily available and, ii. comparable in cost and effectiveness to agronomic mixtures, b) revegetate temporary access structures within cutblocks with legumes. 	<p>request that the grass utilized also be of a forage type that is needed by the wildlife in the plan area for ungulates and/or bird or other animal species.</p> <p>2) Although the use of provincial database may be of value in preliminary desktop planning, field observations during the selection and design of cutblocks, construction, quarries, etc should also be incorporated into this section. With the lack of adequate funding from the Province to maintain an up to date inventory, and with the dynamic nature of invasive species management, desktop tools have limitations that need to be recognized and incorporated into this section.</p> <p>3) The use of locally harvested native plant stock should also be considered in appropriate situations where ecosystem restoration is a desired result of remediation efforts if indicated as needed by Traditional Ecological Knowledge.</p>
--	---	---



17	S 10.0 p 18	10.0 Measures to Mitigate the Effect of Removing or Rendering Ineffective Natural Range Barriers.	FNW is not able to provide an informed comment on this section due to lack of spatial information as to where on the landscape Range Act agreements may exist.
----	-------------	--	--



