



File: 16310-20

April 12, 2006

Subject: Determination Rationale for the April 12, 2006 Order to Identify Significant Recreation Resource Features for the Campbell River Forest District

Authority

Authority to identify recreation resource features under Section 5(1) of the *Government Actions Regulation* (GAR) has been delegated from the Minister of Forests and Range (MoFR) to District Managers of the MoFR.

Legislation

This Order is necessary to identify those recreational features of significant recreational value to which *Forest Planning and Practices Regulation* Section 70 applies. In the *Forest and Range Practices Act* a "recreation feature" means a biological, physical, cultural or historic feature that has recreational significance or value. The Order applies to forest practices as defined by the *Forest and Range Practices Act*. Sections 2, 3, 4 and 5 of the *Government Actions Regulation* provide specific guidance for completion of this Order. This Order applies to managed Crown forest lands and to privately-owned Schedule "A" lands within Tree Farm Licenses (TFL) and Woodlots.



Planning Context

Recreation has been an important component of both public land use planning processes and forest management in the Campbell River Forest District for many years. Government land use objectives have been set out in the Vancouver Island Land Use Plan (VILUP) (2000) and recently the Central Coast Land and Resource Management Plan (CCLRMP) (2006). The Sayward Landscape Unit Plan (2003) established Higher Level Plan objectives for recreation and made key recreation features "known".

Other plans, including the Western Strathcona Local Advisory Committee Report, Quadra Plan, and the Nootka, Kyuquot and Johnstone-Bute Coastal Plans provided inter-agency and community perspectives. The Sensitive Area designations for Hyacinthe Point, Heriot Ridge, Saltwater Lagoon, and Nootka Trail also provided context for this review.

The Order was derived from the Recreation Feature Inventories (RFI's) and Recreation Analysis and Management Strategy (RAMS) reports for Tree Farm Licenses (TFL's),

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Woodlot Licenses (WL's) and the Timber Supply Area (TSA), supplemented by the best available information arising from the consultation process.

Issues Considered

In making this Order I have considered several themes raised through the consultation process which are applicable to features across the District. All input received has been summarized in the document titled 'CRFD Identified Recreation Features Order – Summary of Public Input'.

Strategic log handling facilities

Significant input was received from the eco-tourism sector and the public regarding the recreational importance of ocean shorelines, including the recreational use of log handling facilities. Local tourism operators particularly identified the area around Quadra, Stuart and Sonora Islands as an important eco-tourism zone, and expressed concern that reactivation and subsequent industrial activity at the existing log handling facilities at Denham Bay and Raven Bay could negatively impact their businesses. The forest sector expressed concern that the potential loss of these facilities could make operations uneconomic in some situations and stressed the long-term strategic importance of continued access to water-based log transport.

I have considered the needs of the various sectors, and while I recognize the recreational value of these sites, I must emphasize the importance of maintaining the option for continued use of strategic log-handling infrastructure. A co-operative approach between the forestry and tourism sectors will be needed to find a way to ensure that use of these sites respects and meets both sectors' needs. I have taken this approach consistently across the District where high recreation values overlap strategic log handling facilities.

Established Recreation Sites, Trails and Interpretive Forests

Significant interest was expressed in the management of areas surrounding established Recreation Sites, Trails and Interpretive Forests, particularly on Quadra Island. In making my decision on these areas I have considered that the management of user setting and experience is a key component in the determination of the practices requirement to "not damage or render ineffective".

As well as being identified as Recreation Resource Features, all legally established Recreation Sites, Recreation Trails and Interpretive Forests are also subject to the *Forest Recreation Regulation*. Information regarding the Establishment Orders and "Exhibit A"s of legal boundaries is available by contacting the Ministry of Tourism, Sports and the Arts at 286-9300.

Lakes as Recreation Features

In a number of instances I have identified a lake, without including its' surrounding shoreline, as the resource feature. For these lakes, management of recreation setting and experience may require consideration beyond the polygon boundaries.

Sayward Landscape Unit Plan (LUP)

Within the Sayward Landscape Unit, I consider that the balancing of interests completed in the Landscape Unit Plan of 2003 remains satisfactory and I therefore have utilized the Recreation Constraint polygons identified in that plan as the location of recreation resource

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features, with very few exceptions. The Sayward LUP remains an integral component of the planning process, informing professional due diligence and the considerations around Section 70 of the *FPPR*.

Legislative Tests

GAR s.2; Limitation on Actions

In addition to the above considerations, I have reviewed the limitations on action for this Order, as directed by GAR S.2.

S. 2(1) (a) the order is consistent with established objectives:

The Recreation Resource Features identified by this Order are consistent with the VILUP Higher Level Plan Order. Some forest licensees stated that identifying Recreation Features in Enhanced RMZs is more constraining than was anticipated under VILUP. I have reviewed the VILUP Summary Plan and note that all Enhanced RMZs in this district were assigned a General rather than Basic recreation management regime. I take this to signal an overall tone of timber harvesting emphasis which at the same time acknowledges specific locales where recreation values are also significant.

This Order is consistent with the direction identified in the CCLRMP for recreation values. Several areas with significant recreation value are identified as new Protected Areas or Conservancies and I did not identify recreation resource features for those areas.

The Nootka, Kyuquot, and draft Johnstone-Bute Coastal Plans, while not Higher Level Plans, are interagency plans developed with participation of local communities and they provided additional context for identification of recreational values within their respective geographic areas.

This Order incorporates Recreation Features as they were made known in 2003 under the Sayward LUP.

Finally, this Order is consistent with Sensitive Area designations completed in 2003 for the Nootka Trail and three areas on Quadra Island.

s. 2 (1) (b) the order would not unduly reduce the supply of timber from British Columbia's forests,

My intention throughout this process has been to maintain equivalency in general terms in the transition from the *Forest Practices Code Act of B.C.*, while allowing for localized variations based upon the merits of the arguments presented.

All TFL's and WL's within the District as well as the Strathcona TSA have completed RFI's, which were deemed to have been approved if they had been used in the most current Timber Supply Review (TSR) and Annual Allowable Cut (AAC) determinations. These RFI's have been subject to public review and comment, as have the AAC's that considered them. The features identified in this Order are a sub-set of the highest-significance recreation polygons

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in those RFI's, which have already been accounted for in determining AAC's. Additionally, in selecting features to identify, consideration was given as to whether users actually recreated on the ground for that particular feature. With limited exceptions, areas that are critical in providing a visual backdrop for recreation were addressed through my Scenic Areas and Visual Quality Objectives Order dated December 14, 2005. Additional information on the significance and use-levels of certain proposed recreation features was provided by the Council of B.C. Yacht Clubs' Provincial Boat Havens catalogue, the B.C. Marine Trail Association initiative and through public input.

Having reviewed all of the forgoing, I conclude that this Order will not unduly reduce timber supply from British Columbia's forests.

- s. 2 (1) (c) the benefits to the public derived from the order would outweigh any*
- (i) material adverse impact of the order on the delivered wood costs of a holder of any agreement under the Forest Act that would be affected by the order, and*
 - (ii) undue constraint on the ability of a holder of an agreement under the Forest Act or the Range Act that would be affected by the order to exercise the holder's rights under the agreement.*

Forest sector input generally addressed the GAR process itself. There was little specific input provided regarding increased costs or undue constraints specifically associated with this Order, although one licensee indicated impacts arising from the Sayward LUP. Another licensee commented that existing RFI's did not adequately quantify recreational use levels as a component of determining recreational significance. A number of licensees made submissions regarding Denham and Raven Bays, leading to consideration of the balancing of interests at log sort facilities generally. Conversely, tourism representatives emphasized the importance of wilderness and scenic area qualities to their sector and the importance of diversifying their operations to service clients with a wide range of interests including fishing, eco-tourism, etc., as did several members of the recreating public.

I am mindful of government's commitments to expand the size of the tourism industry as well as potential associated impacts to timber supplies or delivered wood costs. I have made every effort to respond to these often-competing interests with full consideration of all available information.

GAR Section 3: Consultations and Reviews:

Starting in 2004, my staff initiated discussions with TFL holders to discuss the process for completing this Order and review recreation inventories. These inventories have been developed with public and licensee input in their own right. Following this initial consultation, a draft order and map was advertised for public review and comment during the period June 1 to July 29, 2005. In addition to advertising in local newspapers, letters requesting formal review and comment were sent to all *Forest Act* license holders in the District, local communities, other government agencies, environmental non-government organizations, and members of the public who were known to have an interest in this issue.

A number of parties expressed concern that insufficient time had been allowed for comment. In response, my staff informally extended the timeline for response until March 2006. My

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staff provided open houses on July 7 and 13, 2005, public meetings on Quadra Island and Sonora Island, a well-attended all-licensee meeting on August 17, 2005 and numerous meetings and correspondence with individual licensees and interested members of the public.

All *Forest Act* tenured licensees in the district had the opportunity for participation, review and comment for a minimum period of ten months and in some cases as long as twenty-three months. A Record of GAR Consultation is on file which catalogues all of the meetings, letters and significant contacts over this period. A separate Summary of Public Input is also on file.

Having reviewed all of the forgoing, I am satisfied that adequate opportunity has been provided for both review and comment and consultation to meet the requirements of GAR S. 3.

First Nations

Letters were sent to all First Nations asserting traditional territory within this district on June 1, June 16 and July 26, 2005 requesting comments on proposed GAR orders. No responses were received to these letters.

A November 1, 2005 letter from the Tlowitsis First Nation responded to the now-completed timber supply review for the Strathcona TSA but also incidentally requested that their office be contacted regarding any “future proposed activities within our traditional territories”. A letter was sent on November 14, 2005 requesting comments on the proposed GAR orders. No response was received.

GAR S.5: Resource Features:

The identification of resource features through GAR s.5 (1) (f) and (h) additionally requires that the resource feature requires special management not otherwise provided for under this regulation or another enactment. For management of the recreation values in these areas, I am satisfied in this regard. The Identified Recreation Resource Feature Locator Maps 1-8 (April 12, 2006) are a spatial representation of the approximate location of identified recreation resource features. Prescribing professionals should refer to the approved RFI for each management unit to identify the specific features present within the areas depicted on the map.

Implementation

Forest licensees expressed concern that the practices requirement to “not damage or render ineffective” was not commonly understood. It is my view that the context of this practices requirement needs to be clearly focussed on the recreational user setting and experience associated with the identified feature(s).

Forest professionals should use their professional judgement and the assistance of specialists where necessary, to assess the potential impact of forest management to the features identified, as well as to the recreation setting and experience. In doing so, they will need to consider all relevant planning context and their best understanding of the publics’ interests

and expectations. In some instances the range of considerations will be limited to features within recreation polygons. In other instances the considerations may extend well beyond polygon boundaries.

The Recreation Feature Inventories will continue to provide relevant context for the management of the range of important recreation values and features which were not deemed to be sufficiently significant to be identified in this Order, but which continue to have value to the recreating public.

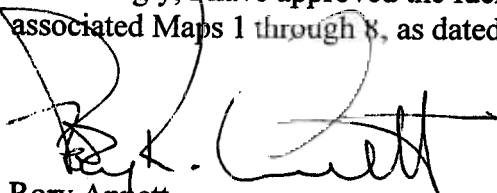
The Association of BC Forest Professionals' guidelines on the *Definition of Professional Reliance*, September 2004 and *Interpreting the Publics' Interest*, May 2002, provide guidance to members.

Potential Future Recreation Feature Designations

Readers should be aware that a number of significant recreation features exist which were not identified in this Order as they were not shown in the original maps attached to the consultation package as advertised in June 2005. I anticipate a second phase of recreation feature review which may capture these areas. I encourage RFI updates and ongoing canvassing of local communities and user groups to monitor trends in recreational interests and use levels. This Identified Recreation Feature Order can be revisited as new information becomes available over time.

Determination

Having satisfied myself that I have considered all pertinent details related to this issue, and having balanced the important social and economic objectives of all stakeholders, I have concluded that recreation resource features should be identified through a GAR Order. Accordingly, I have approved the Identified Recreation Resource Features Order, and its' associated Maps 1 through 8, as dated April 12, 2006 for the Campbell River Forest District.



Rory Annett
District Manager,
Campbell River Forest District