

Apex Property Owners Association

Submission to the BC Government's review of Professional Reliance in resource industries

Summary:

Professional Reliance is not protecting recreation and tourism/scenic values as a key public interest within the Apex Intensive Recreation Area and the Nickel Plate Nordic Centre

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This submission has been approved by the APOA Board of Directors.

BACKGROUND

The Apex Property Owners Association (APOA) is the non-profit organization representing property owners in the 500+ homes of the unincorporated Apex Mountain Resort community (Apex Village) in the south Okanagan of British Columbia. Formed in 1995, the APOA represents the interests of property owners on a diversity of topics and issues in relation to government, Apex Mountain Resort, Nickel Plate Nordic Centre, local businesses, and industry. The APOA strives to support the sustainability of the Apex resort community, the environmental, recreation and tourism resources on which it is based, and the attendant economic and social values of the Apex alpine area.

Apex Mountain Ski Resort and nearby Nickel Plate Nordic Center are the south Okanagan's premier winter destination for outdoor recreation. The area was specifically recognized and designated as an Intensive Recreation Area in the Okanagan-Shuswap Land Resource Management Plan (OS-LRMP) approved in 2001. The area of concern is less than 15 km², yet it has experienced unprecedented levels of clear cutting in the last 5 years.

OBSERVED RESULTS OF RELYING ON PROFESSIONAL RELIANCE

The APOA welcomes the provincial government's review of Professional Reliance (PR) in resource industries, including forestry. After over 5 years of direct, hard-earned experience with several forest licensees and their forestry consultants, the APOA board and the vast majority of the APOA membership has no confidence that PR as it is currently regulated in BC is even remotely capable of protecting the non-timber values of the forests surrounding Apex Mountain Resort and Nickel Plate Nordic Center.

Since PR is supposed to be about achieving effective results, the following summarizes the results of PR from our perspective.

APOA's active involvement as a local stakeholder within the Professional Reliance model began in 2012. With no substantial engagement with, or input from, the property owners of Apex Village, large clearcuts began to appear on Dividend Mountain, directly south of Apex Village, and on Green Mountain directly west and adjacent to the village and opposite the ski runs of Apex Mountain Resort. Then through our own efforts, APOA learned of additional harvest referrals to clearcut the valley directly north of the village, as well as proposed clearcuts overlapping some of the most popular cross-country ski trails within the Nickel Plate Nordic Center trail system. This generated considerable and obviously justified concern among Apex property owners.



View of Apex Village and Green Mountain, taken from Apex ski run in 2010



View of Apex Village and Green Mountain, taken from Apex ski run in 2012

The APOA's ongoing and continuous involvement with PR has been time consuming, frustrating, demoralizing, and in our view, largely ineffective at protecting non-timber values. The APOA's numerous concerns with the ongoing forest practices in our area have been discussed with forest license holders and their consultants numerous times over the last 5 years. The two public forums that APOA has hosted on forestry drew over 100 attendees each. Anger and dismay with the ever-expanding clearcuts has been the dominant theme expressed by forum attendees, and continues to be a major topic of discussion at every APOA function and meeting. In short, we believe the amount and type of harvesting that has already occurred represents too much logging in too small an area in too short a time period. License holders have indicated that future harvesting is planned at essentially the same annual rate.

The APOA has consistently advocated for transparent, predictable, long-term harvest practices that maintain acceptable forest aesthetics and protect the area's well-recognized and utilized forest recreation values. Hoping to achieve harvest results acceptable to our community, APOA continues to participate in two Memorandum of Understanding (MOU) signed with MFLNRO and the four harvest license holders active in our area. However, the results of these MOUs has been disappointing to say the least. After five years and hundreds of volunteer hours our community still has no long-term forest management plan to mitigate our members' concerns. There has been no apparent reduction in local harvest rates by license holders, no modification of harvest practices (extensive clearcutting being the only type of harvesting done), and no specific wildfire protection measures or initiatives (a key component of the first MOU).

The Apex area is recognized and designated as an Intensive Recreation Area/Zone in the Okanagan Shuswap LRMP. We believe a considered analysis would conclude that social and recreation values outweigh its harvested timber value when factored over the 100+ year forest lifecycle of this high alpine area. APOA has never advocated for zero harvesting, but given the intensive recreation designation we anticipated modified forest harvest practices to reflect those non-timber values. Yet for all practical purposes license holders appear to be treating the area as just another 15 km² block of the province's timber supply, albeit one serviced by a taxpayer-maintained paved road to provide access for the thousands of seasonal recreation users who travel to the area weekly. The Apex area constitutes less than 1/32 of one percent of the Timber Supply Area (TSA); not at all an existential threat to the province's or region's timber supply or the future of the timber industry. Yet PR has not protected the recognized and documented non-timber values of this very small proportion of the TSA. That speaks volumes regarding the tightness of the current timber supply and the non-sustainability of current forest management practices.

There are now two clearcuts dominating the viewscape of Apex Village and Apex Mountain Resort's clientele. APOA hired its own RPF to analyze these cut blocks. They were harvested with MFLNRO approval, in disregard of the clearly documented and designated Visual Quality Objectives, and with no evidence of significant forest health issues such as extensive Mountain Pine Beetle attack.

On a broader scale, satellite imagery shows the pace of harvest is actually increasing as the four licensees operating in our small area aggressively compete for the increasingly small areas with mature timber and favorable access. Both inside and outside the designated Apex Intensive Recreation Area, continuous clearcutting proceeds at what we believe is an inappropriate and likely unsustainable rate.

The backcountry experience of the area has been irreparably altered by this concentrated logging, including significantly increased and uncontrolled ATV and snowmobile use enabled by vastly expanded forestry roads and the

contiguous clearcuts. The forest harvest (i.e. wood supply) objective is clearly trumping the tourism/scenic and non-motorized recreation objectives.

For example, clearcutting adjacent to and over top of Nickel Plate Nordic Center's trail system has significantly increased the frequency of snowmobiles riding on, and damaging groomed trails. Besides removing the natural protection from wind and sun melt that the forest provides, clearcuts also open a direct path for snowmobiles. Before the clearcuts and roads, accidental and even intentional motorized access to the trail system was prevented by the adjacent dense forest cover. Now the most popular long distance outer trails at Nickel Plate (especially Motherload, Reimers Reach, and Panorama) are exposed to logging roads and large clear cuts. They are now frequently damaged by snowmobiles. We know this makes trail grooming and maintenance difficult, more time consuming, and more expensive to the non-profit society that operates Nickel Plate. It also creates a significant safety hazard to skiers, especially on downhill sections where churned up frozen tracks from snowmobiles represent dangers to skiers regardless of skill level. Snowmobile damage enabled by clearcutting does far more than reduce enjoyment for every skier using the trail until it can be repaired. It definitely causes falls, and almost certainly can result in injuries, both minor and major. Cross country skiing is an activity enjoyed by BC citizens well into their senior years. A fall and injury ultimately caused by overly aggressive clearcutting and the resulting snowmobile access to the ski trail system can occur at any age. But it is certainly more likely as we age, and potentially far more debilitating.

While APOA does not speak for Nickel Plate Nordic Center, many APOA members belong to the organization, and use its facilities and trail system frequently. There is growing concern that clearcuts, both completed and planned, encircle and indeed overrun the existing trail system in numerous places. We understand the recreation agreement with the Ministry contemplates some harvesting. However, the ongoing intensive, short-term concentration of harvesting has already negatively impacted the existing trail system, and constrained the potential for trail system expansion for decades to come. That this was done in an area clearly designated as an Intensive Recreation Area represents a failure of PR to protect an identified public interest in sustainable recreation.

There is another aspect of public concern, but in this case with MFLNRO being responsible for maximizing timber value for the province, while simultaneously being responsible for recreation use in provincial forests. In 2017 an APOA board member discussed with several active members of Nickel Plate Nordic Center their concern over "rocking the boat" when it comes to harvesting within the recreation area. Specifically, they were worried that the Nordic Center's Recreation Partnership Agreement was due for renewal by the Ministry. For these recreation users, their confidence in MFLNRO was low enough for them to worry that the Ministry might not renew, or might put restrictions on, the recreation agreement if the Nordic Center were to seek modifications to any harvesting being proposed in the area.

Our observations on the results of PR are not just opinions. These are facts clearly visible to anyone willing to look. Time-lapse satellite images available online clearly show that our concerns have been ignored and the rate of harvest continues unabated. The reader is encouraged to pause now and access the URL link below. What is shown is the cumulative results of PR-managed harvesting done by four license holders competing for timber in a recognized and designated Intensive Recreation Area.

https://earthengine.google.com/iframes/timelapse_player_embed.html?v=49.4,-119.95,11,latLng



Annotated Satellite View of the Apex area (~15 sq km), circa 2016

To the APOA the results of PR are clear. Within the next 5-10 years, two of BC's significant tourism and recreation resources – Nickel Plate Nordic Center and Apex Mountain Resort – will be small islands encircled by clearcuts younger than 25 years old. This is a high alpine area where tree regrowth averages 15-20 cm per year. The Professionals hired by the forest licensees apparently consider this adequate protection of non-timber values of a regionally significant recreation area. The 500+ citizens who have invested in the Apex community, and the thousands who recreate in the Apex area certainly do not agree.

The flaws in the current PR regime are numerous and it is difficult to summarize them all. However, based on our own experience, the most serious and damaging shortcomings under the PR model are listed below:

1. Having Registered Professional Foresters (RPFs) define logging plans for their employers or clients, while at the same time being responsible for protecting the public's interest in non-timber values (e.g. recreation and tourism/scenic) as described in the Okanagan Shuswap LRMP, is a conflict of interest. APOA does not believe adequate protection of the public interest has been, or ever will be delivered under the current PR system.
2. Local stakeholders struggle within a regulatory framework which provides for no mandatory consultation with, nor concurrence from the local communities and businesses most negatively impacted by the forest industry's collective forest harvesting decisions. The discretion of industry-employed professionals determines the extent of consideration of non-timber values. The results are as clear as they are unsurprising: non-timber values are treated in both regulation and in practice as secondary to timber values even in areas with a recognized concentration of outdoor recreation opportunities and uses.
3. When it comes to protecting the non-timber values of BC's forests, professional reliance actually depends on volunteer reliance. It is unpaid local volunteers who must spend hundreds of hours identifying, defining, documenting, and mapping non-timber values. It is volunteers who must advocate for non-timber values to forestry professionals who are primarily accountable to their companies or clients for timber supply. And in spite of these efforts, volunteer reliance consistently fails due to the systemic disempowerment of local stakeholders under the current PR model and related Ministry practices.
4. Ironically, representatives of private property owners can now find themselves arguing directly with First Nation license holders for the preservation of non-timber values on Crown lands. These are First Nations who may be actively and aggressively harvesting in their claimed traditional territory. To society's peril, this potential for social conflict has been ignored by the provincial government, and in the Ministry's licensing decisions and processes.
5. Every year APOA has asked for, and never received, a clear, data driven long-term forest management plan for our area. Such a plan would take into consideration wildfire risk reduction and the area's substantial economic and social values as a recreation and tourism area. That long-term planning for a very small but economically important recreation area has not been undertaken under PR is ample evidence of the short-term thinking and planning that the current PR model fosters.
6. We appreciate the consultation efforts that have occurred. However, every year we are told that with four license holders in an apparent race for the same profitable timber there is not, and never will be, a coherent, predictable medium-term (let alone long-term) harvest plan for our area. Our experience provides clear evidence that PR does not work when professionals are representing competing forest companies, each of whom have their own independent timber supply/harvest objectives. They appear to be operating almost independently, each targeting preferred harvest areas, each seeking to optimize their return from the limited and ever-reducing stocks of commercially attractive timber. Under these conditions it is no surprise that long-term planning is unavailable to them. The result is clear. Non-timber and public-interest objectives fall to the wayside when forest licensees compete for locally-limited timber supplies.
7. Wildfire risk mitigation in urban-forest interfaces is completely ignored within the current PR model. In spite of APOA's repeated attempts to do so, there has been no meaningful discussion with either MLFNRO or industry, let alone progress, in advancing overall wildfire risk reduction strategies for our homes, the resort infrastructure, and the attendant recreation assets/values. The only apparent strategy is to reduce fuel levels by maximizing short-term clearcutting while disregarding any attempts to discuss the long-term value of

patch, group selection, or other possible harvesting methods at the village-forest interface and elsewhere. Within the current PR framework there appears to be no mechanism to deliver a more diverse age class forest structure plan, which MFLNRO's external policy advisors have openly advocated as a means of reducing catastrophic fire risk. This is a major shortcoming of both the current PR model and Ministry land use policy.

RECOMMENDATIONS

Economic return is obviously vital in harvesting activities, but one industry cannot continue to dominate the provincial landscape and define the public interest. It is time to achieve adequate recognition and maintenance of the many non-timber values of B.C.'s forests. In recreation areas such as the Apex Intensive Recreation Area, financial returns from harvesting must not take precedence over retention and enhancement of the area's recreation and tourism values. These are the more important contributors to the area's long-term economic and social success.

A truly viable forestry resource governance model must take into account issues specific to outdoor recreation areas. The APOA recommends the following issues be addressed:

1. The visual impact of harvesting on tourism must be properly considered. Modern, science-based studies of the public's response and acceptance of cut block size, placement, and design must be paramount. Studies and reports such as "Predicting the Visual Impacts of Retention Cutting" (written by the BC Forest Practices Branch) and "Clearcutting and Visual Quality – A Public Perception Study" (a 1996 BC and Canadian Government study) should be considered as well as the regulatory constraints already in place via the OS-LRMP.
2. The status of strategic land use plans such as the OS-LRMP needs serious review. APOA understands that in 2006 the BC Government formally revoked "official" status of such plans as land use policy direction. This is a major shortcoming as it potentially leaves land use policy in local areas to be determined by licensed professionals without proper (i.e. interactive) consultation necessary to ensure achievement of diverse public interest recreation, tourism, and conservation objectives.
3. Public input must be continuous and meaningful. While Forest Stewardship Plans (FSPs) of licensees may partially fill the gap left by abandoning LRMPs, public input opportunities are limited and technically daunting to access. For example, the harvest planning maps provided by industry during public forums and local stakeholder meetings are frequently unreadable to the public, even those intimately familiar with the area. This is certainly true of many FSPs where complex maps of large areas are presented at difficult to read scales.
4. There is a systemic lack of meaningful communication and interaction between licensees and the public. Correcting this flaw is critical. Licensed professionals appear to be able to pick and choose which, if any, aspects of previous land use plans apply. This appears to assign both excessive scope and excessive responsibility to forest professionals to determine the public interest. It also appears unfair to the public as it leaves excessive opportunity for legitimate public interests to be ignored. Government must restore clear and appropriate (i.e. enforceable) legal status to existing strategic plans and make provision for their ongoing update. If the "public interest" is to be properly defined and delivered then we must prepare and agree to suitable long-term plans, particularly in areas of known land use conflicts.

5. Current FSPs are inadequate as exclusive statement of public interest in governing harvesting. In alpine recreation areas such as Apex it is not sufficient to simply try to “accommodate” a few predefined and highly specific recreation values (such as officially recognized hiking trails) when recreation use such as snowshoeing is expanding. Reduction “where practicable” of the negative impact of harvesting is simply not enough. Society and the economy is best served if harvesting (and forest management in general) enhances and improves the area’s recreation and tourism scenic value and potential.
6. As the Mountain Pine Beetle outbreak has shown, having a monolithic forest profile can lead to very poor forest-health outcomes. A main concern in key recreation areas is not, as some have suggested, to mimic historic catastrophic natural fires by clearcutting large areas. An area capable of supporting a range of outdoor recreation/tourism values and opportunities for future generations requires a more age-diversified forest.
7. A key attraction to Apex Village is that it is surrounded by forest. Therefore, appropriate wildfire risk reduction must be part of any future forest governance plan for areas such as Apex. This should include Apex Village, the Resort’s ski lifts and facilities, Nickel Plate Nordic Centre Lodge and trail system, and the key access roads to the village and Nickel Plate.
8. Conflict between motorized and non-motorized recreation is a well-known and ongoing issue in the BC backcountry, and the Apex alpine is no exception. Harvesting activity typically includes access road construction and this can significantly change recreation use of both harvested and adjacent areas. For example, new roads and clearcuts often enable uncontrolled motorized vehicle access to areas originally used exclusively for non-motorized recreation. Therefore, both short-term and long-term harvest plans must be integrated with existing or nascent plans that define current and long-term commercial and non-commercial recreation and conservation interests.
9. Ever-increasing motorized recreation uses enabled by forest harvesting activities clearly requires commensurate management and control efforts.
10. Planning for any logging activity in an established recreation area such as surrounds Nickel Plate Nordic Center must understand and eliminate all the negative impacts the logging will have. Not just on riparian areas and watersheds, but also on the recreation activities themselves. When clearcutting adjacent or within the trail system it is not sufficient to leave a few trees standing beside the trails. Even that minimum effort at protecting the trail system has not been done in many cases. Clearcutting has already had significant long-term negative impacts on the Nickel Plate ski trail system, and these impacts will remain in place for many decades. To put it succinctly, in this high alpine area every poorly planned clearcut negatively impacts an entire generation of skiers because of inherently slow regeneration rates.
11. The incompatible time scales of recreation use and harvesting must be considered in all harvest plans. Every clearcut adjacent to and within a recreation area can and does prevent future expansion and growth of forest-oriented recreational activity. From a recreation user’s perspective, it can take 40-50 years for a clearcut to start looking like, and acting like, a mature forest again. A harvest decision made today does not stop constraining forest-oriented recreation until 2070 at the earliest. ***Can a professional forester predict the needs of commercial and recreational outdoor sports in the year 2070?***

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