

Submission to Professional Reliance Review

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Preamble

Thank you for taking the initiative to review the effectiveness of professional reliance in protecting the public interest in our natural resources.

The Friends and Residents of the North Fork (FRNF) is a volunteer, grassroots organization of citizens living in Grand Forks, BC with a focus on stewarding the surrounding forest ecosystems and the wildlife they support. We have no staff and no budget.

We fully support the insights and comments made by Briony Penn in her submission to the review (<http://engage.gov.bc.ca/app/uploads/sites/272/2018/01/Briony-Penn.pdf>). In her submission, Penn offers many examples of the failure of professional reliance. We are adding one further example based on our experience with excessive road density in the habitat of the threatened Kettle-Granby Grizzly.

Failure of Professional Reliance to Protect the Kettle-Granby Grizzly Bear Habitat

Briefly, the key points are:

- The Kettle-Granby Grizzly is one of nine threatened grizzly bear populations in the province.
- Road density beyond a certain threshold is harmful to grizzlies. Professional grizzly bear biologists (including those working for government) agree that this threshold is 0.6 kilometres of road per square kilometre of habitat.
- Government is aware of this threshold but did not include it as a legal requirement when establishing General Wildlife Measures in the GAR Order for the Kettle-Granby Grizzly Wildlife Habitat Area (WHA) in 2010, even though road density was far in excess of this threshold. At the time, government expressed concern that “as long as meaningful measures are not in place to deal with road access/density issues, grizzly bears will be at significant risk”. (This is a direct quote from the GAR Order).¹
- Instead, government included “recommended targets” in an appendix to the GAR Order and relied upon professionals working for forest licensees (i.e., industry and BC Timber Sales) to limit road density in their logging plans
- Road density continued to increase.

¹ http://www.env.gov.bc.ca/wld/documents/wha/URAR_8-373_Ord.pdf, page 8.

In 2015, FRNF filed a complaint with the Forest Practices Board (FPB) about excessive road density in the WHA. The FPB released its report in August 2017 and it is available here:

<https://www.bcfpb.ca/news-resources/news-releases/forestry-roads-risk-grizzly-bears-kettle-granby/>

Please read the FPB report in full as it is an essential part of our submission. Among other findings, the report points to the failure of professional reliance to limit road density in the WHA:

“As the Board has stated previously, the lack of approval discretion for district managers makes the implementation of any guidance in the non-legal realm dependent upon professional reliance and the responsibility of the licence holder. In this instance, this approach has failed. Given the current regulatory structure, we believe that road density standards have been ineffective in this situation because they are outside a legal framework.”

As pointed out in the FPB Report, industry and BCTS did not adhere to these recommended guidelines due to the very fact that they were “recommended” and not regulatory.

Professional reliance failed to protect the habitat of the Kettle-Granby grizzly and is continuing to fail the grizzly. Forest licensees are not adhering to the targets and government is not enforcing them. BC Timber Sales has just released Operating Plan 13, which includes construction of more roads in this WHA and large cutblocks immediately adjacent to the Gladstone Provincial Park – a park set aside to protect the bear².

Conclusion

It is our view that government has completely abdicated its responsibility to the public by failing to put legal requirements in place to limit road density to the threshold levels established by grizzly bear biologists. The failure of professional reliance continues to put the Kettle-Granby Grizzly at risk.

² See https://www.for.gov.bc.ca/ftp/TKO/external/!publish/FSP/Operating-Plans/Operating-Plan-13-Boundary/Maps/BFT_Operating_Plan_13_Map%2011X17_Lynch.pdf