



Glade Watershed Protection Society

...drinking Glade water since 1911

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Professional Reliance Review Submission

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INTRODUCTION

Our watershed, Glade Creek, is one of the few in the Kootenays that does not have extensive roads and/or resource development. It supplies 90% of the community water for the Glade Community. Glade was settled in 1911 and was originally a Doukhobor community.

Unfortunately the Glade watershed has been divided in half, with the top half of the watershed allocated to Atco Wood Products (ATCO) in Fruitvale and the bottom half allocated to Kalesnikoff Lumber Company in Thrums (KLC). There is no watershed plan in place that coordinates the activities of the two companies in ways that protect water or other important ecological services, like carbon sequestration and storage, and biological diversity.

We are stewards and stakeholders of the Glade Creek Watershed, members of the public, and invested members of the Glade Watershed Protection Society (GWPS). We welcome the opportunity to contribute our experience of PR for the government review. For almost three years now, we have been trying to divert the path of imposed and proposed logging in our watershed.

Ending self-regulation: the precedence of the Real Estate Industry

Real Estate Industry: The 'privilege' of self-regulation

In 2016 the Liberal government ended self-regulation in the real estate industry, stating that they wanted to strengthen consumer protection and that they would “overhaul governance, oversight, transparency and accountability of the sector.”¹ Premier Christy Clark stated at the time that self-regulation was a “privilege”. Self-regulation as it was called in 2016 when the real estate industry was stripped of that power, and ‘professional reliance’ as it is called in 2017 with the resource extraction industry, are one and the same. If it is a ‘privilege’, then it can also be revoked.

If the public were polled, the verdict from the citizens of BC would likely be that Professional Reliance does not serve the public interest. In Glade’s experienced opinion, it has not served our community either. The model of professional reliance is failing the public in many ways, some of which are detailed below.

Conflict of Interest, Perceived or Otherwise

Although the public is being assured that these registered professionals, Registered Professional Foresters (RPFs), hydrologists, biologists, terrain specialists etc. are free from bias, it is simply difficult to believe - especially as there have been cases in BC where it has not been born out in actuality.

An opinion letter penned by the Interior Lumber Manufacturer’s Association (ILMA) spoke for the RPFs when they stated “Even the suggestion that their professional responsibilities are compromised because they work for a wood products company is, quite simply, offensive to them.”² The RPFs, although supposed to working for the public good are company people: they represent the company, they give interviews for the company, speak for the company, defend the company, are the contact person for the company, and they follow company cost-saving policies. Maybe it is ‘offensive’ to BC citizens that the professional responsibilities of RPFs appear to be compromised by a conflict of interest.

The registered professional who completed the Glade Creek hydrogeomorphic assessment stated in a public presentation “I don’t want anybody in this room to think somehow that I am aligned with any forest company; they are just paying for my work.” They continued that they “had to make a living” and that they “had to eat”.³ Obviously, the ties to the employer are strong and vitally important.

If the professional is dependent upon being rehired by that company, there has to be some sort of alignment with the employer, in this case, private industry logging companies. In the Kootenays, a hydrologist works on different plans with the same logging company - so there is an ongoing working relationship with a specific employer. This appears to be a valid conflict of interest.

¹ <https://news.gov.bc.ca/releases/2016PREM0074-001180>

² Nov2017.Nelson Star. <http://www.nelsonstar.com/opinion/column-logging-in-watersheds-nelson-area-logging-companies-weigh-in/>

³ Transcript, public presentation, Glade Hall Feb2016

There are other things that suggest a conflict of interest: for example, the hydrologist hired by KLC had their thesis funded in part by KLC and Tembec: “This work was funded in part by Tembec Industries, Kalesnikoff Lumber Co. Ltd.,”⁴

The CEO of ILMA agreed at a recent regional meeting that there is ‘no watershed too fragile to log’. This superior belief in their capabilities under any circumstances demonstrates a lack of balance. It also exemplifies the priority of timber over any non-timber value.

Quite often, the values of the employer are mirrored by the employee as this hydrologist’s quote demonstrates: “Risks to aquatic values exist regardless of forest development. Therefore, such development should not automatically be excluded from areas of higher risk. In these cases forest managers can adapt management practices to reduce the potential hazards associated with development.”⁵

All of the protestations and reassurances do nothing to assure the public that professionals are working free from conflict of interest - even the most independent professional is client-bound because their income is based on their continued employment in the resource industry.

Myths of Professional Reliance

Myth: RPF’s are like many other industry professionals and there is nothing to be concerned about

There are attempts to placate the public with the ‘fact’ that RPF’s are just like many other professionals and that there is really nothing to be concerned about. The CEO of the *Association of BC Forest Professionals (ABCFP)*, Christine Gelowitz states “Professional reliance is commonplace in our society. We rely on the judgement and advice of our doctor when we have to address a health concern. Each time we drive over a bridge we are relying on the knowledge, expertise, and experience of an engineer.”⁶

Most BC citizens can see that these examples are *not* the same as RPFs working under the professional reliance management model, despite Ms. Gelowitz’s attempts to make us think so. Unlike the forest professional, the doctor and the engineer are not working for a private business whose aim is to ensure private profit.

Myth: Reports are peer reviewed, ensuring another layer of objectivity

According to the *Association of BC Forest Professionals* this is an example of how peer reviews work:

A forest professional prepares a forest harvesting prescription for an area.
Prior to submitting the harvest prescription for implementation, the forest professional arranges for the prescription to be peer reviewed by another qualified professional.

In the case of Glade Creek, only one of three reports was peer reviewed. The Terrain Stability assessment⁷ was peer reviewed by a hydrologist, both of whom are employed by KLC.

⁴ A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of The Faculty of Graduate and Postdoctoral Studies (Forestry) The University of British Columbia, (Vancouver), December 2013

⁵ Streamline Watershed Management Bulletin Vol. 8/No. 2 Spring 2005. A Qualitative Hydro-Geomorphologic Risk Analysis for British Columbia’s Interior Watersheds: A Discussion Paper

⁶ (http://abcfp.ca/web/ABCfp/About_Us/Governance/Professional-Reliance/ABCfp/Governance/Professional-Reliance.aspx?hkey=1f1c4d40-c9f7-483a-ba1a-5ca6f0362455)

⁷ Terrain Stability/Road Drainage Site Review/Powerline Road Deactivation.Glade Creek Area 11/11/2016

The fact that the author of the Terrain report and the hydrologist, the reviewer, are husband and wife rather strains the concept of 'peer review'.

Myth: Oversight and monitoring exist

In the results-based professional reliance management model used for forests, the government also provides oversight through its compliance and enforcement program... An independent watchdog, the Forest Practices Board, investigates complaints from the public as well as conducting special investigations and reviews...⁸

It should be noted that the government currently provides almost no oversight through its compliance and enforcement program and they rarely conduct investigations. When they do it is after the damage has occurred – it is mitigation, not prevention. By then, of course, it is too late.

The FPB does investigate complaints and provides guidance to the industry and Ministry through its many reports. However, the FPB has no power to enforce any meaningful change, and even less when it comes to non-timber values.

The following reveals another myth: "Every citizen of B.C. can be confident that ...the professionals relied upon to undertake the work, are leading to sustainably managed forests in B.C."⁹

BC forests are not being managed for sustainability – they are being managed for profit, and professionals in the system are supporting that management.

Myth: Forest professionals can be held accountable

The added element to professional reliance is that while we rely on the work of the professional we can also hold them individually accountable for their work. The professional cannot switch jobs, move, or otherwise avoid accountability...¹⁰

Although the industry and the government maintain that the professionals can be held accountable for their actions, we have seen no evidence of that in the province of BC or locally. Of the few cases of complaints brought against particular RPFs or other professionals, we know that their respective Associations strive to protect aggressively. So accountability of professionals is an illusion to make the professional reliance model more agreeable to the public.

Professional Reliance and Professional Assessments

Logging companies do not have to hire professionals like hydrologists, and when they do, they do not have to take their advice. Why do it then? It is likely done to lend the concept of science to their plans, a piece of 'due diligence', or to persuade the public that everything is okay because they have a 'back up' professional opinion. Or perhaps, all of the above.

In Glade, our experience has been that the professional completes the work as far as the company's dollars and specifications stretch, and reports with definitive conclusions are completed even when data is almost nonexistent.

⁸ *Opinion: Bringing Public Confidence to B.C.'s Forest Management* Christine Gelowitz <http://vancouversun.com/opinion/op-ed/opinion-bringing-public-confidence-to-b-c-s-forest-management> Oct2017

⁹ *Ibid.*

¹⁰ http://abcfp.ca/web/ABCFP/About_Us/Governance/Professional-Reliance/ABCFP/Governance/Professional-Reliance.aspx?hkey=1f1c4d40-c9f7-483a-ba1a-5ca6f0362455

The Timber Company Decides if the Professional Report is Adequate:

The Glade hydrogeomorphic Apex report extrapolated landslide risk based on certain factors. In April of 2017 community members discovered a large slide that runs down to our creek. Through no fault of the professional, this slide was not included in the completed report, but now the predictions are out of date. We brought it to the timber company's attention. The RPF's response was that the Apex report is 'good for 10 years'. So the RPF made the decision to accept the assessment, even with outdated landslide data and faulty predictions known to them.

Assessments can Lack Significant Data and Still be Okay

In Glade, we authored a 22 page discussion paper of concerns relating to the Apex¹¹ and the two Terrain Stability reports. This paper has been forwarded (July 2017) to the Honourable John Horgan, MLA Andrew Weaver, Honourable George Heyman, Honourable Doug Donaldson, MLA Katrine Conroy, and MP Richard Cannings. To date, we have not received a response from any of these offices.

Our paper describes in detail the points of concern below:

- The Apex report does not meet its own objectives
- The report does not meet the FSP objectives and FRPA objectives set out by the company
- The report does not consider any road building, and considers only one cut block, even though the Assessment premise is to 'determine hydrogeomorphic risks' associated with 'proposed forest development'
- The report was done at the least suitable time of year for water observation, and the field survey was minimal
- Turbidity data, a documented concern in the Glade Creek water, is minimized in the report
- The lack of discharge data on Glade Creek severely limits the scope of the report. The professional author states that the following cannot be determined due to lack of relevant data:
 - the assessment could not determine flood hazards
 - the assessment could not comment on how climate change could affect flood frequency
 - the assessment could not quantify the hazard of runoff timing changes, and
 - the assessment could not correlate turbidity with characteristics of the flow regime in Glade Creek.
- Snow accumulation in clear cut blocks and rain on snow events are minimized
- Slope gradient data is minimized
- Impending and current climate change disruptions were not addressed adequately
- Flood data is incomplete

However, the lack of data did not hinder the professional in making recommendations to the licensees. Simply because it is a product of the professional reliance management system, the assessment stands on its own merits regardless of deficiencies.

¹¹ *Glade Creek Hydrogeomorphic Assessment. Apex Geoscience Consultants Ltd., Apex File HA-15-KL-02, Feb/16*
 Submission Provincial Review of Professional Reliance **Glade Watershed Protection Society**
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The community of Glade began their own water monitoring early 2017, to establish data lacking in the Apex report. Since without discharge gauging almost no concise information can be forecast, the community suggested to the logging companies that when sufficient data has been accumulated, the assessment could be completed appropriately. One licensee stated simply that while water monitoring data was welcome, they would be carrying on with the proposed logging as planned, regardless of gaps in the Apex report. Again, the assessment, supported by professional reliance, stands on its own merits regardless of deficiencies and deficits.

Professional Assessments are Limited by Employer Funds and Parameters

The concerns in regard to assessments include the fact that the professionals can only do work that is in the financial scope and specific requests of the employer.

For example, one of the Terrain Stability reports¹² was completed by a professional on only 735m of a 2.4 km road because that was the only terrain that Atco deemed to be potentially problematic. No other proposed roads were reviewed, including any proposed within the block. Atco did not review any existing problems areas and have not shared deactivation plans for older roads.

So it is not the professionals who are looking at the whole road system and determining if there are terrain issues, it is the logging company that are telling the professionals to consider issues that they have decided needs assessment, even though they might not be qualified to determine that.

The other Terrain Report¹³ was commissioned by KLC to examine road stability concerns, among them specifically whether a flat-over-steep assessment was required for proposed roads, including one that traverses proposed block 66-4.

The terrain specialist answered simply: the “road... does drain towards Glade Creek... the steep slope is separated from Glade Creek by a large flat...construction of this road will not increase the likelihood of landslide initiation.”¹⁴

The Glade community commissioned *Silva Ecosystems Consultants Ltd* to look at the proposed KLC blocks. In a 34 page report *Initial Report Proposed Logging in Glade Creek Watershed June 23, 2017* Herb Hammond says specifically of block 66-4:

Figure 17: This image shows another section of the proposed cut block boundary for CP 66 – 4 that is located on a steep slope in moderately gullied terrain well below a natural slope break shown in the foreground... this proposed block boundary increases the risk to water and the integrity of Glade Creek.

The community of Glade has concerns about that specific block and road, due to slope steepness, predicted snow accumulation; it’s location above Glade Creek, and danger of landslide. During a field trip with the RPF representing KLC, the community members expressed this concern.

Our arguments were a non-issue - KLC wants to log that slope, and is supported in that endeavor by their paid professional’s Terrain assessment. When the Glade Watershed Protection Society brought forward formal

¹² *Terrain Stability Assessment North Glade Creek, Road R10-1 (X Geotechnical Services, Jan2016)*

¹³ *Terrain Stability/Road Drainage Site Review/Powerline Road Deactivation.Glade Creek Area P.Geo, L.Eng. 11/11/2016*

¹⁴ *Ibid.*

objections to the lack of caution in the professional Terrain Stability report, the response from the RPF was that we were expressing criticism, and our 'criticism' was essentially rejected.

"We currently have ...terrain level C mapping completed ... for Kalesnikoff's operating area within the watershed. ...your criticism of (the professional's) work probably makes his assessment of little value to you".¹⁵

If these professional reports were actually used as the scientific document that they purport to be, the public has to wonder why the employer - the timber company - is not concerned that there are so many deficiencies in the reports. Why doesn't it matter that these reports are lacking data or outdated?

The answer is likely because the report itself is unimportant – it is only the idea that a report has been completed that is important. Assessments can be used when it suits the company's needs and goals, and ignored when it doesn't. These 'independent' reports are bound by their employer's funding and by the constraints that are prescribed to them by their employer. They are reports done to their employer's specs – here the industry is not relying on the professional's opinion as a guide, they are prescribing the reports to fit their industry's current requirements.

Professional Reliance Accepts Assessments with Shortcomings

Professional assessments have limitations when they omit data, including recent events like the slide in the Glade watershed in spring 2017. As part of the industry model of 'professional reliance', these assessments are supposed to be an example of the professional work that the licensees and the Ministry can rely on to provide guidance in their timber extraction development.

That being the case, the Glade Community felt that the information in these professional assessments needed to be extensively investigated, updated, and reassessed using new proposed cut block data, new slide event information, the missing historical flood information, and relevant scientific research.

However, despite all of our arguments and discussions about data, despite the fact that other professionals have stated there are differing opinions, the management model of professional reliance allows the timber companies to state that these reports are good for 10 years and that they are reports done by professionals who are above reproach. No second opinion is needed or considered.

Professional Reliance: if at first it doesn't work, try, try again

Laird Creek, logged, damaged and will be logged again: In Laird Creek a landslide occurred that all parties agree was caused by the logging company, BCTS. "The May 2011 landslide deposited about 2,000 cubic meters of mud, gravel, rock, and trees into Laird Creek, making the water undrinkable...Over 100 people who draw water from the creek relied on bottled water for a few months following the slide and again last spring after erosion from the slide deposited sediment into the creek."¹⁶

This area is once again slated for logging. A resident said that "After the slide, we were told that BCTS had no plans to do more logging in Laird Creek for perhaps 20 years. That was our understanding. They then re-contoured the problematic 4+ km of road. Cooper Creek Cedar has now indicated they want to re-open.

¹⁵ KLC emailJul2017

¹⁶ <http://www.nelsonstar.com/news/188947921.html>

There was a meeting, called by CCC, a sort of "open house" that wasn't, at the Balfour Hall on Oct. 24th, to introduce their (very) broad plans for cutting in the Laird Creek drainage. The reception by the people attending was rather negative. I think this was partly in response to CCC Woodlands Manager presenting maps showing total chance style blocks with no details re: actual area or prescriptions. Past history with the land slide contributed as well."

So here is a community that actually cautioned the professionals and BCTS about the development plan exactly because they were concerned about damage to their water system. Then significant, long term damage occurred. Now it has been passed on to another licensee that will bring in another professional to tell them it is alright to log. It beggars belief – this is the management model of professional reliance at work, underpinned by the absence of water rights.

It lends credence to the idea that the professional reliance model is just a prop, meant to obscure the real goal: logging for financial gain without thought to non-timber values.

And what about the Professionals themselves?

We have spoken to professionals about their challenges within the industry, albeit 'off the record' because none of them want to have their name known to potential employers, i.e. the timber companies. Some spoke about the faults in the system and the government's faulty AAC, and how difficult it is to act ethically when the government says there should be X amount of timber in the forest, and they get into the forest and they find that amount is overstated and incorrect – and yet their employer is expecting them to 'find' that X amount of timber on the landscape.

Briony Penn relates in an article¹⁷ how professionals are compromised in a closed system:

The lack of trust pervades ... Few professionals are willing to talk openly. But, under protection of anonymity, they told ... of the many problems: "expert shopping"; clear conflicts of interest, but no way to address it; lack of checks and balances; loss of expertise in government; lack of confidence in government monitoring; problems with independent monitoring; lack of confidence in the disciplinary process of professional associations; reduced formal public involvement; greater user conflicts; no one out in the field who knows what is going on; filtering of information by proponents; too many grey areas; inexperienced crews operating; cavalier approach to risk...and the list goes on.

With the professional reliance model no longer being tied to the public interest, many professionals found it intolerable to work in an environment in which the term "stewardship" has largely been stripped out of their duties.

Recommendations for Changes

In their *Professional Reliance Review Submission*, the Forest Practices Board states that they have "made dozens of recommendations to government aimed at improving the Forest and Range Practices Act (FRPA) and encouraging public confidence in the stewardship of BC's forest resource.... Government has said it accepts almost all of the recommendations...While many "soft" improvements have occurred...there are many recommendations where government promised to look into issues and carry out follow-up work, but there is little evidence that has actually happened." ¹⁸

¹⁷ New government will review "professional reliance" <http://www.focusonvictoria.ca/septoct-2017/new-government-will-review-professional-reliance-r11/> Briony Penn September 7, 2017

¹⁸ <https://www.bcfpb.ca/.../special-report-opportunities-improv.../>

The FPB presented five areas that needed improvement with our comments:

- **Strengthen managerial control to exercise discretion over the issuance of cutting and road permits:** Currently the District manager provides a ‘rubber stamp’ service to timber company plans. In our experience, the Ministry of Forests has been completely supportive of all logging plans, actions and discussions to date. There needs to be public and/or objective oversight with the power to implement substantial changes.
- **Strengthen public engagement by establishing a process for public review and comment on planned roads and cutblocks.** Currently public consultation has to be ‘considered’ only when Forest Stewardship Plan (FSP) is released. The FSP is a general landscape level plan that contains no detail in regards to actual planned logging activity.
In addition, logging companies in our area, including the Interior Lumber Manufacturer’s Association (ILMA) CEO stated at a regional meeting (Sept 2017) that they do not like holding community meetings and choose not to, instead preferring field trips. The ATCO representative stated the same. Community meetings allow everyone to participate *before* blocks are planned, while field trips allow very few people to attend and are done after roads and cut blocks are laid out, making community commenting almost moot. Public consultation needs to be mandatory and with prescribed parameters.
- **Strengthen FRPA’s requirements for protection of drinking water from forest and range activities...** Currently, there is almost no protection for water sources, because all objectives only "apply to the extent that it does not unduly reduce the supply of timber from British Columbia's forests."¹⁹ This needs to change.
- **Promote transparency by making public all penalty determinations under FRPA and the Wildfire Act.** After having researched a number of cases and fines, we found that any penalties are insignificant and then are often appealed successfully, costing taxpayer money to protect private interests. Sometimes charges are not even brought, as in the Mount Polley farce.
- **Enact legal tools and establish strategic objectives for access management across natural resource sectors and continue to create and maintain updated information on resource roads.** By the timber company’s own statements, access roads are a huge concern on a large number of levels. Among some of our concerns are increased sedimentation, landslides, sloughs, illegal dumping, increased motorized access, increased hunting, increased fire danger, wildlife fragmentation, etc. Perhaps if logging companies had to pay for their own access roads and bridge maintenance there would be fewer roads. In addition, there should be *continual* monitoring of any roads, not just an annual visit by an industry employee. If these roads were deactivated after logging it would be a huge step forward.
 - In the fall of this year, the Auditor General’s office released a report on the management of grizzlies in BC. It stated that “We did find that the greatest risk to grizzly bears... the degradation of grizzly bear habitat” through “the expansion of development in oil and gas, forestry and human settlement... increase in resource roads—600,000 kms existing and more added every year—also leads to more human-bear conflict, and ultimately, grizzly bear deaths.”²⁰

¹⁹Forest and Range Practices Act, Forest Planning & Practices Regulation

²⁰ Auditor General’s Report <http://www.bcauditor.com/pubs/2017/independent-audit-grizzly-bear-management>

Conclusion: What is left?

Our opinion from three years of experiencing the professional reliance model is that it needs changing or revoking, for the many reasons that many citizens and professionals alike have cited:

- Conflict of interest
- The interest of the public is not coming first
- Professional reliance is used as a prop for private resource extraction companies to hide behind
- Private companies determine how professional assessments will be completed
- Professional assessments can lack significant data and still be acceptable

The purpose of the GWPS is to protect the ecosystem of the Glade watershed, including maintaining current water quality, quantity, and timing of flow, while influencing the watershed processes to restore historical, natural levels of water quality, quantity, and timing of flow, and by consequence, to provide for the health and wellbeing of the Glade community. The value that the forest adds to the health and welfare of all life is paramount and how we care for the elements of nature that provide us with these benefits should be foremost in our actions.

After all is said and done, what are we left with? We are hoping, as many stakeholders and citizens of BC are, that the NDP will correct some of the many oversights occurring in our province in relation to biodiversity, resource extraction, wildlife protection, habitat preservation and the protection of our water.

Thank you,
Glade Watershed Protection Society