



PRIVATE
MANAGED
FOREST LAND
COUNCIL

2006/07 ANNUAL REPORT

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Honourable Pat Bell
Ministry of Agriculture and Lands
PO Box 9043, Stn. Prov. Govt.
Victoria, BC V8W 9E2

Dear Minister:

With pleasure, I submit the annual report of the Private Managed Forest Land Council. The report contains information regarding the Council's functions and activities for the period April 1, 2006 to March 31, 2007.

Yours sincerely,



Trevor Swan
Chair

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INTRODUCTION

The Private Managed Forest Land Council (Council) is an independent agency established under the *Private Managed Forest Land Act* (Act). The Act was passed in November 2003 by the BC Legislature. The Act and associated regulations were fully implemented by August 2004.

The Private Managed Forest Land Council was established in May 2004 to administer the forest practices component of the Managed Forest Program, which includes the protection of key public environmental values on private managed forestland.

Key public environmental values are:

- fish habitat
- water quality
- critical wildlife habitat
- soil conservation

This is the third annual report period of the Council. The reporting period is April 1, 2006 to March 31, 2007. This report contains information the Council considers relevant to the fulfillment of its objective and the exercise of its powers and performance of its functions and duties under the Act.

COUNCIL OVERVIEW

The Council is a partnership comprised of representatives from government and managed forest landowners:

- a chair who is jointly appointed by the four members of Council for a three-year term;
- two owner members elected for a two year term by the private managed forest landowners; and
- two members appointed by the Minister responsible for the administration of the Act.

Two new council members took office in 2006.

Owner Members:

The two-year term for owner council members ended on June 20, 2006. Accordingly, a call for nominations for two owner member council positions was sent to all Managed Forest owners on March 6, 2006. The deadline for nominations was April 14, 2006.

Two nominations were received. Both nominees meet the criteria specified in the *Private Managed Forest Land Act* and the Council bylaws. As there were only two nominees and both met the requirements for election, the nominees were deemed elected by acclamation. The elected owner members of the Private Managed Forest Land Council were William Pryhitko, Managed Forest 38, and James Trebett, Managed Forest 93. Their two-year terms will end June 2008.

Minister Appointments:

An opportunity for ministerial appointments to Council was posted on the government Board Resourcing and Development Office (BRDO) website. The Minister of Agriculture and Lands, the Honourable Pat Bell, announced these appointments on August 10, 2006.

Rod Davis, a council member for 2004-2006, was reappointed for a three-year term ending September 2009. Ronald Davis was appointed for a one-year term ending August 2007.

2006-07 Council

Trevor Swan, *Chair*. Mr. Swan is a lawyer and professional forester. During his career in the forest sector, he has gained coastal and interior experience with both industry and government. He has extensive experience in drafting forestry legislation, including the *Private Managed Forest Land Act*. In the mid 1990s he was Director of Compliance and Enforcement Branch, Ministry of Forests. Mr. Swan has a forestry degree from the University of British Columbia, and a law degree from the University of Alberta. He has been Council chair since August 2004. He currently operates a consulting firm, Common Ground Forestry, in Mill Bay on Vancouver Island.

Rod Davis, *Minister's appointee*. Mr. Rod Davis retired from his position of Director of the Ecosystems Branch, Ministry of Environment in 2006. His experience includes work in forest and range practices, land use planning, environmental protection, and natural resources inventory. Mr. Davis was raised on a farm in the southern interior of BC and has lived and worked in the north, southern interior, and coastal regions of the province. He has been a Council member since July 2004. Mr. Davis is a registered professional agrologist and resides in Victoria.

Ron Davis, *Minister's appointee*. Mr. Ron Davis graduated in Civil Engineering from UBC in 1971 and began his career with the BC Forest Service after graduation. He became a Professional Engineer in 1973, and in his 35 years with the Forest Service, he worked in all facets of forest roads engineering, culminating in his becoming the Chief Engineer for the BC Ministry of Forests and Range in 2001. He received an Award of Excellence in Forest Engineering from the Foresters' and Engineers' Associations in 2004 for his work in legislation, regulations, standards and procedures related to forest roads, and looks forward to applying his expertise to private managed forestland. He was appointed to Council in August 2006. Mr. Davis lives in Victoria, having retired from the provincial government in May 2006.

Will Pryhitko, *Owners' representative*. Mr. Pryhitko has worked for Beaumont Timber Company since 1984. He became Vice-President in 1995, and has been President and Chief Executive officer since 1999. He has been involved extensively with local, provincial and federal governments on a broad range of issues related to private forestland and has worked closely with the BC provincial government and forest owners throughout the development and implementation of the Private Land Forest Practices Regulation. Mr. Pryhitko has been a Council member since July 2004. He lives and works in Fruitvale, in BC's southern interior.

Jim Trebett, *Owners' representative*. Mr. Trebett began in his career in forestry during high school and university where he worked in the woods for B.S. & W. and H.R. MacMillan as a wood splitter, chokerman and later as surveyor on timber cruising and engineering. After graduating from UBC, he worked as engineering helper at MacMillan Bloedel in Franklin River and later as an Engineer. Mr. Trebett went on to be the division manager at Northwest Bay, Port Hardy, Wakeman Sound and Franklin River and in 1967 was promoted to Regional Logging manager in Nanaimo. In 1976, he joined the forestry consulting firm Sterling Wood Group as a partner and specialized in forest engineering, forest valuation and forestry problem solving. Mr. Trebett owns a managed forest at Cedar. He was elected to Council in June 2006. Mr. Trebett lives in Nanaimo.

The Council's objective is to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices.

COUNCIL FUNCTIONS AND ACTIVITIES

In keeping with its objective the Council is responsible for the administration of private managed forestland legislation. This includes four broad functions:

1. Strategic planning, reporting, program administration;
2. Set and monitor forest practices standards for managed forest class land;
3. Enforce standards, and perform audits; and
4. Review landowner applications to enter managed forest class.

Highlights of the 2006-2007 council activities are summarised with respect to the four broad functions in the following table.

Function	Related Activities
1. Strategic planning, reporting, program administration	<ul style="list-style-type: none"> • Responsible for all administrative functions respecting the forest practices component of the Managed Forest Program. • Held ten formal council meetings during the year. • Established an operating budget, and assessed \$ 320,784 annual administration fee on managed forest owners. • Engaged an audit of the 2005/06 financial statements. Declared an operating surplus of \$ 91,840. • Administered owner member council elections. • Prepared and refined program administrative policies and procedures. • Maintained a website. • Maintained communications with the provincial government and with local governments. • Completed a Compliance Determinations Procedure Manual.
2. Set and monitor forest practices standards for managed forest class land	<ul style="list-style-type: none"> • Initiated a review of the PMFL Council Regulation that included consultations with managed forest owners and government agencies to ensure the intended objectives were being achieved based on the experience gained during the three years the regulation had been in place. • Monitored the implementation of forest practice standards through the tracking of inquiries, complaints, and investigations. • Performed site inspections in response to public and resource agency inquiries, and owner self- reports of slide incidents (see further detail in following section).

Function	Related Activities
3. Enforce standards, and perform audits	<ul style="list-style-type: none"> • Responded to inquiries and complaints, and conducted associated inspections and investigations where warranted (see further information in following section). • Performed a forest practices audit of twelve managed forest properties. The audit examined compliance with the provisions of the Private Managed Forest Land Council Regulation respecting protection of water quality and fish habitat. Each of the properties sampled was found to comply with the regulation with respect to fish habitat and water quality. The auditors observed incidences where owners might improve their road construction and maintenance practices to minimize the risk of sediment transfer into fish streams, and accordingly, council instructed the Executive Director to increase the frequency of inspections of road systems on private managed forest land to ensure that owners continue to use appropriate practices to protect water quality and fish habitat.
4. Review landowner applications to enter managed forest class	<ul style="list-style-type: none"> • Reviewed 25 management commitment applications and amendments, and provided assistance to landowners in facilitating their applications. • Processed and accepted 13 new management commitments. • Administered withdrawal of managed forestland from the managed forest program.



ACTIVITIES INFORMATION

The following information is provided in accordance with the requirements of section 10(2) of the Act.

Section	Description	Status	Comment
a)	Number of owners subject to the Act	208	As of April 1, 2006
		219	As of March 31, 2007
b)	Number of hectares subject to the Act	862,450	As of April 1, 2006
		885,093	As of March 31, 2007
c)	Number of management commitments withdrawn	3	
d)	Number and nature of inspections performed	6	<i>See next section for details</i>
e)	Number and nature of consent agreements	0	
f)	Amount of penalties collected and owing	0	
g)	Number and nature of remediation orders made	0	
h)	Number and nature of stop work orders made	0	
i)	New regulations enacted by Council	0	

Note that as of March 31, 2007, there were a further 59 managed forests totalling 19,196 hectares that are Schedule A land associated with tree farm licences and woodlot licences. These are regulated by the *Forest and Range Practices Act* and are administered by the Ministry of Forests and Range.



SUMMARY OF INQUIRIES AND INVESTIGATIONS

The public may contact the Council with inquiries concerning forest practices. The process for filing an inquiry or complaint is available on the Council website. This includes an inquiry/complaint form that can be filled out and submitted online, or can be printed and sent to Council; a Guide to Making Private Managed Forest Land Forest Practices Inquiries & Complaints; a flowchart and description of the inquiry management process; and the Compliance Determinations Procedure Manual. Inquiries are also received by telephone and letter.

Managed Forest owners are required to report to Council environmental events triggered by landslides or debris flows that have deposited debris into fish streams. The Council also encourages owners to self-report other issues concerning aspects of their operations that may affect a key public value.

During the 2006/07 reporting period, Council received notification of 79 issues or inquiries. These fall into three broad categories: inquiries, complaints and owner self-reports concerning landslides or debris flows. Inquiries were dealt with through direct contact with the inquirer. Complaints were addressed through the inquiry/complaint process. Self-reports were assessed for the owners' proposed actions and follow-up, and site visits were made by Council where warranted.

The outcomes are summarised as follows:

Nine inquiries were received from the public in 2006. These inquiries primarily were questions concerning interpretation of legislation and owners' regulatory obligations, particularly with respect to the maintenance of riparian buffers.

- One was found to be on Crown land.
- One was found to be on private land that is not in the managed forest program.
- Two were satisfied by discussion of the legislation.
- Three were referred to the managed forest owners for response.
- Two resulted in site inspections:

One of the inspections involved the managed forest owner representatives, the council executive director, and an expert retained by council. This inspection revealed that the erosion of a riverbank was a natural event and that harvest operations did not contravene the Private Managed Forest Land Council Regulation.

The other inspection was carried out by a consultant retained to determine the cause of sedimentation and a log jam in a river. The managed forest owners whose properties adjoin the river in the vicinity of the log jam also made their own independent inspections. It was concluded that the event was caused by the heavy fall flooding and was not the result of logging on managed forestland.

Three complaints were received from the public:

- The first complaint alleged that harvesting practices resulted in flooding and deposit of debris on private property. Council conducted an investigation and also hired an independent geoscientist to provide an assessment of the erosion and sedimentation. The investigation concluded that severe weather in November 2006 resulted in high water flow and increase in sediment transport, that upslope timber harvesting activities including road drainage structures were in compliance with the Council regulation. There did not appear to be any evidence that the

upslope harvesting activities caused increased amounts of water flow or any significant increase in sedimentation being transported downstream. The investigation was closed.

- The second complaint alleged that riparian vegetation was removed from the banks beside a fish-bearing stream. This complaint was referred to the owner to review. Both the owner and a Department of Fisheries and Oceans fisheries officer made site inspections. It was found that the appropriate riparian vegetation required for a fish-bearing stream had been retained and the fisheries officer noted no concerns.
- The third complaint alleged that a creek bed was stripped of soil and showed evidence of having been used as a skid trail. Council made an onsite inspection and concluded that the apparent use of the streambed for skidding was actually a slide that occurred and was reported by the owner in 2003. The inspection showed that the harvesting operations on this property conform to the requirements of the private managed forest legislation.

66 self-report notifications of slide events by owners:

- 61 of the events occurred during the severe winter storm period of 2006-2007.
- The events include debris flows, fill slope failures, open slope failures, slumps, and undermined bridge sills.
- The owners conducted on-site reviews for each of these events and used in-house or contracted geotechnical experts where required for the site inspections and preparing remediation plans. The Department of Fisheries and Oceans was notified by the owners where required. Council obtained follow up reports from the owners where warranted.
- Council retained a fisheries biologist for an independent assessment of three of the reported slides, and a geotechnical expert for an investigation of an area of slide activity.

SUMMARY OF SITE VISITS

Site visits are conducted to verify the information provided in a management commitment or to inspect the operational practices used on a Managed Forest property. The inspections are all made within the context of managed forest program monitoring.

Council staff undertook six site visits during the year; four of Managed Forests on Vancouver Island, one on Saltspring Island and one on Pender Island. During these visits staff met with the owner, evaluated the owners performance in managing their property, reviewed the current management commitment and examined site-specific practices.

OTHER ACTIVITIES

Council has a seat on the Vancouver Island Watershed Steering Committee. This committee provides a forum for all the resource agencies and local governments to discuss watershed management concerns and drinking water quality issues pertaining to Vancouver Island. Council staff attended the meetings of this committee.

Council staff also participated in the deliberations of the Nanaimo Drinking Water Protection Planning Committee that met throughout the year.

SUMMARY OF ANNUAL DECLARATIONS

By May 1 of each year, owners of private managed forest land are required to submit to the Council a declaration of the operations completed in the previous reporting period. The reporting period is January 1 to December 31 for owners on the Coast, and April 1 to March 31 for owners in the Interior. The following table provides a summary of information provided in the owners' annual declarations for 2006.

	Total# Owners	No Activity	Harvest Activity	Destroyed Timber	Road Construction	Reforestation	
						Restocked	Successfully Regenerated
Coast	143	98 owners	30 owners 11,134 ha 5,145,505 m ³	6 owners 13.3 ha	24 owners 388.4 km	21 owners 12,167 ha	8 owners 2052 ha
Interior	76	60 owners	14 owners 1614 ha 346,140 m ³	3 owners 10.7 ha	8 owners 58.7 km	8 owners 1,559 ha	5 owners 1,287 ha
Total	219	158 owners	44 owners 12,748 ha 5,491,645 m ³	9 owners 24 ha**	32 owners 447.1 km	29 owners 13,726 ha	13 owners 3,339 ha

- Total number of owners does not equal the sum of no activity owners and owners reporting activity due to differing combinations of activities by some owners.
- ** Main causes of destroyed timber are wildfire, insects, and wind/snow.

The volume of 5.5 million m³ was harvested by approximately 20% of all owners. It is important to note that the specific areas reported as being subject to timber harvesting activity (12,748 hectares) are not the same specific areas reported as being restocked (13,726 hectares). The regulations generally provide the owner a period of five years to restock areas that have been harvested.



ACTIVITY LEVELS 2006 COMPARED to 2005 and 2004

