

BACKGROUND

Private Managed Forest Land Council Fines TimberWest \$30,000

The Private Managed Forest Land Council (Council) determined on May 10, 2006, that TimberWest Forest Corp. (TimberWest) contravened the *Private Managed Forest Land Act* (the Act) on Block T141 in the Beaufort Range area near Port Alberni. The Council determined that four of the 26 culverts inspected had not been installed in a manner that would prevent excavated soil from entering directly into a stream, or that would minimize soil erosion. The Council has levied an administrative penalty of \$7,500 per culvert, for a total penalty of \$30,000. In addition, the Council has issued a remediation order requiring TimberWest to provide a report prepared by a qualified professional confirming that all necessary measures have been taken to minimize the potential for future soil erosion from their roads in the block, and to monitor the drainage structures during periods of high stream flow. TimberWest has already implemented remedial measures on the four culverts that were the subject of the contravention.

This determination is the result of an investigation undertaken in response to a complaint made on January 5, 2006 by a landowner whose property is downstream of the cutblock. The complainant expressed concern that:

- not enough trees were left adjacent to streams;
- TimberWest was over-harvesting, and that had increased streamflows;
- water quality and fish habitat downstream of the block had been negatively impacted due to increased sediment loading; and
- the complainant's roads were damaged as a result of TimberWest's logging.

The area was inspected the following day by a registered professional biologist retained by the Council and subsequently by Council staff. Based on the results of the inspection, the Council undertook a further investigation into whether or not there may have been a contravention of the Act and regulations. This process resulted in the preparation of a block assessment report in respect of the complaints and an investigation report in respect of possible regulatory contraventions.

In his block assessment report, the consultant found that heavy precipitation in the final weeks of 2005, culminating in a rain on snow event on January 4 and 5, 2006, resulted in extreme runoff conditions. In respect to the concerns expressed by the complainant, the inspection and subsequent investigation found, that

- tree retention was in accordance with the requirements of the Private Managed Forest Land Council Regulation;
- TimberWest had conducted an adequate pre-harvesting hydrological assessment, and the company's activities on the block did not influence the volume of streamflow;
- the contribution of sediment from forest practices within the block was insignificant in comparison to the natural sediment levels caused by the high flows;

- fish and fish habitat were not significantly affected;
- while suspended sediment did affect water quality for a short period of time, the effect that forest harvesting activities in the block had on these levels was small; and
- the forest activities within the block were not responsible for the unusually high stream flows and road erosion on the complainant's property.

Portions of the complainant's property are located on alluvial fans, and sediment deposition in these areas is a natural process.

The streams within Block T141 are tributaries of Beaver Creek which provides water to a number of households, and flows into the Stamp River upstream from water intakes belonging to the Beaver Creek Improvement District. The forest harvesting activities on Block T141 had little effect on the water quality problems experienced by the community following the rain-on-snow event of Jan 4 and 5, 2006.

The investigation report alleged that TimberWest may have contravened specific requirements of the Private Managed Forest Land Council Regulation. After providing TimberWest with an opportunity to be heard in respect of the allegations, the Council made its determination on May 10, 2006.

The determination, investigation report, and block assessment report are posted on the Private Managed Forest Land Council's website at <http://www.pmflc.ca>. For more information, contact Stuart Macpherson, Executive Director at (250) 386-5737, or execdirec@pmflc.ca.