

Due Diligence and Issuance Rationale for Road Permit R18309 Amendment 2011/12/19 (Post Creek and Ford Mountain Area):

Prepared January 18, 2012

In accordance with the provision under Section 115 of the *Forest Act* to obtain a Road Permit (or amendment to previously issued Road Permit R18309) in concert with the right to harvest under Forest License A19202 held by 606546 BC Ltd., the licensee submitted a road permit amendment request. While it is not the norm to develop separate due diligence documentation from the information prepared in checklists by professional review staff in reviewing a Road Permit amendment application, this provides a concise summary record of the required and optional information that has been assessed for a complex and potentially controversial area of forest development. Taking into account the below information, I have decided to issue the amendment to Road Permit R18309 by adding sections BR2014A-C, BR2016A-E, BR2017A & B, BR2018 and BR2019A-C.

The reasons for the issuance are as follows:

1. In accordance with section 115 (2), the location of the proposed road sections noted above have been identified and submitted in the appropriate electronic government tracking system (FTA).
2. While no cutting permit application has been submitted, nor is it a requirement to assess cutting permit issuance likelihood in the issuance decision for a Road Permit, it is reasonable to assess whether rights to harvest timber under Forest License A19202 could be exercised through the issuance of this road permit based on any and all anticipated harvest restrictions (e.g. *Forest and Range Practices Act* and associated practice requirements). A risk based review was conducted and found that:
 - a. The submitted road sections and proposed blocks that are to be accessed are located within the Chilliwack Forest Development Unit under approved Forest Stewardship Plan (FSP) #448. Proposed blocks must comply with the results and strategies of the FSP and broader *FRPA* requirements. Forest Professionals are responsible for ensuring these requirements have been met at the planning and operational stages with monitoring through risk based compliance and enforcement by government professionals.
 - b. No conflicts were found in the land status check.
 - c. The Spotted Owl Order for Wildlife Habitat Areas 2-494 to 2-510 dated March 1, 2011 overlap with the area of planned road construction and harvest.
 - i. General Wildlife Measures (GWM) under Schedule 1, Part 2(d) specifically allow timber harvesting and roads up to 142.4 ha as per the joint agreement of January 2011. Post harvest attributes must be consistent with GWM 5.
 - ii. The nearest proposed road and cut block is three kilometres away from the most recent spotted owl location (December 2011 spotted owl detection located in the Chilliwack Lake Park). A review by qualified government professionals considered the allowed forest development activities and the proximity to the recent spotted owl detection and recommended proceeding

with the mitigation forest development allowed in the order as planned noting intentions to monitor the spotted owl.

- d. The requirements of Ungulate Winter Range 2-006 specifying forest retention requirements by snow zone were considered by the submitting professionals and a review of the proposed cut block information indicates conformance with the requirements of UWR CL 7-8, 4-6 and 1-3. Supporting information was provided by email from licensee professional dated January 16, 2012 which was subsequently reviewed by Chilliwack District professionals (Ecosystem Biologist e-mail review dated January 18, 2012).
 - e. Other requirements of a cutting permit application were not assessed at this stage and are left to a professional reliance process with monitoring and risk based compliance activities as required.
3. Consultation with aboriginal groups through licensee information sharing and specific government communications is adequate. A letter from the Ts'elxweyeqw Tribe specifies no concerns for blocks 2014, and 2016-2019 proceeding as a result of the completed Archaeological Impact Assessments.
 4. I have not found that any provisions under section 81 of the *Forest Act* are applicable.
 5. In addition to the *Forest Act* and *FRPA* review provisions in determining permit issuance, a key element of appropriate forest management includes professional reliance. While not required for review in an issuance decision, it is relevant to note that reasonable efforts have been undertaken by the licensee professionals to meet with the local Post Creek Community and address the identified concerns from the planned road and cut block development including design alterations as practical. These measures include:
 - a. Moving the road spur entrance for Block 2019 down the road to reduce conflicts with the last community driveway entrance
 - b. Investigating and accepting additional limited opportunity to leave trees adjacent to power-lines, in conjunction with qualified assessors and BC Hydro representatives, in an effort to enable more visual screening of the cut blocks and roads from the community.
 - c. Working with licensed and unlicensed water users to avoid impacts to water delivery and use during forest operations, as well as, burying the water lines as requested by the holders post development.
 - d. Using leave trees and additional riparian management area (RMA) retention in Blocks 2017 and 2018 to buffer a local hiking trail (non-legal trail) and enable relocation of part of the trail along the RMA, if desired, in conjunction with Recreation Sites and Trails. Road crossings of the same trail have been minimized to one.

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