



APEX PROPERTY OWNERS ASSOCIATION

Forestry Committee Initial Report

Logging in the Apex Alpine

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This is the initial report from the APOA Forestry Committee which was formed to investigate the recent logging activities near Apex Mountain Resort. The report discusses how we got to where we are today, what is currently planned by the key forest harvest license holders, and what steps are needed to protect the integrity of the Apex Intensive Recreation Area.



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The Issue

In British Columbia the timber harvesting activities of those licensed to perform industrial-scale logging in an intensive recreation area:

...should be compatible with recreational values... Maintain a naturally appearing landscape, both foreground and viewsapes, that is compatible with the recreational value...

- from the Okanagan-Shuswap Land and Resource Management Plan

In general, the BC Ministry of Lands, Forests, and Natural Resources no longer performs detailed local inspections and oversight in the Apex area, so from a local stakeholders' perspective much of the forestry industry in this area is essentially self-regulating.

In practice this means that local stakeholder consultation and oversight is essential. It ensures appropriate, recreation-compatible timber harvesting practices are followed. In an intensive recreation area such as Apex, stakeholders include property owners, local businesses, First Nations, and recreation users in general.

However, local stakeholders have been overwhelmed by:

- multiple, geographically overlapping harvest license holders, each with their own forest practices and harvest plans;
- no definitive, long-term strategy to integrate forestry and recreation in the Apex Recreation Area;
- no organization or government body tasked with creating and overseeing a long-term strategy;
- ad hoc, incomplete, or non-existent consultation between local stakeholders and the individual license holders;
- new participants entering the forestry industry and receiving significantly size volume licenses;
- a bewildering array of broadly worded regulations and guidelines, many of which are acknowledged to be "subject to interpretation"; and
- a seemingly ubiquitous industry panic over the Mountain Pine Beetle outbreak, leading to what appears to be a "harvest now, plan later" mentality.

The area surrounding Apex Mountain Resort is designated as an Intensive Recreation Area, yet it is experiencing an unprecedented level of timber harvesting. In particular, clear-cut logging in the Keremeos Creek Valley at the foot of Apex Resort has surprised many Apex residents and recreation users.

In 2010 a new harvest license holder began operating in the Apex area: the Penticton Indian Band's Sn'pink'tn Forestry. Sn'pink'tn is partnered with Gorman Brother and is currently licensed to harvest over 68,000 m³ of timber. That is approximately 1700 logging trucks worth. The ongoing harvesting of the Keremeos Creek Valley and the Shatford Creek Valley is being done under those licenses.

In December 2012 the APOA Board of Directors created the APOA Forestry Committee to investigate and report on the timber harvesting occurring in our area. The committee discovered that harvesting is planned in areas considered integral to maintaining a quality recreation experience:

- the western flank of Mt. Riordan to the edge of Nickel Plate Lake,
- the upper Keremeos Creek valley north of Whitetail Road, and
- the western slope of Beaconsfield Mountain.

We say “discovered” because these harvest plans were found on Gorman Brother’s website when the committee was investigating the source of road and cut-block demarcation flagging on Mt. Riordan. Further investigation revealed there has been little-to-no substantive local stakeholder consultation concerning these new cut blocks, a situation we are actively seeking to address.

The 2016 BC Winter Games are coming to Apex Mountain Resort and Nickel Plate Nordic Centre. This is an opportunity to showcase the beauty and diverse recreation opportunities offered by the Apex Recreation Area – a goal many argue is incompatible with existing logging practices and plans.

The good news is that local consultation is not optional, especially in an “Intensive Recreation Area”, which is how the Apex-Nickel Plate area is classified. To restate what has already been said: local stakeholders have both a responsibility and a right to be consulted AND listened to; it is how forestry in BC is intended to operate.

This document is the initial report from the APOA Forestry Committee. The report discusses:

- how we got to where we are today,
- what is currently planned by the key license holders, and
- what steps are needed to ensure the integrity of the Apex Intensive Recreation Area is maintained for current and future generations of Apex recreation users and property owners.

Recent Logging within the Apex Intensive Recreation Area

The region surrounding Apex Mountain Resort and Nickel Plate Nordic Center is classified as an *Intensive Recreation Area*¹. While timber harvesting is not prohibited in intensive recreation areas, it is constrained by additional regulations and guidelines to accommodate the primarily recreational purpose of the area. For example, much stronger visual impact guidelines are applied to recreation areas.

Weyerhaeuser and Gorman Brothers have been the major harvest license holders in the Apex alpine region and traditionally both avoided harvesting within the Apex Intensive Recreation area. This situation recently changed, as outlined next:

2008 Gorman Brothers Forest Stewardship Plan (FSP) signed.

http://gormanbros.com/woodlands/downloads/GBL_FSP.pdf

A FSP defines the practices to be followed by a harvest license holder. It defines how the license holders will comply with the Forest and Range Practices Act, the provincial act that regulates how forestry is to be managed in BC. As we understand it, in 2008 Gorman had no plans to harvest any areas adjacent to Apex Mountain Resort and Nickel Plate Lake.

2010 Penticton Indian Band (PIB) becomes signatory of Gorman FSP

The provincial Ministry of Lands, Forests, and Natural Resources permits other signatories to sign onto an existing FSP. These additional signatories, such as the PIB, are bound by the FSP, but can and do harvest outside Gorman's "traditional harvest areas." The signatories typically have their own harvest volume license(s).

2010-2012

Since 2010 the PIB, operating as Sn'pink'tn Forestry LP, has been actively logging in the Shatford Creek Valley (north of Apex Mountain Road) and the Keremeos Creek Valley (on the western slopes of Green Mountain at the base of the Apex Ski Resort). Of significant concern is that there has been no *effective* consultation with local stakeholders at any point during this period. This fact has been thoroughly confirmed by the APOA. When contacted in Jan/Feb 2012, no executive officer or owner of any of the well-known local stakeholders – Apex Mountain Resort, Nickel Plate Nordic Centre, Apex Accommodation, Penticton Outdoors Club, and Hoodoo Adventures – had knowledge of the Sn'pink'tn harvesting plans.

¹ The designation is defined in the Okanagan-Shuswap Land and Resource Management Plan (LRMP), as discussed later in the report.



Keremeos Creek Harvesting: before and after (summer 2012)

Current and Planned Sn'pink'tn Harvesting

Sn'pink'tn Forestry currently has several non-renewable harvest licenses that, in total, give them rights to harvest approximately 68,000 m³ of timber.² To put this volume of timber into perspective, it is approximately 1,700 truckloads.³ The following reference is a partial list of current timber license holders in BC:

<http://www.for.gov.bc.ca/ftp/hth/external/!publish/web/timber-tenures/apportionment/aptr041.pdf>

The Gorman 2012 Notification Map – which shows Sn'pink'tn Forestry's proposed harvesting areas, is available on the Gorman website under the Olalla/Apex region:⁴

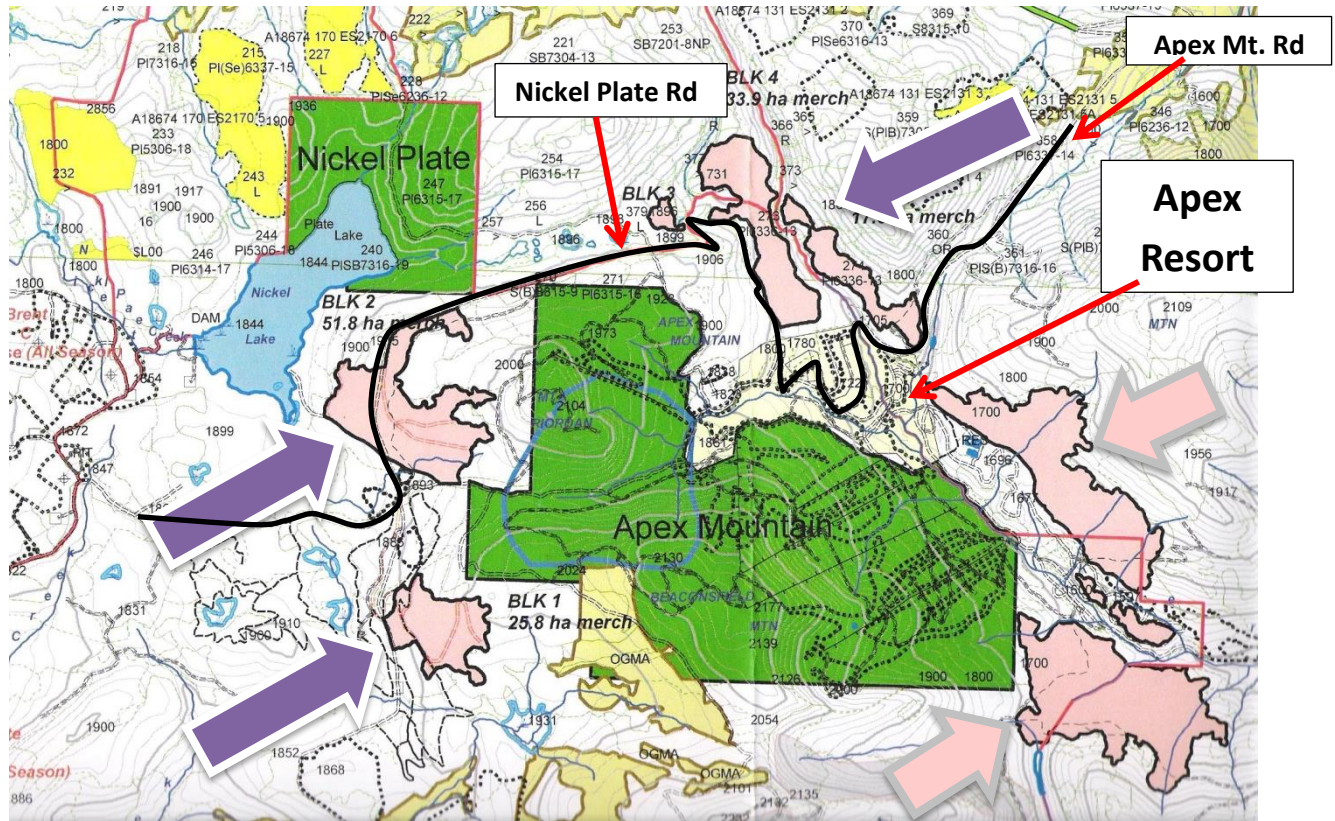
<http://gormanbros.com/woodlands/downloads/NotificationFirstNationRangeOlallaApex13April2012.pdf>

A more detailed cut block map (see below) was provided at the Feb 28, 2013 APOA Forestry Committee meeting with Sn'pink'tn. The areas already harvested in the Keremeos Creek Valley by Sn'pink'tn Forestry are shown in pink and identified by pink arrows. Sn'pink'tn confirmed there is *additional* logging planned under their existing license to cut – a 21 Ha expansion of the existing Green Mountain cut block. Additional cut blocks are also planned, as identified by the shaded pink areas identified by the large purple arrows.

² Information provided by Sn'pink'tn Forestry to APOA Forestry Committee during Feb 28, 2013 meeting.

³ Using average logging truck load of 40 m³ of raw timber.

⁴ A more detailed cut block map was provided at the Feb 28, 2013 meeting with Sn'pink'tn.

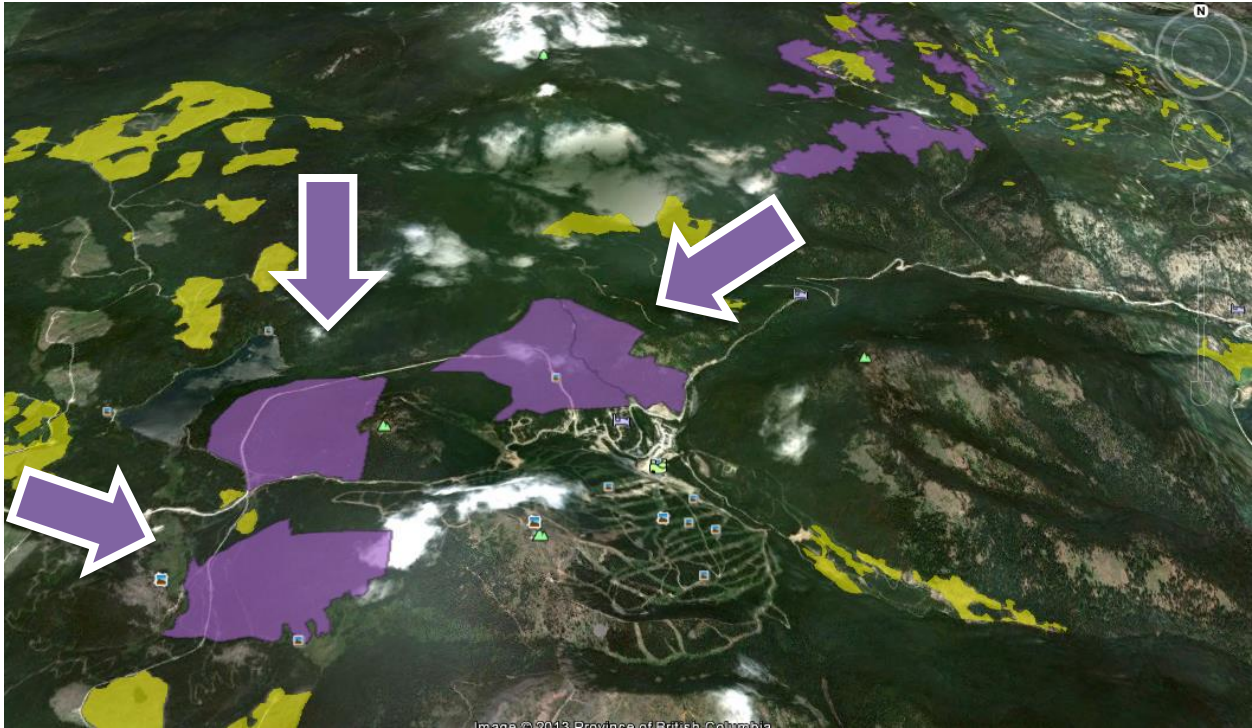


Cut Block Areas (Pink areas, identified by arrows)

Both Sn'pink'tn Forestry and the Ministry of Lands, Forests, and Natural Resources have stated there has not yet been an application to the ministry for a license-to-cut⁵ any of the new cut blocks, but a walk through those areas show they have already been flagged to indicate where cut boundaries and road access is to be.

In our initial conversations with local residents, the APOA Forestry Committee members have been told that these new logging plans are of grave concern. Based on informal discussions on the ski hill, we also believe this concern is shared by many of the thousands of recreational users of this area.

⁵ A license-to-cut should not to be confused with the overall volume based harvest license. A license-to-cut specifies a specific cut block location and shape. It is mainly used to establish the stumpage fees the license holder must pay the provincial government.



Google Earth view of Proposed Harvest Areas Surrounding Apex Mountain Resort
Ref: <http://gormanbros.com/woodlands/downloads/GormanBlocksNotification2012.kmz>

The Apex Intensive Recreation Area

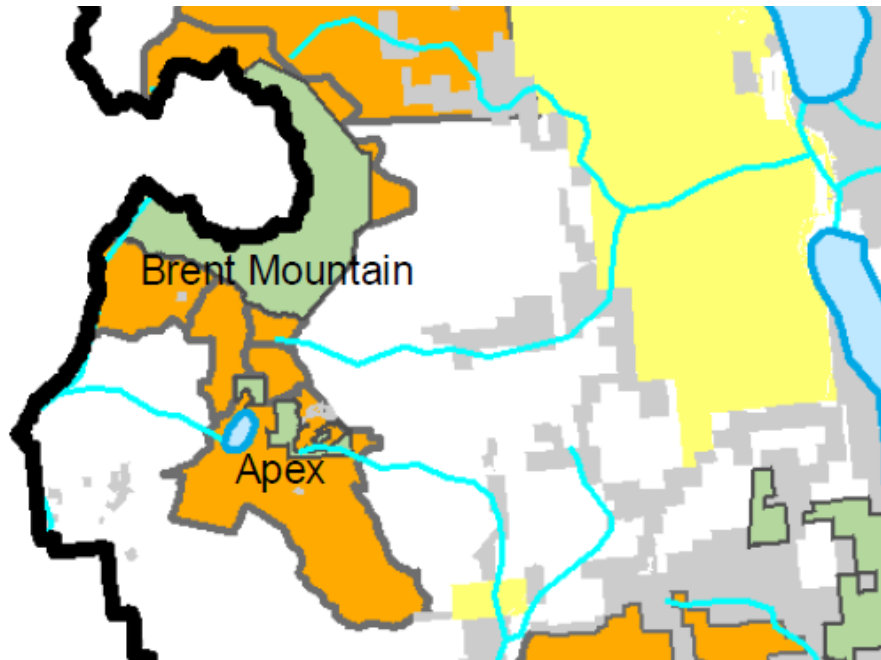
The Apex and Nickel Plate recreation area, taken in its totality, includes Apex Mountain Resort, Nickel Plate Nordic Centre, Nickel Plate Lake, Nickel Plate Provincial Park, the Okanagan Vista trail area, and the extensive network of less formal hiking, mountain biking, cross-country skiing, and snowshoeing areas surrounding these major recreation venues in all directions. Motorized recreation users also use the forest access roads and parking lots as a staging ground for travel through and beyond the immediate area.

The January 31, 2006 Okanagan-Shuswap Land and Resource Management Plan (LRMP), which is the key Ministry of Lands, Forests, and Natural Resources document that addresses recreation use of the area, defines the Apex Intensive Recreation area as shown in orange on the segment of the map included below. The full map can be found at:

http://archive.ilmb.gov.bc.ca/slrp/lrmp/kamloops/okanagan/plan/rmz/cabinet/OS_order_map2_111605_11x17.pdf

The LRMP can be found at the following link. Sections REC 3-1 to 3-7 and REC 4-1 to 4-23 are key:

<http://www.ilmb.gov.bc.ca/slrp/lrmp/kamloops/okanagan/plan/files/oslrmpfull.pdf>



2006 LRMP Map Showing Apex "Intensive Recreation" Area

The LRMP and Forest Harvesting

Most certainly the Okanagan-Shuswap Land and Resource Management Plan⁶ is an intimidating document, but one can readily determine the intent of the LRMP by examining the numerous policies, tables, and maps that focus on recreation areas. Firstly, it is evident that intensive recreation areas such as Apex are to be treated differently in terms of resource harvesting and development practices. Secondly, in recognition of the potentially large impact harvesting has on recreation users, it is clearly stated that local recreation stakeholders must be consulted before major development or harvesting begins.

Below are just a few of the many LRMP guidelines that explicitly apply to resource industry activity in a Recreation Management Zone or RMZ:

When planning for industrial activities (e.g., harvesting, mineral exploration, trapping, guide-outfitting, etc.), ensure the trail corridor/network and the associated recreation opportunities are maintained or enhanced for continued public use as directed by other objectives in the Recreation RMZ.

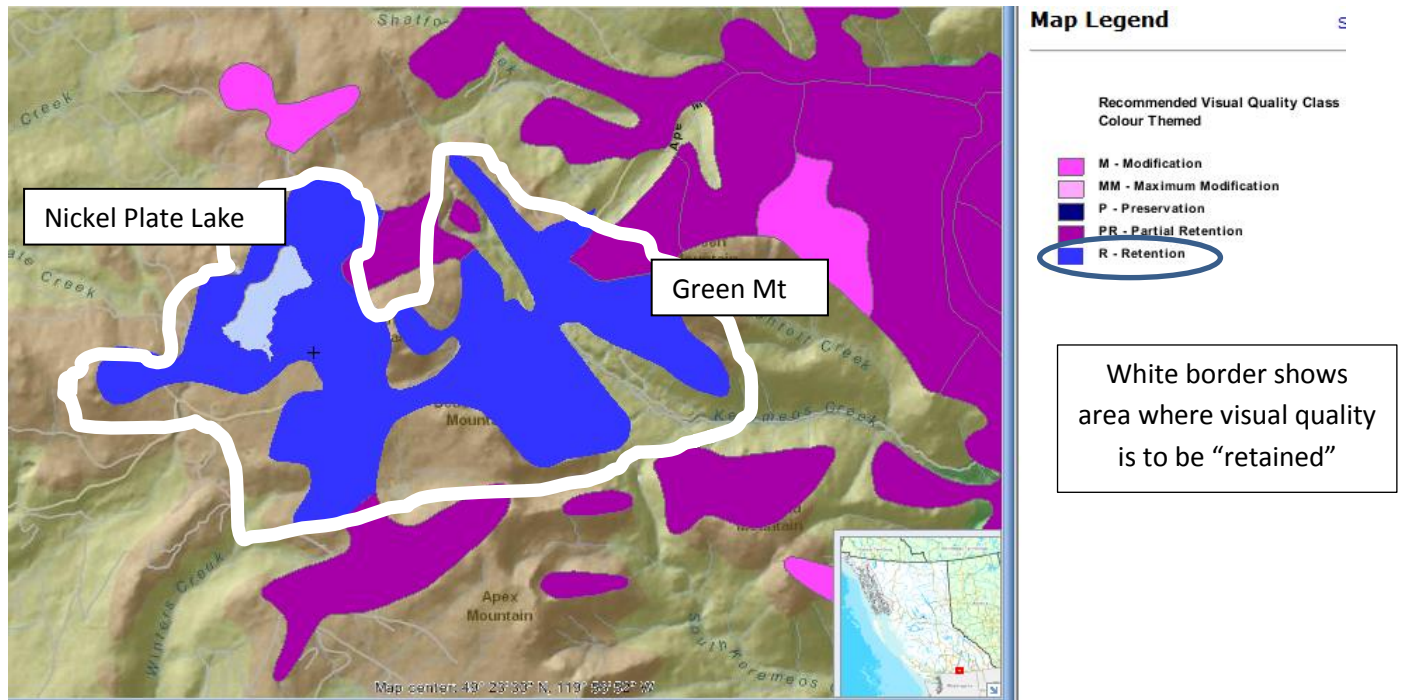
Proponents of forest development, or other industrial/commercial activities, will consult and participate with identified recreation user groups to integrate uses.

Industrial activities should be compatible with recreational values... Maintain a naturally appearing landscape, both foreground and viewscape, that is compatible with the recreational values unless otherwise specified in the polygon specific objective.

Below are only two examples taken from the LRMP that define how harvesting in the Apex Intensive Recreation Area is to be constrained.

⁶ The LRMP was finished in 2001 but never passed as regulation. In 2006 key aspects of the LRMP were adopted in "Order Establishing Resource Management Zones and Objectives in the Okanagan-Shuswap LRMP". See <http://www.ilmb.gov.bc.ca/slrp/lrmp/kamloops/okanagan/plan/rmz/index.html>.

The first example taken from the LRMP defines the areas where visual quality is to be maintained.

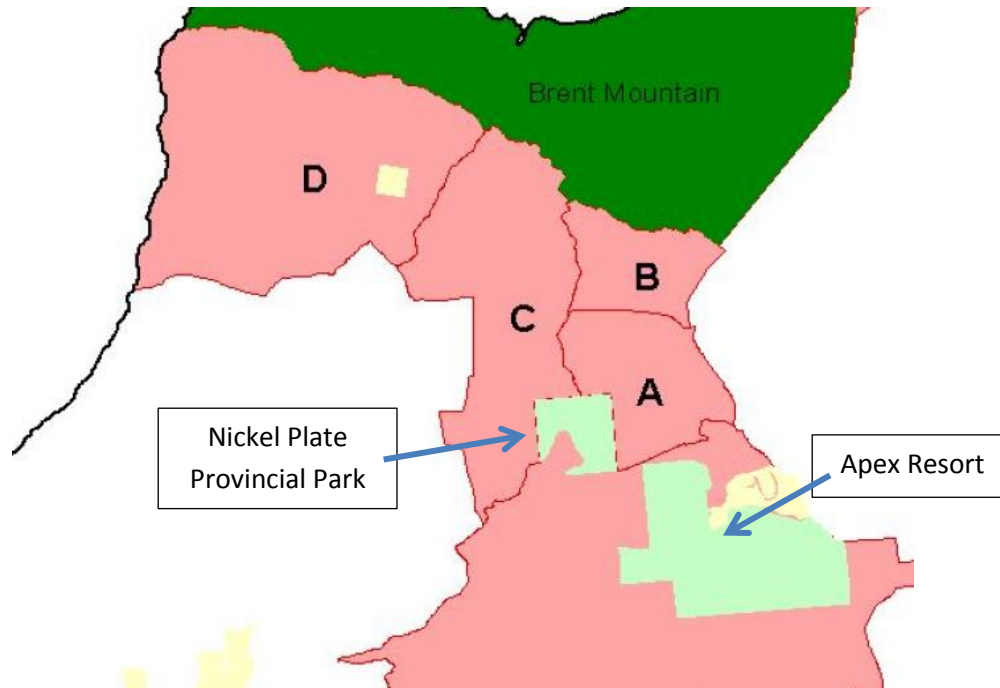


Visual Quality Objectives: Apex Intensive Recreation Area (from iMapBC)



Visual Quality Achieved: Hikers on Green Mountain after Logging (summer 2012)

The second example taken from the LRMP defines how harvesting volumes and practices (especially clear cut sizes) in the Apex Intensive Recreation Area are to be constrained.



Okanagan - Shuswap LRMP Approved Plan

Table 1: Management Direction for Forest Development within Polygons A, B and C.

	Polygon A		Polygon B		Polygon C	
Harvesting System	Harvest Area	Reserve Area	Harvest Area	Reserve Area	Harvest Area	Reserve Area
Single Tree Group Selection	100%	> 66% basal area	100%	> 66% basal area	100%	> 66% basal area
Patch Cuts (0.1 - 1.0 ha)	5% - 10%	n/a	10% - 25%	n/a	15% - 30%	n/a
Clearcuts (1.1 - 5.0 ha)	-----	-----	10% - 20%	n/a	15% - 25%	n/a
Clearcuts with reserves (5.1 - 10.0 ha)	-----	-----	-----	-----	10% - 25%	5% - 10%

Polygon D is to be managed to reduce the risk of mountain pine beetle infestation within the adjacent Brent Mountain protected area.

What the Gorman FSP says about Intensive Recreation Areas

4.4.3 Intensive Recreation Areas

3. The objective for areas shown on Map 3 (of the Order), is, that primary forest activities including sanitation and salvage activities, will not have a material adverse impact on the potential for a diverse range of quality recreational experiences that exist immediately before the activity.

	Intensive Recreation Areas – Result or Strategy
FDU	All
	<p>In relation to the objective set by government for Intensive Recreation Areas, the result / strategies that apply to the areas referenced on Map 3 of the Order are as follows:</p> <ul style="list-style-type: none"> • Prior to conducting harvesting or road construction within an Intensive Recreation Area, an FSP Holder will review available information to determine the range of recreational activities within the general area of the planned forest activity. • The FSP Holder planning the activity will notify affected recreational user groups or individuals. <p><i>INTENT: The list of individuals/groups that will receive notification will be generated from the FSP Holder's address list of stakeholder/interested parties. The standard for a 'notification' is a letter describing the extent and timing of forest management activities, as well as a map showing the approximate location.</i></p> <ul style="list-style-type: none"> • The notification of proposed activities will show the area of planned forest harvesting, potential road locations, and contain a request for the following information by a specified date: <ul style="list-style-type: none"> • the type of recreational activity that may be affected, • how the activity will be affected by the planned harvesting, road construction, or mechanical site preparation, and • any recreational features that may be present and not shown on the referral maps. • An FSP Holder will consider all relevant information provided by the affected group or individual and will address the concerns to the extent practicable. • Where Trails not included in Section 4.4.4 below, are located within the Intensive Recreation Areas, and an FSP Holder conducts primary forest activities along a portion of that trail, the FSP Holder will ensure that the trail is re-established and clearly marked upon completion of the primary forest activity. <p><i>INTENT: Recreational features that are identified through the course of referral, and, in the opinion of the FSP Holder, should be afforded additional protection or management, will be forwarded to the appropriate government agency for subsequent mapping and tracking.</i></p> <p><i>Concerns raised will be addressed to the extent practicable through the course of normal forest management activities (i.e., harvesting, road building and silviculture).</i></p>

The Issues

While our analysis has just begun, the APOA Forest Committee believes there are numerous valid concerns that have been raised by local recreation and business stakeholders, just a few of which are:

- There has been no *effective* local consultation with respect to the significant change in forest stewardship arrangements that occurred in 2010 when the PIB acquired its licenses and signed onto the Gorman FSP. Specifically, local stakeholders have known for many years that the PIB has actively opposed logging in the Apex and Nickel Plate areas, as well as along the upper and lower Shatford Creek Valleys. The sudden reversal of this situation resulting in ongoing, and planned large scale clear-cut harvesting within the Apex Intensive Recreation Area – all without local stakeholder consultation – is unacceptable. The APOA Forest Committee considers this lack of consultation a direct violation of the Forest and Range Practices Act, the LRMP, and section 4.4.3 of Gorman’s FSP.
- Although a meeting between Sn’pink’tn Forestry and the APOA finally occurred on Feb 28, 2013, the committee was informed that the plans for additional harvesting in the Apex Intensive Recreation Area had already been made and no significant changes to these plans will be considered.
- For many years there have been efforts by various groups to continue the work started during the LRMP process to properly manage the Apex Intensive Recreation Area. To now treat it mainly as a forest harvest zone, without consideration of its fundamental value as a recreation and tourism resource, is both economically destructive and socially irresponsible.
- The APOA Forest Committee believes the logging already undertaken in the Keremeos Creek Valley falls significantly short of the visual quality retention standards outlined in the LRMP for the Apex Intensive Recreation Area. And there is to be 50% more done this year. The committee feels the partial destruction of the “Orange Trail” in the lower valley and the “Green Mountain Grind” trail leading from the village to the summit of Green Mountain is clear evidence of failing to consult with local interests and failing to meet the standard of care required in a recreation area.
- Planned cut blocks #4 and #6 bracket the entire upper Keremeos Creek Valley. At the topmost entrance to the village, as tourists drive around the corner with the large “Welcome to Apex” sign on Apex Mountain Road, this 140 acres of clear cut will be the first thing they see. How can this possibly be considered “retaining visual quality” in a tourist/recreation area?
- The planned cut block #6 in the upper Keremeos Creek Valley extends well into “Polygon A” as defined in the LRMP – an area where clear cuts are to be kept to less than 1 Ha. The cut block map provided by Sn’pink’tn clearly shows the block #6 extending well into Polygon A, resulting in a cut block size in that polygon of approximately 10 Ha; a full 10 time the guidelines.

- Recreation use has changed considerably since the LRMP was initially drafted in 2001 and signed in 2006. For example, the number of snowshoe-equipped winter hikers has exploded in the past five years, and their use patterns need to be accommodated. The paths taken by those on snowshoes are different from, and generally incompatible with, the well-defined trails preferred by cross-country skiers. All three planned harvesting areas proposed by Sn'pink'tn Forestry overlap with the most highly used snowshoeing areas nearest Apex Village. That this has not been recognized confirms both the lack of local stakeholder consultation and the lack of proper accommodation of existing forest recreation activities.
- No one denies there is Mountain Pine Beetle in the Apex area forests. No one denies there are fuel-load issues in some areas. However, local stakeholders see no indication that there is a comprehensive strategy to protect this area's fundamental economic, social, and cultural value as a recreation and tourist destination. To local stakeholders, the Mountain Pine Beetle outbreak appears to have created a "harvest now, plan later" mentality in the forest industry that threatens the core value of the Apex Intensive Recreation Area. The majority of local stakeholders we consulted believe what is proposed is NOT recreation-compatible forestry stewardship.
- The committee feels logging truck traffic and tourist traffic are incompatible on Apex Mountain Road especially in winter. Are hauling protocols in place to minimize adverse impact on this economically vital winter tourist traffic? Apex Accommodations has already received verbal complaints from some of its customers who felt intimidated by the logging traffic. Non-local tourists have many destination options; there is concern they will avoid Apex Mountain Road, and hence the resort, if they feel threatened or unsafe on Apex Mountain Road.
- The 2016 BC Winter Games are coming to Apex Mountain Resort and Nickel Plate Nordic Centre. Local stakeholders are gravely concerned the potential positive commercial benefits and long-term promotional value of the games has already been diminished by current harvesting practices and will be more significantly diminished should all the planned harvesting be permitted. Put succinctly, are we to showcase an industrial approach to forest harvest or are we going to showcase integrated forest management with proper stewardship of a premier local, regional, and provincial outdoor recreation asset?

APOA Recommendations

Recommendation #1

The APOA Board of Directors recommends that:

- until local stakeholders are meaningfully involved;
- until an updated, long-term, science-based sustainable forest management strategy and associated recreation strategy is developed and approved for the Apex Intensive Recreation area;
- until the economic opportunity presented by the 2016 BC Winter Games is understood and optimized; and
- until the recognized recreation investments and cultural value of the entire Apex Intensive Recreation Area is respected;

the Ministry of Lands, Forests, and Natural Resources should enforce a suspension on logging in the Apex Intensive Recreation Area as defined by the Okanagan-Shuswap LRMP.

Recommendation #2

Largely because the forest industry has successfully argued that industry self-regulation is more efficient, we appear to have a Ministry of Lands, Forests, and Natural Resources that has been streamlined into ineffectiveness when it comes to oversight of forest development plans in the Apex Intensive Recreation Area. We have created an industry where local stakeholder oversight is absolutely necessary, however, with the numerous overlapping harvest licenses being issued there is no local stakeholder nor anyone in the ministry who appears to be charged with keeping track of who's doing what at any level of detail. But the details very much matter to local stakeholders such as the APOA and the area's diverse recreation user base.

Therefore the APOA Board of Directors recommends the creation of a unified, well organized and coordinated stakeholder consultation process that involves all license holders operating, or likely to operate, in the Apex Intensive Recreation Area.

To achieve this goal the APOA believes it is incumbent on the major license holders to work together to actively organize and facilitate a unified local stakeholder consultation process. This is in the spirit of both the Forest Practices Act and the LRMP.

Recommendation #3

While not perfect, the Okanagan-Shuswap Land and Resource Management Plan is essentially the key government document that addresses resource industry activity in recreation areas. The APOA Board of Directors recommends the Ministry of Lands, Forests, and Natural Resources:

- Publically reaffirms to current forest harvest licensees that the LRMP is a key strategic direction for all licensees to follow.
- Initiate an LRMP review process to update its forest harvesting guidelines to reflect current recreation and tourist use of the Apex Intensive Recreation Area, prepare for the impact of the 2016 BC Winter Games, and take into account joint provincial – regional (RDOS) government initiatives such as the Regional Trails Master Plan.

The Board further recommends that RDOS ensures joint initiatives such as the Regional Trails Master Plan and the Okanagan Sustainable Water Strategy are properly addressed during the LRMP renewal process.

Recommendation #4

As we stated in the introduction to this report, local stakeholders have been overwhelmed by an increasingly complex forest industry, incomplete or non-existent consultation, bewildering and fuzzy regulations, and a Mountain Pine Beetle outbreak that has altered both the science and practice of forest management. And all this at a time when Ministry of Lands, Forests, and Natural Resources appears to have retreated from the field.

It is abundantly clear that industry self-regulation is NOT serving the local stakeholders of the Apex Intensive Recreation Area. Indeed the very need to write this report – a task performed by volunteers and requiring considerable personal time – challenges the efficacy of self-regulation.

The APOA Board of Directors recommends the Ministry of Lands, Forests, and Natural Resources, assisted by the RDOS, provide ongoing monitoring of forest industry compliance with the LRMP, their own FSPs, and the Forest and Range Practices Act.

Recommendation #5

The role of the provincial government's *Forest Practices Board* is:⁷

We serve the public interest as the independent watchdog for sound forest and range practices in British Columbia.

We report to the public and government about compliance with the Forest & Range Practices Act and the Wildfire Act and the achievement of their intent.

Therefore the APOA Board of Directors recommends the Forest Practices Board:

- review the current issues impacting the Apex Intensive Recreation Area as outlined in this report,

⁷ From <http://www.fpb.gov.bc.ca/>

- monitor the subsequent industry and government responses to address these issues, and
- report its findings and recommendations to government, industry, stakeholders, and the public.

<end of report>

Please contact the APOA Forest Committee at jeff@brownji.com for further information regarding this report.