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INFORMATION BULLETIN – JUNE 22, 2009

Private Managed Forest Land Council finds Island Timberlands did not contravene road maintenance requirements on Menzies Bay mainline

The Private Managed Forest Land Council (Council) has determined that Island Timberlands LP (ITL) did not contravene section 21 of the *Private Managed Forest Land Council Regulation 2007* (the regulation) in respect of fill slope erosion which occurred in November 2007 on the Menzies Bay mainline at the Welch creek crossing.

During the week of November 12, 2007, a severe winter storm crossed central and southern Vancouver Island. The storm resulted in flooding of Welch creek at the point where the creek is crossed by the Menzies Bay mainline. Approximately 50 m³ of fill was eroded into Welch creek.

The Council investigated the incident to determine if the road crossing had been properly maintained in the period immediately preceding the erosion event. The Council retained experts on road engineering and assessment of fish habitat. The Executive Director prepared an Investigation Report which alleged that ITL had failed to maintain the Welch creek crossing as required under section 21 of the regulation.

Section 21 of the regulation requires the owner of private managed forest land to maintain a road if the owner either constructed or used the road for timber harvesting or related purposes. The Menzies Bay mainline crosses a narrow portion of MF 19 (owned by ITL) that parallels Highway 19 and is used under a road use agreement by Western Forest Products (WFP) to access TFL 39. Under that road use agreement, WFP is responsible for maintaining the portion of the Menzies Bay mainline that is within MF19. Upon reviewing the evidence, the Council is satisfied that ITL neither constructed nor used the Menzies Bay mainline for timber harvesting or related purposes since the regulation came into force on August 3rd 2004. Accordingly, when the events occurred in November 2007 ITL was not required to maintain the Welch creek crossing.

There is some evidence that the introduction of the erodible fill into Welch creek in November 2007 had a localized short term negative impact on fish habitat. However, it was also noted that the introduction of gravel into the stream will improve downstream spawning habitat.

The Council is an independent provincial agency established in 2004 under the *Private Managed Forest Land Act* to administer the Managed Forest Program and protect key public environmental values on private Managed Forest land in British Columbia. The mandate of the Council is to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices including regulating forest practices relating to soil conservation, reforestation, and the protection of water quality and fish habitat.

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