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Your file / Votre référence

Our file / Notre référence
8440-01

Mr. Lee Doney, Deputy Minister
Ministry of Forests
P.O. Box 9525 Stn Prov Govt
VICTORIA, BC V8W 9C3

FEB 28 2000

Dear Mr. Doney:

Re: Fisheries Act Implications of Logging Adjacent to Small Streams

I am writing to you to express the Department's concerns regarding current logging practices adjacent to small fish-bearing streams and direct tributaries to fish-bearing streams. The integrity of these streams, identified variously as S4, S5 and S6 streams under the *Forest Practices Code*, is critical to the long-term health of our salmonid and freshwater fisheries. My staff inform me that current logging practices in this province rarely provide riparian leaves strips or setbacks that adequately protect these streams.

Given the current practice and the importance of such streams, we wish to confirm that the federal *Fisheries Act*, and specifically the requirements not to harm fish habitat or deposit deleterious substances into fish-bearing waters, continue to apply to the practice of logging adjacent to small streams in this province.

A letter (copy attached) from regional staff of Fisheries and Oceans Canada will be sent to the District Managers of the Ministry of Forests outlining interim standards that we deem acceptable to meet fish habitat objectives. In the longer run, we believe that a review of the riparian provisions of the *Forest Practices Code* is required.

We continue to be committed to working with your ministry to ensure the public objectives of the protection of fish habitat are achieved. To this end, we would be pleased to meet with you to discuss our concerns further.

Yours sincerely,

D.M. Petrachenko
Director General, Pacific Region

Attachment

Canada

DRAFT

District Manager, Ministry of Forests

I am writing to you to express my department's concerns regarding current logging practices adjacent to small fish-bearing streams and direct tributaries to fish-bearing streams. The integrity of these streams, identified variously as S4, S5 and S6 streams under the *Forests Practices Code*, is critical to the long-term health of our salmonid and freshwater fisheries. My staff informs me that current logging practices in this province rarely provide riparian leave strips or harvesting reserves that adequately protect these streams.

Given the current practice, and the importance of such streams, we wish to confirm that the federal *Fisheries Act*, and specifically the requirements not to harm fish habitat or deposit deleterious substances into fish-bearing streams, continue to apply to the practice of logging adjacent to small streams in this province.

The following interim standards are considered acceptable to meet fish habitat management objectives without requiring regulatory amendment of the *Forest Practices Code of BC Act*.

1. The riparian management zone of S4 fish-bearing streams must have retention levels approaching 100% retention. Any proposed variation of this retention rate must be supported by an ecological rationale acceptable to Fisheries and Oceans Canada. Justification must be site specific.
2. The riparian management zone of S5 and S6 streams that are direct tributaries to fish-bearing streams must have retention levels approaching 100% retention. Any harvesting within the riparian management zone on such streams must be supported by a site-specific ecological and operational justification. Riparian management zones for other S5 and S6 streams should be managed as per the Best Management Practices set out in the Riparian Management Area Guidebook. We trust that the foregoing will be considered in the process for approval of Silvicultural Prescriptions.
3. In areas where there is a high windthrow hazard wider riparian management zones may be required unless alternative windthrow management measures can be shown to be effective. The wider management zone should be designed spatially to match the specific vegetation, topographic, and surficial material characteristics of the site and consist of a retention proportion aimed at protecting the "target" riparian vegetation zone from wind damage. Where trees do blow down across the stream channel they should be left in place to provide future large woody debris to the channel.

We continue to be committed to working with your ministry to ensure the public objectives of the protection of fish habitat are achieved. To this end we would be pleased to meet with you to discuss our concerns further.

Area Chief
Habitat and Enhancement Branch