

Timber company's fine axed

By Marcel Tetrault
Echo Staff

A \$35,000 fine levied against TimberWest for contravening forestry regulations in the Comox Valley watershed has been rescinded.

The forestry company was fined after all of the trees were removed along one bank of a 200-metre section of Beech Creek, a creek that not only contains resident trout but also flows into Comox Lake, the drinking water supply for more than 30,000 local people.

Nobody, including TimberWest, disputes that removal of the trees contravened the Private Managed Forest Land Act, the regulation that governs logging in that area.

Under the act in force at the time, 20 trees should have been left standing along each 100 metres of creek to maintain bank stability and protect the water from debris coming from clearcut areas behind the trees.

As every tree was removed along the 200-metre stretch, it was determined that two contraventions had occurred, each carrying a maximum penalty of \$25,000. The Private Managed Forest Land Council levied a \$35,000 fine.

But TimberWest appealed, successfully arguing that, for their part, they had exercised due diligence and the violation was beyond their control.

"It's clear that there obviously was an error on the part of the contractor that was harvesting in that area," said TimberWest manager of public affairs Steve Lorimer. "When we initially became aware of that we dealt with it immediately."

Although the removal of the trees is characterized as an 'error,' the report on the incident notes that the contractor "mistakenly believed that he had been authorized to remove the trees within the buffer."

Asked how the contractor could have come to that mistaken belief, Lorimer said that any instruction to the logger to remove the trees did not come from TimberWest's authorized contract supervisor.

"What I can tell you is that in the pre-work review that was done with our contract supervisor ... it was clear that the buffer zone was there," he said. "There may have been some discussions that went on previous to that, but not with the authorized contract supervisor."

"Our contract management system is very clear in who is authorized to provide direction to the contractor, and that would be the contract supervisor only. He did not provide any of that sort of authorization."

Other reasons put forward by PMFLC in their reconsideration to rescind the fine included that "TimberWest promptly cleaned up and planted the affected area," and that "fish habitat and water quality ... were not significantly impacted during or since logging."

The contravention was initially self-reported by TimberWest in July of 2005. PMFLC executive director Stuart Macpherson conducted a helicopter reconnaissance of the area that November but did not initiate a full investigation.

"The inspection, at that point, was



Logging along bank of Beech Creek; trees were supposed to have been left

"Through some kind of sophistry, they're allowing TimberWest to be let off."

— Will Koop, B.C. Tap Water Alliance

just looking at the environmental impact of the event," said Macpherson, noting that a registered professional biologist confirmed that the environmental impact was minimal.

"We saw what happened there. It was recognized as a problem, we just didn't get into the formal investigation that we did later."

Macpherson told the Echo that he did notice that all the trees were missing on one side of the creek and he knew it was a violation of the act.

But a full investigation did not begin until a complaint was received from the B.C. Tap Water Alliance in May of 2007, one-and-a-half years later.

The man who filed the complaint, Will Koop, is not impressed with the results.

"I was stunned by what I saw there," he said. "I'm still shocked, in fact I'm deeply shocked. I'm shocked

because it's such a clear violation. What kind of message does this send out to other people?"

Koop said he felt the initial report done by PMFLC was accurate. It is the reversal of the decision he finds hard to accept.

"I think that the reasons provided by the council in its reconsideration are irrelevant, you can quote me on that," he said. "These are things to mask what happened."

"Through some kind of sophistry, they're allowing TimberWest to be let off."

Koop was also not informed when the report triggered by his complaint was completed last September, nor was he told that TimberWest was appealing the decision.

"I think that what they did is they hid this report from the public," said Koop. "I have a right to get involved in the appeal process. When TimberWest filed its submissions for an appeal, I was not advised of this."

"(PMFLC) only heard from the company, not from the complainant. I would have been able to review their submission and critique it."

"This is very shadowy, so I'm very concerned about this."

Macpherson said that, under the act, the land owner has a right to request a reconsideration, but the complainant has no right to be

involved in the process.

But he said the council has since changed their policy and in future complainants will be notified when reports are complete and kept informed of requests for reconsideration.

"The process that we were following at the time, there wasn't an allowance in there for the complainant," he said.

"Subsequently we have re-looked at the process, and moving forward, the council is now going to allow a complainant an opportunity to make a statement. That's not a regulation, it's more of a policy."

Macpherson emphasized that although the remediation order in the initial determination is no longer in effect, TimberWest has complied with it.

"All the remediation that might have been ordered or needed to be done has been done," he said. "The good news is that it did not have a major environmental impact."

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Wing trekke for Nijmegen

If you see a slow-moving vehicle in the Valley consisting of lots of green serge with a couple of bright orange vests marking the front and rear, please drive slowly and give them a wide berth.

The vehicle is a group of 16 personnel from 19 Wing who are training for the 92nd Nijmegen Marches, a four-day, 160-kilometer walk in combat gear with a 10-kilogram load in the Netherlands.

The team will be whittled down to 10 marchers and a team leader who will make the trip to Nijmegen for the Marches, which takes place this year from July 15 to July 18.

The team will be spotted marching on Comox (Dyke) Road as well as on

Edmonton tr

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He praised both the Comox Valley Chamber of Commerce and Comox Valley Airport Commission for their way they got behind such promotions.

"Between us we can make things happen in this Valley," he said.

He also thanked civic leaders were showing their support, with Courtenay Mayor Starr Winchester, Comox Mayor Jim Brass, and Cumberland Mayor Fred Bates (also chair of the Regional District)

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