



BC Community Forest Association

Submission to the Forest and Range Practices Act Improvement Initiative

July 9, 2019

The BC Community Forest Association (BCCFA) offers the following submission to the Forest and Range Practices Act (FRPA) Improvement Initiative. In May 2019, the BCCFA formed a FRPA sub-committee to review and comment on the proposed reforms. Members of the sub-committee are George Brcko, Manager of the Wells Gray Community Forest, Dave Lasser, Manager of the Sunshine Coast Community Forest, Gord Chipman, Manager of the Esk'etemc Community Forest and Jennifer Gunter, BCCFA Executive Director. Jennifer Gunter is also a member of the Minister's Forest and Range Practices Advisory Council.

The FRPA Improvement Initiative was also one of the focus areas of the BCCFA Conference in Mission, June 12 – 14, 2019. During the conference sessions, community forest managers were given an overview by representatives of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) of the Bill 21 amendments and the concepts proposed for a second round of changes to FRPA.

The comments provided here are based on information shared to date by Resource Practices Branch, Office of the Chief Forester and are specific to the concerns of community forest agreement (CFA) holders as they contemplate the changes being discussed. The BCCFA's sub-committee looks forward to further discussion as the FRPA Improvement Initiative progresses.

The Community Forest Agreement Context

The CFA is an area-based licence that provides the exclusive right to harvest timber within the CFA area, and the right to manage botanical forest products. Licences are long-term, 25 years, replaceable every 10. Since the development of the community forest agreement (CFA) tenure in 1998, BC has issued 58 CFAs with another 5 formally in the application process. These licences are held by a variety of community-based legal entities, including Limited Partnerships, Societies, Co-Ops, First Nations Bands and local governments. Collectively, over 100 Indigenous and rural communities are involved in community forestry in BC. Half of the operating community forests are held by First Nations or a partnership between an Indigenous and non-Indigenous community

The CFA tenure was developed to give local communities the opportunity to manage local forests for the benefit of those communities, in a manner consistent with locally defined objectives and values. CFAs are governed by the Forest Act and the Forest and Range Practices Act, and all other applicable statutes and regulations.

As described on the FLNRORD website:

“Harvesting operations provide a source of revenue for supporting local priorities and community initiatives...Community forests support opportunities in areas such as recreation, wildlife and watershed management for communities and contribute to a more diversified forest economy.”¹

The CFA tenure is unique in the province for several reasons:

- The ownership of the tenure is exclusively local, and the organization that holds the licence must represent the local community. Profits do not leave the community to benefit distant shareholders.
- There is a comprehensive application process that includes the requirement to demonstrate local community engagement and support.
- The Licence Document and Management Plan must:
 - contain the broad social, economic and resource management goals proposed for the CFA
 - identify the linkage between the CFA goals and the provincial CFA Program goals (below), and
 - include a plan for annual reporting out to the community.

The Provincial Government’s Goals for the community forest program further set the tenure apart. The Goals are to:

1. Provide long-term opportunities for achieving a range of community objectives, values and priorities.
2. Diversify the use of and benefits derived from the community forest agreement area.
3. Provide social and economic benefits to British Columbia.
4. Undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values.
5. Promote community involvement and participation.
6. Promote communication and strengthen relationships between aboriginal and non-aboriginal communities and persons.
7. Foster innovation.
8. Advocate forest worker safety

It is because of the unique characteristics of the community forest tenure that we contend that many of the desired outcomes that government is seeking by reforming FRPA are already being achieved by community forests. These include intentions such as:

- Improved information sharing in forest planning
- Increased opportunities for communities to engage in planning
- The advancement of reconciliation with Indigenous Nations by enhancing their participation in forest and range management

¹ <https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/community-forest-agreements>

- Adapting resource management to changing land base and values.

As government works to make changes to FRPA, the following key points must be considered so that the changes do not create undo administrative burden or hinder the success of community forests.

- CFAs are long-term, area-based tenures. Incentives for stewardship and improving ecosystem resiliency are built-in through the tenure rights conferred.
- CFA holders have gained experience through managing their long-term area-based tenures. They are already required to do a high level of public engagement, inventory, analysis. To this end, significant investments have been made in inventory and landscape analysis.
- It is critical that CFAs retain the ability to manage their landbase for community values and priorities, consistent with sound forest stewardship.
- CFA Management Plans are already required to be consistent with higher level plans and must also be consistent with the provincial goals for the community forest program.
- Annual reporting to the community is also an existing requirement.

The following sections provide more specific feedback from the BCCFA's FRPA sub-committee on Bill 21 Amendments and the concepts proposed for future changes.

A. Forest Operations Maps

There must be considerable flexibility inherent in the forest operations maps (FOMs) to support the ability of CFAs to be nimble and respond to both forest health problems, markets, and community values - including public safety. This flexibility is crucial to the CFA's ability to maintain social licence.

- Once the FOM has been approved, the blocks and roads contained therein must be gated. Costly investments will have been made, (ex: Block and road layout, terrain assessments, stream assessments, watershed assessments, FN arch assessments, wildlife assessments, forest health assessments, fire risk/mitigation assessments, VQO's, etc.). CFA's can't accept the risk of losing blocks once assessments have been completed.
- With respect to exemptions, the FOM process needs to provide for an immediate response in the event of fire, wind, ice/snow storms, insect infestation etc.

There is also concern that the new requirement for FOMs could impact the ability of CFAs to implement the One Cutting Permit Policy. The One Cutting Permit (1CP) concept is extremely valuable to CFA holders that have implemented it. It is consistent with the goals of landscape level planning. Careful attention must be paid to ensure that any reforms, including the FOM requirements, do not jeopardize the implementation of 1CP.

The One Cutting Permit concept is available to all CFAs that meet the following three criteria:

- There is an approved FSP in place;
- The CP being applied for is on tabular rates; and
- The district manager is satisfied that adequate First Nations consultation for the area has occurred.²

² https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/timber-tenures/community-forest-agreements/191157_memo.pdf

Background on 1CP:

“Since all the timber in a community forest agreement is priced via tabular rates, the need for appraisal information by cutting permit is eliminated. Therefore, the one cutting permit can apply to the entire community forest area. This eliminates multiple cutting permit submissions by the licensee and processing by government. This also gives the licensee the ability to quickly react to niche markets or demands. In keeping with a results-based approach, agreement holders report on their activities after completion. This has the added advantage that harvest block boundaries are submitted only once. This results in lower administration and data storage costs”³

With the amendments to FRPA brought in with Bill 21, it will be critical to ensure that the 1CP Policy is preserved.

B. Landscape Level Plans

The input the BCCFA has received from its members has consistently been that as long-term, area-based, community held tenures, CFAs must retain the ability to develop their own plans. Many concerns were raised by CF Managers during the sessions on FPRA at the BCCFA Conference in June. Of particular concern was how CFAs would fit into the plan to shift to landscape level planning. The message from the members at the conference was that CFAs must be able to do their own plans, no matter their size. They do not want to be forced to comply with a plan written by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, nor do they wish to be forced to be part of a process led by major licensees that could disregard or downplay the community values for which the CFA holders manage.

The BCCFA has the following feedback on the landscape-level planning concept:

1. FRPA amendments must allow CFA holders to elect to undertake their own planning processes.
2. As long as the option is available to develop their own plans, the BCCFA supports the provision for a CFA holder to elect to participate in a government-led landscape-level planning process with other licensees, or a for government to lead a separate landscape-level plan for the CFA. We also wish to explore the a more streamlined planning process for community forests that want to develop their own plans but do not possess the characteristics required to conduct landscape-level planning.
3. FRPA and its regulations and policies must minimize the administrative burden associated with landscape-level plans completed by area-based tenures.
4. A further recommendation is to explore using the Management Plan as the primary plan for CFAs.
5. A landscape level planning framework must recognize regional variation when setting out any expectations for protecting and conserving the land and the environment.
6. Wildfire management and community protection are priorities for many community forests, and the planning framework must facilitate proactive management.

³ <https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/community-forest-agreements>

Regardless of the planning framework they choose, CFA holders MUST be given a seat at broader landscape-level planning tables to provide input and review the plans that are being developed by those operating adjacent to community forest boundaries.

C. General Comments

The success of a new planning framework will be negatively impacted by:

- Higher Level Plans that are outdated, were based on flawed inventory information, or have been rendered obsolete by fire losses and/or insect damage (or both) and by operations and impacts by other resource sectors. This deficiency needs to be addressed.
- The management regimes of other natural resource sectors. The provincial government needs to create consistency across sectors.
- Insufficient resources. MLNRORD needs to be better resourced in order to implement the proposed changes.

Thank you for the opportunity to provide input to the FRPA Improvement Initiative, the BCCFA looks forward to continued engagement.

The BC Community Forest Association represents over 90 rural and Indigenous communities across our province. We share a vision of a network of diverse community forest initiatives, where local people practice ecologically responsible forest management in perpetuity, fostering and supporting healthy and vibrant rural communities and economies.

For more information, visit www.bccfa.ca