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Via email: engagefrpa@gov.bc.ca

Public Consultation
Forest and Range Practices Act Improvement Initiative
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
PO Box 9391, Stn Prov Gov't
Victoria, BC V8W 9M3

To Whom It May Concern:

RE: Input – Forest and Range Practices Act Improvement Initiative

Attached you will find the Northern Rockies Regional Municipality's (NRRM) response to the request for input on the sustainable management of BC's forest and range resources, as posted for comment on the engage.gov.bc.ca/forestandrangepactices website. This response represents the NRRM's more general comments as a "forest dependent community" as well as technical comments on the suggested changes to the *Forest and Range Practices Act*.

Since 2014, the NRRM through its Forest Rejuvenation Initiative, has devoted significant time and resources to advocate for a strategic partnership with the Province and interested First Nations for matters concerning the administration, marketing and strategic decision making of our local forest resources. At the direction of Mayor and Regional Council, the NRRM continues to pursue this initiative in a very proactive, transparent and consultative manner, and believe that through our unique positioning and experience, the NRRM has a significant positive contribution to make to any such endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Barry", with a long, sweeping underline.

Scott Barry,
Chief Administrative Officer

cc: Dan Davies, Member Legislative Assembly



Northern Rockies Regional Municipality Response

Forest and Range Practices Act Improvement Initiative: *Renewal and Resilience* Discussion Paper

(May 27, 2019 Release)

Submitted July 15, 2019

Reference: **Forest and Range Practices Act Improvement Initiative: Renewal and Resilience Discussion Paper**

Introduction

The Northern Rockies Regional Municipality (NRRM) welcomes the opportunity to provide comments on the proposed *Forest and Range Practices Act* (FRPA) as posted for comment on the engage.gov.bc.ca/forestandrangepractices website. Furthermore, the NRRM has an established formal position on the sustainable management of BC's forest and range resources which has been developed over time and is the product of significant experience, exploration, and effort. That position is reflected in this commentary.

The comments of the Regional Municipality are provided in two parts.

Part 1 comprises more general and contextual points that relate to the NRRM's position as a unique "forest dependent community," and our linkages to, and the implications of FRPA for us.

Part 2 contains the direct feedback requested in the FRPA Discussion Paper. This component of our response was developed by Bill Bourgeois (New Direction Resource Management Ltd.), in consultation with NRRM.

Part 1: NRRM a "Forest Dependent Community" Perspective

Forestry Rejuvenation Initiative

The Northern Rockies Regional Municipality has had a very active Forestry Rejuvenation Initiative since 2014, and has been persistent in its pursuit of a tripartite strategic forestry partnership including ourselves, the Province, First Nations. Issues to be addressed by the proposed partnership would span those associated with the administration, marketing and strategic action planning for the forest resource within the NRRM. This, we believe, is both congruent with and supportive of the provincial initiative to provide First Nations with greater and more equitable access to forest licenses and opportunities.

There is significant renewed interest in the restart of the local OSB mill that was shuttered in June 2008. In addition, the NRRM has partnered with Fort Nelson First Nation (FNFN) on a Community Forest Agreement that, pending approval by the Province in July 2019, will be the largest in BC. The Regional Municipality fully supports the vision of local forests being managed through local decision making, a concept which we have long since promoted.

As part of its effort to re-establish the forest manufacturing sector in our region, the NRRM has also initiated a comprehensive study (Parts 1 and 2) on the region's Aspen resource. In the absence of an OSB mill that would use upwards of 1,000,000 m³ of Aspen, other profitable end uses must be found for that fibre to make industry viable. In a mixed forest, there must be markets for both the Aspen and the Spruce / Pine resource. Among other things, the investigation underpinning both phases of the study looked at Aspen lumber and decorative paneling as well as veneer that can be utilized in Laminated Veneer Lumber (LVL) and construction plywood. This work has led to additional serious enquiries from BC-based manufacturers and wholesalers as well as interest from some major industry players in the U.S.

An **Investor Package Overview Report** on Northern Rockies Aspen / Hardwood Resources in the NRRM drawing on the Aspen Study was professionally produced and broadly distributed in May 2019, further stimulating interest and inquiries. It highlighted the facts that the NRRM is well positioned for future growth in forestry, and that such development would be supported by assets including an existing transport and energy infrastructure, skilled labour force and strong community and infrastructure support for development.

The NRRM's significant efforts to date to rejuvenate forestry in Fort Nelson are reflective of the strong, proactive leadership of the pursuit of a sustainable, local forest industry, and the NRRM's comprehensive grasp of the obstacles faced and solutions to overcome them.

Forestry Visioning

Since 2015, the NRRM has maintained a forest-related vision for both the forest and the manufacturing sectors as major contributors to building a resilient community.

Forest Vision

"Forest lands within the NRRM managed under a governance model focused on creating a base for a resilient forest industry and providing certainty in long-term fibre supply critical to attracting manufacturing investors to the NRRM."

Manufacturing Vision

"A cluster of sustainable secondary wood manufacturing businesses producing products for markets that are economically viable within the constraints of operating in the NRRM, and that fully utilize the fibre originating from forest lands within the region."

The FRPA and other elements of forest legislation are critical to achieving these two visions. Consequently, the NRRM is concerned about some of the suggested changes to the FRPA and is thankful for having the opportunity to provide the following input regarding associated community, and technical forestry issues we perceive.

The Regional Municipality is committed to including local forest stewardship and the manufacturing of the forest resource as a foundational base for moving forward toward community resiliency and sustainability. In this regard:

- The NRRM desires a role in the management decision-making regarding forest lands within the NRRM, and to be adequately represented along with the Province and First Nations.
 - A partnership between Government, First Nations and the NRRM is being proposed to achieve this objective.
- The NRRM recognizes that long-term forest stewardship is essential for a sustainable contribution to building a resilient community.
 - The FRPA and the key parts of the Forest Act are very important as foundations for this goal.
- The NRRM believes that moving to a new governance model is essential and will require innovation, flexibility, collaboration, and a clear vision for the future.
 - NRRM has actively considered all of these points and has manifest them, for example, by working to establish the only Regional Municipality in BC, and partnering with Fort Nelson First Nation to secure the largest Community Forest Agreement in BC. These two building blocks will help deliver on the forest and manufacturing visions and will

help the NRRM to continue to provide leadership in rejuvenating the local forest sector and ensuring that it contributes to community resiliency.

- The proposed new governance model for the region offers an effective vehicle for applying the Government principles and priorities associated with local manufacturing of timber harvested from local forests. This directly relates to our recently achieved Regional Economic Strategy (2019) which again will lead to community resiliency.

Past work carried out by the NRRM through the Forest Rejuvenation initiative demonstrates the merit of having the NRRM play a greater role from the perspective of the FRPA. The benefits of such an arrangement would include:

- Appropriately positioning the Regional Municipality in a leadership role of moving toward community resiliency and sustainability;
- Furthering the partnership with Fort Nelson First Nation to collectively increase participation in the local forest industry.
- Affording an opportunity for the NRRM to be “BC’s Local Government Innovation Lab” to pilot new ideas;
- Tangibly demonstrating ways in which the regionally appropriate Government’s Forest Sector goals can be accomplished while at the same time building community resiliency within the region;
- Exhibiting a commitment to building a regional manufacturing cluster concept to support diversification and full utilization of the local forest resource;
- Providing additional evidence and justification supporting Government’s approach to the accomplishment of Government’s Forest Sector objectives through greater engagement with forest dependent communities and regions, to the overall benefit of the Province;
- Providing a functioning model to guide initiatives toward forest resource initiatives elsewhere in the Province.

Summary

The NRRM has reviewed the *Discussion Paper* from the following perspectives:

- How it supports building community resiliency;
- What is needed within the FRPA and key parts of the Forest Act to support long-term forest stewardship and the innovation of the NRRM’s Forest Rejuvenation Initiative;
- What is needed in a new governance model to provide greater involvement and influence of communities in long-term forest stewardship; and
- How the local public can be influential in moving toward the strategic economic vision for the Regional Municipality and the communities within it.

The Regional Municipality is pleased to have been able to contribute to this crucial exercise. Should there be the wish to extend this discussion we would be more than prepared to do so.

PART 2: Direct Feedback – Technical Emphasis

Prepared by Bill Bourgeois, PhD, RPF (New Direction Resource Management Ltd.)

Overall

The suggested changes and questions in the “Forest and Range Practices Act Improvement Initiative: Renewal and Resilience – Discussion Paper” (*Discussion Paper*) are, for the most part, positive in moving forward to an infrastructure that will deliver Sustainable Forest Management (SFM)¹. However, they should be considered “minor adjustments” and not bold enough to deliver the desired future forest as outlined by the Chief Forester’s vision². In some cases, they are problematic and have a high potential of causing more problems than the current model, as noted in comments in the appropriate sections. The following are comments on what is in the *Discussion Paper* and what is missing. They also are intended to be consistent with the draft seven (7) core principles for use by the Minister’s Forest and Range Practices Act Advisory Council (PAC) in updating FRPA³.

Lacking adequate overall legislative context

The background and questions in the survey are presented without adequate overall context guidance. It is recognized that the comments requested are specific to FRPA, but without amendments to the Forest Act they limit the value of the updating of FRPA. The papers *SFM-What is needed to demonstrate long-term forest stewardship?*⁴ and *Moving toward community resiliency*⁵ provide the necessary requirements to deliver three (3) priority recommended actions to demonstrate how well BC is moving toward SFM using long-term forest stewardship practices. These are as follows:

- 1) Legally binding provincial resource management and extraction principles and a forest lands vision and associated goals,
- 2) Government leadership to support and encourage forest-dependent communities in developing a strategic vision and goals for their local forests and an expectation of forest managers to reflect them in forest management plans, and
- 3) Forest managers required to develop management unit plans that demonstrate delivery of the expectations from the provincial and community visions and goals.

¹ **Sustainable Forest Management (SFM):** “SFM is the stewardship and use of forests and forest lands in a way, and at a rate, that maintains their biological diversity, productivity, regeneration capacity, vitality and their potential to fulfill, now and in the future, relevant ecological economic and social functions, at local, national and global levels, and that does not cause damage on other ecosystems.” Food and Agriculture Organization of the United Nations (Canadian Institute of Forestry’s *The Forestry Chronicle* Vol 70 (6): 666-674)

² https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/silviculture/timbergoalsobjectives2017apr05_revised.pdf

³ <https://news.gov.bc.ca/releases/2019FLNR0053-000541>

⁴ <https://www.bcforestconversation.com/wp-content/uploads/SFM-what-needs-to-be-done-to-demonstrate-status.pdf>

⁵ <https://www.bcforestconversation.com/moving-toward-community-resiliency-recommended-strategic-actions/>

Adopting legally binding statements

FRPA is only one tool in the total infrastructure directed to managing BC forests sustainably. As noted above, the Forest Act needs to be updated to adequately support FRPA, especially in the area of strategic planning. Some priority examples are:

- 1) Providing a legally binding vision, resource goals and operating principles to guide decisions by strategic, tactical and operational decision-makers.
- 2) Providing a Strategic Forest Planning Framework.
- 3) Providing the responsibility for maintaining a forest resource inventory to support decision-making that is legally assigned to the Chief Forester.
- 4) Providing a legal requirement for the MFLNRORD, to have and resource, a Forest Resources Research Branch or Institute to support forest resources management decision-making under current and expected future conditions.

Adopting legally binding provincial resource management and extraction principles requires a forest lands vision and associated goals which is not a new recommendation. The late **Dr. Gordon Baskerville**, Dean, Faculty of Forestry, University of New Brunswick, was an eminent Canadian forest management leader. His following words are applicable today as they were three (3) decades ago when he wrote:

*"When forest resource planning is undertaken, it is only a matter of time before the question is asked - "what is the best forest management?" A credible, simple answer to that question of many dimensions, cannot exist. To begin to answer the question, it is necessary first to **define a specific present forest**, and, to **define the specific future that is desired for that forest**. The objective is to manage the forest in a manner that creates, over time, the defined future forest. This requires hypotheses about the function of forest dynamics in the present and in the future forests. For management to facilitate managerial learning, those hypotheses need to be stated in explicit form, and the selection of each local action must be in context of natural temporal/spatial dynamics in the target forest. The problem is so naturally complex that **it is dangerous for a manager to presume 'correctness' of any local (stand level) action out of context of specific goals for what the specific forest, as a whole, is to become over time**. Further, our knowledge is such that, it is prudent management to treat each step as a hypothesis that a specific action will contribute measurably towards creating the defined target whole forest of the future."*

Recommendations regarding establishing a vision and goals are presented in *SFM-What is needed to demonstrate long-term forest stewardship*.⁶

The infrastructure to support FRPA and demonstrate the practice of SFM needs to include the components of the following strategic planning framework.

⁶ <https://www.bcforestconversation.com/wp-content/uploads/SFM-what-needs-to-be-done-to-demonstrate-status.pdf>

STRATEGIC FOREST PLANNING FRAMEWORK



A long-term strategic plan to provide the forest resources inventory for Government, industry and other forest resources decision-makers is essential. This was outlined in the *Blue Ribbon Forest Inventory Review Panel* recommendations⁷. The data and information are critical for the Chief Forester to ensure compatibility with the requirement to generate Allowable Annual Cut (AAC) determinations. Consequently, the Chief Forester should have the legal responsibility to maintain such an inventory as recommended in the *Blue Ribbon Forest Inventory Panel* recommendations and make it available to resource managers.

A dedicated Research Branch or Institute with a long-term political commitment to sufficient funding and collaborate agreements with other research institutes is essential to provide the science to update what is needed to support forest management decision-making as outlined by Dr. Baskerville. This requirement should be included in a revised Forest Act.

Landscape Unit Plans (LUP)

Landscape Unit Plans are an integral component of moving toward SFM that will lead to resiliency for forest-dependent communities like Fort Nelson in the Northern Rockies Regional Municipality.

Using the boundaries of the Timber Supply Area (TSA) for landscape unit planning will work, provided these are consistent with watershed boundaries. In areas where this is not possible, other collaborative arrangements will be required to avoid delivering on responsibilities and the accusations that the other forest managers are causing any stated problem(s).

The LUP needs to be guided by two key items:

⁷ <https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/forest-inventory>

- 1) A landscape unit vision that is consistent with a legally binding Provincial vision established within the Forest Act, and
- 2) An up-to-date strategic land use plan that provides direction regarding land allocation and broad management objectives.

The landscape unit vision must be consistent with a community vision for the local forest. Without the vision for the landscape unit, all the potential benefits listed in the *Discussion Paper* Background Section of the LUP discussion are problematic. Further discussion on the development of a local forest vision is presented under the Public Trust section of this submission.

Setting landscape unit objectives needs to be done after analyzing scenarios that balance social, economic and environmental values. Spatially and temporally explicit scenario building and analyses are necessary to determine whether the objectives will meet the vision and expected results over the next 100 years. Setting objectives and targets without the scenario building and analyses will lead to continual conflicts throughout. An example of this is the Great Bear Rainforest initiative where positional negotiations regarding constraints continue after a decade of “project approval”.

The LUP should become the Forest Stewardship Plan (FSP), provided:

- 1) It demonstrates how the vision and objectives will be delivered explicitly both spatially and temporally projected for 100 years, and
- 2) It demonstrates the balancing of the forest values in the landscape area and potential risks to the values.

Land use plans are a basic component for a LUP. Government has committed to “modernizing” these plans. However, given the case by case approach adopted by Government and the requirement to incorporate First Nations values into land use plans, it is problematic that the plans will be updated in a timely manner. To achieve the objective of providing land use plans that provide the necessary guidance to the forest manager, Government will have to demonstrate more urgency to updating the land use plans or the result will not change from the current FRPA implementation. Failure to provide the updated land use plans jeopardizes the intended guidance of the LUP, resulting in a false sense of plan acceptance meeting Government, industry and community expectations.

The *Discussion Paper* questions regarding LUP do not lend themselves to providing a focus. They give the impression that the current Provincially focused approach rather than a community focused approach is driving them. The needs and desires of the various communities, First Nations, stakeholders, etc. is so varied across BC that it will be difficult to include the details within FRPA in a meaningful way. Government should focus on the infrastructure that will provide flexibility for communities to develop a vision for their local forests and landscape units consistent with the overall vision of the Province.

The question regarding roads is an operations level discussion and should be developed by forest professionals to achieve the desired objectives associated with SFM. Including these questions suggests moving back to the descriptive approach of the old Forest Practices Code. Government needs

to provide financial assistance to communities to develop a strategic vision for their local forest. This will pay dividends in reducing confrontation, providing guidance to forest managers and increasing community confidence in forest management. Money well spent!

Public Trust

Traditionally forest policies and regulations tend to deal with one instrument at a time. In the case of building public confidence in BC forest management it requires addressing three (3) major areas of consultation:

- 1) Public awareness of proposed plans and activities – building a strategic vision for the local forest and adopting a sound public consultation process,
- 2) Ensuring public confidence regarding implementation of the proposed plans and activities – implementing an updated Professional Reliance model, and
- 3) Providing adequate resources – Compliance and Enforcement staffing and Forest Practices Board audits.

The paper *Building public confidence in forest management - A nested approach*⁸ includes a discussion regarding these areas of consultation.

Building awareness of plans and activities begins with identifying a community strategic vision for the local forests. This provides the required focus on strategic issues and provides the basis for addressing the three topic areas noted above. It is critical that any multi-party discussion does not get into operational practices or the process will become a disaster. The questions regarding public trust in the Discussion Paper are of this nature. Government should do a major re-think of their approach to obtaining public input.

The greatest benefit of involvement of communities and stakeholders is at the strategic level. It should be left up to the profession forest managers to demonstrate to the communities how the plans and activities will deliver on the strategic vision. To do this, the infrastructure in-which FRPA operates (e.g., Forest Act) must be changed as noted above to ensure proper guidance to the forest managers and a basis for public evaluation of proposed plans.

Public awareness of proposed plans and activities is directly associated with community engagement. Government and industry should adopt a modified *Community Engagement Framework*⁹ that would address the current issue regarding inadequate public consultation. This would keep concerned citizens “in the loop” and provide an opportunity for input into plans and proposals relative to their local forests.

⁸ <https://www.bcforestconversation.com/wp-content/uploads/Building-Public-Confidence-A-nested-approach.pdf>

⁹ <https://tinyurl.com/y94tumvz>

Resource Values and Objectives

Resource values and associated objectives need to be increased to include those values that are traditionally recognized in demonstrating SFM¹⁰. The current understanding is Government will be introducing further values to FRPA that were previously identified but not included in the current version. This is supported but there are two (2) additional additions that should be considered.

- 1) The inferred limitation of non-timber resource impacts on timber supply (adversely impact timber supply) to 6% does not make scientific sense. However, it does provide a political balancing measure but is this what is needed to achieve the Chief Forester's vision? The visioning and spatially and temporally explicit planning mentioned above is a more defensive forest management methodology to balance the existing values in a landscape unit, while at the same time, identifying the risks to the values of a chosen scenario. The scenario modeling approach to identifying strategic forest management plans should be adopted and required by forest managers. This not a new model as it has been used for over 20 years in US forest resources management and is currently being applied in the Integrated Stewardship Strategies pilots.
- 2) FRPA should include the option of adding local value(s) to the strategic vision and objectives, if clearly articulated, supported by the local community and does not adversely impact Provincial forest management outputs.

Oversight and Accountability

Oversight and accountability are critical to both ensuring the practice of long-term forest stewardship and the strategic vision is being delivered. As noted above (i.e., LUP section), updated strategic land use plans are critical to providing the Government decision-maker the basis for evaluating performance of the forest manager.

The *Discussion Paper* identifies "Government decision makers will be responsible for managing forest and range activities that reflect and protect the public interest." If the "decision-makers are intended to be Ministry staff, this is bad legislation! This was the Forest Practices Code model principles that were disastrous from the perspective of cost, industry and Government staff time requirements and did not generate the desired public confidence results.

If Government takes this on, they will be responsible for the building of scenarios and consulting with communities regarding a strategic vision. I doubt this will happen and Government staff will create the conflicting situation. Government needs to regulate and approve the strategic vision and subsequent objectives derived from the scenario building and analysis. It is better to get the licensees to do the technical planning and recommend a scenario that will deliver on the community-stakeholder-First Nations generated strategic vision.

Government oversight to meet the public and Provincial expectations should be delivered through other instruments with adequate Compliance and Enforcement staff. The paper *Building Public Confidence*

¹⁰ **Community resilience** – "Community resilience is the capability to anticipate risk, limit impact, and bounce back rapidly through survival, adaptability, evolution, and growth in the face of turbulent change." Ref: Community & Regional Resilience Institute, 2013.

*in Forest Management – Compliance and Enforcement*¹¹ describes the oversight actions required by Government. As noted above in the Public Trust section, a “nested” approach is required to build confidence within the public. The measures for accountability and audit procedures need to be clear at all levels to guide the forest managers and the auditors.

The Forest Practices Board (FPB) is a publicly respected organization that could be capitalized upon. It should go beyond FRPA per se to audit activities of other resource industries where their actions may impact forest management. This would contribute to an integrated infrastructure model for the Province rather than a series of independent pieces.

¹¹ <https://www.bcforestconversation.com/building-confidence-bc-forest-management-compliance-enforcement/>