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Garry Merkel  
Al Gorley  
British Columbia Old Growth Review Panel  
Email: [oldgrowthbc@gov.bc.ca](mailto:oldgrowthbc@gov.bc.ca)

January 31, 2020

Dear Mr. Garry Merkel, RPF, and Mr. Al Gorley, RPF,

**Re: Written Submissions regarding changes to old growth management in British Columbia in the context of a global climate emergency**

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The Saskatchewan Court of Appeal (“SKCA”) recently said that “climate change caused by anthropogenic [GHG] emissions is one of the great existential issues of our time.”<sup>1</sup> Old growth forests are critical to our survival in the context of a global climate emergency.

I am a lawyer, have certificates in international and environmental law, and have worked in environmental law for over 10 years. Before law-school I graduated in the top of my class with a Forest Technician diploma from the Maritime Forest Ranger School, now the Maritime College of Forest Technology. I recently returned there, in 2016, to give the graduation address. I have worked for the federal government, and the Ministries of Environment and Natural Resources in the Ontario provincial government. These are my submissions on BC’s review of its old growth policy.

We have known since 1990 or before that old-growth forests store more carbon, and when they are cut that storage capacity is lost for hundreds of years.<sup>2</sup> A dissenting Court of Appeal Judge recently wrote, in the United States “Juliana” case (where youth are attempting to sue the government to force them to take action on climate change), of the situation regarding our climate;

In these proceedings, the government accepts as fact that the United States has reached a tipping point crying out for a concerted response—yet presses ahead

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<sup>1</sup> *Reference Re Greenhouse Gas Pollution Pricing Act*, 2019 SKCA 40 [“*SKCA Reference Case*”], at 14.

<sup>2</sup> Mark E. Harmon, William K. Ferrell, Jerry F. Franklin, Effects on Carbon Storage of Conversion of Old-Growth Forests to Young Forests, *Science*, 09 Feb 1990: Vol. 247, Issue 4943, pp. 699-702

toward calamity. It is as if an asteroid were barreling toward Earth and the government decided to shut down our only defenses.<sup>3</sup>

The same can be said of Canada and British Columbia. Old-growth forests are a critical defense against climate change, both for mitigation and adaptation. They not only store carbon, but are more fire-resistant, regulate water supplies, and provide food in a number of forms – plants, wildlife, and healthy fisheries.<sup>4</sup>

BC's old-growth strategy is effectively shutting down this line of defense. That must change. Please stop all old-growth logging immediately.

### ***We need new rules for a new era***

We are in a climate emergency, and global biodiversity is collapsing. In 2018 Greta Thunberg said, regarding oil;

Today we use 100 million barrels of oil every day. There are no politics to change that. There are no rules to keep that oil in the ground, so we can't save the world by playing by the rules because the rules have to change. Everything needs to change and it has to start today.<sup>5</sup>

Although she was speaking about oil, it is equally applicable to old growth forests. Business as usual means surrender to disaster.

The entire forestry system has to shift to long term investment in our environment, culture, and green jobs. For starters, forestry must be regulated again – not just old-growth, but that is a good place to start. Professional reliance, a key tenet of natural resource management under a neo-liberal worldview, has failed.

### ***Create good green jobs***

BC is currently giving millions and millions in subsidies to LNG, reflecting that the province is perfectly capable of spending money to support certain industries. Regarding old

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<sup>3</sup> *Juliana v. United States of America*, United States Court of Appeals for the Ninth Circuit, online: <http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/17/18-36082.pdf>, p. 32

<sup>4</sup> David Biello, September 11, 2008, Old-Growth Forests Help Combat Climate Change, *Scientific American*, online: <https://www.scientificamerican.com/article/old-growth-forests-help-combat-climate-change/>

<sup>5</sup> Jessica Corbett, Teen Climate Activist to Crowd of Thousands: 'We Can't Save the World by Playing by the Rules Because the Rules Have to Change' *Common Dreams*, online: <https://www.commondreams.org/news/2018/10/20/teen-climate-activist-crowd-thousands-we-cant-save-world-playing-rules-because-rules>

growth BC should spend money on protecting areas, and real jobs in forestry. Those could be in science, research, carbon storage, managing our old growth forests, planting new trees, protecting old-growth, and food production.

Forest managers, scientists, rangers, firefighters, tree planters, and forest Guardians – are all good jobs.

***Focus of old growth management: carbon storage, fire protection, culture, biodiversity, and water***

Old growth is critical to our survival. We are in a climate crisis and old growth stores carbon and protects us from the worst effects of climate change. We are in a biodiversity crisis and old growth supports biodiversity. Yet, we are logging the last of it. It must stop. Not only does old growth store carbon, it also buffers against fires, regulates and cleans water, and is critical to First Nations culture, and tourism.

BC has an opportunity to shift to managing old growth for other interests; wildlife, carbon storage, water, recreation, culture, and global survival.

***We all must do our part.***

BC also has a chance to learn from the people who have lived here for millennia. Joe Martin, Tla-o-qui-aht Master Carver, and former logger, recently wrote, in regard to this review and old growth logging;

Our people practised for abundance rather than “sustainability.” To me, sustainability means keeping our natural resources on a lifeline until they’re eventually gone or until industry has finally had enough and moved on. Practising for abundance is making sure that your grandchildren won’t have to work as hard as you did. It’s ensuring that when we leave this garden for them, they will have everything they need.<sup>6</sup>

This should be part of any new old growth policy. We should manage our forests for abundance, not bare survival. If we do so that may help buffer them, and us, against the coming impacts of climate change.<sup>7</sup>

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<sup>6</sup> Joe Martin, Old Growth Forests Are Vital to Indigenous Cultures. We Need to Protect What’s Left, *The Tyee*, online: <https://thetyee.ca/Opinion/2020/01/28/Province-Accepting-Old-Growth-Management-Feedback/?fbclid=IwAR187fa3Naz7VCi76NSt8132mBvLvZGIIT44AoRsJ0BbBA7C6cbGibzCNQ4>

<sup>7</sup> Biello, supra.

### *First Nations should have a veto*

There is considerable debate about whether UNDRIP means Indigenous Peoples should have a veto over decisions regarding their traditional territories. In my view they should, but I understand government is not ready yet to embrace that. The *B.C. Declaration on the Rights of Indigenous Peoples Act* is a good start, although there is still much work to be done.

Regarding old growth, however, a veto would be a significant management simplifier, would result in more protection, and would reduce conflict. It would also reduce litigation over this issue, including the incredible expense of that to both the province and First Nations.

First Nations should have a veto over any logging of old growth in their traditional territories. Considering the history of disputes over this issue, the tie-in with colonialism, the commitment to reconciliation, and the ongoing cultural and economic importance of old growth forests to First Nations, this is an obvious potential positive.

### *Closing*

*Each generation takes the earth as trustees. We ought to bequeath to posterity as many forests and orchards as we have exhausted and consumed.*

— J. Sterling Morton

Please put a moratorium on all old growth logging. Take the time to design a new forestry model - heavy on regulation, on-the ground jobs, both public and private, no shipment of raw logs out of BC, and manage for long term well being of the economy and environment on which we all depend.

If that is not possible then at least design a new way of dealing with old growth – precautionary, careful, selective, favoring green jobs, First Nations, and in consideration of our global climate and biodiversity. We all must do our part.

Give First Nations a fair voice in what is theirs, as a step toward healing for all of us. We will need these forests, they don't belong to us – but to the future, and they are too important to lose.

Thank you,

A handwritten signature in black ink, appearing to read 'Patrick C. Canning', enclosed within a large, loopy oval scribble.

Patrick C. Canning