

Presentation to the BC Old Growth (OG) Panel

We at SOFT are advocating for *TRANSFORMATIONAL CHANGE* - No more of just incremental change - meaning just amended/tweaking of existing regulations – but totally systemic.

I would like to start by referring to a motivating article by Taryn Skalbania- Peachland Council member, just to give you a feel of the reform need we are hearing across BC- she refers to a call for a “new Forestry”, in her letter to the editor Jan 15, 2020 – title is Efforts needed to save B.C.’s forests - Our forests have been permanently, radically altered, now our forest industry must follow:

1) A New Transformational “Holistic/Umbrella “Forestry Act

The first step in our Systemic vision is to pass a new Act – embracing all the aspects pointed out by Megan.

- **What should New Act name be?**
 - UVIC recommends: *“An Old Growth Forest Protection Act that harmonizes the multiple legal acts and industries that are using OG areas for their industries”*. So, an umbrella approach act.
 - Herb Hammond recommends: *“Forest Conservation and Restoration Act”*. Again, very similar, and very holistic.
 - We will just refer to it as the “New Forestry Practises Act” for now, embracing both the umbrella and holistic construct.

• **What will this New Act will replace? Basically 3 prime Acts:**

1) Private Managed Forest Land Act (PMFLA)

- We at SOFT strongly feel the new act must include Private, as well as Crown land.

BECAUSE we feel very strongly:

<ul style="list-style-type: none"> • That drinking water... • That FN unceded territory... • That OG habitat for wildlife... • and that the impact of OG harvest rates... 	<p>...does not end at the boundary between Private and Crown Forest land</p>
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- And in deed the majority of the province feels this way as well. The recent summary of the PMFLA Program Review published by the BC Government in August 2019 was completely damning of the current act.
- The following is one finding of the most notable, and I quote:

- *“The general sentiment from citizens was thatPMFL does not encourage sustainable forestry practices does not protect key environmental, community or Indigenous Nation values.”*

2) Forest and Range Practices Act (FRPA)

The second Act we would replace under this new Forestry Practices Act is obviously FRPA.

- The NDP already has this vision of good reform (as Megan has mentioned), - from the May 2019 FRPA survey request – (*that comments were closed in July 2019, with no published summary of responses to date*),
- Forest Minister Doug Donaldson, thinks we need significant change as well, as he stated in the published survey request and I quote:
 - *“We can no longer apply yesterday’s thinking to today’s challenges. We need to shift our approach away from the status quo.”* (May 2019)
- There are a lot of surprisingly excellent changes proposed in that May 2019 FRPA survey request, which are transformational and should be included in the “new holistic forestry act” SOFT is proposing.
- I quote one that struck me the most:

“Making changes to the Act is essential to strengthen government’s oversight of the forest sector and to restore public trust in how our forests and range lands are managed.”

3) Forest Act – the Tenure System

The third and maybe final act (there could be others, but enough for now) to be included is the Forest Act

- We at SOFT propose transformational change to BCs Forest Tenure system. This is needed in order to fully embrace a new paradigm - completely supporting a new ecologically sustainable forest management system. Its principles of ecosystem resilience are at the core of how OG/primary forests should be managed and conserved. The details of this change require a very well thought out and designed social and functional transition plan.
- **Required content and attributes of the New Forestry “Practice” Act**
 - I want to open this section with a quote from Heb Hammond, that I think sets the content we are suggesting – *“Forestry is not a science, it is a practice”*
So, this “science concept” is an industrial definition, which fits the resource domination concept – we need a new act that embraces – climate change, water, biodiversity and OG, employment and socially responsible economics”
 - Therefore, this new Forestry “Practice” Act will apply to Crown and Private forest land. The only difference will be the ownership of the tenure, which would

ultimately reside with communities for the Crown, and with the land owner for the Private. The following are some ideas of core content of the proposed act:

1. Planning

- SOFT supports the suggestions as presented by the Sierra Club vision points, and the planning objectives from the Forests Ministers May 2019 FRPA survey request document, already referenced:

2. Ecosystem Based Management (EBM) Practices

- SOFT fully supports an EBM approach within the New Forestry Practice Act proposed. Apparently, this matches the current governments intents as well, from their platform in 2017 on old-growth (page 61), but we are still waiting for any action.
- The core principles of EBM are echoed as well in Dr. Jim Pojar's recent 2019 *Forestry and Carbon in BC* paper. SOFT supports the incorporation of his recommendations into the EBM section of the new Act proposed.

3. No Professional Reliance (PR) Model:

- SOFT is absolutely supportive of completely removing any aspect of PR from forest management, as per the overwhelming results of the 2018 BC Government review of PR.
- The solution is ultimately to NOW fully implement the Professional Governance Act – which the current government passed, but has yet to implement the regulations.
- SOFT advocates the new Forestry Act have the Compliance and Enforcement Branch re-empowered and that the branch be re-staffed by government to effective levels for all tenures under the new act.

2) The second and last key point is - Transition Plan – “Transition Tenure Reform Plan”

- The following key steps are the Transition plan SOFT is proposing to shifting our BC forests tenure system back to the communities and local FNs – where it belongs.
 - 1. Phase out major licenses - Tree Farm Licenses, Forest Licenses and BCTS- on their renewal dates**
 - 2. Convert Forest Tenures to Communities – with the formation of Community Forest Boards (CFB) (as referred to by Herb Hammond)**
- Basically, we at SOFT are proposing Community Based Tenures that will be the new norm for BC!!!
- We see the following as potential guiding principles and minimum attributes necessary for the function of Community Based Tenures:
 - a) Managed by accountable and elected Community Forest Boards

- b) Supported by a new CFB Agency of BC Forest Service ;and
- c) Require the re institution of Forest Tenure Appurtencey – The legal requirement (that was removed in 2003) to manufacture forest products in the communities/TSA's were they were logged.

In Summary for this Systemic Change Vision:

1. Soft recommends a New Transformational “Holistic/Umbrella” Forestry Act needs to be passed immediately;
 - The 3 current Acts would be replaced and the content and attributes of new Act, would include: Improved Planning, the EBM approach; and **No** to Professional Reliance
2. And a Transition “Tenure” Plan is proposed:
 - Outlining the phase out of Major Tenures and a Transfer to Community Tenures, along with the formation of Community Forest Boards.

I would like to end by reading Jim Pojar's comment from 1989, which rather sums it up: *“Old growth forests are not a readily renewable resource”*.

SECTION 2 Reference Resources/Images

Dan Miller call for OG Moratorium 1989

Highlights/Comments on this Press Release content.

- Dan Miller quoting the Environment Minister of the day:
 - *“that preservation (of Old Growth) had to be balanced with the fact OG trees are going to be harvested by bugs, fire or man, and can we therefore get maximum benefit out of them”.* Miller countered saying *“(they) look at our trees in terms of benefit for business, even if those trees are 600 years old”.*
- The Engage BC OG backgrounder 2019 (it was there on Jan 6, 2020, in the Employment and Economic Values section, but no longer there now??):
 - *“The conversion of mature and old-growth forests to second growth stands adds to the diversity of plant species and habitat, while ensuring a sustainable timber supply for BC’s coastal communities”*
- It is disturbing how uninformed this is. But I am hopeful that this statement was quickly removed and judged inappropriate.

Highlights from the Pojar report, cited in Dan Millers Press Releases in 1989:

Conclusion: *“In attempting this initial overview of protected old growth resources, it became alarmingly clear how little information is available on this important component of our conservation areas...Optimal protection and management can only provide for a resource that is well known. A thorough inventory and mapping of quantities, qualities, and compositions of old growth in both coastal and interior parks is urgently needed. At the same time, an inventory of outstanding examples outside the park and reserve system is required. Important gaps in representation must be identified now, or it will be too late to complement the system with what still remains. **So far as is know, old growth forests are not a readily renewable resource.”***

1) A New Transformational “Holistic/Umbrella “Forestry Act

LETTER: Efforts needed to save B.C.’s forests - Our forests have been permanently, radically altered, now our forest industry must follow

Jan. 15, 2020 12:00 a.m. [OPINION Taryn Skalbania Peachland](#)

Dear Editor:

In 1945 when the Sloan Report by the Chief Justice of B.C. laid the policy foundation for the Forest Act including granting industry full access to our forests through tenure to ensure the taxpayers of BC a “perpetual supply of raw material for forest industries, with consequent stability of industrial communities and assurance of permanent payrolls,” it is doubtful he had today’s depleted industry scenario in mind.

In spite of warnings in the 1970s of the ‘fall down’ effect precipitated by less access to old growth, consistent declines in the 1990s, 50,000 jobs lost in two decades, the shut down and curtailments at over 125 mills, today’s industry keeps plugging away, business as usual, cutting down more trees, as quickly and economically as they can hoping things will turn around.

It is time to reform the government policies supporting this accelerated decline. While radical to some, to save the remnants of the forestry industry we must first save the forest, to save reduced jobs in forestry we have to save trees, too keep some mills afloat we will have to shutter others. Our forests have been permanently, radically altered, now our forest industry must follow. Anything within easy access and of value on our great landscape has been harvested, time for a pause, especially in parks, protected areas and community watersheds where the true value in a tree does not come from a 2x4.

This is not a partisan issue.

Former Liberal forest critics, MLAs and one-mill town mayors need to stop finger pointing at the current government; they are suffering from amnesia if they believe this crisis sprung up when the NDP came to power in May 2017.

Telling the forestry policies of the NDP and the Liberals apart isn't easy, Green Party MLA Adam Olsen says. "A lot of these decisions are eerily similar."

If this is so, then to achieve the outcomes B.C. voters want including forests first, wildlife, clean water, then mills and jobs, we will need a monumental shift in ministry policies, a new forestry, focused on the communities that rely on them for more than just jobs

In a week that mourned the loss of a politician who had to make the hard decisions, and place a moratorium on the cod fishery to save the species and salvage an industry, Premier John Horgan and his NDP Green coalition are going to have to get offensive in their forestry reforms.

The NDP cannot continue to play defensively pitting forestry workers against academics, unions against environmentalists, local governments against licensees and industry but bring them together to develop a 'new' forestry game.

B.C. must dramatically change how forestry is managed and governed if it hopes to reverse today's troubling trends. It will be essential to shift decision-making away from the top five or six unaccountable forestry corporations to regional planning committees, local councils that are accountable to First Nations, communities and rural residents.

Taryn Skalbania Peachland

UVIC recommends: "*An Old Growth Forest Protection Act* that harmonizes the multiple legal acts and industries that are using OG areas for their industries." http://www.elc.uvic.ca/wordpress/wp-content/uploads/2015/01/An-Old-Growth-Protection-Act-for-BC_2013Apr.pdf

Herb Hammond recommends: "*Forest Conservation and Restoration Act*" <https://www.boundaryforest.org/forest-summit-convergence/>

BC Government FRPA Survey Request discussion paper

https://engage.gov.bc.ca/app/uploads/sites/487/2019/05/DISCUSSION_PAPER_FRPA_May-27.pdf

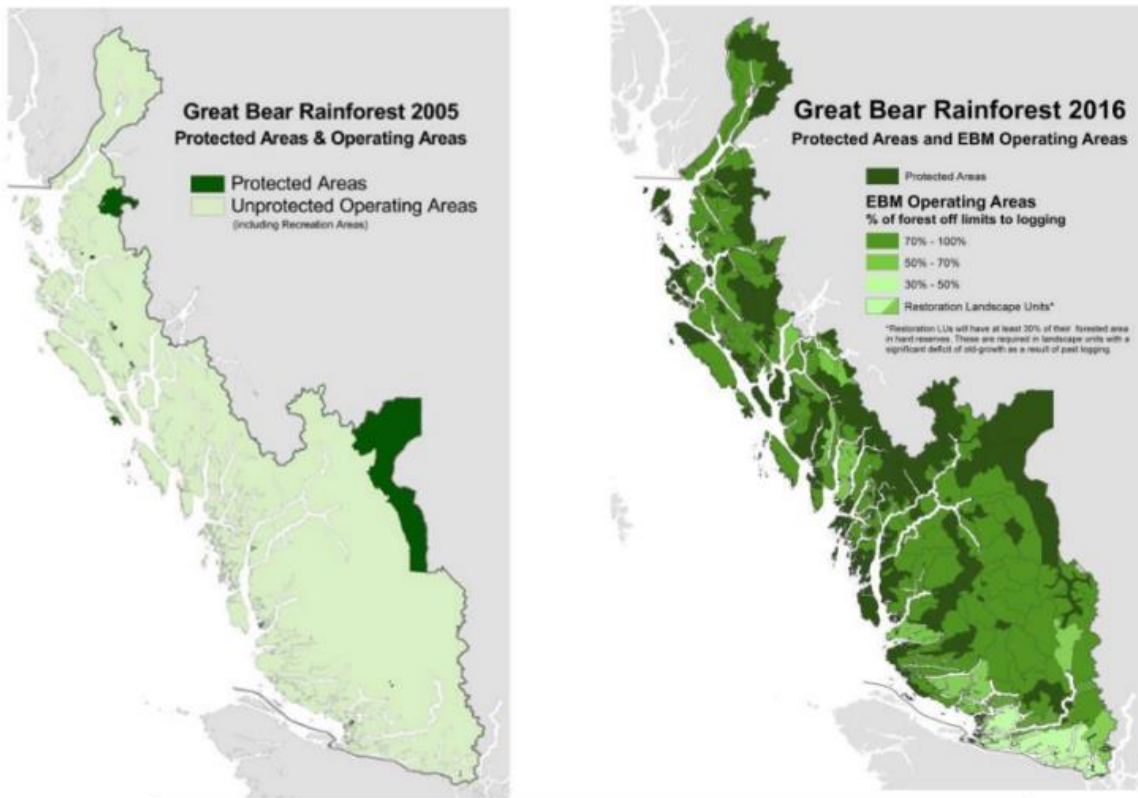
1a) New Act

Private Managed Forest Land Program - Consultation Process Review - August 2019

<https://engage.gov.bc.ca/app/uploads/sites/121/2019/11/PMFLPR-WWH-Report-Final-1.pdf>

1c) EBM

As you may know, the BC government promised during the 2017 election campaign that they would take action for old-growth forests, using the Great Bear Rainforest model.



1c) Sierra Club Plan

FRPA amendments early 2020-priorities

- Ensure that FRPA reform reflects a shift from a timber-based approach to an ecosystem-based approach. Remove the precedence for timber supply (i.e. the constraint that conservation objectives must not “unduly reducing the supply of timber from British Columbia's forests”) from all FRPA legal objectives and implementation regulation.
- As a first step for old-growth protection across the province, introduce a minimum target of 30 per cent old-growth and intact forest for every ecosystem and landscape, as recommended by the UVIC’s ELC; end sacrifice zones (‘Low Biodiversity Emphasis’ areas); close the ‘draw down’ loophole (logging old-growth below targets).
- Introduce carbon sink and climate risk objectives. Ensure forestry practices reduce carbon losses and avoid disruption of carbon sequestration, i.e. end extensive clearcuts, slash burning and spraying of unwanted tree species; introduce a climate risk test for all logging plans to reduce the risks of climate impacts like flooding, drought and wildfires

SOFT supports the following suggestion as presented by [the Sierra Club vision points](#):

- Engage the public at all levels on forestry planning including online commentary.
- Extend public consultations from 60 to 120 days.

- Properly fund landscape planning.
- Create detailed Forest Stewardship Plans (or as Herb Hammond would prefer to call them Nature Based Plans [NBP]) that address biodiversity, carbon, climate impacts, etc.) and which include logging and road-building plans, which should be made available publicly online.
 - Establish a “climate impact test” for existing logging plans.
- Licensees must provide operational and site-level plans to government decision-makers.
- Require licensees and decision-makers to demonstrate how public comment substantially informed proposed plans, operations and approval decisions.

SOFT supports these planning objectives from the [Forests Minister in May 2019](#), as well:

- *Landscape-level planning [that] would enable coordinated planning of forest operations between multiple forest licensees within a defined landscape such as a timber supply area (TSA).*
- *Mitigating the cumulative effects of forest operations on ecological and social values, such as protecting old growth forests, habitat for species-at-risk like mountain caribou and water quality and quantity*
- Enabling government-to-government collaboration with Indigenous Nations throughout the planning process to ensure Indigenous land uses and traditional and local knowledge are fully considered
- Helping to create certainty for current and future forest operations.

[Forestry and Carbon in BC by Dr. Jim Pojar: 2019](#)

Some Recommendations and Potential Solutions

2. Broaden core protected areas into a climate conservation network.

Establish new conservation areas designated primarily for biodiversity and ecosystem services, especially carbon storage and sequestration. Increase the area and effectiveness of the protected area network and provide incentives for beyond-reserve conservation to maximise carbon stocks and biodiversity, and hence the resilience of ecosystems

4. Reduce energy consumption and increase its efficiency, conserve existing natural forests, emphasize restoration of disturbed or degraded forests.

5. Reduce the allowable annual cut (AAC) to sustainable levels.

- In an orderly but accelerated fashion, starting with the Timber Supply Areas where timber supply reviews and AAC determinations are already due or overdue.
- Use realistic estimates of a) the limited opportunities that marginal and remote stands could provide for harvesting, and b) projected losses due to insect pests, disease, fire, windthrow, frost damage, susceptible growing stock—all interacting in a rapidly changing climate.
- Include a more balanced consideration of the full range of forest resource values; in 2019 it’s not just about maintaining timber supply.
- Permanently reserve more old forest stands and remove them from the timber harvesting land base (THLB). BC’s dwindling intact forests play an indispensable role mitigating climate change

(especially through carbon uptake and storage), regulating local climate and hydrology, conserving biodiversity, providing key ecosystem services, strengthening indigenous cultures, and helping maintain human health and well-being.

6. Do more partial cutting and less clearcutting, especially in primary forests.

- Instead of cutting down all the trees in a cutblock and in the process removing the most desirable logs and leaving the rest on the ground, retain some standing trees, in groups or patches and as individuals. This would reduce the amounts of logging debris and of tree carbon lost to logging.
- Do the partial cutting in ways that mitigate wildfire (e.g., promote stand structure that helps prevent running crown fire and reduces rate of spread on the ground) and still maintain ecosystem function and some timber supply.
- But don't do the same thing everywhere.

7. Manage more commercial forests on extended rotations.

Longer rotations result in more carbon stored per hectare. The carbon benefit of longer rotations is not due to the rate of uptake, which slows after 80-100 years, but rather to increasing storage in biomass and in dead wood and soil carbon.

2) Transition Plan

Fully from the current Forest Act

“Length of Time for the Licence” - Terms:

Tenure	Term
Forest Licence (replaceable)	up to 20 years replaceable every 5 to 10 years
Timber Licence	not replaceable but can be extended
BCTS Timber Sale Licence	up to 4 years
Tree Farm Licence	25 years replaceable every 5 to 10 years
Community Forest Agreement	Between 25 and 99 years replaceable every 10 years
First Nations Woodland Licence	Between 25 and 99 years replaceable every 10 years
Community Salvage Licence	up to 5 years
Woodlot Licence	up to 20 years replaceable every 10 years
Licence to Cut	up to 5 years
Free Use Permit	up to 5 years
Christmas Tree Permit	up to 10 years replaceable every 5 years
Road Permit	1 to 2 years
Pulpwood Agreements	up to 25 years

SOFT details on a Transition Plan

1. Phase out major licenses - Tree Farm Licenses, Forest Licenses and BCTS- on their renewal dates

- As outlined in the current Forest Act, this would be within 5 years or less depending on the renewal cycle of each licence.
- We see all other smaller community-based tenures – Woodlot Licenses, FN Woodland Licences, and Community Forest Agreements – would remain in

place (renewed) and be included in the oversight of the newly formed Community Forest Boards.

- Amazingly in the Vancouver Sun - January 20, 2020, NDP Leader John Horgan is quoted that he told Postmedia News in a year-end interview that *“the redistribution is already underway in the Interior, and will come to the coast and WFP as soon as the strike is over”*.
- Therefore, what tenure redistribution SOFT is proposing here is not that radical and may already be starting???!!!

1. Convert Forest Tenures to Communities – with the formation of **Community Forest Boards (CFB) (as referred to by Herb Hammond)**

- Basically, we at SOFT are proposing Community Based Tenures that will be the new norm for BC!!!
- We see the following as potential guiding principles and minimum attributes necessary for the function of Community Based Tenures:
 - a. Managed by Community Forest Boards – and Board members will be comprised of:
 - b. Local elected/termed community individuals (a citizen assembly);
 - c. FN aligned with DRIPA; and
 - d. Residual corporate or new hybrid entrepreneurs interested in continuing forest product facilities.
 - e. Accountability will to be clearly outlined in the new Forestry “Practices Act for all CFB’s;
 - f. All CRB must be fully supported by a new CFB Agency of BC Forest Service ;and
 - g. Communities will require the re institution of Forest Tenure Appurtenency – The legal requirement (that was removed in 2003) to manufacture forest products in the communities/TSA’s were they were logged.

NDP has bigger fight with Western Forest Products than strike

Opinion: The B.C. government intends to break up Western Forest Products' hold on Crown tenures

ROB SHAW

Updated: January 20, 2020

<https://vancouversun.com/news/politics/rob-shaw-ndp-has-bigger-fight-with-western-forest-products-than-strike>

VICTORIA — As the longest strike in coastal forest history approaches its eighth month, it’s become increasingly clear that the NDP government has a larger agenda at play in its decision to let the [dispute drag on](#).

A growing chorus of community leaders, businesses and contractors caught in the middle of the battle between Western Forest Products (WFP) and the United Steelworkers wants the province to mediate, arbitrate, cool off or even legislate an end to job action that has devastated the economies of several Vancouver Island communities and kept more than 3,000 people out of work.

But the Steelworkers' union — which donated \$3.2 million to the NDP in recent years and was the single [largest backer](#) of the party's 2017 election campaign — has demanded the governing New Democrats stay out of what its [local leader called “economic warfare”](#) against Western Forest Products. So far, the NDP has honoured the wishes of its big donor. But there is more than just cash-for-favours politics at play.

The NDP's ultimate goal is to break Western Forest Products apart, because it holds a near-monopoly on lucrative tenures to log Crown land on the mid-to-north Island. With more than \$1 billion in sales annually and control of 30 per cent of the allowable annual cut in the region, WFP is the largest forestry business on the coast. And the NDP wants to bring it to heel.

That plan just so happens to dovetail nicely with a lengthy strike that cripples WFP financially and gives the province the upper hand in coming skirmishes. And it also fits with recent public statements from Premier John Horgan that portray WFP as a corporate villain that needs confronting in its quest to pillage public forests without sharing the wealth.

“Western Forest Products has been given enormous benefits by the former government and none of those benefits flowed to the workers, none of those benefits flow to the communities where they operate,” he told online publication B.C. Today last month. “The notion of social licence is being eroded.”

Horgan added he's not inclined to help “an extremely powerful private sector company” that has “extraordinary access to public lands.”

The NDP's current forestry revitalization policy calls for Crown tenures to be redistributed where possible to First Nations and smaller companies, so that the benefits of harvesting publicly owned trees are felt in local communities and not simply as profits for what Horgan has called “lumber barons” and their mammoth corporate entities.

Horgan told Postmedia News in a year-end interview that the redistribution is already underway in the Interior, and will come to the coast and WFP as soon as the strike is over.

“We have to make sure that communities are driving the changes in forestry so that people are at the front of the equation, not shareholders, not tenure holders, but the people of B.C., because they're those forests belong to them,” Horgan said, taking a shot at the publicly-traded WFP, which has seen its share price plummet during the strike.

The government has turned up the heat in other ways as well.

The Forests Ministry late last month abruptly issued a written directive that WFP scale all the timber it cut before the July start of the strike and pay the government as much as \$20 million in outstanding fees. The ministry said in a statement it is “concerned that the timber will deteriorate and devalue if scaling is not completed.”

But demanding a large amount of cash from a company, during the longest strike in its history, after its Island mills have sat idle for seven months, is another way the province can weaken WFP's position. WFP is B.C.'s largest coastal forestry company, with six mills on the Island that produce specialty wood products. It made \$69.2 million in profit in 2018, a decrease of almost 27 per cent from 2016.

The union argues the company is profitable enough to cut back on alternative shifts that fail to give workers consecutive days off, but the company says that flexibility is key to its operations. That remains the sticking point to getting a deal. Both sides make valid arguments. And neither is willing to move. Meanwhile, small business contractors who aren't part of the dispute but are nonetheless out of work, got a chance to express to the premier directly how dissatisfied they are at government's refusal to intervene during the annual Truck Loggers Association convention in Vancouver last week.

“I don’t take it personally that you are frustrated and unhappy,” said Horgan. “I don’t take it personally that you had perhaps preferred I’d taken stronger action in the private sector with a dispute between parties. But I firmly believe if we all hang together and focus on things, we want for ourselves, our families and our communities, we will be better off in the long run.”

Horgan reiterated in his speech how the forest sector must revitalize with innovative new small-scale local companies producing value-added products like cross-laminated timber. It’s a laudable goal, but also hard to see how the province will recruit investors to spend millions of dollars on new businesses, if at the same time they are watching the government run to ground the largest forest company on the coast for being too successful.

Horgan also announced a [\\$5-million government-backed loan program](#) for contractors. He appealed to both the union and company to “put down the clubs, sit at the table and get the job done” in a strike that is both “ridiculous” and “unsustainable.”

But the larger message was clear: Government still isn’t going to intervene. Its biggest fight isn’t the labour dispute — it is still to come with Western Forest Products.

Forestry Workers Being Used as Pawns

Close a Mill – lose your trees

United Steel Workers Sept 2019

<https://www.usw2009.ca/blog/Forestry-Workers-Being-Used-as-Pawns-by-the-Forestry-Industry.htm>