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July 25, 2019

Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource
Operations and Rural Development
PO Box 9049 Stn Prov Govt
VICTORIA BC V8W 9E2

via email: FLNR.Minister@gov.bc.ca

Dear Minister Donaldson:

Re: Private Managed Forest Land Program Review

Thank you for the opportunity to provide feedback on BC's Private Managed Forest Land (PMFL) Program. The Cowichan Valley Regional District (CVRD) is directly affected by practices on resource lands within our jurisdiction with only 35% of our land base made up of residential, agricultural, parks and commercial areas where we have direct control. The roughly 85,000 residents, thousands of visitors, communities, industries and iconic values of our area are dependent on the good stewardship and management of resources within the remaining 65% of the land base. None of our communities has control of the critical upper watersheds which support them. The effective management of the upper watershed areas is of critical interests to the CVRD.

Within the forestry land base in our area we have two distinct legislative tools which manage for our communities values within the resource lands. In our region the Esquimalt and Nanaimo (E&N) Railway Land Grant roughly breaks the region into east and west flowing geographies with the key community watersheds falling within PMFL administered area (49% of CVRD area) and are governed by the *Private Managed Forest Land Act (PMFLA)*. The largely unsettled areas to the west are managed under the *Forest and Range Practices Act (FRPA)* which has a higher standard of oversight and management.

This Provincial Review is an important opportunity to build on positive working relationships we have established and further enhance the transparency and accountability surrounding forestry practices on private lands within our region's watersheds. This will help to ensure that sustainable practices are upheld, and collaborative relationships are formalized so they stand the test of time.

The key issues and solutions that have been identified in practice and in discussion include:

- Accountability and transparency - The PMFL program needs to have complete, comprehensive and enforceable management objectives to protect public environmental values. Open and regular communication between PMFL landowners and local governments and communities including sharing information, data and reports needs to be enhanced.
- Climate change and forest function - Management should reflect current and future climate reality and recognize healthy forests' role as a buffer for climate change impacts such as drought, fire and floods.
- Compliance - Formalized collaborative management agreements with local governments and water purveyors that include regular third-party environmental audits, hydrological

assessments and mechanisms for adaptive management would build trust and enhance durability of positive working relationships.

- Interface between community and private forests - Resource lands play an important role in our region and should be maintained for resource purposes, consistent with community planning processes. Buffers for burning, logging and chemical use next to residential areas should preserve visual quality, safety and minimize environmental risk. Access for recreation and infrastructure maintenance should be preserved.
- Reconciliation - Opportunities for reconciliation with an economic benefit for First Nations where their traditional territory overlaps with private forestry land.

Below we have summarized key issues we would like to raise, and each is accompanied by a suggested solution to be included in the PMFL program requirements moving forward. These comments are organized under thematic headings for ease of reading.

Key Environmental Objectives

Issue: Better alignment of oversight to meet public good.

The Private Managed Forest Land Program has two goals: 1) to encourage private landowners to manage their lands for long-term forest production; and 2) to encourage sustainable forest management practices, including the protection of key public environmental values. The five legislated management objectives of the *PMFLA* intended for managing public resources overlapping private land (soil conservation, water quality, fish habitat, critical wildlife habitat, and reforestation) fall short of protecting the key public landscape level values identified and readily accepted for managing public resource values on Crown land under the *FRPA* (Biodiversity, Cultural Heritage, Fish / Riparian, Forage & Associated Plant Communities, Recreation, Resource Features, Soils, Timber, Visual Quality, Water Quality, Wildlife). These differences in legislation demonstrate clearly there is a greater emphasis on protecting public resources on Crown land compared to large private forest estates. Given the impact of private land management on downstream communities, this is a critical issue for our region. The private regulations also emphasize production of merchantable timber rather than a diverse forest stand; for example, Section 16 of the *PMFLA* promotes prompt regeneration of a “healthy commercially valuable stand of trees that is not impeded by competition from plants or shrubs.” It is unclear to us how this interacts with the protection of biodiversity and Canada’s commitments and objectives.

Solution: Regulatory language should be strengthened from ‘encouraged’ to ‘required’ in this context. Private landowners should also be required 1) to communicate in more detail what management mechanisms are used for each of these objectives; 2) undergo third party independent audits to ensure compliance; 3) report out to the public on a regular basis; and 4) given the transformation to large scale industrial holdings in the PMFL areas, the consideration of legislative reform to have lands fall directly under Crown oversight (rather than ownership) to protect long term community values.

Issue: Key environmental values are missing that we would like to see included in the PMFL management objectives: water quantity, hydrological function, water quality, hazards and public safety. The CVRD recently passed a Drinking Water and Watershed Protection Program at referendum in the fall of 2018 which focuses on the development of a science-based series of watershed plans for our 18 key watershed groupings that support the viability of our communities with a focus on drinking water quality and supply. Our primary interest is in the development of

long term resiliency in the face of increasing hydrological and biological changes to come. This is predicated on a functional and stable headwaters. We recognize that forestry activities have provided a key economic value to our communities over time; however, we believe that a full review and modernization of the legislation governing those activities on PMFL administered land should be undertaken in order to recognize current best management, and future proofing of our communities. We also recognize that the historic holdings within the PMFL have evolved from a patchwork of properties held by multiple owners where management and stewardship was variable and scalable, to what is now a large industrial holding made up of, for the most part, one owner. Where risk was dispersed across the landscape, it is now largely centralized with one management and ownership perspective. This is both a risk and an opportunity.

Solution: Include or amend the following key objectives:

- Water quantity – Protect hydrological function of the forest at a landscape scale, both during and after harvesting, including the role of water interception and infiltration to maintain groundwater recharge, increase snowpack retention, and mitigate flooding, particularly with regards to management of first order streams. Drainage plans should be developed and provided to downstream communities who deal with the storm water effects. Monitoring of surface and groundwater flow conditions in the watersheds should be required with data provided to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)
- Hydrological assessments should be required of PMFL landowners and made available to the public in summary format of what the conditions are and how this value is going to be maintained, managed for and monitored.
- Water quality objectives should be clarified and aligned with provincial and local government water quality objectives. Particularly with respect to the impact on drinking water supplies and service delivery, this should include clarity with respect to monitoring timing and frequency. This is an area where substantial alignment and partnerships could be realized.
- Hazards – The current PMFL management values omit the issue of hazard lands and increasing hazards due to climate pressures. This omission is substantial and results in the currently undefined risk to existing community safety and regional economic viability. This should be included in the values being managed for with a requirement for disclosure natural hazards to the province and local governments. Risk in this area include, but are not limited to, fire and fuel management, landslides, erosion, flooding and slope stability.
- Ensure buffers for burning, logging and chemical use next to residential areas are sufficient to preserve public health, safety and minimize environmental risk. Communicate what these buffers are to the public. More chipping instead of burning should be considered as an alternative that has more public support and potential economic value.

Climate Change and Long-Term Resilience

Issue: Practices such as clearcutting in headwaters, logging of old growth forest and inconsistent riparian retention can compromise the forests' ability to buffer the effects of climate change including drought, decreasing snowpack, increasing fire risk, extreme rain events and floods. This critical green infrastructure upon which our communities rely is at increasing risk.

Solution: In addition to reforestation practices, the PMFL program should enhance requirements to retain upper elevation forests, old growth forests and substantial riparian forests due to their

critical role in storing water, sequestering carbon, mitigating high temperatures and intercepting heavy rains. The PMFL program should also recognize federal regulations including that salmon habitat be protected under the *Fisheries Act*. Activity in this area that would build community support and robust relationship building would include the participation and support for establishment of regional hydrometric and climatic monitoring networks with publicly available information. For example Mosaic Forest Management has supported the establishment of a key snow pillow monitoring station on its lands; this provides critical information for the long term management of water resources. This network could be expanded and provide key base information going forward to meet all the needs of all parties.

Removing Land from PMFL

Issue: Conversion of forest land to different land uses that are inconsistent with Official Community Plan growth objectives and zoning. Resource lands play an important role in our region and should be maintained for resource purposes, consistent with community planning processes. Communities would like to see private forest companies follow the same rules for land development that apply to the rest of the land in the region. This is primarily related to subdivision of lands which is outside of regional government oversight.

Solution: Where land is proposed to be removed from PMFL holdings, consultation with local government should come early in the process to ensure there is oversight and that consistency with community plans is maintained. Fees for exiting PMFL should be enough of a deterrent to ensure resource lands are maintained as much as possible (with the exception of land transfers for First Nations). The current exit fee structure is not adequate. When exit fees are levied, provide some of this revenue to local government to subsidize reforestation, park or other community amenities in lieu of the resource land benefits (including its natural infrastructure benefits). All resource information for lands exiting the PMFL should be provided to local and provincial government upon exit, including digital files for, at minimum, pre and post development assessments, terrain and terrestrial ecosystem (TEM) mapping, roads and infrastructure, areas of contamination, biodiversity analysis and identified hazards.

Information Sharing and Collaboration

Issue: Private forestry landowners provide limited data and information about their land base, citing confidentiality as the main barrier to transparency. Yet, the land they operate on is often in drinking water headwaters / supply areas for downstream communities who are directly affected by, and have a right to understand the characteristics, status and health of the watershed. The lack of data sharing results in a public knowledge deficit (local and provincial) and great public expense to acquire the data by separate means.

Solution: PMFL landowners should be required by way of formal data sharing agreement to share data and information with local governments particularly on environmental, terrain and spatial parameters. This includes LiDAR mapping data, water quality data, hydrological assessments, road building and hazard abatement. Information sharing should go beyond a verbal report and take the form of usable datasets and reports that are regularly shared under formal agreement that concurrently protects confidentiality.

Issue: Positive working relationships of PMFL landowners with local governments and water purveyors are voluntary and therefore less durable than communities deserve; collaborative

relationships could be compromised if individuals representing the landowner who are voluntarily maintaining productive communications and positive relationships leave their positions.

Solution: Formalize the collaborative relationship between PMFL landowners and local government by supporting the development of mutually beneficial memorandums of understanding (MoUs) about sustainable forestry practices in watersheds upstream of communities.

Access and Infrastructure

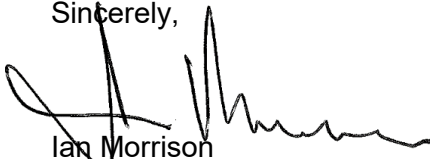
Issue: Community infrastructure such as dams or drinking water intakes located on or surrounded by private forest lands lacks certainty of access for communities. Roads to communities that have evolved on past forestry lands are still managed and impacted by PMFL owners and their activities.

Solution: The PMFL program should ensure access to public infrastructure is preserved in perpetuity. Recreational access should also be provided for by PMFL landowners, particularly for low impact non-vehicle-based recreation activities that are low risk. Roads managed by PMFL landowners that connect communities should be held to higher standards of care and maintenance.

As the PMFL land base and watershed boundaries do not conform to political boundaries, we have conferred with our neighboring regional districts, Nanaimo and Comox Valley. We understand they will also be providing their own comments for this review, but they have expressed alignment with the comments we are sharing through this process. We are particularly interested in the response to the technical input from Comox as we did not have the resources in house to draw upon that level of review.

We look forward to the innovations and updates that follow from the review you are undertaking and we are eager to participate in any follow-up engagement. It is our understanding that an informal workshop discussion may be arranged during the UBCM Conference in September, which we are in support of and would have interest in attending.

Sincerely,



Ian Morrison
Chair

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