

# Union of BC Municipalities (UBCM) Response to the Province of BC's *Private Managed Forest Land Program Review*

## 1. INTRODUCTORY REMARKS

UBCM welcomes the opportunity to provide comments on the Province's Review of the Private Managed Forest Land Program. We were pleased to learn that this review would be included as part of the Coast Forest Revitalization Initiative. UBCM members were made aware of this review as part of the Coast Forest Revitalization webinar series that provincial staff coordinated in cooperation with UBCM and our Area Association members (AVICC and LMGLA).

## 2. UBCM POLICY RELATED TO PRIVATE MANAGED FOREST LAND

UBCM members have adopted numerous resolutions over the years, dating back to 1991, related to private managed forest land. These resolutions are attached for reference. Most resolutions reflect local government concerns that private managed forest land is not regulated to the same extent as crown land, and as such, there is less oversight to what is happening on private forest lands. Consequently, local governments have been concerned that less regulatory oversight has led to greater incidences of negative impacts on the surrounding land base; and a lack of awareness by private land owners that their actions can have detrimental effects to neighbouring land owners.

Local governments have identified concerns related to:

- improper logging practices;
- damage / contamination to community watersheds and environmental damage more broadly;
- unsustainable forestry practices;
- need to establish requirements for community consultation on logging plans;
- need for better inspection and enforcement; and
- unequal regulatory environment when compared to Crown land.

## 3. CONCLUDING REMARKS

UBCM thanks the Province for undertaking this consultation and we welcome the opportunity to share the policy positions and perspectives of our membership – which includes all BC local governments and eight First Nation members.

The attached resolutions dating from 1991-2018 reflect local government's longstanding concerns related to private managed forest lands. This submission is designed to provide an overview of those policy positions.

Thank you once again for providing us with this opportunity to share the policy positions and perspectives of our collective membership. We hope that the information provided by UBCM and our respective members will assist the Province and inform its review of BC's private managed forest land program.

***Attachment***

***UBCM Resolutions***

## **1991 B16 Logging on Privately Owned Land**

## **Kootenay Boundary RD**

WHEREAS logging on privately owned land can have significant adverse impacts with respect to such matters as natural hazards, tourism, water quality, fish and wildlife habitat, soil conservation and public services;

AND WHEREAS the provincial government does not have comprehensive legislation to address this issue other than Bill 72 which, at this time, has not been brought into force through concurrent regulations;

AND WHEREAS even if Bill 72 becomes enforceable, it has only limited application to Managed Forest Lands which constitute only a small part of the privately owned forested land base in this province;

AND WHEREAS there is a need for comprehensive provincial legislation for logging on private lands which can be uniformly applied and administered using the resources available through the Ministry of Forests:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities request the provincial government to develop comprehensive legislation to regulate logging on all privately owned forested land in British Columbia in a fair and uniform manner, and with a view towards maintaining a healthy, sustainable forest industry while, at the same time, protecting communities from the adverse impacts which can result from improper logging practices on such properties or alternatively assign this regulatory authority directly to local government.

**Convention Decision:                      Endorsed**

### **Provincial Response**

#### **MINISTRY OF FORESTS**

The government is concerned about the undesirable consequences of some logging on private land, especially the irresponsible logging by some land speculators and others that demonstrate little interest in maintaining the long term productivity of the land, and in addressing community concerns about watersheds and landscape values.

With the exception of private land included in a tree farm license or woodlot license, the available mechanisms for government to influence logging on private land are very limited.

Recognizing that the introduction of any new regulation of private land, whether interim or permanent, will be highly contentious with some landowners, the government is currently exploring several alternatives for addressing concerns about logging on private land.

One possibility is a Forest Practices Code, which would apply to Crown land, and perhaps also to some or all private forest lands. Development of a Forest Practices Code has now been assigned to the Forest Resources Commission, as announced on January 21, 1992.

#### **MINISTRY OF MUNICIPAL AFFAIRS, RECREATION AND HOUSING**

Consideration is being given to local government authority for controlling tree cutting in urban and suburban areas. This will address tree cutting as differentiated from logging. See Ministry of Forests response for additional comments.

## 1994 B82 Private Land Logging

Coldstream

WHEREAS the *Municipal Act* was amended in 1992 to provide municipalities with the authority to protect trees from cutting, removal and damage;

AND WHEREAS the authority for this legislation was not intended to be used to regulate forestry practices or "private land logging";

AND WHEREAS local government has areas with timber resources which may be subject to private logging and negative environmental impacts;

AND WHEREAS the local government is desirous of ensuring that logging impacts, either on Crown or private lands, do not have a detrimental effect on its residents and property:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities encourage the provincial government to introduce legislation which would provide municipalities and regional districts the authority to require submission and approval of logging plans on private lands to standards sufficient to ensure no detrimental impacts to the residents or environment and generally in accordance with acceptable forestry management practices recommended by the Ministries of Forest and Environment.

**Convention Decision:                      Endorsed**

### Provincial Response

#### MINISTRY OF FORESTS

Government has introduced several initiatives in recent years to deal with the private land logging issue.

In 1992, government amended the *Municipal Act* to allow municipal councils to pass bylaws regulating the cutting of trees on private land. These amendments were directed at urban tree cutting issues such as tree removal for subdivision development and the protection of "significant trees".

Forests Minister Andrew Petter introduced the Forest Practices Code of *British Columbia Act* on May 16, 1994. The Forest Practices Code is a system of legislation, regulations, standards and field guides that will be used to regulate the use of Crown forest, range and recreation resources and certain private managed forest land. The Forest Practices Code of *British Columbia Act* is enabling legislation for the code. A regulation for private managed forest land will be developed in the next few months.

A companion piece of legislation, the *Forest Land Reserve Act*, was introduced shortly after the Forest Practices Code of *British Columbia Act*. This act applies initially only to private land classified by the BC Assessment Authority as "managed forest land," however, Crown land will be added in the future. The act ensures that this land stays in forest production and that community growth is well planned.

Other measures may be considered once these initiatives are fully implemented.

**1997 B43 Taxation of Private Forested Lands**

**Comox-Strathcona RD**

WHEREAS private forested lands are central to the economic, social, and environmental health of many BC communities;

AND WHEREAS the provincial policies regarding assessment and taxation have not promoted the effective management of BC's private forested land:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Government of British Columbia to review the policies of assessment and taxation of private forested land, and that the following recommendations be considered in that review:

- a) that the tax benefits of farm class property be extended to those lands which implement sustainable forest management practices;
- b) that the assessment of standing trees on residential class property be eliminated, with taxes applied only after trees are cut; and,
- c) that a property tax incentive mechanism be created to promote the conservation of forest ecosystems on private land.

**Convention Decision:                      Endorsed**

Provincial Response

**MINISTRY OF FORESTS**

The province is committed to sustainable forest management on private forest lands as shown by the creation of the Forest Land Reserve and the Forest Land Commission and by our intention to regulate private managed forest lands.

We recognize that with the added responsibilities being placed on landowners there must be suitable financial incentives and rewards for the landowner to undertake sustainable forest management practices. To this end, we have undertaken a joint review of private forest land taxation with the Private Forest Landowners Association (PFLA). Included in this review with the PFLA were staff from the Forest Land Commission, BC Assessment and the Ministries of Forests, Finance and Corporate Relations, and Municipal Affairs. Their recommendations are currently being considered by government. Where the recommendations may affect municipal taxes, UBCM will be involved in further review and assessment.

WHEREAS many community water systems have watersheds in private managed forest lands;

AND WHEREAS owners of private managed forests are required under legislation to protect human drinking water;

AND WHEREAS there is no mechanism for public oversight of forestry operations on such land:

THEREFORE BE IT RESOLVED that, in the interest of protecting human drinking water, the provincial government establish an open and transparent mechanism for regular inspection and monitoring of forestry operations on private land where such operations occur in watersheds of community water systems.

**Convention Decision:                      Endorsed**

Provincial Response

**MINISTRY OF AGRICULTURE & LANDS**

*Government is aware of the importance of protecting human drinking water. Safe drinking water is key to the health of our communities and the day to day lives of British Columbians.*

*For example, under the Drinking Water Protection Act, it is an offence to contaminate drinking water. Drinking water officers throughout the Province also work with other decision makers to ensure that risks to drinking water are minimized. These officers can take legal action to protect drinking water.*

*Our goals for the golden decade include leading the way in North America in healthy living, and leading the world in sustainable environmental management with the best air and water quality, bar none.*

*The Private Managed Forest Land Council (PMFLC) is charged under the Private Managed Forest Land Act (the Act) with maintaining appropriate regulations pertaining to forest practice standards on private land. The UBCM membership is encouraged to work with the PMFLC to monitor the implementation of the Act and determine if there are any significant issues that need to be addressed.*

**Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership previously endorsed several similar resolutions calling for greater protection, regulation and oversight of both watersheds and activities within watersheds to protect drinking water. In particular, the membership has endorsed resolutions calling for the regulation of land clearing activities that can affect water sources (2001-B93), the establishment of a lead government agency for the protection of drinking water sources (1999-A17), and joint government regulation of activities in watersheds (1998-B65).*

**2006 B102 Logging Practices on Private Forest Lands & Watershed Protection**

**Alberni-Clayoquot RD**

WHEREAS the rate of logging on the private forest lands within the E & N Land Grant on Vancouver Island has been dramatically accelerated, such that the current logging practices exceed the objectives established by the Private Managed Forest Land Council of British Columbia;

AND WHEREAS the current logging practices on these private forest lands are resulting in flooding of downstream lands, loss of spawning habitat, a reduction in water quality, and a reduction in the capacity of the land to sustain forestry operations for future generations;

AND WHEREAS access to safe, potable water is necessary for sustainable community development and the Beaver Creek Improvement District has its only source of potable water in the Beaufort Range where this logging is taking place and it has, for the first time ever, issued boil water advisory alerts:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to change the legislation and policies to enable a local government to establish a Community Watershed Bylaw that extends over any public or private lands within the watershed.

**Convention Decision:                      Endorsed as Amended**

Provincial Response

**MINISTRY OF AGRICULTURE & LANDS**

*The Private Managed Forest Land Act (Act) establishes the Private Managed Forest Land Council (Council) which consists of Government of British Columbia (Government) and landowner-appointed members. Anyone, including representatives from municipalities, regional districts and First Nations, can apply to become a Government-appointed member through a competitive process. The Council regulates forest practices on private managed forest land to ensure public values, such as the protection of drinking water, are upheld. The Act and Regulations protect water values and require the retention of sufficient streamside vegetation to maintain water quality.*

*The rate of harvest on private managed forest land is a function of the landowners' business model, the availability of harvestable timber and the market for logs. Harvest rates are higher now than recent history due largely to the forests developing from an immature (too small to harvest) state into a mature state (appropriate size for current markets). In addition, markets for the type and size of the private land timber have been strong stimulating the harvest.*

*Neither the legislation nor the Council seeks to manage the rights of private land holders in respect of harvest rate, rather focus their attention on environmentally sound forest practices. The Council takes action to investigate complaints regarding these matters. The Council investigates all formal complaints filed about forest practices on private managed forest land and has the authority to take appropriate action following the outcome of an investigation. The Council recently investigated a complaint that harvesting in the Beaufort Range impacted the local water supply. The investigation found harvesting had no significant impact on the Beaver Creek water supply.*

*Under the Drinking Water Protection Act, it is an offence to contaminate drinking water. Drinking water officers work throughout British Columbia to ensure risks to drinking water are minimized and can take legal action to protect drinking water. We encourage the UBCM membership to work with the Council to monitor the implementation of the Act and determine if there are any significant issues that need to be addressed.*

*This Government is committed to maintaining drinking water supplies so that British Columbians can enjoy good health and the best possible quality of life. Never before in the history of our Province has legislation to protect drinking water for future generations been so strong. Since 2001, in partnership with the federal and local governments, over \$600 million has been invested in water-related projects. Our goals for the Province include leading the way in North America in healthy living and leading the world in sustainable environmental management with the best air and water quality, bar none.*

## **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership has previously considered several resolutions pertaining to community watersheds and watershed protection. UBCM members have endorsed resolutions requesting joint control over community watersheds (1989-A18), greater provincial oversight of forestry operations that affect community watersheds (2005-B27), and a greater provincial role in protecting the quantity and quality of water sources (1989-A18). However, UBCM members have not endorsed any resolutions that have specifically requested: a change in legislation to grant local governments the ability to pass community watershed bylaws; an amendment to the Private Managed Forest Land Act to change the composition of the Private Managed Forest Land Council; or an amendment to the Drinking Water Protection Act to require a drinking water protection plan for each community watershed.*

*The proposed amendment would limit the enactment clause to only calling on the Province to change existing legislation and policies to enable a local government to establish a community watershed bylaw that extends over private and public lands within the watershed.*

*The Resolutions Committee notes that the proposed amendment is more consistent with past resolutions calling for greater local government control over watersheds. However, the Committee also notes that granting local governments the ability to pass community watershed bylaws could potentially extend local government jurisdiction into resource management, which has traditionally been the responsibility of the Province.*

*In addition, the proposed amendment removes the request to require a drinking water protection plan for each community as some local governments may not have the resources to draft a drinking water protection plan if required to do so under an amended Drinking Water Protection Act.*



## **2007 B42 Timber Harvesting on Private Land**

**Alberni-Clayoquot RD**

WHEREAS timber on private lands may be harvested without regard to the rate of harvest and to lower standards than timber harvested on public lands;

AND WHEREAS watersheds and property owners downstream of timber harvesting activities meeting only those lower standards are adversely affected:

THEREFORE BE IT RESOLVED that the UBCM petition the Province of BC to require timber harvesting on private lands to meet the same standards that are required for harvesting on public lands, especially with regard to rate of cut, riparian area protection and public input on proposed logging plans.

**Convention Decision:                      Endorsed**

### **Provincial Response**

#### **MINISTRY OF AGRICULTURE & LANDS**

*The Private Managed Forest Land Act (Act) establishes government's management objectives in respect of key environmental values on private land if the owners of the private land agree to have their land classified as managed forest land. These objectives relate to soil conservation, water quality, fish habitat, reforestation and critical wildlife habitat.*

*The Private Managed Forest Land Council (Council) is empowered under the Act to establish regulations respecting the first four of these management objectives. The Council has recently undertaken a year long review of the adequacy of the current Council regulations at meeting the spirit and intent of the government's stated management objectives. On September 1, a new Private Managed Forest Land Council Regulation 2007 came into force. This regulation significantly increases the protections for water quality and fish habitat, including constraints on timber harvesting in riparian areas. With respect to the government's four management objectives over which the Council has jurisdiction, the new regulation provides similar protections as are found on public land.*

*There are no objectives in the Act that relate specifically to rate of cut. Accordingly, the Council is not empowered to establish regulations in respect of this matter. However, excessive rates of harvest may lead to increased soil erosion and resulting sedimentation. The new Council regulation constrains timber harvesting that may result in either of these outcomes.*

*The Council does not have the authority to require specific forms of operational plans. Each affected private managed forest land owner customizes its own operation to reflect his or her special circumstances, while adhering to all applicable Act regulations.*

#### **Resolutions Committee Comments**

*The Resolutions Committee notes that UBCM members have endorsed a number of resolutions requesting that private land owners be required to meet or beat the same standards/regulations in place for logging on public lands (2006-B102; 2005-B27; 1997-B61; 1994-B82; 1991-B16; 1989-A18).*

## 2007 B45 Log Export Crisis in BC

## Alberni Clayoquot RD

WHEREAS logs exported from British Columbia create forest jobs in other countries at the expense of Canadian jobs;

AND WHEREAS raw log exports increased by 1,000% from 1996 to 2005:

THEREFORE BE IT RESOLVED that:

- 1) A moratorium be placed on the closure of any mills in British Columbia until a full and comprehensive plan for a revitalized manufacturing sector is created;
- 2) Cabinet cease to issue any permits for log exports and place a moratorium on exports from all Crown lands;
- 3) The government reverse its earlier decision to allow Weyerhaeuser to remove its private lands from Tree Farm Licence (TFL);
- 4) The government ensure full public consultation on any future proposal to remove land from any TFL;
- 5) The government increase the export tax on raw logs from private lands to ensure there is no economic incentive to export, rather than process locally;
- 6) The provincial government re-introduce measures that will once again make clear the connection between companies logging British Columbia trees and their commitment to manufacturing capacity in the province;
- 7) The federal government retain legislation restricting raw log exports and align federal and provincial forest policies; and
- 8) The federal and provincial governments vigorously oppose the legal challenge to federal legislation restricting raw log exports, which would further erode rights to protect Canadian jobs.

**Convention Decision:** **Endorsed**

### Provincial Response

### **MINISTRY OF FORESTS & RANGE**

#### **1. Manufacturing Strategy**

*Government does not control markets or the companies that operate within them. It would be impossible to place a moratorium on mill closures. Propping up uneconomic facilities is unsustainable and will reduce the competitiveness of other facilities. The coast is rebounding from a loss of its markets and faces high costs and significant competition. No one said a turn-around for the coastal forest sector would be easy, or that it would happen overnight.*

*Strides are being made. Coastal forest companies are investing in the sector. In 2006, they spent more than \$64 million in capital investments to upgrade their mills. In 2007, it is estimated they will invest more than \$199 million.*

*Our Coast Action Plan will build on government's earlier efforts and is expected to encourage more investment. We completed a Port Alberni Forest Sector Review that gives a frank assessment of the city's current economic situation and makes some strong recommendations on how it can shape its future.*

#### **2 & 5 - Log Exports**

*Government is considering changes to its policies on log exports from Crown land, including raising the fee in lieu of manufacturing.*

*Log export is important to the economies of areas such as the North Coast and is usually only done after the logs are proven surplus to domestic needs.*

#### **3 & 4 - TFL 44 / Consultation**

*Approval to return private land in TFL 44 to private management was granted in July 2004. This government respects the rights of private property owners and will not be revisiting its decision.*

*The Crown has a legal obligation to consult with First Nations on proposed decisions that may infringe on potential aboriginal rights and/or title that exist within asserted traditional territory.*

## **6 - Appurtenancy**

*Government has no intention of reintroducing appurtenancy requirements. This requirement was never used by previous governments because it imposed unsustainable costs.*

## **7 & 8 - Federal Export Controls**

*Federal export controls are the jurisdiction of the federal government. It is our understanding they are opposing the legal challenge to their export regime.*

## **Resolutions Committee Comments**

*The Resolutions Committee notes that this resolution was originally submitted as 2006-LR9 and, since it did not meet the criteria for emergency debate, was automatically referred to the 2007 resolutions cycle.*

*The Committee advises that members have, in the past, endorsed resolutions related to strengthening the ban on raw log exports (2003-B27; 2001-B31).*

*The Province has since released a report on raw log exports which recommends retaining the existing prohibition on the export of high grades of western red cedar and yellow cedar, but replacing the existing prohibition on the export of non-high grades of western red cedar and yellow cedar and of high grades of all other species with an extraordinary fee-in-lieu, starting at 50%, to be phased out over five years. One of the other key recommendations of interest is that the Province should proceed with its development of a coastal second-growth strategy as expeditiously as possible. In addition, the report acknowledges the need to address communities. While the report does not support shielding business or communities from fair competition, it does recognize the need for provincial and federal government assistance in providing and assisting communities with the tools necessary to make them sustainable and viable.*

*As well on June 5, 2007 the Province released a consultant's report which specifically reviewed the state of the forest industry in the Alberni Valley. The report contains 19 recommendations to diversify the region's economy recognizing that the 2003 forest policy changes have resulted in economic challenges for the Port Alberni area.*

WHEREAS the rate of logging on the private forest lands within the E & N Land Grant on Vancouver Island have been dramatically accelerated:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the Province of British Columbia to enact legislation requiring private managed forest lands to be regulated and managed to the same standards as crown managed forest lands.

**Convention Decision:                      Endorsed**

#### Provincial Response

##### **Ministry of Agriculture and Lands**

*The Private Managed Forest Land Act (the Act) establishes government's management objectives for key environmental values on private land where owners request to have their land classified as managed forest land. These objectives relate to soil conservation, water quality, fish habitat, reforestation and critical wildlife habitat.*

*The Private Managed Forest Land Council (the Council) is empowered under the Act to establish regulations respecting the first four of these management objectives. The Minister of Environment is responsible for establishing objectives that address management of critical wildlife habitat where there is insufficient Crown land to meet these needs.*

*In 2007, the Council undertook a review of the regulations to assess their adequacy in meeting the spirit and intent of government's stated management objectives. As a result, the new Private Managed Forest Land Council Regulation 2007 came into force September 1, 2008. This regulation significantly increases the protection for water quality and fish habitat, including constraints on timber harvesting in riparian areas.*

*There are no objectives in the Act that relate specifically to rate-of-cut. However, rate-of-cut is only one factor affecting watershed behaviour. Reforestation, riparian reserves, soil disturbance and other management activities also affect watersheds. The Council has reacted to improve management activities in these areas. Other legislation also regulates activities in watersheds and affects water quality (e.g., Drinking Water Protection Act, Water Act, Fish Protection Act and the federal Fisheries Act). This web of regulation offers significant protection and requires careful forest management by private land owners.*

*We find no evidence for a dramatic increase in rate-of-cut. The Ministry of Forests and Range statistics show that private land harvest levels within the E & N Land Grant have been relatively stable since the late 1990's, and the Timber Forest License removals have not dramatically affected harvest levels in this area.*

*When done responsibly, with due care to key public environmental values, increased timber harvesting represents a sustainable way to increase economic activity, jobs and taxation revenues.*

*There is no new legislation proposed in addition to the current statutes available to manage harvesting on private land.*

##### **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership has previously considered several resolutions pertaining to private managed forest land and in most cases, concerns related to impact on community watersheds and watershed protection. UBCM members have endorsed resolutions requesting joint control over community watersheds (1989-A18), greater provincial oversight of forestry*

*operations that affect community watersheds (2005-B27) and a greater provincial role in protecting the quantity and quality of water sources (1989-A18).*

*As well, members have endorsed other resolutions related more generally to ensuring that private forest lands are regulated to the same standards as crown lands (1994-B82, 1991-B16).*

WHEREAS local governments lack the authority to regulate nuisances such as noise on private managed forest lands;

AND WHEREAS local governments are the first point of contact for residents impacted by nuisances on private managed forest land within the urban interface:

THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities urge the provincial government and the Private Managed Forest Land Council to provide local government the authority to regulate nuisances such as noise on private managed forest lands within the urban interface.

**Convention Decision: Endorsed**

Provincial Response

**MINISTRY OF AGRICULTURE & LANDS**

*Section 21 of the Private Managed Forest Land Act (PMFLA) constrains local governments from adopting a bylaw or issuing a permit that would have the effect of directly or indirectly restricting forest management activity. Private forest operators must adhere to local bylaws that came into force prior to land entering the managed forest program.*

*Forestry activities may potentially involve noisy equipment and machinery. Land owners may need to run the machinery long hours over limited days of duration in order to keep operations financially viable. Requiring private managed forest land owners to adhere to noise bylaws could significantly affect the economics of forestry activities.*

*Many of British Columbia's private forest lands have been used for forestry for a very long time. It is important to recognize and respect this historic use of land, particularly as residential areas expand into proximity with lands used for industrial purposes. At the same time, it is important for owners of private managed forest land to be sensitive to community concerns about noise, and accommodate such concerns where feasible.*

Other Response

**Private Managed Forest Land Council**

*The Private Managed Forest Land Act (the Act) establishes forest management objectives for water quality, fish habitat, soil conservation, critical wildlife habitat, and reforestation on private managed forest land. Under the Act, the Council is empowered to make regulations respecting each of these forest management objectives except for critical wildlife habitat. The Council is not permitted to make regulations for matters not specifically set out in the Act. Accordingly the Council does not have any jurisdiction respecting the regulation of noise related issues on private managed forest land.*

*The Council understands that noise issues related to timber harvesting periodically occur on private managed forest land. When the Council has become aware of specific complaints respecting noise or other matters not within our jurisdiction, we have encouraged the complainant to contact the owner directly. We also encourage owners to discuss these types of issues with the complainant and to make best efforts to find a solution that is workable for each of the parties.*

**Resolutions Committee Comments**

*The Resolutions Committee notes that a similar resolution, B149, was endorsed in 2007. The resolution specifically requested that the provincial government allow local government noise bylaws to apply and to be enforced on private managed forest lands adjacent to residential areas.*

## **2009 B128 Riparian Area Protection on Private Forest Lands**

**Parksville**

WHEREAS the study of ecosystem services as they relate to water is still developing and scientists are working to understand human impacts on water and the functions of fresh-water ecosystems in storing, filtering and purifying water;

AND WHEREAS the *Private Managed Forest Land Act* does not impose ecosystem-based riparian regulations and permits selective harvesting to the water's edge on all water courses including fish-bearing streams and community drinking water sheds:

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the provincial government amend the *Private Managed Forest Land Act* to adopt riparian reserves with the goal to maintain and restore the productivity and resiliency of riparian ecosystems by maintaining along a stream or river all the biological and physical characteristics of an undisturbed forest, including both buffering and connectivity.

<b>Convention Decision:</b>	<b>Not Considered - Automatic Referral to Executive</b>
<b>Executive Decision:</b>	<b>Referred to Environment Committee</b>
<b>Committee Decision:</b>	<b>Endorsed as Amended</b>

### **Resolutions Committee Comments**

*The Resolutions Committee advises that the UBCM membership has not previously considered any resolutions calling for an amendment to the Private Forest Management Land Act in regards to riparian areas protection. However, the Resolutions Committee notes that the UBCM membership has consistently endorsed resolutions seeking improvements in watershed management in general (2008-B35; 2008-B27; 2007-B122; 2005-LR4; 2004-OF; 2004-B85; 2004-B84; 1998-B65), and with specific reference to the following: logging on private lands (2007-B42; 2006-B102; 2005-B27; 1989-A18); use of pesticides / herbicides (2003-B80; 1990-A17); and mineral exploration and coalbed methane extraction (2008-B42; 2007-B26; 2006-B149; 2003-B129; 1996-B13).*

WHEREAS the study of ecosystem services as they relate to water is still developing and scientists are working to understand human impacts on water and the functions of fresh-water ecosystems in storing, filtering and purifying water;

AND WHEREAS the *Private Managed Forest Land Act* does not impose ecosystem-based riparian regulations and permits selective harvesting to the water's edge on all water courses including fish-bearing streams and community drinking water sheds:

THEREFORE BE IT RESOLVED that the UBCM request the provincial government amend the *Private Forest Management Land Act* with the goal to maintain and restore the productivity and resiliency of riparian ecosystems by maintaining along a stream or river all the biological and physical characteristics of an undisturbed forest, including both buffering and connectivity.

**Convention Decision:                      Endorsed**

#### Provincial Response

##### ***Ministry of Forests, Lands & Mines***

*The Private Managed Forest Land Act is designed to be results-based legislation, setting out five key management objectives for private managed forest land: soil conservation, water quality, fish habitat, critical wildlife habitat and reforestation – all of which protect important riparian area attributes.*

*The Private Managed Forest Land Council (Council) -- an independent provincial agency established under the Private Managed Forest Land Act to administer the Managed Forest Program and protect key public environmental values on private Managed Forest land in British Columbia - has the responsibility for establishing, administering, monitoring and amending regulations, with assistance from Ministry staff and the office of Legislative Counsel, relating to private managed forest land practices.*

*The Council is also responsible for conducting inspections, audits and investigations in response to complaints - the results of which help inform the Council on the effectiveness of regulations.*

*Government and the Council will continue to monitor results and look for ways to improve practices.*

#### **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership referred this resolution to the UBCM Executive in 2009, and the UBCM Executive referred the resolution to the UBCM Environment Committee for further research and study. At the April 2010 Executive meeting, the Executive endorsed the resolution.*

*In addition, members have consistently endorsed resolutions seeking improvements in watershed management in general (2008-B35; 2008-B27; 2007-B122; 2005-LR4; 2004-OF; 2004-B85; 2004-B84; 1998-B65), and with specific reference to the following: logging on private lands (2007-B42; 2006-B102; 2005-B27; 1989-A18); use of pesticides/herbicides (2003-B80; 1990-A17); and mineral exploration and coalbed methane extraction (2008-B42; 2007-B26; 2006-B149; 2003-B129; 1996-B13).*



WHEREAS numerous large parcels of private managed forest land exist on Vancouver Island as a result of the E&N land grants dating back to 1884;

AND WHEREAS private managed forest land regulations are inferior to Crown land forest regulations with respect to protecting key environmental, watershed and community interests:

THEREFORE BE IT RESOLVED that UBCM petition the Province of BC to revise the Private Managed Forest Land Act and appurtenant regulations to improve forestry practices on private managed forest lands to a standard equivalent or better than Crown forest land regulations, thereby better protecting community interests.

**Convention Decision:                      Endorsed**

#### Provincial Response

##### ***Ministry of Forests, Lands & Natural Resource Operations***

*In British Columbia, governance for environmental stewardship on private land is a multi-agency responsibility. The Ministry of Forests, Lands and Natural Resource Operations is responsible for the Private Managed Forest Land Act that regulates forests practices on private land to ensure protection of key public values such as fish and wildlife habitat, soil conservation, drinking water protection and reforestation. Several other agencies also play a role, including the Ministry of Health, responsible for maintaining safe drinking water under the Drinking Water Protection Act; the Ministry of Environment, responsible for the protection of fish and wildlife under the Wildlife Act, the Fisheries Act and the Environmental Management Act; and Fisheries and Oceans Canada, responsible for fish habitat under the Fisheries Act.*

*The Private Managed Forest Land Council is responsible for establishing, administering, monitoring and amending regulations, with assistance from ministry staff and Legislative Counsel, relating to forest practices on private managed forest land. The Council is also responsible for monitoring forest practices and outcomes, the results of which help inform them about the effectiveness of regulations.*

*Based on the monitoring results received to date, government is satisfied that current standards are ensuring that the objectives for key environmental values as set out in the Private Managed Forest Land Act are being met. Government and the Council will continue to monitor results and look for ways to improve practices when necessary.*

#### **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership endorsed resolution 2008-B34, which called on the Province to “enact legislation requiring private managed forest lands to be regulated and managed to the same standards as crown managed forest lands”.*

*In response to the resolution, the provincial government highlighted the Private Managed Forest Land Council Regulation that came into effect in 2008, which increased protection for water quality and fish habitat, including constraints on timber harvesting in riparian areas. The Province indicated that its approach to watershed protection and forest management by private land owners was a “web of regulation” including other legislation such as the Drinking Water Protection Act, Water Act, Fish Protection Act and the federal Fisheries Act.*

*The Committee would also note that UBCM members have consistently endorsed resolutions calling for environmental and riparian area protection on private forest lands (2010-B26, 2009-B128, 2006-B102, 2005-B27, 1994-B82, 1991-B16, 1991-B23, 1989-A18).*

## **2013 B112 Private Managed Forest Land Assessment & Consultation**

**Cumberland**

WHEREAS many owners of private managed forest land are planning for its sale for residential and commercial development rather than committing to long-term forest production;

AND WHEREAS the land is under valued by BC Assessment:

THEREFORE BE IT RESOLVED that the provincial government be called upon to review the method of land valuation of private managed forest land intended for development and to impose a duty on owners of private managed forest land to consult with the local government in which the land is located.

**Convention Decision:                      Endorsed**

### **Provincial Response**

#### ***Ministry of Community, Sport & Cultural Development***

*The method of calculating managed forest land assessments produces values based on the land's tree growing capability. Similar to assessments for farm land, this value is not influenced by other market forces. These reduced assessments are a benefit of this classification and are provided to help encourage long-term, sustainable forestry management on private land while maximizing the social, environmental and economic benefits of those practices. Property owners in this class have an obligation to provide good resource management practices, such as reforestation, care of young trees, protection from fire and disease and sound harvesting methods.*

*If an owner of private managed forest land wants to withdraw from its management commitment, it must give written notice to the Private Managed Forest Land Council of its intention to withdraw its land from this commitment. Unless exempted by regulation, or under specifically prescribed circumstances, an owner must pay an exit fee when the property is removed from managed forest land class. The amount of the exit fee is set out in the Private Managed Forest Land Regulation.*

*The exit fee is intended to encourage long-term participation in the Managed Forest Program. The exit fee applies to lands that have been assessed as managed forest land for less than 15 years and is calculated based on the difference between actual property taxes paid, and what the property taxes would have been had the property not been assessed as managed forest land (for example residential class), with a discount related to the number of years as managed forest land class.*

### **Resolutions Committee Comments**

*The Resolutions Committee advises that the UBCM membership has not previously considered a resolution calling on the provincial government to review the method of land valuation of private managed forest land intended for development and to impose a duty on owners of private managed forest land to consult with the local government in which the land is located.*

*The sponsor, when asked for clarification, cited a situation involving a specific property designated and assessed as private managed forest land. It is the sponsor's understanding that the property owner is in the process of advertising the land for a residential and commercial development. However, in the interim, because the land has been assessed as private managed forest land, it is being taxed at a lower level (class 7) – which does not in the sponsor's view reflect the current or planned use for the land.*

Whereas Section 21 of the *Private Managed Forest Land Act* is an unacceptable restriction on the authority of local governments to regulate activities on private managed forest land (PMFL);

And whereas local governments and communities would benefit significantly from PMFL owners sharing their management commitment, operations maps, harvesting plans and supporting assessments and long-term disposition or development intentions for their land;

And whereas PMFL regulations are not equivalent to forestry regulations that apply to Crown forest land:

Therefore be it resolved that UBCM call on the Province to amend the *Private Managed Forest Land Act* and Regulations to provide local government more authority to regulate activities on PMFL; require the owners of PMFL to undertake annual consultation and sharing of management commitments, operations maps, harvesting plans and supporting assessments and long-term disposition or development intentions for land within municipal boundaries; and amend the *Private Managed Forest Land Act* and Regulations to standards that are equivalent to Crown forest land regulations.

**Convention Decision:                      Endorsed**

#### Provincial Response

#### ***Ministry of Forests, Lands, Natural Resource Operations and Rural Development***

*The Private Managed Forest Land Act and regulations are intended to encourage the management of private lands as forests and balances the property rights of private land holders with obligations for environmental protection. The Act and regulations also ensure consistency in how private managed forest lands are governed regardless of where in the province they are located.*

*Imposing requirements for information sharing within municipal boundaries is an unjustified intrusion into private decisions of landowners. There are opportunities available for direct communication between concerned local governments, individual land owners, Private Managed Land Association, and the regulator of the Private Managed Forest Land Act, the Managed Forest Council.*

#### **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership has endorsed resolutions 2011-B50 and 2008-B34, both of which sought to revise the Private Managed Forest Land Act and related regulations to improve forestry practices on private managed forest lands to a standard equivalent or better than Crown forest land regulations.*

*In response to the most recent endorsed resolution 2011-B50 the Province advised that “based on the monitoring results received to date, government is satisfied that current standards are ensuring that the objectives for key environmental values as set out in the Private Managed Forest Land Act are being met. Government and the Council will continue to monitor results and look for ways to improve practices when necessary.”*

*Further, members endorsed resolution 2010-B26, which asked the Province to amend the PMFL Act to ensure riparian area protection; and resolution 2005-B27, which asked the Province to establish a transparent and open mechanism for regular inspection and monitoring of forestry operations on private lands where such operations occur in community watersheds.*

*The Committee advises that members considered, but did not endorse resolution 2007-B149, asking for local government authority to apply their noise bylaws to private managed forest land.*

## **2018 B42 Large Scale Harvesting on Private Land**

**Central Kootenay RD**

Whereas many areas of rural BC have significant holdings of forested private land which are not constrained by the requirement to plan for impacts of forest harvesting including those related to terrain, hydrological and slope stability;

And whereas these forested private land holdings, if harvested, may affect municipal infrastructure, crown land, adjacent private property, and water sources:

Therefore be it resolved that the Ministry of Forest Lands, Natural Resources Operations and Rural Development develop and implement tree removal regulations for the planning and harvesting of trees on forested private land where there is a harvesting of an area greater than 4 hectares in order to protect the adjacent property, infrastructure or natural resources from incremental damage caused due to the large scale harvesting of trees.

**Convention Decision:                      Endorsed**

### **Provincial Response**

#### ***Ministry of Forests, Lands, Natural Resource Operations and Rural Development***

*There has been an increase in the number of private land timber mark applications, as land owners respond to high timber prices.*

*Private land logging is not regulated to the same standard or extent as Crown land logging. However, Ministry natural resource officers monitor for violations on private land that occur under the Water Sustainability Act, Heritage Conservation Act, Forest Act and the Forest and Range Practices Act.*

*Natural resource officers in the Kootenays have received a number of complaints regarding private land logging; however, inspections to date have found no infractions.*

*At this time, the Ministry is not considering additional regulations for logging on private land.*

*If the public is witness to any suspected acts of non-compliance, they are encouraged to call BC's RAPP violation reporting system, which can be found online.*

### **Resolutions Committee Comments**

*The Resolutions Committee notes that the UBCM membership has consistently endorsed resolutions asking the Province to regulate private land logging in the same manner as crown land and to ensure that local governments are consulted in advance of harvesting to prevent damage to watersheds and other infrastructure (2011-B50, 2010-B26, 2009-B41, 2008-B34, 2006-B102, 2005-B27, 1997-B61, 1994-B82, 1991-B16).*