

Valhalla Wilderness Society

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SUBMISSION TO THE BC GOVERNMENT REVIEW PROCESS ON THE *PRIVATE MANAGED FOREST LAND ACT*

The Valhalla Wilderness Society (VWS) office in New Denver, and a large number of its members, are in the Slocan Valley of the Kootenay Region. VWS has made complaints to the provincial government about major, community-threatening landslides caused by private land logging on Silverton Creek. Two extensive private land clearcuts on very steep slopes that left no trees behind have scarred the scenic quality of the valley. One of them burned and has never recovered after many years. Erosion and slumping onto the highway have required repairs. The other was converted into a development with high-priced lots. Both are now prominently visible from Slocan Lake, New Denver, and Valhalla Provincial Park.

To this day BC allows logging on private land with almost no environmental controls. Although the Private Managed Forest Land (PMFL) program brought in some improvement in 2003, the program is voluntary. Only about half of forested private land in BC is regulated, either by the PMFL or as part of forest licences under the Forest and Range Practices Act. Local governments have the power to regulate private land logging within their boundaries, but few if any have done so.

Forest practice regulations under the PMFL program are well below those required on public land. Altogether, private land logging has caused very costly impacts to adjacent landowners, communities and the provincial taxpayers due to:

- Environmental impacts through damage to water, stream channels, slope stability, and wildlife habitat.
- Economic impacts through gutting of adjacent property values, scenic landscapes and associated tourism values, as well as damage to drinking water, and loss of jobs as private land owners find it more profitable to ship their wood overseas as raw logs. Landslides from private land logging pose a threat to lives and homes, and wreck stream channels, fisheries and highways — all to be repaired, if repair is possible, at taxpayer expense.

Since 2003 the PMFL program offers landowners a tax break if they will agree to put their land into long-term timber harvesting and accept various regulations established by the PMFL Council (a Crown corporation). But the problem remains so serious that local and regional governments are now seriously considering bylaws to restrict private land logging. However, the *Private Managed Forest Act* exempts those signed on to the program from local government regulation. In other words, they get poor regulation and are relieved from any laws that would make them do more.

VWS joins many citizens and local governments in calling for the following changes to the program:

1. The Private Managed Forest Land Program should be mandatory for all private land logging.
2. The forest practice regulations for the PMLF Program should be strengthened to the level that is required on Crown land.
3. The PMFL Act should not provide an exemption from restrictions on logging passed by local

governments

WHY AND HOW THE PMFL PROGRAM HAS FAILED

- The program is not mandatory. A tax break for using better logging practices means very little if landowners can stay out of the program and make more profit by clearing their land and selling it to developers.
- Environmental protection under the Private Managed Forest Program is weak. Yet even logging on public land is notorious for causing landslides, silting streams and destabilizing stream channels. Yet PMFL regulations for preserving streamside trees and vegetation to protect water and fish are weaker than on public land. The PMFL Act specifically states, under the Water Quality Section 13 (2) and Fish Habitat Section 14(2), that landowners are not required to protect additional streamside trees or vegetation to address water problems with sources outside the property being logged.

The objectives of the *Act* for protecting critical wildlife habitat are virtually useless. An audit of the program on Vancouver Island (Agricultural Land Commission, 2003) stated that there are endangered species and ecosystems in areas dominated by private forestland, and that critical wildlife habitat is a key public environmental value that should receive protection under the program. However, the *Act* requires no actions for this other than the allowance of assessments of species present and the making of agreements between the landowner and the government. The provision is not based upon independent assessments of the conservation status of species, but refers to *Identified Wildlife*, a provision of the *Forest and Range Practices Act* that is totally at the discretion of the Ministry responsible for logging. The Auditors noted that no wildlife had been “identified” for protection on Vancouver Island private lands. In conclusion they stated that “various constraints limit the ability of a Designated Environmental Official to reasonably assess whether critical wildlife is present on *identified land* and hinder the potential to achieve agreements that will protect *critical wildlife habitat*.”

Meanwhile, in the Interior, there are places where private land logging has destroyed habitat of the endangered mountain caribou and critical habitats for the western toad and other species at risk. The Private Managed Forest Land Program offers nothing to deter this from continuing.

Regarding fish, in 2004 the province passed the Riparian Areas Regulation (RAR) under Section 12 of the Fish Protection Act (FPA) in July 2004. The FPA was subsequently re-titled the Riparian Areas Protection Act in February 2016. This was intended to protect riparian areas with buffers up to 30 meters on either side of a riparian area and up to 60 meters for steeper zones.

The province failed to enact RARs on Crown lands and failed to include it as mandatory in its Private Managed Land Program. Instead under the Act the province left it up to municipal and regional district governments to decide whether or not to enact RAR on private land: The RAR calls on local governments to protect riparian areas during residential, commercial, and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities. Many local governments have simply ignored RAR.

- False claims of environmental protection. For instance, one regulation prohibits silt in water where Domestic Water Users have licenses or fish are found. But this is wishful thinking. The fact that even under the rules for logging on public land, road building and clearcuts on slopes *do* put silt in water downstream, and do cause landslides all over BC. The provincial government and the logging industry simply refuse to recognize that their regulations can’t stop these impacts in some areas. Some places should not be logged because of high hazard to drinking water, fisheries, and stream channel/slope stability.

The inadequacies of the PMFL Program are especially deplorable when one considers the context in

which it fits, in which citizens, water users and communities have so few legal rights to resources.

WHILE PRIVATE LAND OWNERS HAVE LEGISLATED RIGHTS TO LOG THEIR PROPERTY, DOMESTIC WATER LICENSEES HAVE NO LEGAL RIGHTS TO CLEAN DRINKING WATER

Without adequate laws to protect water, slope stability, viewsapes, and recreational lands, citizens and communities have little recourse in the courts. Domestic water licensees have been told in the BC Supreme Court that they have no right to clean water. The government and courts in British Columbia view resource rights as being based solely in money, and a petitioner must prove definitive financial loss to have any standing equal to the loss of profits that private land owners can tally up from logging. Health and financial impacts from treated water are not taken into account, and the cost to communities for losing an attractive place to live is unquantifiable; yet these losses, measured cumulatively over the years, have been huge.

THE PMFL PROGRAM REQUIRES PARTICIPANTS TO LOG THEIR FOREST; THERE IS NO PROGRAM OFFERING LANDOWNERS INCENTIVES FOR NOT LOGGING, AND FOR ENACTING CONSERVATION COVENANTS AND OTHER MEASURES TO PROTECT OLD-GROWTH, COMMUNITY WATERSHEDS AND SPECIES AT RISK.

One of the main purposes of the PMFL program is to keep forestland in production and maintain the flow of timber to the mills. Keeping forestland as forestland is important, but the government should not be in the business of coaxing owners to log while scientists ring alarm bells that preserving old forests is a key requirement for mitigating climate change, and as they call for preserving 50% of the land to stem species loss that could ultimately be fatal to the human species. Where is the tax break for owners who store carbon on their property and protect species at risk by saving their forest?

CONCLUSION

The Private Managed Forest Land Act is made to serve the forest industry, not environmental protection. Private land owners receive a substantial subsidy from the government for entering the program, while the citizens of the province receive very little environmental protection in return. Currently the program seems to function like a club where landowners pay minimal fines for expectable violations of regulations, and use the funds to manage the program and provide themselves services. But something like this program is desperately needed, with real environmental protection and a program to reward owners for saving their forest.