

July 22, 2019

## Wilderness Tourism Association of BC Proposed Private Managed Forest Land Legislative Amendments

The Wilderness Tourism Association of BC thanks the province for the opportunity to contribute to the improvement of the Private Managed Land Act

Tourism is a key economic driver and important contributor to the quality of life in British Columbia. The Wilderness Tourism Association of BC is comprised of small and medium size tourism businesses located around the province engaged in delivering a wide range of services and experiences from Indigenous culture, accommodation and food services, to guided and non guided adventure activities like marine cruises, nature exploration, skiing, rafting, fishing, kayaking and much more.

Tourists come to British Columbia for many reasons, but one common denominator is to experience beautiful British Columbia. Many factors contribute to this brand including, scenic vistas, abundant wildlife, wilderness, a healthy environment and healthy communities.

Most of the private managed forest lands on Vancouver Island and the Kootenay region coincide with areas that have very active tourism markets due to high scenic and natural environment values, proximity to major transportation access and larger population centres. As noted in the introduction to the PMFL review, these same areas have experienced considerable community expansion and population growth, increased land values, decline in endemic species populations and changes in societal expectations towards environmental management and protection.

These shifts in land use and societal expectations are leading to increased land use conflicts on both private and public lands which strongly suggests that the current land governance and management regime needs to be improved on public and private lands.

The issues facing the PMFL are the same as those on public managed forest lands however the remedies chosen on private lands are likely to be more varied. The primary problems with the PMFL Act and governance model is it lacks rigour in several key areas: public consultation; species and habitat protection commitments; environmental management commitments, loss of public recreation access.

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There is also a significant question on the balance of the value proposition between the taxpayer forgoing tax income versus the land owners tax break and exemption from municipal by laws. The latter is fundamental to what benefits each party should derive from the arrangement going forward.

**PMFL ACT and Governance:** To address the of rigour in the PMFL Act and governance model the WTA requests greater requirements for legal visual quality objectives being identified and adhered to for scenic corridors, viewsapes from communities and tourism facilities. To accomplish this the province needs to fund a tourism features inventory for the areas effected by private managed forest lands. Legal objectives would need to be established for these to have any long term value.

In addition, the province needs to access, identify and designate critical wildlife habitat on PMFL lands and provide legal objectives for management of these lands. This is can no longer be a voluntary activity. Species at risk identification and establishing objectives needs to be part of this process.

The province needs to consider what other environmental provisions in FRPA need to be applied to the PMFL Act as a minimum standard for long term forest health of adjacent lands. Since a significant portion of old growth forest resides on private lands on Vancouver Island government should consider setting legal targets for old growth retention on these lands as part of the forest health objective.

One of the considerations in addition to the remedies identified above would be to require the wood coming from these lands to be milled in BC instead of going off shore.

**Indigenous, Community and Public Consultation:** Indigenous, public, and community consultation on harvesting and access plans needs to be a legal requirement under the Act. The land owner needs to demonstrate how the consultation received was considered in the final plan. This will increase transparency, avoid surprises and reduce conflicts. This level of consultation is expected today as part of good land use planning.

We understand that these new requirements will add costs to the land owners use of the land however given the deteriorating state of the natural environment, the proximity to communities and other economic interests we believe greater value needs to be returned to the taxpayer for the tax relief benefits they receive under the PMFL Act.

**Community Access to PMFL:** Aside from viewsapes and environmental health, community access to recreational features on private lands has been one of the long-standing issues when land owners decided the liability risks are too high to let past practices to continue. We believe

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the province and land owners need to be more proactive in addressing these issues rather than letting prolonged legal cases work their way through the courts.

There also needs to be a greater effort on the part of organized recreation groups to get educated on the liability and asset risks faced by private land owners from third party access to private land. Consideration should be made to requiring recreationalists accessing liability coverage for use of private lands or the province extending this to them to reduce to the risks to private land owners.

Another option may be for the province and land owner to identify where the recreation features are and make allowances as part of the PMFL agreement on a specific property whether it be through a land covenant, land purchase or long-term contract that will assure continued public access. Operating guidelines for public access would be drafted and published. The issue of risk management and indemnity for the land owner and province would need to be addressed within the agreement. Resolving this issue and being up front on the use conditions will go a long way to reduce the annual confrontations around changing land use.

***PMFL Tax Break Value Proposition:*** Both land and forest product values have risen significantly since the original legislation was introduced. At the same time taxes for land owners have increased substantially along with restrictions and requirements on land use both municipally and provincially. The PMFL Act has made some changes but has not kept pace with societal changes and expectations.

The value proposition on tax relief needs to be reviewed and rebalanced so that communities and other industries are gaining some benefits environmentally, socially, and materially from private managed forest lands.

The province needs to identify what a fair return to the tax payer is in the 21<sup>st</sup> century for the benefit of the tax break and exemption from municipal by laws. Tied to this is the term of the penalty exemption currently set at fifteen years after which no penalty is payable if the land management is removed from the PMFL Act. Its not clear how this benefits the taxpayer if logging continues up to the fifteenth year.

What is the objective of the Act; to give a tax break or to continue to have lands managed as industrial forest use lands? Perhaps the province should consider applying a covenant on all private forested lands over 50 hectares with respect to a minimum standard of forest management practices required. The PMFL Act then becomes the gold standard where land owners get the tax benefit if the land is managed to a higher standard. Regardless the 15 year

no penalty escape clause does not make sense from a long-term forest management and productivity stand point.

We appreciate the opportunity to provide input in to this process