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March 9, 2001

*Ralph Fyi*

MAR 20 2001

To: The Honourable Gordon Wilson

From: Sue Stephen, Director,  
Corporate Policy and Planning*plse circulate to mgrs**JS***Re: Report on consultations regarding the Working Forest Proposal**

## Background:

On February 12, 2001, the ministry released a public discussion paper on a proposal to proceed with legislation to define and secure a "working forest" for British Columbia. Attached is a report from Bob Friesen who led the consultations with stakeholders on this proposal.

## Discussion:

## Public response:

The report shows that the response by the public as reflected in comments posted on the web site was overwhelmingly negative. This response was significantly affected by an immediate campaign led by an environmental group. Telephone conversations done as follow up to similar e-mail notes, suggest that many of the respondents had not read the paper and were reacting to inaccurate information supplied by the environmental group. Recent postings to the web site suggest that some more positive comments are now being received. However, it is fair to say that much of the public response reflected only limited knowledge of the planning system underlying land use designations in the province and a lack of trust that the commercial timber interest will take other environmental or commercial interests on the land into consideration. There was also a strong feeling that the consultation period was too short to adequately consider the proposal.



Stakeholder response:

In general, stakeholders had some of the same concerns as did the public. Both those supporting the designation of a working forest and those opposed wished more time to analyse the impacts for their group's interests. Many expressed the feeling that the land use planning process has not delivered security for their particular interest (such as tourism, eco-tourism, mining, oil and gas, grazing, and so on) and want more assurances that they will have access to the working forest land base before they will agree to new legislation. In internal consultations with ministries, the same points of view were expressed. In addition, the Ministry of Aboriginal Affairs had a serious concern with creating yet another designation on the land which might complicate the treaty land selection process, and a concern handing an independent organization a say on land selections.

Conclusion:

It is clear that the consultations touched on a wide range of issues related to management of the land and the forests of the province. In many cases it was not possible to get technical input to the proposal because people did not understand the current processes and, perhaps more importantly, they wanted to debate the issues at a higher and non-technical level. There was a general feeling that this type of debate requires a different forum and a longer timeframe.

Sue Stephen, Director  
Corporate Policy and Planning

Attachment(s): 1) Public Discussion Paper - Working Forest, Friesen Rea and Company  
2) Stakeholders Consultation Schedule

pc(s): Ken Baker, A/Deputy Chief Forester  
Richard Grieve, A/ Manager, Policy Development and Legislation,  
Corporate Policy and Planning  
Eric Kristianson, Assistant Director, Communications  
Larry Pedersen, Chief Forester

STAKEHOLDER	TIME FRAME
Inter-Ministry ADMs	February 15 <sup>th</sup> – Sue <i>Update week of Feb 26</i>
OPS Div	February 16 (ODCC) – Sue / Bob <i>Update mid-March ODCC</i>
Ministry of Aboriginal Affairs	March 2 <sup>nd</sup> , Sue & Gail Brewer for Jose Villarrce, ADM, Negotiations Support
Forest Land Commission – Commissioners	March 8 <sup>th</sup> , Bob, Richard, & Al N.
Deputy Minister's Land Use Committee	Ken B. & Sue, March 8 <sup>th</sup>
ADMs Land Use Committee	Ken B. & Sue March 9 <sup>th</sup>
COFI Included NFPA, ILMA, CLMA, CFLA	February 27 <sup>th</sup> , 2:00pm, COFI offices Sue / Bob / Richard / Al N/ Kirk Miller
TLA	Feb 27 <sup>th</sup> , Bob
IWA	March 12 <sup>th</sup> , Sue & Richard
UBCM (Working Group on Forestry)	March 7 <sup>th</sup> , Bob & Richard.
First Nations - Summit	<i>Minister Zirnhelt attended, unknown if WF was discussed</i>
(UBCIC) - Union of BC Indian Chiefs	<i>In progress - March 20<sup>th</sup> or 22<sup>nd</sup> suggested</i>
Oil & Gas	March 7 <sup>th</sup> , Bob, call
Mining Association of BC	March 5 – Richard, Bob and Rolf Schmitt
BC Environmental Network	March 1 <sup>st</sup> – John Bergenski, Greg Utzik Bob - call
Forest Futures Sierra Club	March 2 <sup>nd</sup> . Will Horter Lisa Mathaus - Bob & Ken B.
BC Tourism Association & Wilderness Tourism Association	Feb 28 <sup>th</sup> – Bob, Sue and Ken B. Careless, Kingsbury (COTA), Don Monseur (Pres.), Kevin Walker (Past Pres.)
BC Cattleman's Association	Bob call

1911 Lulie Street  
Victoria, B. C.  
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March 8, 2001

Susan Stephen  
Director, Corporate Policy and Planning Branch  
Ministry of Forests  
3<sup>rd</sup> Floor, 595 Pandora  
Victoria, B. C.

Dear Susan Stephen

Re: Public Discussion Paper – Working Forest

This letter constitutes my interim report on the stakeholder, First Nation and public consultation on the Working Forest public discussion paper.

On February 12, 2001, the Honourable Gordon Wilson, Minister of Forests released a public discussion paper on a proposal to proceed with legislation to define and secure B. C.'s 'working forest'. The Corporate Policy and Planning Branch, as the lead branch, was directed to conduct consultations on the proposal with key stakeholders and First Nation groups. In addition, the discussion paper was posted on the Ministry's homepage and the public was invited to send in comments.

The Minister's press release, backgrounder and a copy of the public discussion paper are attached.

While there was no firm deadline for comment, it was generally understood that the consultation period was limited by the need to be in a position to develop a legislative proposal for introduction at the next sitting of the House.

The Corporate Policy and Planning Branch has requested that this interim report be prepared to summarize the results of the consultations to March 8, 2001.

This interim report includes a summary of the comments submitted to the Ministry of Forests' homepage (those posted and those not posted, and a few sent directly to either the contractor, the Branch or the Minister of Forests) received up until 2 p. m. March 7, 2001 and a summary of the comments provided by several stakeholder groups in meetings held between February 27 and March 8, 2001.



In addition, several people took the opportunity to phone staff in the Ministry of Forests, or the contractor, to express their views.

The proposal did not receive extensive media attention. I have attached, for the record, copies of the articles that were available to me that have appeared in the media between February 12 and March 7, 2001.

Homepage

During the period February 12 to March 7, 2001 approximately 1400 letters were received. Of these 1384 were opposed to the initiative and 24 were in support, or offered qualified support, or support in principle for measures to enhance security. Twenty-six have requested a reply or similar action. All letters are enclosed.

Of those that wrote to express their opposition to the proposal, the five most frequently mentioned comments were:

1) Public Consultation Process

- Not enough time for adequate consultation;
- Reliance on the internet is insufficient;
- Public meetings or hearings should be held.

2) Environmental Concerns

Many felt that the proposal threatened sustainability, biodiversity, watershed protection, old growth and other economic sectors such as tourism.

3) Corporate Control/Public Forests

Many people viewed the proposal as, or as leading to, greater corporate control over public forests. Concern about compensation was often referenced in this context.

4) No Net Loss

Many people commented that a no net loss provision has no merit, is short-sighted and reduces flexibility to adapt to a changing world.

5) First Nations/Land Claim Settlements

Many felt that this proposal ignored the interests of First Nations and could frustrate the settlement of outstanding claims.

In summary, there is almost no support for the proposal among those who sent in comments. It would also seem that there is suspicion or misunderstanding about the designation process described in the proposal.

Clearly, a significant number of people read a great deal into the proposal and, in many cases, used the opportunity to express wide ranging concerns about forestry and forest policy. A sizeable number of letters were 'of a form' prompted by one of the environmental organizations.

I did not have the opportunity to meet with either of the First Nation organizations to whom letters were sent.

### Stakeholder Meetings

In the time available, a number of meetings, both teleconference and face-to-face, were organized with stakeholder groups. A summary of comments from those meetings follows.

#### 1) Truck Loggers Association

February 27, 2001

The Truck Loggers are supportive in principle of an initiative to provide greater protection and security for the working forest and for forest workers but want to see that done in a fashion that engenders public understanding and support.

They are concerned that the issue of a working forest will become a 'football' and that more time for consultation is required in order to build public understanding and support.

They are also concerned that without a broad understanding, the initiative may present new challenges in international forest product markets.

At a technical level, they want to ensure that the working forest includes (or could readily include) areas which are currently inoperable but which may become commercially attractive as markets and technology change over time.

As an alternative to the proposed working forest initiative they suggest continuing with the original intention of adding Crown lands to the Forest Land Reserve as land use plans are complete, potentially develop Ministerial policy around deletions, but not to proceed at this time with a new legislative initiative.

The TLA also spoke to need to improve planning processes below the strategic planning level by channeling more effort into total resource/total chance plans or 20-year plans which would, they argue, more systematically direct the development of timber harvesting areas and avoid the potential for isolating or sterilizing portions of the working forest.

2) Council of Forest Industries

February 27, 2001

The Council of Forest Industries made representations on behalf of the four regional associations (NFPA, CLMA, ILMA and CFLA).

COFI believes that change in the current system is required and are supportive of an initiative that would increase security, transparency and accountability. However, COFI does not support the proposed initiative described in the public discussion paper.

They argue that the proposal does not afford the working forest similar treatment to that afforded parks or protected areas. In this respect, the provision for a 'significance test', and for certain deletions to be done by the Minister while others are considered by the legislature, is not in line with the single process for a proposed deletion from a park (which can only be considered by the legislature).

COFI also expressed the concern that the designation of the working forest is after the completion of a land use planning process. They believe that the designation or protection of the working forest should be done immediately. In their words, this improve assessment, transparency and accountability within the land use planning arena.

As an alternative to the proposal contained in the public discussion paper, they advanced the idea that the existing 'provincial forests' be the basis of the designation regime and that transparency and accountability provisions be provided surrounding the deletion of land from the provincial forests.

In their view the requirement for an assessment of proposed deletions (business lens, socio-economic impact analysis, cost/benefit) should be incorporated in legislation.

COFI are not opposed to the incorporation of a 'no net loss' provision but they advised that they were unable to suggest any ideas on how it might work and saw this an issue that requires more discussion.

COFI also submitted a letter (attached) which made the following points:

- Strongly endorses that the working forest be given security;
- Do not support the current proposal;
- Agree that the 'working forest' should be secured in law;
- Do not await the completion of land use planning;
- Modify and use the Provincial Forest provision;
- All deletions should go to the Legislature;
- Require a cost/benefit analysis and full public disclosure;
- Public and local government consultation should be set out in the legislation.



The COFI letter also makes a number of observations about the relationship between their alternative proposal and land use planning, environmental values, land claims, land ownership and compensation.

3) Council of Tourism Associations

February 28, 2001

The Council of Tourism Associations was represented by the President, immediate Past President, and a Director, and was joined by the Wilderness Tourism Association.

As a general comment, these organizations were concerned about the absence of any explicit recognition of their industry in the discussion paper. COTA expressed, in very strong terms, their concern with the lack of any consultation on the discussion paper before it was released, their opposition to the proposal and for the implications they felt the proposal had for their sector.

They expressed concern with the consultation process and time-period and with the merits of the initiative.

They pointed out that the idea of providing greater security has validity but not as presented in the current proposal.

They described the value and growing contribution of the tourism industry to the provincial economy, and to employment, and the linkage between and interdependency of wilderness and urban tourism opportunities. They expressed the view that the proposal, as presented, could undermine the considerable efforts that have been made to brand 'SuperNatural B. C.' and could favour other jurisdictions in the competitive tourism market.

They requested that the proposal be shelved and that a consultative process be initiated over a 12-14 month period.

They indicated that special management areas have a high correlation with eco-tourism needs and suggested that tourism itself needs a land base (where eco-tourism is a significant use), though not a single purpose land base. In particular they expressed the view that special management zones should not become part of the working forest, though such areas can continue to make a contribution to the log harvest.

They do not support the concept of no net loss.

They support the forest industry and want to work towards an accommodation.

They indicated that their membership is extremely upset and frustrated by the initiative and by the process.



The Wilderness Tourism Association also tabled a letter in response to the public discussion paper which is attached. The key points in the letter are:

- Strongly opposed to the proposal;
- Economic importance of the wilderness tourism sector;
- A secure land base for tourism;
- Special management zones not be included in any legislated working forest;
- Drop the no net loss concept;
- More consideration for wilderness tourism in enhanced and integrated zones;
- The proposal could impede new tourism investment;
- Consultation period is too short.

4) B. C. Environmental Network (Forest Caucus)

March 1, 2001

The BCEN was represented by John Bergenske (Co-chair) and Greg Ytzig. The BCEN represents approximately 65 organizations province-wide.

The BCEN is strongly opposed to the initiative. They felt the consultation time period and process was extremely problematic. They expressed particular concern about the inclusion of special management zones in the working forest given that other non-timber values that are emphasized in such zones.

They indicated there may be some merit in a designation process that focuses on high intensity zones.

The concept of no net loss, at least as it applies to 'area', has no merit.

In their view the expression 'working forest' is widely understood to be areas where we log – where timber values are paramount in decision-making processes and noted that as a label, Forest Land Reserve is more neutral than 'working forest'.

They see this initiative as an effort to freeze the status quo – and in their words 12% in protected status is inadequate; and further changes in management approaches are required on those areas that are zoned for development.

The existing Provincial Forest and Forest Land Reserve designations are adequate and the BCEN strongly encourages the province to shelve this initiative.

5) Forest Futures  
Sierra Club of B. C.

March 2, 2001

These two organizations strongly oppose the proposal. They felt the discussion paper lacked sufficient detail. And they argue that the proposal fails to describe the benefits of the initiative and will not bring security and certainty. They argue that the security of the forest industry hasn't been eroded over the past ten years and point to the AAC as evidence.

They see this initiative as potentially setting the stage for the adoption of a private land regulatory model for public lands.

They see no merit in the idea of a no net loss policy.

They argue that it will bolster future compensation claims lodged by the forest industry based on the security suggested within the initiative.

They also argue that this initiative will make more complex the task of resolving First Nation claims.

They maintain that it will make the task of reaching agreement at land use planning tables more difficult.

They were critical of the consultation process and of the time period available for consultation.

Forest Futures tabled a written submission which makes the following points:

- Encourage diversity and innovation rather than locking up the land base;
- The proposal further complicates the already complex process of resolving aboriginal title and rights issues;
- Results in the inclusion of public lands into a private land regulatory model;
- The initiative is in conflict with broad based initiatives to manage for all values;
- Provides priority for commercial logging over tourism and drinking water.

6) B.C. & Yukon Chamber of Mines

March 5, 2001

As a general comment, the Chamber was concerned about the absence of any explicit recognition of their industry in the discussion paper. The Chamber was particularly concerned about ensuring the continuation of opportunities to explore and develop

mining properties and for any limitations on their activities that could come as a result of implementing this proposal.

Much of the discussion focused on clarifying permitted uses; and on a problem they have identified with the existing Forest Land Reserve Act.

The Chamber pointed out the FLR Act does not contain any reference to the Mines Act, which they believe was an oversight as other mining related legislation is referenced. [As the discussion progressed it was learned that the Forest Practices Code of B. C. Act is similarly silent on the Mines Act though this does not seem to have caused any difficulty for the mining industry].

The Chamber sees the working forest proposal as an opportunity to raise this issue and potentially have it addressed as part of the legislative initiative. The Chamber could not support the proposal if this deficiency were not to be rectified as part of the process, as in their view, the expanded use of the FLR with the deficiency, will exacerbate the situation.

- 7) Canadian Association of Petroleum Producers  
Canadian Association of Geophysical Contractors

March 7, 2001

As a general comment, these organizations were concerned about the absence of any explicit recognition of their industry in the discussion paper. They point out that all industries are looking for certainty and security and that many are potentially looking for their own land base. The labels 'working forest' and 'forest land reserve' do not capture the broader industrial requirements of their industry, and of other industries.

The oil and gas sector were looking for assurance that this initiative would not be prejudicial to the pursuit of their interests.

The regulatory authority for the oil and gas sector is the Oil and Gas Commission and the associations want the relationship between the Land Reserve Commission and OGC clearly delineated, and in particular the sector wants to deal with only one approval authority.

A good deal of the discussion focused on permitted uses of the current provincial forests and forest land reserve and the circumstances under which their industry may require a deletion from the reserve. They want the approval for an activity to be comprehensive – not the start of a second review in relation to the deletion.

They also point out that they too harvest timber in the course of their exploration and development activities; and that their industry is a growing presence in the province with a significant contribution to government revenues. Further discussion of the relationship between the oil and gas sector and the forest sector is warranted to ensure a long-term accommodation between the two sectors.



A no net loss policy did not focus significantly in the discussion except, should there be such a policy, it should apply to their sector as well.

On the issue of compensation, the oil and gas sector is of the view that their industry should receive treatment equal to that of the forest industry.

8) Union of B. C. Municipalities

March 7, 2001

The UBCM is on record as supporting the protection of a working forest. However, while fully prepared to enter into discussions on this proposal, the UBCM representatives wanted to be clear that the views expressed could not be construed as the position of the UBCM with respect to the specifics of the current proposal.

UBCM represents many communities, each with their own circumstances, and the time available for consultation precludes obtaining an official position with respect to the proposal.

Representatives made a number of suggestions to improve the clarity of the discussion paper including definitions and examples (no net loss for example).

There was considerable discussion of the land base to be included in the FLR including a discussion of ensuring that it would include forested lands that may not now be economically attractive for forestry; and the merits of including lands which will not likely ever be of direct interest to the forest sector.

Representatives also made a number of comments on technical matters within the proposal:

- A series of small deletions will ultimately be material – there needs to be consideration for a cumulative impact component to the determination of ‘significant’;
- Compensation needs greater clarity; compensation should be looked at more broadly and should include consideration for community and human impacts;
- The process for additions to the FLR should be treated the same as deletions;
- The completion a land use plan should not be the trigger for implementation – completion of the Protected Areas Strategy is sufficient;
- There should be a process to examine community expansion needs before Crown lands are designated.

9) Land Reserve Commission

March 8, 2001

Commissioners and Commission staff were briefed on the initiative and a discussion ensued on implications for the work of the Commission.

Commissioners also cited the technical issue that there are forest lands in the Agricultural Land Reserve which now have Provincial Forest designation and this will need to be rationalized at some point in the future if Provincial Forests are to be phased out.

The Commission asked to be kept informed of developments on this initiative.

10) B. C. Cattlemen's Association

March 8, 2001

As a general comment, the Cattlemen were concerned about the absence of any explicit recognition of their industry in the discussion paper.

Their concerns are two fold: they do not want the initiative to deny the opportunity to expand the agricultural/grazing industry in the future; and, as their industry co-exists with the forest industry, they do not want the perception to develop that forestry takes precedence over other uses such as theirs.

They also cited the technical issue that there are forest lands in the Agricultural Land Reserve which now have Provincial Forest designation.

They intend to send a letter to the Minister documenting their position.

I am available at your convenience to provide any additional information that you may require.

Yours truly



Bob Friesen

Encl: