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Withheld pursuant to/removed as

s.13 ; s.21

## BRIEFING NOTE FOR DECISION

**DATE:** September 11, 2020

**PREPARED FOR:** John Allan, Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development

**ISSUE:** Ministry priorities for the Declaration Act Action Plan

**RECOMMENDED OPTION:**

**Endorse the 6 proposed Ministry Actions for the Declaration Act Action Plan (option 1)**

**BACKGROUND:**

- On November 28, 2019, the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) received Royal Assent, following full support of the Legislature.
- Section 4 of the Declaration Act states that government must prepare and implement an action plan to achieve the objectives of the UN Declaration. The action plan must be prepared and implemented in consultation and cooperation with the Indigenous peoples.
- MIRR is co-ordinating the government action plan and has requested that each agency put forward actions that highlight alignment with the Declaration Act.
- Proposed actions for the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)'s action plan need to be endorsed by the Deputy Minister by early September and added to the Declaration Act Responsive Action spreadsheet.
- Once the actions are endorsed, Phase 2 engagement can begin. This entails seeking input from Indigenous nations and organizations on the proposed actions, with the goal of finalizing the Action Plan and its content by the end of October 2020.


**DISCUSSION:**

s.12; s.13



s.12; s.13

☒ Approved / Not Approved

  
John Allan, Deputy Minister of Forests,  
Lands, Natural Resource Operations and  
Rural Development

September 16, 2020  
Date

**PREPARED BY:**

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**REVIEWED BY:**

	Initials	Date
DM	JA	Sept 16 2020
Associate DM		
DMO		
ADM	MS	Sept 15 2020
Executive Director	JS	Sept 11 2020
Program Dir/Mgr.	JV	Sept 11 2020

## BRIEFING NOTE FOR INFORMATION

**DATE:** October 5, 2020

**PREPARED FOR:** Deputy Minister, Ministry of Forests, Lands, Natural Resource Operations and Rural Development

**ISSUE:** Private Managed Forest Land Program Review Closure

### BACKGROUND:

- The Private Managed Forest Land (PMFL) Program review was initiated as a component of the Coast Forest Sector Revitalization.
- A public engagement process was completed on July 31, 2019, and a "What We Heard" summary report was released November 5, 2019.
- The summary report indicated that 52% of respondents agreed that the broad goals of the program are still relevant while 44% disagreed. Primary concerns were associated with the lack of legislative protections for key environmental, First Nations and community values.
- In 2018, 5.2 million m<sup>3</sup> of timber was harvested on managed forest land representing 8% of the total provincial timber harvest and 28% of the timber harvest on the coast.
- Further engagement with stakeholders and focussed discussion with priority groups such as the Private Forest Landowners Association or Islands Trust is suspended during interregnum.

### DISCUSSION:

While not clearly stated in the act, the current purpose of the PMFL Program is to encourage long-term timber production and harvesting on private forest land. This current purpose has resulted in a legislative regime that protects forestry activities from local government influence and limits the regulatory regime to the protection of five core environmental values related to soil conservation, water quality, fish habitat, critical wildlife habitat and reforestation.

Private forest land designated as 'managed forest' under precursor legislation and programs (established in 1988 under *BC Assessment Act* and the *Forest Land Reserve Act*) was "grand-parented" into the PMFL Program regardless of whether these previous management commitments were consistent with the current stated purpose of timber production and harvesting. As a result, the PMFL Program currently includes a range of large landholdings devoted to timber production and numerous small landowners who manage for other purposes such as recreation, conservation and hobby farming.

There is a shift in public values in communities impacted by operations on private managed forest land since the PMFL Program was initiated in its current form (2003). The recent engagement with the public, stakeholders and First Nations highlighted the mounting pressures to broaden the goals of the PMFL Program beyond encouraging management of private forest land for timber production to include protection for a broader range of environmental and public value, particularly for large-scale industrial operations on extensive land holdings that were previously managed under tree farm licence regimes. This shift in public values cannot be accommodated within the current act.

To effectively respond to the public expectations raised by the PMFL Program review through a final report, the ministry must decide whether its response will be:

- s.13

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## POTENTIAL OPTIONS

One of the three options could be provided as recommendations to a new Minister once a new government is formed. (for full list of recommendations see appendix 1)

s.13

## ATTACHMENTS:

Appendix 1: Recommendations List with Priority Ratings

Appendix 2: s.13

Appendix 3: MFC Issue Response



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**REVIEWED BY:**

	Initials	Date
ADM	SF	Oct 5/20
Program Dir/Mgr.	JDK	Oct 5/20

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s.13 ; s.14



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s.12 ; s.13 ; s.14

## BRIEFING NOTE FOR INFORMATION

**DATE:** October 21, 2020

**PREPARED FOR:** John Allan, Deputy Minister of Forests, Lands, Natural Resource Operations and Rural Development;

**ISSUE:** Status of Spotted Owl Recovery Plan and Conservation in BC

### BACKGROUND:

- The Spotted Owl *caurina* subspecies is listed as Endangered under the federal *Species at Risk Act* (SARA) and is listed in the Provincial Identified Wildlife Management Strategy under *Forest and Range Practices Act*. FLNR leads the management and recovery of the Spotted Owl in Canada.
- A recovery strategy, led by BC and developed by the Canadian Spotted Owl Recovery Team (CSORT), comprised of scientific experts from academia, federal and provincial governments, and forest industry, was adopted by the federal government in 2006.
- Following strategy completion, CSORT developed a draft Action Plan that would help identify Critical Habitat (CH) per federal SARA requirements. This included development of a population and habitat supply model that applied the best available information from the recovery team.
- In April 2006, BC announced its commitments to protect Spotted Owls, initiate measures to augment the population and revise the 1997 Spotted Owl Management Plan (SOMP 1).
- In April 2007, BC initiated the Captive Breeding and Release Program and an Interagency Northern Spotted Owl Steering Committee (INSOSC) to oversee all recovery actions. In May 2009, INSOSC approved the revised Spotted Owl Management Plan (SOMP 2) that considered the critical habitat advice from CSORT.
- BC invests approximately \$600,000 annually to support the Captive Breeding and Release Program and monitor the wild population. Part of this program includes supporting the Spotted Owl Captive Breeding Facility, which in 2019, exceeded its minimum captive population target of 20 spotted owls (10 breeding pairs). There are currently 28 spotted owls in the program.
- BC has 103,419 ha of habitat protected in Wildlife Habitat Areas (WHAs) and 181,663 ha in other protected lands designations. An additional 49,257 ha of habitat is managed (allows harvest with retention) in WHAs. This is a total of 334,339 ha managed for Spotted Owl in BC.
- A federal recovery document that contains a complete, SARA-compliant identification of Northern Spotted Owl CH has not been published. In May 2019, Ecojustice on behalf of the Wilderness Committee sent a letter to Minister McKenna demanding that ECCC identify CH in a Habitat Action Plan as committed to in context of the 2006 recovery strategy.
- In October 2020, Ecojustice sent a letter to Minister Wilkinson petitioning that ECCC immediately invoke Section 80 of the Species at Risk Act to apply an emergency order to protect Spotted Owl habitat, with specific reference to the Spotted Owl pair at Spuzzum Creek.
- FLNR, ENV and ECCC staff met October 21, 2020 to discuss the next steps in response to the Ecojustice petition.

## DISCUSSION:

BC's known wild population has declined to 3 owls (a pair at Spuzzum Creek and 1 male in a protected area elsewhere). As expected in 2006, extirpation is imminent without population augmentation. The captive population has 28 individuals. Though trial releases will occur over the next 5 years, the captive population needs to grow larger to produce an effective number of young for release.

SOMP 2 includes socio-economic considerations that limited timber supply impacts to those approved by the Provincial Cabinet in 1997. In 2009, SOMP 2 was tested against CSORT's model to confirm its ability to support SPOW recovery. FLNR asserts that SOMP 2 protects habitat required to sustain the long-term population target (250 mature Spotted Owls) in parks, Greater Vancouver watersheds, and WHAs. ECCC asserts that the WHAs designated under SOMP 2 do not contain enough suitable habitat, nor adequate connectivity, to achieve and sustain the long-term population target.

The Spuzzum pair is protected within a 3,600 ha Spotted Owl WHA, of which 2,336 ha is considered nesting and/or foraging habitat. This amount satisfies CSORT's recommended minimum target of 2,224 ha of nesting and/or foraging habitat needed to support a breeding pair of Spotted Owls. It also satisfies the partial definition of CH established under the federal Recovery Strategy. The nest is not threatened by logging activities and occurs over 3 km from the edge of the WHA. This Spotted Owl WHA is part of a larger 25,000 ha WHA of protected habitat for Spotted Owl recovery and protects the third known owl.

Timber harvesting activities do not occur within the Spuzzum WHA, with the exception of logging truck traffic that must transit through the WHA, on a pre-existing logging road, to access timber harvested outside of the WHA. BCTS has active logging (34,369 m<sup>3</sup>) and planned logging (62,538 m<sup>3</sup> for October 2020 and June 2021) outside of the WHA boundary in Spuzzum Creek (Appendix).

## Next Steps:

A follow up meeting with ECCC to discuss the petition and next steps moving forward is planned for late October 2020.

## Appendix: Spuzzum Drainage Overview Map

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DMO	TE	2020-10-21
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