

NATURAL RESOURCE SECTOR – JOINT MINISTRY DECISION NOTE

Date: November 21, 2018

File: 280-20 BN

CLIFF: NRS 385

PREPARED FOR: Honourable Doug Donaldson, Minister, Forests, Lands, Natural Resource Operations and Rural Development and Honourable George Heyman, Minister, Environment and Climate Change Strategy

ISSUE: Signing updated memorandum of understanding with the Private forest landowners association to enhance collaboration on managing species at risk

BACKGROUND:

Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) is responsible for the *Private Managed Forest Land (PMFL) Act*, which includes identifying and facilitating the protection of Critical Wildlife Habitat (CWH). Ministry of Environment and Climate Change Strategy (ENV) is the BC Government lead on Species at Risk (SAR) policy and legislation. Under the federal *Species at Risk Act*, the federal government is required to identify critical habitat that requires protection, including on private land. We fully anticipate new provincial SAR legislation also applying on private land.

The Private Forest Landowners Association (PFLA) is a non-profit organization dedicated to the responsible stewardship of BC's private managed forest lands and is an advocate for private forest land owners regulated under the PMFL Act.

On January 31, 2013, the PFLA met with Doug Konkin, former Deputy Minister of FLNRORD, to promote the PMFL program and its contribution to the protection of CWH. A key outcome of the meeting was development of a Memorandum of Understanding (MOU) related to critical wildlife habitat between the Province and PFLA. The MOU facilitated cooperation and a shared vision for moving forward on the protection and management of CWH, including engagement with federal agencies on SAR. It prescribed structured meetings and reporting and indicates a review after 5 years of application.

In early 2018, the PFLA met with Deputy Ministers Zacharias and Sheldan and expressed a desire to renew the MOU with the province.

DISCUSSION:

Both ministries and the PFLA continue to value the MOU. Ministry staff have reviewed the 2013 MOU with the PFLA to update based on the current situation and reflect the new mandate commitment to develop provincial SAR legislation. s.14

s.14

s.14 PFLA executive reviewed and support the revised content in the attached MOU (Attachment 1). The revised draft will enable effective communication and cooperation between the PFLA and the two ministries regarding management and recovery of species at risk on private managed forest land as well as during development of provincial SAR legislation. The MOU is not legally binding, has no financial implications, and may be terminated within 60 days upon notice by either party.

OPTIONS:

s.13

Approved / Not Approved

Signature
Honourable Doug Donaldson Minister,
FLNRORD

Date

Approved / Not Approved

Signature
Honourable George Heyman Minister, ENV

Date

Attachments: MOU

Contact:

*ADM: Jennifer McGuire
Div: Env. Sust. & Strat. Pol.*

Phone: 778 698-8251

Prepared by:

*Name: Alec Dale/Chris Ritchie
Branch/Region: Victoria
(ENV/FLNR)
Phone: 778 698-4384*

Reviewed by	Initials	Date
FLNRO DM	JA	Nov. 28, 2018
ENV DM	MZ	Nov 28, 2018
ENV DMO	KK	Nov 27, 2018
FLNRO ADM	TE	Nov 26, 2018
ENV ADM	JM	Nov 23, 2018
ENV ED	ARD	Nov 21, 2018

MEMORANDUM OF UNDERSTANDING
(this “Memorandum”)

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BC
as represented by
THE MINISTER OF
FORESTS, LANDS, NATURAL RESOURCE OPERATIONS
AND RURAL DEVELOPMENT
AND
THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY
(the “Province”)

AND:

THE PRIVATE FOREST LANDOWNERS ASSOCIATION
(the “PFLA”)

(Collectively referred to as the “Parties”)

WHEREAS

- A. The PFLA is a non-profit organization dedicated to the responsible stewardship of BC’s private managed forest lands (“PMFL”) and is an advocate for private landowners regulated under the *Private Managed Forest Land Act* (the “PMFL Act”).
- B. The PFLA engages in proactive initiatives with forest owners and key audiences to promote an understanding of and support for responsible forest management practices that encourage and promote the protection of key public environmental values.
- C. The Province is responsible for the PMFL Act, which includes identifying and facilitating the protection of critical wildlife habitat on PMFL and, as appropriate, to enter into mutually agreeable arrangements with PMFL owners for the protection of critical wildlife habitat and species at risk management.
- D. The Province also currently has mandates to enact a species at risk law, to harmonize other existing laws to ensure they are all working towards the goal of protecting our province, to improve wildlife management and habitat conservation, and to collaborate with stakeholders to develop long and short-term strategies to manage B.C.’s wildlife resources.
- E. The Parties wish to collaborate to support environmental sustainability goals, including the protection of critical wildlife habitat, as well as collaborate on initiatives to support the Ministry of Forests, Lands, Natural Resource Operations and Rural Development administration of the PMFL legislation.

NOW THEREFORE the Parties have reached the following understanding:

1.0 PURPOSE

This Memorandum is intended to enhance the existing relationship between the PFLA and the Province regarding the protection of species at risk and critical wildlife habitat on PMFL.

2.0 GENERAL

The Parties intend to collaborate on the following:

- 2.1 Developing and encouraging a collaborative approach to species at risk management on private managed forest land.
 - 2.1.1 This may include identifying opportunities to plan for habitat management on Crown lands and, where deficiencies exist, potentially PMFLs necessary to ensure the survival of species at risk.
- 2.2 Promoting innovation by:
 - 2.2.1 Identifying and sharing best management practices that promote quick and timely improvements for on-the-ground habitat stewardship.
 - 2.2.2 Where desirable and possible, sharing scientific expertise, inventories, and knowledge to develop conservation strategies for species at risk.
- 2.3 Improving information sharing by:
 - 2.3.1 Encouraging efficient communication between PFLA members and government agencies.
 - 2.3.2 Encouraging PFLA members in sharing data, inventory, and science results, with government agencies.
 - 2.3.3 Collaborating on outreach materials, and where approved by the Parties, provide opportunities to share management strategies and research results with a broad audience.
 - 2.3.4 Examining opportunities to use new communication tools (i.e. webpage, webinars, workshops or other media) to exchange information.
 - 2.3.5 Exploring separate data-sharing agreements with the appropriate party/parties, when and if necessary.
- 2.4 The Province engages with the PFLA during the development of the policy for the proposed new provincial species at risk legislation as it relates to PMFL.

3.0 IMPEMENTATION

- 3.1 The Parties will act in good faith to implement this Memorandum.
- 3.2 This Memorandum is not intended to constitute any admission of fact or liability, interfere with any legislative and regulatory requirements, or be a legally binding contract but, rather, is intended to facilitate cooperation.

4.0 DISPUTE RESOLUTION

- 4.1 Upon becoming aware of any potential dispute related to the interpretation of this Memorandum, a Party will:
 - 4.1.1 Immediately notify the other Party when it has a concern or disagrees with the other Party regarding the interpretation of this Memorandum; and
 - 4.1.2 Use best efforts to resolve all disputes in accordance with this Memorandum.

5.0 TERM

5.1 The term of this Memorandum is from the date it is signed by both Parties until the earlier of:

5.1.1 Two months from the date of notice to terminate this Memorandum is given by either Party;

5.1.2 The date that all or part of this Memorandum is replaced by another agreement signed by the Parties that expressly supersedes and replaces all or part of this Memorandum; and

5.1.3 Two years from the date it is signed by both Parties.

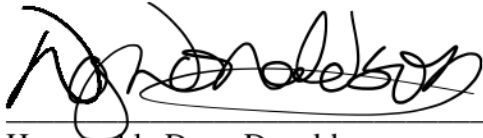
5.2 The Parties will review the terms of this Memorandum upon the coming into force of a provincial species at risk legislation, if applicable.

This Memorandum is therefore signed by the Parties:



Megan Hanacek, RPF, RPBio
Chief Executive Officer
Private Forest Landowners Association

Date: January 23, 2019



Honourable Doug Donaldson
Minister of Forests, Lands, Natural
Resource Operations and
Rural Development

Date: December 14, 2018



Honourable George Heyman
Minister of Environment and Climate
Change Strategy

Date: December 13, 2018