

BRIEFING NOTE

TO: UBCIC CHIEFS COUNCIL
FROM: NATASHA KIM, PROJECT RESEARCHER AND WRITER
DATE: SEPTEMBER 23, 2020
RE: OLD GROWTH STRATEGY REVIEW

PURPOSE:

To provide the UBCIC Chiefs Council with an overview and analysis of BC's Old Growth Strategic Review Report that was prepared by an independent review panel in order to inform the development of provincial old-growth policies and strategies.

RECOMMENDATIONS

1. Prepare and endorse a Resolution at the September AGA calling for a moratorium on old-growth logging, stronger and more comprehensive old-growth policy, and more engagement and consultation with First Nations.

BACKGROUND

In BC, the term "old-growth" is applied to trees that have reached specific age thresholds (250 years on the coast and 140 years in the interior). However, old-growth should not be limited to this timber-based definition as it fails to capture the enormous role they have in First Nations cultures and livelihoods, as well as the diverse range of values and concerns surrounding old-growth management. Old-growth forests are more than timber products; they support unique endangered species, Indigenous cultures, the climate, clean water, wild salmon, and tourism and recreation.

Unfortunately, old-growth forest in British Columbia has been pushed to the edge of extinction; logging has reduced the ancient coastal temperate rainforest in BC to [less than 3% of its original size](#). Although the provincial government claims 55% of old-growth forests on Crown land in B.C.'s coastal region are protected from logging, the majority of the protection extends over the Great Bear Rainforest and fails to protect much of the old-growth on Vancouver Island. Around 4/5^{ths} of old-growth logging done on Crown land is attributed to private companies who are encroaching into increasingly controversial and endangered areas of ancient forests that hold irreplaceable cultural value for Indigenous Nations. In addition, despite the opposition and concerns of multiple First Nations, the government agency BC Timber Sales (BCTS) continues to auction off logging permits in old-growth areas, including those in Nuu-chah-nulth, Hupacasath and Tseshaht First Nations territories on Vancouver Island. Ultimately there are several private logging companies which — combined with BCTS logging — are clearcutting about 10,000 hectares of old-growth a year, or more than 30 soccer fields per day, on Vancouver Island.

This current landscape of old-growth logging can be attributed by years of the BC government, since the time of Premier Gordon Campbell, fostering an economic dependence on old-growth logging for First Nations communities across the province. The Province has achieved this by arranging agreements for revenue-sharing, employment, joint ventures and tenures in old growth timber in some of the most contentious areas for First Nation bands who face limited economic opportunities as a result of years of colonialism and racism.

Following a complaint submitted in 2018 by the Ancient Forest Alliance to the compliance and enforcement branch at B.C.'s Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), two subsequent [investigations](#) revealed that the BCTS was violating old-growth management plans and protection rules, as well as Vancouver Island's official [Land Use Plan](#), which designates special management zones as areas with a critical mass of old-growth that needs to be retained.

As a result of widespread concerns over over-logging and a lack of stringent policy and protective measures around old-growth, on July 17, 2019, the provincial government announced that a two-person panel had been appointed to lead an Old Growth Strategic Review. Garry Merkel, a member of the Tahltan Nation and a Registered Professional Forester, and Al Gorey, president of the Association of BC Forest Professionals, were tasked with conducting a review and producing a report to the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) that was to be informed by a diverse range of perspectives and knowledge. Consequently, the panel initiated four-months of engagement with the public, including Indigenous governments and communities, stakeholder groups, the forestry industry, and environmental NGO's. The panel conducted in-person, teleconference, and videoconference meetings, as well as surveys, emails, and technical and scientific briefings. The review panel finished the bulk of their consultations by January 2020 and were originally set to release their report and recommendations in the spring of 2020.

However, there has been much criticism levied at the BC government and the Ministry of FLNRORD for

- Their passivity and inaction with regard to old-growth management and violations incurred by the BCTS and logging companies;
- The lack of consultation with First Nations, including allowing BCTS to issue five harvesting permits in the Tsehaht Nation's territory without their consent. From the start, Indigenous peoples were excluded from creating the high-level plans and orders that guide old forest management.
- The First Nations Forestry Council (FNFC) maintains they were not properly and meaningfully consulted and involved in the Strategic Review; despite the FNFC requesting last year to be part of the review panel and for resources to engage First Nations, the ministry of FLNRORD denied their request and a recommendations report. Instead of a shared draft report, the final report was sent straight to the Minister, preventing the FNFC and other First Nation organizations from reviewing and providing their input into the report;
- The delay of the release of the Old Growth Strategic Review Report, which allows companies to continue with their logging, including logging that now threatens the Fairy Creek Valley, the last unlogged old-growth valley on Vancouver Island

CURRENT STATUS

On April 30, 2020, the Old Growth Review Panel presented its report to the Province which included 14 recommendations to guide a four-phased process to develop and implement an old growth strategy that consists of immediate, near-term, mid-term, and long-term actions. After significant delay, Province finally released the old growth report and recommendations to the public on September 11, 2020, alongside the announcement of the deferral of old-growth logging within more than 350,000 hectares and the protection of up to 1,500 giant trees.

Prior to the public release of the report, the Ministry of FLNRORD provided UBCIC with a confidential copy of the Strategic Review Panel's report, "A New Future for Old Forests: A Strategic Review of How British Columbia Manages for Old Forests Within its Ancient Ecosystems." Following this, the UBCIC and other FNLC leadership participated in a call with Minister Doug Donaldson regarding the report and its progress on August 31, 2020. The FNLC agreed to future dialogue and conversations with the ministry following their further review of the report.

Overview of the Report

The report contains a situation overview, recommendations, and implementation advice. The report reaches the overall conclusion that "... **the overall system of forest management has not supported the effective implementation or achievement of the stated and legislated public objectives for old forests.**" The report's situation overview provides a useful summary of where the old growth situation currently stands; of BC's total area, 60% is forest. Of this forest area, 23% is old growth and 46% are "mature trees" that are not considered old growth. Of the 13.2 million hectares of old growth, only 33% is protected, meaning they are found in parks, ecological reserves, private conservation areas, no-harvest areas, wildlife management areas, and other special designated areas.

The report also acknowledges that the failure to fully implement prior strategies and plans – including but not limited to the *Old Growth Strategy for British Columbia* (1992), the old-growth recommendations of the Forestry Board (2012), and the Auditor General's report (2013) on biodiversity – has resulted in the current challenges around old-growth. These challenges include the threat of biodiversity loss, the risk to potential economic benefits, and the loss of confidence in the system of managing forests. The reports note that a series of ongoing/in-development government initiatives have related goals to old-growth management and to form a holistic framework of principles from which to draw upon in order to determine the most effective systems in managing forests. These other initiatives include: Together for Wildlife, Caribou Conservation, Forest and Range Practices Review Act, Private Managed Forest Land Program, Modernized Land Use Planning, and Forest Sector Revitalization.

Key Observations

The report's key observations include:

- There is widespread support for the provincial government and Indigenous governments to collaboratively create updated strategies and policies for the management of old forests
- The current system for retaining and managing old forests has issues arising from the incomplete implementation of previous, plans, strategies, and social trade-offs
- There are opportunities to create greater certainty for forest-dependent communities by formally zoning timber harvesting areas; generating more sustainable and long-term non-timber economic benefits from old forests; and developing innovative silviculture systems
- The economy is heavily dependent on trees harvested from the primary forests of old trees
- Information about the types, condition, and current status of old forests and information provided to the public about old forests is highly variable across the province
- Climate change will be a huge influencing factor in choices regarding forest management

Recommendations

The report contains 14 recommendations that are centered on required conditions for change, immediate responses, improving management, and orderly transition. They include:

On conditions required for change:

1. **Indigenous involvement:** Engage Indigenous leaders and organizations to review the report and any subsequent policy or strategy development and implementation
2. **Prioritizing health and ecosystems:** enact legislation that establishes the conservation of ecosystem health and biodiversity of BC's forests as a priority for all sectors
3. **Adopt a formalized three-zone forest management network** to guide forest planning and decision-making
4. **A more inclusive and stabilizing approach to government** that allows stakeholders and communities a greater role in forest-management decisions that affect them
5. **Public information:** consistently provide the public with timely and objective information about forest conditions and trends

For immediate response:

6. **Immediate response to ecosystems at very high risk:** until a new strategy is developed, defer development in old forests where there is very high and near-term risk of irreversible biodiversity loss
7. **Compliance with existing requirements:** bring the management of old forests into compliance with existing provincial targets and guidelines for maintaining biodiversity.

For improving management:

8. **Monitoring and evaluation:** establish and fund a more robust monitoring and evaluation system for updating the management of old forests
9. **Setting and managing objectives and targets:** establish a standardized system and guide that integrates both provincial goals and local objectives
10. **Update the targets for the retention and management of old forests**
11. **Inventory and old forest classification:** improving the mapping and classification of old forests to recognize multiple values
12. **Innovative silviculture systems:** create a silviculture innovative program aimed at developing harvesting alternatives to clearcutting that maintain old forest values

For orderly transitions:

13. **Transition planning at the provincial and local levels:** once developed, implement new policies and strategies for old forest management through mandatory provincial and local plans that define, schedule, and monitor the province
14. **Transition support for communities:** support forest sector workers and communities as they adapt to the changes in the forest management system

ANALYSIS

Although the report and the Province's renewed commitment to old growth are promising steps, there are still many concerns, including how BC is continuing with plans to log old growth and critical caribou habitat in the Argonaut Valley north of Revelstoke, and how the logging deferral still leaves almost half of the province's old growth unprotected, does not include vulnerable areas such as the Fairy Creek Valley, and leaves the most at-risk and contentious areas for First Nations to log while privileging industrial forest corporations.

Notwithstanding this, the report's recommendations have been long needed; they form the launching pad for the development and implementation of new policies and strategies that need to replace the unfulfilled and inadequate ones currently in place. However, it will take immediate and sustained action

by the government to ensure that these recommendations are carried out, and UBCIC will need to ensure First Nations are included and consulted throughout every step of the way.

Takeaways

It is unsurprising the review concludes that the current challenges to old-growth are a product of years of mismanagement and the inconsistent application of previous old-growth and conservation strategies and plans. One important takeaway that the report identifies in relation to mismanagement is that the general public feels that “the government has largely been absent in the discussion of old growth management.” It is essential that the government immediately take on a stronger leadership role in facilitating discussion and engaging First Nation communities, dispelling the predominant view they are bending to corporate interests. In the past, the Province published State of the Forests reports through the Chief Forester, but the last report was in 2010. In the future, for transparency sake and to keep the public informed, the provincial government should provide up-to-date information that not only relates to environmental indicators, but specifically to forest conditions and old growth.

The report also outlines how important timber harvesting is economically for many Indigenous and non-Indigenous communities – according to 2016 statistics, the harvesting of timber in BC generates 100,000 direct and indirect jobs and contributes \$12.9 billion to provincial GDP. In addition, the report points towards the economic interdependence of old-growth forests and tourism activities, including hunting, fishing, and guiding; wildlife viewing; canoeing, camping, and horseback tours; and backcountry hiking and touring. Consequently, it is vital that any forest-management plans strike a balance between upholding sustainable harvesting upon which many First Nation communities rely on for their livelihoods, and maximizing the economic relationship between old forests and tourism, using public and visitor interest to promote the protection of old growth.

The report points to the three main ways old growth retention is carried out in BC:

- 1) Legally, spatially-defined Old Growth Management Areas (OGMAs)
- 2) Non-legal, spatially-defined OGMAs
- 3) Aspatial old forest management

However, OGMAs have been beset by inconsistencies and have failed to meet many old growth targets. The general consensus is that OGMAs are simply being used to retain intact areas instead of allowing for proactive management and growth. Some of the problems with OGMAs identified included: poor or unjustifiable locations, many do not contain old forests or forests under 40 years old, flexibility abused for roads or development, unclear objectives and poor reporting, and uncertainty whether they should all be spatial and legally delineated, or all spatial but not legally delineated, or all aspatial.

Strategic Action Points

Based on the recommendations and situation overview from the report, it is recommended that we focus on and prioritize the following points in future discussions with the province, and in any decision-making and development processes related to an Old Growth Strategy:

Fostering Economic Alternatives

The Province needs to stop fostering First Nations economic dependence on old-growth logging by providing economic alternatives. The government needs to create dedicated, sustained financial support for ICPAs and land-use plans that protect old growth, and to provide funding for conservation-based businesses and economies, including cultural and eco-tourism businesses, clean energy, value-added second-growth forestry, and the harvesting of non-timber forest products and eco-certified seafood

harvesting. The province needs to maximize the economic opportunity that exists between old-growth forests and recreational activities.

Moratorium on Logging

While the Province's recent logging deferral in nine areas across almost 353,000 hectares is a positive step forwards, the provincial government needs to provide more details on its plan to shift logging deferrals to permanent protection, as the ideal goal would be the complete end of logging of endangered old-growth forests through science-based legislation. Furthermore, the current moratorium does not extend to the Fairy Creek Valley, as well as other contentious and vulnerable areas, including the Central Walbran Valley, the critical caribou habitat in Argonaut Valley, and boreal and inland forest near Prince George that is being targeted by the wood pellet industry. Consequently, UBCIC should continue to work other likeminded organizations and partners to call upon the government to immediately halt all in-development and in-progress logging of high risk and endangered old growth forests until the new old growth strategy is implemented.

Indigenous Funding

There needs to be separate funding for First Nations to develop and implement land use plans and to purchase and protect private lands with old-growth.

Indigenous Involvement

The government needs to prioritize clear, transparent communication and consultation with First Nation leaders, communities and organizations. As many First Nations are employing their own innovative, practical, and effective approaches to forest management, their voices need to inform the review, development, and implementation of any new forest-management policies and strategies. Furthermore, future decision-making and planning will need to meet the province's legal consultation and accommodation requirements outlined in the *Declaration on the Rights of Indigenous Peoples Act*.

Compliance

Where analyses and review show non-compliance, immediately move to bring the area into compliance as soon as practical, including adjusting OGMA's where necessary to ensure they include enough old forest to meet mature and old targets, deferring development in any old forest below set targets, and ensuring the government has the proper regulatory and tracking tools to enforce the requirements.

Legislation

Legislation is needed to make the conservation of ecosystem health and biodiversity of BC's forests a priority for all sectors, with strong measures in place to hold logging companies and government agencies accountable to this priority. Such legislation is needed to help even out the challenges of balancing the competing interests of protecting timber supply and protecting biological diversity.

Provincial Leadership

The province needs to have a clear and legally supported long-term vision and set of priorities for forests, including transitioning from harvesting primary forests to secondary growth. The government needs to take a more active role in oversight, monitoring, and enforcement; it cannot waver between a "hands-off" approach and a "command and control one."

Data

The report notes that British Columbians and First Nations wanted to be more informed about forests conditions so they can better participate in decision-making around forest management. The province

needs to regularly provide reports/updates regarding forest conditions, and provide information that is not only factual, but also objective

OGMAs

Adjust and establish clearer objectives and guidelines for the OGMA system in order to ensure OGMAs are applied consistently and effectively; this will include immediately conducting a review of the system (none has occurred since it was implemented 20 years ago); creating a system to track compliance with established old growth targets; establishing formal and consistent monitoring and reviewing of OGMAs, and ensuring biodiversity targets in all areas are above the minimum threshold of 30%.

NEXT STEPS

1. Work with FNLC, First Nations Forestry Council, Ancient Forest Alliance and other likeminded organizations to provide feedback to Ministry and establish key points that reflect First Nations values and needs we would like to see incorporated into the strategy moving forward
2. Prepare and endorse a Resolution at the September AGA calling for a moratorium on old-growth logging, stronger and more comprehensive old-growth policy, and more engagement and consultation with First Nations