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# A NEW FRAMEWORK FOR SILVICULTURE

## THE NEED TO MOVE FROM A VOLUME-BASED TIMBER SUPPLY FOCUS TO A VALUES-BASED MODEL



**Prepared for:**  
Ministry of Forests and Range, Forest  
Practices Branch

**Prepared by:**  
BC First Nations Forestry Council



## Background

It is not only the forest sector that is in crisis, it is the forest itself. The sustained yield model combined with bad management, such as overharvesting and fire exclusion, has failed First Nations and the public of British Columbia.

The state of the forest industry today exemplifies concerns raised 19 years ago by Druskha *et al.* (1993) regarding the concentration of control of timber harvesting rights to a few large companies and the economic collapse of the forest industry because of the failure of the system to invest in the silvicultural capacity to sustain itself. Little has been done by the province to prevent this crisis or situation.

One of the recommendations from the Working Roundtable on Forestry established in 2008 called for a review of forest management and silviculture practices. In March 2009, the province released a Discussion Paper entitled "*Growing Opportunities; A New Vision for Silviculture in British Columbia*"<sup>1</sup> that outlines the Vision and Principles of a new framework for silviculture. However, this Discussion Paper still focuses on the need to maximize productivity and timber supply, and not on an ecological holistic model that can be more resilient and sustain a greater diversity of services and products.

Sustained yield policies do not sustain the forest (Marchak 1983, Marchak *et al.* 1999). Harvesting levels have exceeded reforestation. Although it has been estimated that the standing tree value of forested lands in BC is \$1/4 trillion, that has generated up to \$1.2 billion/year in stumpage<sup>2</sup>, the province has not invested or set aside the resources needed to sustain this public asset. Second growth forests are not available now, especially in the interior of British Columbia, to support the forest sector. Given the impacts of the mountain pine beetle on timber supply and climate change, it is not likely that intensive forestry will save the forest industry in the future. A major problem has been, and is, the systemic focus by the province on an economic measure of sustainability and not an ecological measure of sustainability.

Addressing the impacts of wildfires, mountain pine beetle (MPB) and climate change requires a holistic approach and better information. Currently the province lacks the understanding and inventory information needed to quantify the impacts of the wildfires and MPB epidemic on timber supply or identify tenure opportunities available to support the development of alternative uses and products. In addition, more work needs to be done at the Timber Supply Area level to understand how climate change may impact and change the distribution of biogeoclimatic zones, and plant species. Silviculture activities, management objectives and policies need to reflect changing and future ecological conditions.

First Nations support a value-based, holistic vision of a healthy forest ecosystem that continues to sustain and enhance the cultural, spiritual, environmental, economic values and resources<sup>3</sup>, and not the volume-based Vision in the Discussion Paper focused on maximizing productivity and timber supply. It is clear that the sustained yield model has failed. The 2009 Discussion Paper acknowledges the significance of forests to First Nations and that silviculture is more than reforestation. This must be the starting point and focus of a new framework.

## Forest Stewardship, Management and Planning; Shared-Decision Making

There has been political and bureaucratic resistance to shared-decision making with First Nations regarding the use and management of forest lands and resources. This has persisted even though in the New Relationship the province agrees to establish processes with First Nations for shared decision-making regarding land and resources, revenue and benefit sharing<sup>4</sup>. Given the state of the forests in BC, values-based management is needed and crucial to the sustainability of a thriving industry for current and future generations.

In the Ministry of Forests and Range (MFR) presentation Growing Opportunities<sup>5</sup> a “Forest Estate Plan” was proposed as a tool through which planning, management objectives and strategies, including silviculture objectives, for an identified area were established. This tool provides the opportunity to engage First Nations in strategic level planning and implement a values-based management approach.

To make the Forest Estate Plan concept successful, co-management with First Nations needs to be the foundation of this planning tool and process. Strategies and management objectives would be set by local First Nations and the government, and implemented by forest tenure and agreement holders. The role of First Nations in this process needs to be clearly identified and supported by policy so that in practice their role is not diminished or minimized. This would best ensure that First Nations are meaningfully engaged in determining harvest level, silviculture and management objectives for forest lands and resources in their traditional territories. The identified planning area should be defined on a territory basis, and include those First Nations with territories in the planning area. This would minimize referrals and create the efficiencies that First Nations, government and industry are seeking.

In order to have a forest for tomorrow, it is vital that MPB impacted areas and those damaged by wildfires are rehabilitated but not necessarily with the goal to address the decline in timber supply.

### A New Model To Support Values-Based Products and Management

A redistribution of tenure is needed to provide First Nations access to the long term (99 year) tenures that encompass the entire traditional territory. A First Nations tenure is not a new concept. The Intertribal Forestry Association of BC (IFABC), founded in 1987, recommended the creation of First Nations tenures to allow First Nations communities access to benefits generated from the resources on their territories. Long term area-based tenures provide the incentives needed to encourage investment needed beyond free-to-grow legislation. However, it is important that outstanding liabilities are identified and discussed by the province and the First Nation to ensure that outstanding obligations don't jeopardize the economic viability of the tenure opportunity.

Management objectives and stewardship values for a defined area would still be developed and set by First Nations and government through a higher level planning process. All operations would need to reflect and implement these objectives. This would ensure that First Nations rights, values and priorities were meaningfully incorporated into the use of forest lands and resources within their territories.

Some of the volume needed to support long term tenures for First Nations is available through *Bill 28* take back volumes. Of the 2.4 million m<sup>3</sup>/yr set aside for First Nations through this reallocation,

approximately only half has been allocated to First Nations through Forest and Range Opportunities. This replaceable volume needs to be made available to First Nations to support longer term agreements.

The BC Timber Sales (BCTS)<sup>6</sup> program lost over \$22 million in 2008/09 and is projecting a net loss of \$39 million in 2009/10. The volume sold by the program decreased by 3 million m<sup>3</sup> over the last 3 years, significantly decreasing revenues generated by this program. Changes are needed to increase the efficiency and success of this program for the public and the province.

The BCTS program offers opportunities to share volume and tenure with First Nations, and engage First Nations in management and planning within their territories. The BCTS Business Plan (September 2009)<sup>7</sup> highlights the importance of effective and productive relationships with First Nations but there are very few examples of this on the ground. Opportunities need to be made available, and supported, either through partnerships with BCTS and/or policies that enable First Nations access to volume allocated under *Bill 28* (4.8 million m<sup>3</sup>/yr) to the BCTS program. Volume would be developed and sold through an open and competitive auctions system to ensure compliance with the Softwood Lumber Agreement. In addition, First Nations need to be meaningfully involved in the planning and management of operating areas assigned to BCTS within their territories. Models and tools need to be developed to enable and support the setting of management objectives by First Nations and government through government-to-government processes.

#### Forests For Tomorrow Program

The Forests For Tomorrow (FFT) Program was established in February 2005 to reforest areas with no licensee obligations that were harvested but not reforested, and impacted by wildfires and the MPB epidemic. However since its inception, the FFT program has failed to meet its principles and targets to involve First Nations in planning and on-the-ground activities. One of the guiding principles for the FFT program in the 2007 Management Plan<sup>8</sup> states that “First Nations are to become the key delivery agents for the FFT program”. However of the 19 Recipient Agreements signed between 2005 and 2008 throughout the province, only 1 is held by a First Nations’ organization, the Okanagan Nation Alliance.

The management plan that guides the program planning for the FFT program is set by government and ministry planning objectives. First Nations have not been involved in this process. To increase the success of this program, First Nations need to be involved in the development of strategic plans for activities within their territories to ensure that their rights, values and priorities are incorporated into the restoration of timber and non-timber values. The best way to facilitate this is to support and enable First Nations to be the key delivery agents and to hold Recipient Agreements.

Silviculture activities have the potential to offer significant local benefits and opportunities to First Nations in terms of employment and capacity development. Many First Nations in the interior of the province have expressed frustration at their minimal involvement in silviculture activities funded by the FFT program within their territories. If this program continues, First Nations should be given the first right of refusal to hold Recipient Agreements for their territories. This will best ensure that First Nations are involved in the development of management objectives and work plans that reflect their values and priorities. To increase First Nations participation in this program, resources need to be made available to support First Nations Safe Certification and training.

## Ownership of Carbon Credits

Given the unresolved aboriginal title and rights in British Columbia, the province does not have 100% jurisdiction over the lands and resources and therefore does not own or have unfettered rights to carbon credits generated off Crown lands from forest resources. These belong to First Nations. Crown corporations such as Pacific Carbon Trust must recognize and respect aboriginal title and rights to forests and lands and resources, and provincial policies regarding emerging carbon markets must reflect this.

A process must be developed to meaningfully consult with, and engage, First Nations in the development of the emerging carbon markets to ensure that First Nations share in the benefits derived from lands and resources within their territories. Additional recommendations regarding emerging carbon credit opportunities are outlined in the First Nations Forestry Council Submission to the BC Forestry Roundtable regarding Carbon Credit Opportunities for First Nations<sup>9</sup>.

## Principles of a New Framework

- ❖ Aboriginal rights and title must be addressed before any further forest land privatization or rezoning of Crown resources occurs.
- ❖ The relationship between a First Nation and the province is a government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights<sup>10</sup>. The province has a legal duty to meaningfully consult with and engage First Nations on a government-to-government basis regarding decisions pertaining to the management and use of forest lands and resources.
- ❖ First Nations must be meaningfully involved in planning and setting management objectives and strategies for forest lands and resources within their traditional territories.
- ❖ Given the unresolved aboriginal title and rights in British Columbia, the province does not have sole jurisdiction over the lands and resources and therefore does not own or have unfettered rights to carbon credits generated from forest resources.
- ❖ The new framework should be ecosystem-based, supporting holistic stewardship, and the conservation and sustainable use of forest lands and resources for all values, including social, environmental and economic. This includes encouraging and protecting cultural practices and values.

## Recommendations

*Recommendation 1.* Management objectives should be values-based and not be focused on timber supply. Silviculture objectives and management strategies for an area need to include objectives to manage for non-timber forest products including culturally important values and resources. Silviculture policies are needed that allow and/or require the establishment of mixed species stands where mixed stands existed prior to harvesting.

*Recommendation 2.* Those with agreements and/or licences to harvest should, and do, enjoy the benefits and thus must be responsible for all silviculture obligations and costs to re-establish the area for the cultural, ecological, economic and social objectives as agreed to and set by First Nations and the province. This includes all agreements entered into under the *Forest Act* specifying an annual allowable cut (AAC) (including innovative timber sale licences and the small scale salvage program).

*Recommendation 3.* Redistribution of volume and tenure rights. Policies and legislation need to be developed to support interim measures that provide First Nations, inside and outside of the treaty process, access to long term area-based tenures (99 year lease).

These tenures would extend over a First Nations' territory and support AACs much larger than that currently permitted for woodlots and community forest agreements. The Roundtable Report called for First Nations access to long term area-based tenures. Long term tenures provide the incentives needed to invest in silviculture, the flexibility to manage for multiple values, a diversity of products, and the ability to incorporate management objectives for culture and biodiversity into stocking standards and levels.

First Nations do not support the alienation of forest lands and resources either by allowing forest companies and other commercial interests access to 99 year tenures or privatization of forest lands designated as Crown lands where outstanding issues of aboriginal rights and title remain unresolved. This was clearly articulated in the First Nations Forestry Council Submission to the BC Forestry Roundtable on Land Privatization<sup>11</sup>. If privatization is to occur, tenure transfers should be only eligible to First Nations. In the absence of addressing aboriginal title, the only way to move forward with long term tenures is with the full involvement of First Nations.

*Recommendation 4.* The Forests For Tomorrow (FFT) program should be restructured to support First Nations as key delivery agents and recipient agreement holders. First Nations should have an opportunity to be involved in all silviculture activities within their traditional territories.

Silviculture offers good opportunities for industry and government to provide local employment and capacity building for First Nations.

*Recommendation 5.* There is a need for the government to allocate the resources needed to address gaps in inventory information so that planning and management can be done in an informed manner.

*Recommendation 6.* A process must be developed to meaningfully consult with, and engage, First Nations in the development of the emerging carbon markets, to ensure that First Nations share in the benefits derived from forest lands and resources within their territories.

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<sup>1</sup> Growing Opportunities. A New Vision for Silviculture in British Columbia. March 2009. Discussion Paper prepared by the Ministry of Forests and Range.

<sup>2</sup> Key BC Silviculture Statistics. September 8, 2009. Presentation by Ralph Winter, Ministry of Forests and Range, Forest Practices Branch.

<sup>3</sup> BC First Nations Forestry & Land Stewardship Action Plan. May 2008. BC First Nations Forestry Council.

<sup>4</sup> New Relationship. Vision. 2005. *para 2.*

<sup>5</sup> Growing Opportunities. A New Vision for Silviculture in British Columbia. Discussion Paper. Presentation by Paul Rehler, Forest Practices Branch. September 2009

<sup>6</sup> BC Timber Sales. Business Plan 2009/10 – 2011/12. Revised September 1, 2009

<sup>7</sup> BC Timber Sales. Business Plan 2009/10 – 2011/12. Revised September 1, 2009.

<sup>8</sup> Forests for Tomorrow. Program Management Plan 2007.

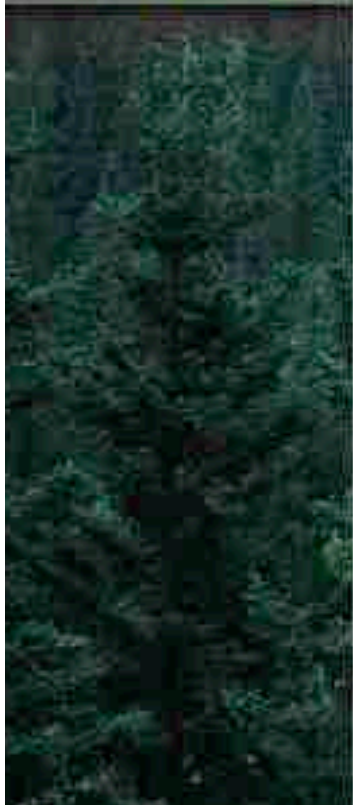
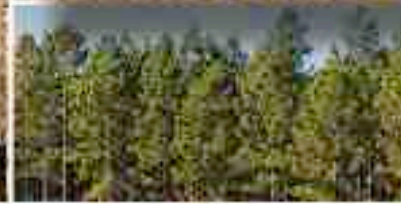
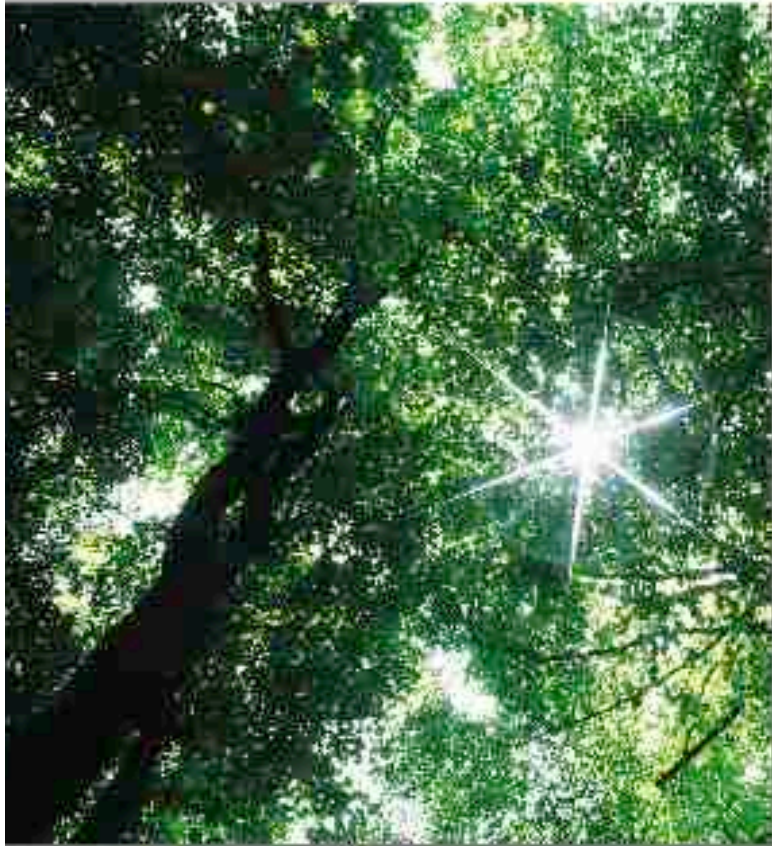
<sup>9</sup> First Nations Forestry Council Submission to the BC Forestry Roundtable. Carbon Credit Opportunities for First Nations in BC. September 5, 2008.

<sup>10</sup> New Relationship. Vision. 2005. *para 1.*

<sup>11</sup> First Nations Forestry Council Submission to the BC Forestry Roundtable. Land Privatization: The Potential Impacts on First Nations Rights and Title in BC. September 5, 2008.

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## **BC First Nations Forestry Council**

615-100 Park Royal South  
West Vancouver BC  
V7T 1A2

Telephone: (604) 921-4488  
Facsimile: (604) 921-4401  
Email: [admin@fnforestry.ca](mailto:admin@fnforestry.ca)

[www.fnforestrycouncil.ca](http://www.fnforestrycouncil.ca)

Implementing an action plan to support BC  
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