



BCCFA's Summary of BILL 12 – 2016

FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2016

On March 10th, Honourable Steve Thomson, the Minister of Forest, Lands, and Natural Resource Operations introduced Bill 12 - 2016 in the legislature¹. The bill proposes legislative amendments that effect community forests in 2 key areas. The first involves amendments that enable the expansion of existing community forests. The second involves changes to support BC Timber Sales (BCTS), and follows up on recommendations coming from the Role & Effectiveness Review of BCTS² conducted by John Allen in 2014.

1. Community Forest Expansion

It was recently established that the Forest Act was missing a provision that allowed for the expansion of existing community forests. Bill 12 rectifies this gap in legislation, providing the statutory support for the expansion of CFA licences. The BCCFA wholeheartedly supports this amendment. We have worked with the MFLNRO on the legislation, and will continue to collaborate on the drafting of the accompanying regulation.

2. Amendments Supporting BCTS

The proposed amendments that support BCTS are intended to provide the provincial government with additional tools to more effectively balance its stated objective for greater community and First Nations direct involvement in the forest sector, with its objective to ensure that BCTS has access to a sufficient supply of timber to provide credible cost and price benchmarks for BC's timber pricing system.

Last years' changes (Bill 25 - 2015) were intended to make it easier for BCTS to collaborate with the holders of community forest agreements and First Nations woodlands licences. The changes were designed to enable voluntary business to business relationships through timber disposition agreements. The BCCFA viewed this as a positive change. However, we did not support the new discretionary authority granted to the Minister to

¹ Bill 12 – 2016 can be found here <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/40th-parliament/5th-session/bills/first-reading/gov12-1>

² For information about the BCTS Role & Effectiveness Review go to <https://www.for.gov.bc.ca/bcts/>

include a volume reservation for BCTS within a new community forest. We saw this change as detrimental to the integrity of the community forest tenure. However, Bill 25 passed and we were assured that the new provision would only be used in very rare occasions.

Bill 12 -2016 builds upon the changes in Bill 25 that enabled voluntary timber disposition agreements. The new legislative amendments will allow the Minister to issue a new CFA with the condition that the licence is reduced by a specified amount of volume which is made available for BCTS. In return, the CFA holder must receive a financial payment. This amendment also applies to TFLs, FLs, FN Woodlands Licences and Woodlot Licences. This can be seen like a mandatory timber disposition agreement.

The rationale provided for these amendments is that the provincial government has made commitments to a small number of communities and First Nations to issue them forest tenure with the condition that the volume be made available for auction by BCTS. The government determined that additional tools were required in order to enable it to honour these commitments.

BCCFA's Action on Proposed Amendments for BCTS

The BCCFA has clearly voiced our concerns with these amendments. Under a confidentiality agreement BCCFA directors and staff have met with ministry staff on several occasions since the fall of 2014, and also with Minister Thomson to discuss the proposals. While it may be preferable to have a new CFA with a mandatory timber disposition agreement than a CFA with a volume reservation for BCTS, we continue to see these changes as an erosion of the integrity of the community forest agreement tenure. The CFA holder with such a licence would not have exclusive rights to timber within its boundaries.

Our opposition is based on the original principles of the community forest agreement: Community control of local forest resources for local benefit. Community forests were originally established so that communities could have control over the forest areas that were important to them. The fact that community forest agreements grant the exclusive right to harvest timber within a designated area is a cornerstone of the concept. The security of the exclusive rights granted through the long-term, area-based tenure is important to communities for a number of reasons, not the least of which is the ability to plan for and invest in the future economic, social and environmental benefits of the forest. Furthermore, the social licence that community forests have in their communities originates from the fact that the forest is managed by the community, for the community. The holder of a "reduced" CFA with timber auctioned by BCTS would no longer have the exclusive right to the timber in the licence area. The right would be shared with BCTS.

As with Bill 25, we were successful in advocating that the proposed provision would **not** be applied to any community forest agreements already in place, even on replacement, unless it was the desire of the CFA holder. However, should an existing CFA wish to expand, the option to use this provision could be considered by government as a condition of approval of the expansion.

As with the changes in Bill 25, Minister Thomson and BCTS staff have assured us that the new provision would only be applied in very rare circumstances, and that it will not be a standard condition of all new non-BCTS

licences. Further, Minister Thomson committed to including the BCCFA closely in the development of the policies that relate to this provision.

Conclusion

It is the BCCFA's mission to support both the expansion of existing community forests and the creation of new ones. We fully support the amendments in Bill 12 that enable the expansion of existing CFAs. With respect to the changes that support BCTS, while voluntary agreements and business to business partnerships with BCTS are of interest to some of our members, at this point we do not see the benefit to be gained by communities that would be issued CFAs with these new conditions.

However, if Bill 12 passes we will work with the ministry on the related policy. Guided by the BCCFA's foundation document and strategic plan as well as by ongoing input from our members, we will ensure that interests of community forests are well represented in the discussions.

We welcome your comments and questions. Please contact Jennifer Gunter, Executive Director at jgunter@bccfa.ca or 250 384-4110.