



BCCFA's Summary of BILL 25 – 2015

FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2015

On March 25th, Honourable Steve Thomson, the Minister of Forest, Lands, and Natural Resource Operations introduced Bill 25 - 2015 in the Legislature¹. The Bill proposes legislative amendments that follow up recommendations coming from the Role & Effectiveness Review of BC Timber Sales² conducted by John Allen in 2014. There are many components to the amendments, and a few of them relate specifically to community forest agreements.

The overall goal of the Bill is to strengthen BCTS. (See the media release attached). Some of the changes are intended to make it easier for BCTS to collaborate with the holders of community forest agreements and First Nations woodlands licences. These amendments are designed to enable voluntary business to business relationships. We see this as a positive change.

However, there is one proposed amendment to the Forest Act that we see as detrimental to the integrity of the community forest tenure. This is the new discretionary authority granted to the Minister to include a volume reservation for BCTS within a new community forest.

Section 43.3 for the Forest Act will be amended to state that the Minister “....*may require that a specified amount of timber on Crown land within the community forest agreement area is to be reserved and available for disposition, to persons other than the holder of the community forest agreement, under*

(i) timber sale licences, or

(ii) forestry licences to cut under section 47.6 (3), and , and

(e) by adding the following subsection:

(2) A reservation referred to in subsection (1) (g.2) must not be included in the following:

¹ Bill 25 – 2015 can be found here https://www.leg.bc.ca/40th4th/1st_read/gov25-1.htm

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

(a) a community forest agreement entered into before the date this subsection comes into force, unless

(i) the community forest agreement already includes the reservation, or

(ii) the holder of the community forest agreement agrees to include the reservation;

(b) a replacement for a replaceable community forest agreement, unless paragraph (a) (i) or (ii) of this subsection applies in relation to the replaceable community forest agreement.³

We have clearly voiced our concerns with this amendment. Minister Thomson has assured us that the volume reservation would only be applied in very rare circumstances, and that it will not see widespread implementation. Further, he committed to including the BCCFA closely in the development of the policies that relate to this provision.

Bill 25 & Community Forests

There are three main components to the proposed legislation.

1. The changes will facilitate business service agreements between BCTS and community forests. While BCTS' focus is on what services they can provide to community forests, we see opportunities for community forests to also offer their services to BCTS.
2. The legislative amendments will facilitate timber disposition agreements. These agreements allow BCTS to enter into an agreement with a CFA to create a Timber Sale Licence within the community forest and pay a financial consideration to the CFA holder. This concept has been implemented already in a small number of cases (i.e. the North Island CFA), and the legislative changes will make it easier. These agreements would be completely voluntary.
3. Finally, the Bill proposes changes to the Forest Act that will give the Minister the discretionary authority to include a volume reservation for BCTS within a new community forest. Described as a "tool in the toolkit" that will be very rarely used. BCTS believes it could be applied in cases where there is demand for a new community forest (or an expansion of an existing one), and where BCTS is struggling to maintain its quota of 20% of the volume which is required for the Market Pricing System. It was presented as a win-win, whereby the Minister can create a new CFA and keep the volume that BCTS needs for the Market Pricing System.

BCCFA's Action on Proposed Amendments

Under a confidentiality agreement BCCFA directors and staff have met with Ministry staff on several occasions since last fall, and also with Minister Thomson earlier this year to discuss the proposals.

³ See Bill 25 at http://www.leg.bc.ca/40th4th/1st_read/gov25-1.htm

Our message has been clear and consistent. We do not oppose legislative amendments that will enable voluntary business to business relationships between BCTS and community forests. However, we are opposed to the concept of the Minister holding the discretionary authority to include a volume reservation for BCTS within the boundaries of a CFA.

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 CFA with a volume reservation for BCTS would no longer have the exclusive right to harvest timber in the licence area. The right would be shared with BCTS.

We were successful in advocating for a change to the proposed legislation regarding the volume reserve to explicitly state that it 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.

Conclusion

The BCCFA is a strong advocate for both the expansion of existing community forests and for the creation of new ones. We are glad to see government looking for mechanisms to expand the program, and will continue to be part of these discussions. While voluntary agreements and business to business partnerships with BCTS are of interest to our members, at this point we do not see the benefit to be gained by communities through the volume reservation concept.

However, if Bill 25 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.