

A Working Forest for British Columbia

Discussion Paper



January 2003

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The Ministry of Sustainable Resource Management, along with other provincial agencies, is delivering the government's *New Era* commitment to: "*Establish a working forest land base, to provide greater stability for working families, and to enhance long-term forestry management and planning.*"

This discussion paper describes the proposed Working Forest recognizing that it is one of several policies that are designed to revitalize the forest industry, encourage new industry investment, and provide new economic opportunities for rural B.C. It will enhance certainty about the land base through a new legal designation supported by targets that address land-base access for forestry and other resource uses and values.

Other key points include:

- The Working Forest will be Crown land and will continue to provide opportunities for full public access.
- Access to the Working Forest will be subject to consultation with First Nations and, when appropriate, accommodation of any infringement on aboriginal interests.
- It is consistent with government commitments for all resource interests, and it continues to meet a diversified range of economic, environmental and social needs.
- The Working Forest will be consistent with land-use plans and objectives and the results-based Forest Practices Code.

We invite your comments on the proposed Working Forest policy (see the "Public Input" section). Based on stakeholder and public input, the government will finalize and begin to implement the Working Forest policy in spring 2003. We will keep you apprised of our progress on the Working Forest initiative through our website, at <http://srmwww.gov.bc.ca/rmd/workingforest>.

Thank you for participating in this important initiative.



Stanley B. Hagen
Minister of Sustainable Resource Management

Executive Summary

Over the past several decades the management of Crown forest lands has undergone significant changes. Increasing demands on the land base have presented government with the ongoing challenge to reduce uncertainty and ensure the benefits of our forests sustain our resource dependent communities. Despite the efforts to address uncertainty through land use planning and other initiatives, more can be done to enhance certainty for our resource communities. The proposed Working Forest is one step toward that goal.

At its simplest, British Columbia's "Working Forest" is defined as all Crown forest land in the province that is outside of protected areas and parks.

By clearly defining the Working Forest, the provincial government hopes to:

- increase certainty on the land base for the forest sector and other users,
- make administration of Crown forest land more efficient and cost-effective, and
- balance economic priorities with our need for conservation and our responsibility for stewardship.

The proposed policy follows through on a key *New Era* commitment to:

- *Establish a working forest land base, to provide greater stability for working families, and to enhance long-term forestry management and planning.*

The evolving relationship with First Nations in B.C. is also a vital consideration in improving certainty about the land base, and addressing aboriginal interests is a clear priority for the provincial government. The proposed Working Forest policy and its implementation will not limit negotiations with First Nations in the treaty process, nor will it affect the province's obligations to consult about or provide accommodation for any infringement of aboriginal interests.

The proposed policy framework for the Working Forest has five main elements:

1. Defining the Working Forest

The government has defined the Working Forest of B.C. as all Crown forest land in the province that is outside of protected areas and parks – some 45 million hectares.

2. Working Forest Policy Goals

The four central goals of the proposed policy are:

- To maintain and increase the economic and social benefits that flow from the Working Forest.
- To identify and provide additional certainty and access about those lands within the Working Forest which have specific priorities for timber and a variety of other values and uses.

- To assure that land-use decisions affecting the Working Forest are supported by a consistent and transparent process that recognizes forestry and also addresses all other identified values.
- To assure that society's environmental goals are achieved in the Working Forest.

3. Land-Use Planning and the Working Forest

The government will continue to use land-use planning to provide certainty about access to the land base within the Working Forest. Sustainable Resource Management Planning is the general approach that the government intends to use for detailed map-based planning. First Nations interests, as well as public interests, will be included in consultation on land use plans.

4. Information and Monitoring for the Working Forest

The provincial government will need information and analysis to monitor significant trends for the Working Forest. It is developing an integrated land and resource data warehouse and an integrated land and resource registry containing information on all legal entitlements on Crown land and both will play key roles in defining the actual boundaries of the Working Forest designation. Information-gathering and monitoring will be done in partnership with the private sector.

5. Administering the Working Forest

The provincial government proposes that a new legal Working Forest designation be established, to include all Crown forest land outside of protected areas. For the most part, the boundaries of the Working Forest would be defined by other, existing boundaries (e.g., private, municipal, treaty settlement lands, etc.). The new Working Forest designation would not affect existing provincial legislation and policies respecting land access and management for the sub-surface resource sectors. Similarly, opportunities for First Nations treaty settlements involving Crown land would not be impeded in any way by the new designation. The provincial government is not proposing to include private land in the Working Forest designation.

Public Input

The Government of British Columbia is inviting a broad public review of the proposed Working Forest policy, both to identify issues of concern and to generate suggested revisions. Please forward your comments about this discussion paper, **by March 14, 2003**, to:

Working Forest Initiative
Ministry of Sustainable Resource Management
PO Box 9352 Stn Prov Govt
Victoria BC V8W 9M1
Fax: 250 953-3481
Website: <http://srmwww.gov.bc.ca/rmd/workingforest>

Next Steps

The Ministry of Sustainable Resource Management will compile and consider all public comments, the results of direct consultations with stakeholder groups, and First Nations input in finalizing the Working Forest policy framework. The policy framework will be finalized by spring 2003.

The intention is that implementation of the Working Forest policy framework will occur by the end of 2003.

For additional information and updates on the proposed Working Forest policy, please visit the website as noted above.

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Background

The Union of BC Municipalities originally called for a working forest land base in 1997 and the Council of Forest Industries echoed that in 1999 when it suggested protecting a sizeable and secure land base for the working forest. In 2001 the current provincial government made a *New Era* commitment to establish a working forest land base, to provide greater stability for working families, and to enhance long-term forestry management and planning.

The benefits of B.C.'s forest industry cannot be overstated. Forest products make up more than half of B.C.'s total annual exports, and the forest industry accounts for a substantial portion of provincial employment and Gross Domestic Product. According to PriceWaterhouseCoopers, in 1999 the forest industry had approximately \$16.5 billion in capital employed and made \$800 million in capital expenditures across the province. This investment maintained an estimated 90,600 direct forest industry jobs, and helped sustain the majority of the rural communities across B.C. Forest industry employment and investments are also a major economic underpinning of our urban centres.

Several other economic sectors that depend, in part, on the forest land base have experienced substantial growth in recent years, with corresponding benefits to communities and the province as a whole. For example, oil and gas developments, tourism, and film production have become increasingly important to the diversification of B.C.'s economy. Range use continues to be important in the Interior, and other activities, such as trapping and botanical forest products, also provide economic returns from our forest lands.

Related *New Era* Initiatives

- *Increase access to Crown lands and resources, to create jobs in tourism, mining, forestry, farming, ranching, and oil and gas.*
- *Streamline the Forest Practices Code to establish a workable, results-based code, with tough penalties for non-compliance.*
- *Increase the allowable annual cut over time, through scientific forest management, proper planning, and incentives to promote enhanced silviculture.*
- *Adopt a scientifically based, principled approach to environmental management that ensures sustainability, accountability and responsibility.*

The proposed Working Forest policy also fits with a number of policy initiatives designed to meet government's overall priorities to revitalize the forest sector. This policy addresses land-base issues, so it is not expected to affect or alter the province's forest tenure regime. The proposed Working Forest policy is intended to be entirely compatible with other forest policy initiatives, such as the results-based Forest Practices Code. Taken together, these policies are intended to help create certainty over forest land use, and help revitalize the forest sector.

The B.C. government has made a clear commitment to scientifically based environmental management. The Working Forest initiative is fully compatible with this commitment and recognizes the need to meet the highest environmental goals and standards.

The proposed Working Forest policy can also contribute to the provincial government's long-term commitment to grow B.C.'s allowable annual cut. The Defined Forest Area Management initiative being developed by the Ministry of Forests may also play an important role in meeting that commitment. Defined Forest Area Management is intended to provide a framework for collaborative forest planning and management by forest licensees on Crown land within timber supply areas (TSAs). Under legislation that is proposed for introduction this spring by the Ministry of Forests, certain licensees and the BC Timber Sales Program will assume responsibilities for some forest health activities and for analyzing timber supply. By encouraging collaboration within a TSA, the Defined Forest Area Management model is expected to support voluntary efforts by licensees in advanced forest planning and stewardship within the Working Forest.

The government continues to work on initiatives to ensure access to Crown land for other resource uses. For example, the government has already moved to confirm continuing access to mineral resources with the "two-zone" land-use system for mining. The system confirms that all lands outside of protected areas and parks are open to mineral exploration and development, subject to applicable legislation.

Both mineral and oil and gas resources are subject to their own sector-specific management systems, under the responsibility of the Ministry of Energy and Mines, and the Oil and Gas Commission, and nothing in the proposed Working Forest policy is intended to conflict with those regimes.

Similarly, both ranching and tourism have their own unique tenure regimes and needs, and the proposed Working Forest policy will not conflict with these in any way.

Sustainability Principles

The provincial government, through the Ministry of Sustainable Resource Management, has drafted a set of principles for effective governance to achieve and support sustainability. Appendix 4 describes how these principles apply to the proposed Working Forest policy.

Overview

The Working Forest

At its simplest, British Columbia's "Working Forest" is defined as all Crown forest land in the province that is outside of protected areas and parks.

By clearly defining the Working Forest, the provincial government hopes to:

- increase certainty about the land base for the forest sector and other economic users,
- make administration of Crown forest land more efficient and cost-effective, and
- balance economic priorities with our need for conservation and our responsibility for stewardship.

This paper sets out a number of proposed policy goals and administrative actions for management of the Working Forest.

The Need for Greater Certainty

The impetus for greater certainty about the land base is driven by a number of factors. The forest industry, workers and communities have expressed concern that the commercial forest land base lacks the legal protection afforded protected areas in B.C. There is an ongoing need to find the right balance of uses on our Crown forest lands, because there is a potential for conflict among tenures for forestry, tourism, and other interests and activities.

On a broader scale, global interest in sustainable forestry and the certification of forest products have had and will continue to have major implications for forestry in B.C.

The policies proposed in this paper are just one of the provincial government's actions to improve certainty about the land base. Other important initiatives include:

- provincial Land and Resource Management Planning, which is scheduled to be finished by spring 2004. This will complete B.C.'s Protected Areas Strategy, since these plans are the primary source of protected-area recommendations, and
- landscape-level objectives for biodiversity and wildlife, which will also be established in priority areas by spring 2004. This work will be completed by the Ministry of Sustainable Resource Management in partnership with the forest industry, the Ministry of Forests, and the Ministry of Water, Land and Air Protection.

The evolving relationship with First Nations in B.C. is also a vital consideration in improving certainty about the land base, and addressing aboriginal interests is a clear priority for the provincial government. The proposed Working Forest policy, and the actions that may come out of it, will

not limit negotiations with First Nations in the treaty process, nor will it affect the province's obligations to consult about or provide accommodation for any infringement of aboriginal interests. Many other policy initiatives are designed to deal meaningfully with the land-base questions posed by First Nations interests. Planning protocols with First Nations – for example, those for the Central and North coasts, and ongoing discussions with the Haida and Lillooet First Nations – point to the type of active collaboration that will be needed to deal with the land-base interests of many First Nations.

The Proposed Working Forest

The proposed Working Forest will:

- enhance certainty about the land base through a new legal designation,
- be supported by targets that address land-base access for forestry and other uses and values within the Working Forest,
- be one of several policies that will revitalize the forest industry, encourage new industry investment and provide new economic opportunities for rural B.C.,
- be consistent with government commitments for other resource interests, and continue to meet a diversified range of economic, environmental and social needs,
- be maintained as Crown land and continue to provide opportunities for full public access,
- acknowledge that access within the Working Forest is subject to consultation with and accommodation of First Nations,
- be subject to completed and approved land-use plans and objectives, and
- guide the completion of future land-use plans and objectives set by government, which apply to the results-based Forest and Range Practices legislation.

The proposed Working Forest will not:

- achieve economic development at the expense of a sustainable environment,
- include parks, protected areas or private land,
- have direct impact on any current or new tenure rights held by the forest industry, the ranching industry, the tourism industry or others,
- affect the government's new policies for assuring land access for the mining sector,
- impose new limitations or requirements for access by the oil and gas industry, other than those set in approved land-use plans, or
- limit negotiations with First Nations in the treaty process, or affect the legal obligations of the province to consult on First Nations interests.

The Proposed Policy

This proposed policy has been developed on behalf of the government by the Ministry of Sustainable Resource Management, with significant input from a number of other government ministries and agencies. They include the ministries of Forests; Water, Land and Air Protection; Competition, Science and Enterprise; Energy and Mines; and Agriculture, Food and Fisheries; the Agricultural Land Commission and the Crown corporation Land and Water British Columbia Inc.

Elements of the Proposed Working Forest Policy

The proposed Working Forest policy is made up of five main elements:

Element 1 – Defining the Working Forest

- The land base to which the term “Working Forest” will apply.

Element 2 – Working Forest Policy Goals

- The policy goals that will guide the province in making decisions that will affect the Working Forest, including the balance of uses on that land base, and the needs of all sectors for certainty about land use.

Element 3 – Land-Use Planning for the Working Forest

- The role of planning within the Working Forest, and how clear goals and objectives will improve certainty for forestry and all users.

Element 4 – Information and Monitoring for the Working Forest

- The role of information in making decisions about and monitoring the Working Forest.

Element 5 – Administering Working Forest Lands

- How the Working Forest land base will be designated and administered.

Element 1 – Defining the Working Forest

It is proposed that the Working Forest of B.C. consists of all Crown forest land in the province that is outside of protected areas and parks. This includes forest land that is capable of supporting a forest but which is not currently forested, as a result of timber harvesting or natural disturbance.

Of the Crown land area outside of protected areas and parks, about 45 million hectares can be characterized as forest land (i.e., treed land). Non-forest land may include grassland, alpine areas, or other non-forest features.

About half of B.C.’s Working Forest land – some 23 million hectares – is currently the net area of commercial interest to the forest industry (the Timber Harvesting Land Base) as estimated through the provincial chief forester’s most recent Timber Supply Review.

The Working Forest includes significant areas of forest land that are not expected to contribute directly to short- or long-term timber harvesting activity. However, all Working Forest lands will play an important role in supporting other economic activities or meeting environmental goals. The province will continue to manage the Working Forest for biodiversity, other environmental values, and social benefits. Such uses are entirely consistent with the definition of the Working Forest presented here, and portions of the Working Forest will continue to be dedicated to these purposes over the short and long term.

British Columbia is almost 95 million hectares in size. Of that, about 12 million hectares have been allocated to provincial parks, national parks, or other protected areas. Some 77 million hectares are Crown land outside of protected areas. Most of the remaining land, more than 5 million hectares, is privately owned.

Figure 1 illustrates the relationship among the proposed Working Forest, forest land, the Timber Harvesting Land Base, and other land types in the province.

Element 5 later in this paper includes details about mapping and designating the Working Forest (i.e., Crown forest land). Appendix 1 contains additional information on defining the Working Forest.

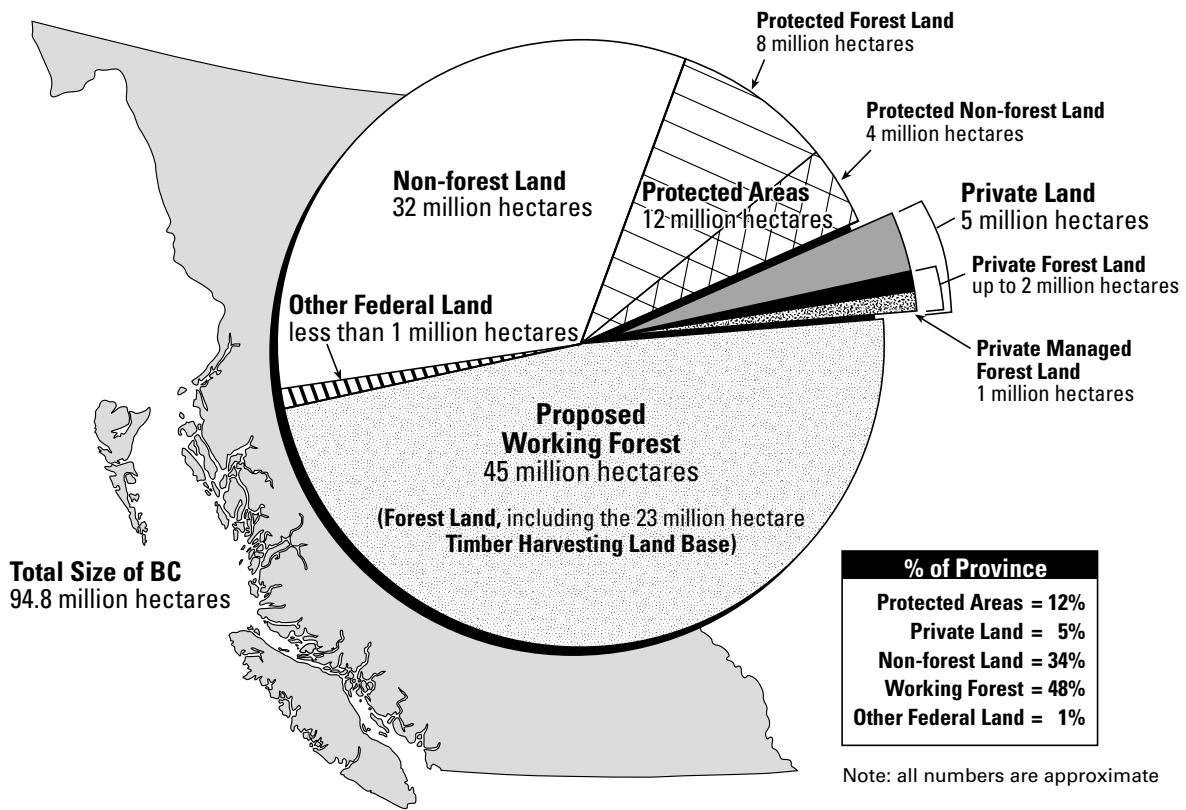


Figure 1. The Working Forest and other land types in British Columbia.

Element 2 – Working Forest Policy Goals

The central goals of the proposed Working Forest policy are:

1. To maintain and increase the economic and social benefits that flow from the Working Forest.

Through this goal the province recognizes the ongoing, major role the forest industry plays in our economy. Timber harvesting and management will continue to be important uses within the Working Forest. In addition, this goal recognizes that other economic activities, such as tourism, range, and sub-surface resource uses, also depend on access to land and forest resources within the Working Forest. These other resource sectors will continue to coexist with the forest industry and each other, and may at times even dominate on portions of the Working Forest land base. Together, forestry and other resource sectors will continue to support the prosperity and well-being of all residents of B.C.

This goal also speaks to the economic and social aspirations of First Nations and communities across the province.

2. To identify and provide additional certainty about those lands within the Working Forest which have a specific priority for:

- **enhanced forest management and investments,**
- **mining, and oil and gas investments,**
- **tourism management and investments,**
- **agriculture (range) management and investments,**
- **First Nations interests,**
- **wildlife and biodiversity,**
- **water protection,**
- **recreation, and**
- **other specific uses (e.g. carbon credits, linear utility corridors, and communications sites).**

These areas will be identified through more detailed planning processes, such as Sustainable Resource Management Planning, or through industry-led processes, such as Sustainable Forest Management Plans (see Element 3 later in this paper).

For timber investment areas, for example, further planning may lead to a special land-use class or zone being identified within the Working Forest, with unique administrative provisions to minimize potential shifts to other uses. This added degree of certainty about the land base would contribute to the government's goal of achieving a long-term increase in the volume or value of the province's timber supply.

3. To assure that land-use decisions affecting the Working Forest are supported by a consistent and transparent process that addresses forestry and all identified values.

Under this goal, the concept of “highest and best” use will continue to apply to the Working Forest land base, with full consideration of economic, social and environmental values. Certainty for the forest sector and all other users can be significantly improved in the short term by establishing a level

playing field: stipulating that decisions to change permissible uses of land will be made in a disciplined, consistent way that gives due consideration to all values, and is supported by appropriate information and analysis. Just as importantly, the public will have access to the decision process.

Decisions that affect the level of resource access for forestry and other uses within the Working Forest are a key factor in certainty about the land base, and these also need to be considered under this goal.

Element 5 later in this paper explains a proposal for a consistent and transparent decision-making system that will apply to Working Forest lands.

4. To assure that society’s environmental goals are achieved in the Working Forest.

With this goal, the province confirms that a sustainable economy from the Working Forest depends on achieving environmental goals. The conservation of old growth and other elements of biodiversity, for example, will continue to be important priorities in portions of the Working Forest. The concepts of ecosystem-based management and the retention of high-conservation value forests, as embraced by the Central Coast planning process and now being explored for the North Coast area, are entirely consistent with the policy goals for the Working Forest. (More information on planning processes is available from the Ministry of Sustainable Resource Management at www.gov.bc.ca/srm).

Element 3 – Land-Use Planning and the Working Forest

The government will continue to use land-use planning for improving certainty about the land base within the Working Forest. Existing and anticipated results from land-use planning reveal a range of uses – and intensity of uses – in the Working Forest. This concept is illustrated in Figure 2.

Regional Plans and Land and Resource Management Plans (LRMPs) have been completed for 73 per cent of the province, and LRMPs are actively underway on an additional 12 per cent. These plans are an important initial step in improving certainty about the land base, but more needs to be done to define uses “on the ground.”

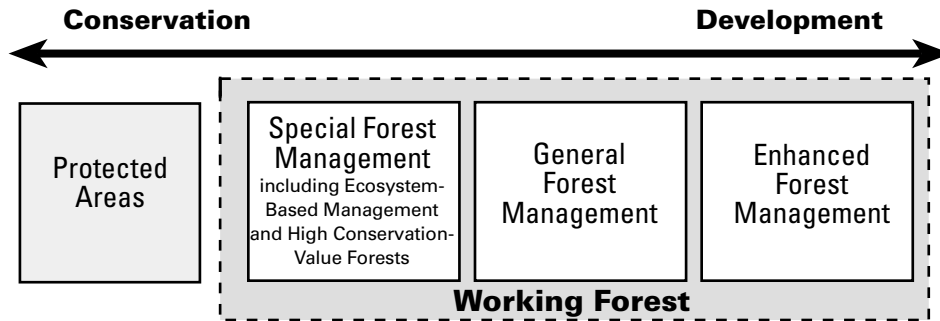


Figure 2. Range and intensity of forestry use in the Working Forest and protected areas.

Many Regional Plans or LRMPs include goals or objectives that are qualitative and general. Translating the intent of those plans into a *quantitative* expression of the intended results on the land (i.e., targets) will provide greater certainty for all uses.

As mentioned under Element 2, Sustainable Resource Management Planning is the general approach that the government intends to use for detailed map-based information. (A description of that planning process is available on the Internet at www.gov.bc.ca/srm/down/sustainable_resource_management_planning.pdf). It is proposed that area-based targets for forest access to the Working Forest land base be developed to guide all future sustainable resource management planning and resource objectives. Sustainable Resource Management Plans and other planning processes will reflect the two-zone system for mining and the access requirements for the oil and gas sector. The private sector will have opportunities for significant involvement in this level of planning (e.g., through sustainable forest management planning carried out by the forest industry).

The Ministry of Sustainable Resource Management has made it a priority to continue to develop clear goals and objectives throughout the province to better define the results of existing or new LRMPs and Regional Land-Use Plans. Sustainable Resource Management Planning processes will be guided by targets and will be the primary vehicle for establishing more detailed objectives – including those required for implementing the *Forest and Range Practices Act*. On the Central Coast, all targets and objectives will reflect the ecosystem-based planning concepts being developed through the LRMP for that area.

Element 4 – Information and Monitoring for the Working Forest

A range of information will be needed to support decision-making about and administration of the Working Forest.

The provincial government will need information and analysis to monitor significant trends for the Working Forest, and high-level indicators will need to be defined. For example, to monitor the effectiveness of the Working Forest designation (see Element 5), the government may track the area withdrawn annually from the Working Forest for other uses. Defining and tracking economic indicators will continue to be a priority. Over time, a more comprehensive set of indicators will be developed to track economic activity for all uses in the Working Forest, and the government will work to define and monitor indicators of social and environmental benefits.

The government is developing an integrated land and resource data warehouse. This data warehouse will provide important information on land capability and suitability to support decisions on Working Forest lands, and will provide information to support monitoring of the Working Forest. Monitoring for the Working Forest will need to be integrated with other monitoring initiatives, such as the Criteria and Indicators for Sustainable Forest Management, and forest certification. The government will work with industry to maintain the data warehouse and provide monitoring of the Working Forest.

The provincial government is also developing an integrated land and resource registry containing information on all legal entitlements on Crown land – such as forestry, sub-surface and land tenures. This will provide timely and important information for managing uses within the Working Forest.

Both the integrated land and resource data warehouse and the integrated land and resource registry will play key roles in defining the actual boundaries of the Working Forest designation, as described in Element 5.

Information-gathering and monitoring will be done in partnership with the private sector. A Memorandum of Understanding for information management is already in place between the Ministry of Sustainable Resource Management and several forest companies, and the government will continue to look for partnerships with other companies and interests.

Element 5 – Administering the Working Forest

An effective system of land administration is essential to meeting the third proposed policy goal described in Element 2 (“To assure that land-use decisions affecting the Working Forest are supported by a consistent and transparent process that addresses forestry and all other identified values”). Such a system would address the formal designation of the Working Forest land base and outline the decision-making system for dealing with land removals for new parks or conversion to private land, for other *Land Act* dispositions (e.g., leases, licences, etc.), and for land-use planning decisions within the designation.

Land Designation

Provincial Crown lands are, for the most part, already subject to one or more broad legal designations and associated administration. The most extensive designation relevant to the forest sector is the Provincial Forest designation established under the *Forest Act*. Currently, there are 140 Provincial Forests covering approximately 75 million hectares in B.C. Provincial Forests include extensive areas of non-forested land, as well as forest land. (Appendix 2 describes the current forest land-designation system in greater detail.) There are also some 2 million hectares of Crown land outside of the Provincial Forest which meet the definition of Working Forest.

The Agricultural Land Reserve (ALR), as established under the *Agricultural Land Commission Act*, is another important designation. On Crown forest land, the ALR encompasses about 2 million hectares, which are located both within and outside of the Provincial Forest.

The provincial government proposes that a new Working Forest designation be established to include all Crown forest land outside of protected areas and parks. The legal power to establish the Working Forest designation would rest with the Lieutenant-Governor-in-Council (i.e., Cabinet). Cabinet would also define the objectives and permitted uses within this designation. When this new designation is established, the existing Provincial Forest designations will be rescinded.

This new designation would have several advantages. It would:

- focus exclusively on the Crown forest land base and be tailored to address the specific goals for that land base,
- support a clear and consistent approach to decision-making about the Working Forest land base, and
- include some forest land that is currently outside of the Provincial Forest boundaries.

For the most part, the boundaries of the Working Forest would be defined by other, existing boundaries (e.g., private land, municipal, treaty settlement lands, etc.). Reducing the number of unique boundaries and the need to maintain them will simplify administration and mapping. This approach to

boundary definition would be supported by the Ministry of Sustainable Resource Management's integrated land and resource registry project (<http://srmwww.gov.bc.ca/irp>).

The provincial government will discuss further with local governments whether or not all or part of the relatively small area of Crown forest land located within municipal boundaries should be included in the Working Forest designation.

Crown forest land within the ALR would fall within the Working Forest designation, given that a large portion of this ALR land will continue to provide important forestry and environmental benefits. The ALR would, however, constitute a special sub-category within the Working Forest designation where government's goals for the expansion of the agricultural sector are formally recognized along with the broader goals of the Working Forest. Under this approach, forested Crown ALR lands would continue to be used for Working Forest purposes until an application is made to convert the land to private agricultural land. At that time, a determination would be made about whether forestry or agriculture is the highest and best use (see "Improved Decision-Making," below).

Within the new Working Forest designation, there would be an opportunity to identify various other sub-categories of land. For example, land of significant commercial interest to the forest industry can be identified through maps or other supporting information. This and other, similar sub-categories could work as "flags" to assure specific consideration during some of the land-use decision-making processes described below. In the longer term, there is also the potential to create more refined sub-categories (e.g., for areas identified through detailed planning as priority areas for timber management and investments).

The new Working Forest designation would not affect existing provincial legislation and policies respecting land access and management for sub-surface resource sectors. Similarly, opportunities for First Nations treaty settlements involving Crown land would not be impeded in any way by the new designation.

Private Land and the Working Forest

Private managed forest land in B.C. – close to 1 million hectares concentrated on eastern Vancouver Island and in the Kootenay region – is an important contributor to ongoing timber production. In a sense, that private land can be viewed as an additional component of the Working Forest, but the property rights, landowner objectives, and management of private managed forest land are substantially different than they are for Crown land. The provincial government is not proposing to include private land in the Working Forest designation.

Improved Decision-Making

To shift Crown land in the Provincial Forest to private-land status now requires decisions under the authority of two separate ministers. First, the Minister of Forests must approve the removal of the land from the Provincial Forest. Second, the Minister of Sustainable Resource Management (or delegates in the Crown corporation, Land and Water British Columbia Inc. [LWBC]), actually issues the private tenure for the land.

To shift Crown land outside of the current Provincial Forests to private-land status, the Minister of Sustainable Resource Management (normally through LWBC) is the sole decision-maker. For other tenures, (e.g., leases and licences) issued under the *Land Act*, both within and outside of the Provincial Forest, the Minister of Sustainable Resource Management, again through LWBC, is the accountable minister.

For the Working Forest designation, the province would develop a revised decision-making process, to clarify:

- the accountabilities for decisions to transfer Working Forest land to private-land status, with the Minister of Sustainable Resource Management playing the primary role,
- the decision-making principles to guide those decisions, as well as decisions by the Minister of Sustainable Resource Management (or a delegate) to establish land-use objectives and make *Land Act* dispositions (e.g., leases or licences) within the Working Forest,
- the potential to delegate decision-making authority to government officials, as needed, to achieve administrative efficiencies, and
- the need for a Cabinet decision to remove land from the Working Forest to enable establishment of a protected area.

The central principles for decision-making for the Working Forest land base would be as follows:

- Decision-makers will be required to:
 - ~ specifically consider the proposed Working Forest goals described earlier in this paper,
 - ~ consider the intent, goals and objectives of approved land-use plans (e.g., LRMPs or Sustainable Resource Management Plans), and
 - ~ consider all key values within a sustainability context – economic, social and environmental,
- Decisions will be supported by an appropriate level of economic, social and environmental assessment.
- Decision processes will be clear and transparent, with appropriate public review.

The appropriate levels of assessment and public review would be determined by the decision-maker (i.e., minister or delegate), based on government-approved guidelines or regulations, and would be commensurate with the potential effects of the proposed disposition.

The provincial government proposes to give the decision-making process formal status through regulation or minister's policy. The decision-making authorities would also vary, according to the potential effects a decision might have on or for economic, social and environmental benefits. The government proposes to establish a decision accountability structure as follows:

- LWBC will retain delegated authority to issue various tenures under the *Land Act* for non-forestry-related land-use activities.
- Generally, the Minister of Sustainable Resource Management or senior regional ministry officials will have authority for decisions to withdraw land from the Working Forest for conversion to private land, provided the decision has a relatively low potential for affecting key values. Tree farm licences represent a special case in this regard, however, since the provisions of the *Forest Act* currently give the Minister of Forests sole authority to delete land from those licence areas. The relevant ministries will work together to determine the appropriate roles for the Minister of Forests and the Minister of Sustainable Resource Management for decisions about Working Forest lands within tree farm licences.
- The Minister of Sustainable Resource Management or senior regional ministry officials will continue to have authority for the establishment of land-use objectives that will affect the level of resource access within the Working Forest for the forest industry or other users.
- The Lieutenant-Governor-in-Council (i.e., Cabinet) will make decisions for land-base withdrawals from the Working Forest for protected-areas purposes, or for other withdrawals that have a significant potential effect on the commercial forestry land base or other key values.
- The provincial Legislature will continue to have a final, formal decision-making role when legislation is used to withdraw land from the Working Forest designation, such as for legislated protected areas or treaty settlement lands.

Central Aspects of the Proposed Working Forest Administration

- Crown forest land in B.C. will be legally designated as Working Forest. At that time, the current Provincial Forest designations will be rescinded.
- Clear decision-making principles will apply to a number of decisions that affect the use of land and resources within the designation.
- The Working Forest designation will emphasize continued use for a wide variety of economic, environmental and social benefits, and clearly specify the permitted uses within the designation.
- In the long term, there will be an opportunity within the Working Forest designation to identify sub-categories of land.

APPENDIX 1: Alternatives for Defining the Working Forest

The provincial government has defined the “Working Forest” of B.C. as those lands described as ‘forest land’ in the provincial Vegetation Resource Inventory database maintained by the Ministry of Sustainable Resource Management. Forest land is distinguished from non-forest lands by the presence of trees, as opposed to grasslands and alpine shrubs, or other non-forest features. There are approximately 45 million hectares of forest land in the province outside of protected areas and parks.

Forest land can be mapped at a variety of scales. Not all forest land is of commercial importance to the forest industry; some is required to meet other important resource objectives, such as maintaining biodiversity.

In developing a definition of the Working Forest, several other possible approaches were considered. One of those was consideration of a very large and inclusive land base comparable to the current Provincial Forests. This approach, however, would include millions of hectares that are not forested, such as extensive alpine areas.

At the other end of the spectrum, the Working Forest could be defined as only those forest lands that are the focus of intensive timber harvesting or forest management activity (e.g., areas characterized as “enhanced” or “intensive” zones in completed land-use plans). However, such a definition would exclude many areas where harvesting and forest management must still occur at some level in order to maintain timber supply, since forestry in B.C. is often extensive rather than intensive in nature.

Consideration was also given to focusing on the 23 million hectare Timber Harvesting Land Base. However, its precise location is difficult to define, and the area is not generally mapped. The Timber Harvesting Land Base is actually made up of a discontinuous patchwork of thousands of parcels of varying sizes which are unevenly distributed across the province. The age and type of the timber on those parcels varies widely, and its accessibility and commercial value are influenced by economic conditions, technology, changing environmental values, and science.

Ultimately, none of these alternative approaches were considered suitable for defining the Working Forest of B.C. It has therefore been proposed that the Working Forest land base be defined as the 45 million hectares of Crown forest land outside of protected areas and parks.

APPENDIX 2: Current Mechanisms for Securing Forest Lands

For almost a century, forest legislation has provided mechanisms to protect the forest land base from ad hoc erosion to non-forest use. Principal designations have included Forest Reserves, Provincial Forests and the Forest Land Reserve (FLR).

Forest Reserves

The province enacted the first *Forest Act* in 1912. It provided for continuous forest management through the designation of provincial Forest Reserves. Over the ensuing decades, a number of Forest Reserves were established around the province.

Provincial Forests

The 1979 *Forest Act* provided for the establishment of Provincial Forests (i.e., the successor to Forest Reserves) as the primary instrument for maintaining and protecting the forest lands of B.C. Subsequently, a large number of Provincial Forests were established, and 140 of them now cover approximately 75 million hectares of both forested and non-forested lands.

Provincial Forests are established by Order-in-Council, and deletion of land from a Provincial Forest is by order of the Minister of Forests. The uses permitted in Provincial Forests are set out in legislation and regulation. They include timber and forage production, recreation, and a range of ancillary or compatible uses including quarries, communication sites, and transmission lines. A use that is not compatible with the maintenance of the land for forestry purposes will only be authorized if the Minister of Forests has agreed to delete the land from the Provincial Forest.

There are approximately 2 million hectares of Crown land, some of which contributes to the Timber Harvesting Land Base, which currently lie outside of Provincial Forest boundaries.

Maintenance of the boundaries (e.g., maps and legal descriptions) is costly. Not only do the outer boundaries need to be maintained in response to changes in land status, but all changes within a Provincial Forest (e.g., a change in a municipal boundary, or the disposition of a piece of Crown land) must also be reflected in maps and legal descriptions. Provincial Forest boundaries often lag behind changes in the land base because the government has not been able to assign sufficient priority and resources to the task – a situation that is not expected to improve.

Forest Land Reserve (FLR)

In 1994, the provincial government revisited the issue of protecting the commercial forest land base in B.C. and enacted the *Forest Land Reserve Act*. The *Act* was to apply to both Crown lands and some categories of private land, namely private managed forest land as defined under the *BC Assessment Act*.¹ The *Forest Land Reserve Act* also created a commission responsible for administering the FLR.

In the initial FLR, the government included all private managed forest land (as of a specified date) and private land in tree farm licences (923,000 hectares). Somewhat later, it included Crown land described as integrated resource management areas from the Vancouver Island, Cariboo-Chilcotin and Kootenay-Boundary land-use plans (estimated at 15 million hectares).

Additional Crown lands were to be reserved, as land-use planning progressed throughout the province. However, there have been no significant additions or deletions to the Crown FLR since the initial designations.

Permitted uses of Crown land in the reserve are the same as for the Provincial Forest.

The provincial government recently determined that the FLR was not an effective tool to protect the Working Forest land base. The authority to designate Crown lands as FLR was repealed by amendments to the *Forest Land Reserve Act* which took effect on November 1, 2002. It is expected that the FLR designation that applies to private managed forest land will be repealed during 2003.

Issues with the Current Forest Land Designations

A number of issues with the current forest designations have been identified.

Duplication/Confusion

Provincial Forest boundaries are often incongruent with other key administrative boundaries (e.g., timber supply areas) and bear no relationship to zones defined through land-use plans. The primary purpose of the Provincial Forest, which is to control the fee-simple disposition of forest land, is not well understood.

The Crown FLR duplicated management and administration required for Provincial Forests.

¹ Under the *BC Assessment Act*, owners of forest lands who apply to the BC Assessment Authority and commit to manage their lands in accordance with good forest management principles are eligible for tax benefits.

Effectiveness

Provincial Forests and the more recent FLR (which is now being phased out) have been only partially effective in providing certainty for the forest sector's access to commercially important timber lands.

Transparency

Additions and deletions to Provincial Forests have not been subject to public or stakeholder scrutiny, nor is there any clear requirement for economic, social, and environmental analyses.

Administration

Maintenance of the Provincial Forests and the FLR maps, legal descriptions and official records is costly and receives little priority. As a result, the existing information base is unreliable.

Requiring that the Minister make all decisions on withdrawals creates some administrative inefficiency.

