



Land Management Policy Today and into the Future



AGENDA

- Modernizing Forest Policy
- Implementing *Declaration Act* & Reconciliation Commitments
- Forest Landscape Planning

Modernizing **Forest Policy** in British Columbia

May 2023





Forests are foundational to BC's economy and way of life



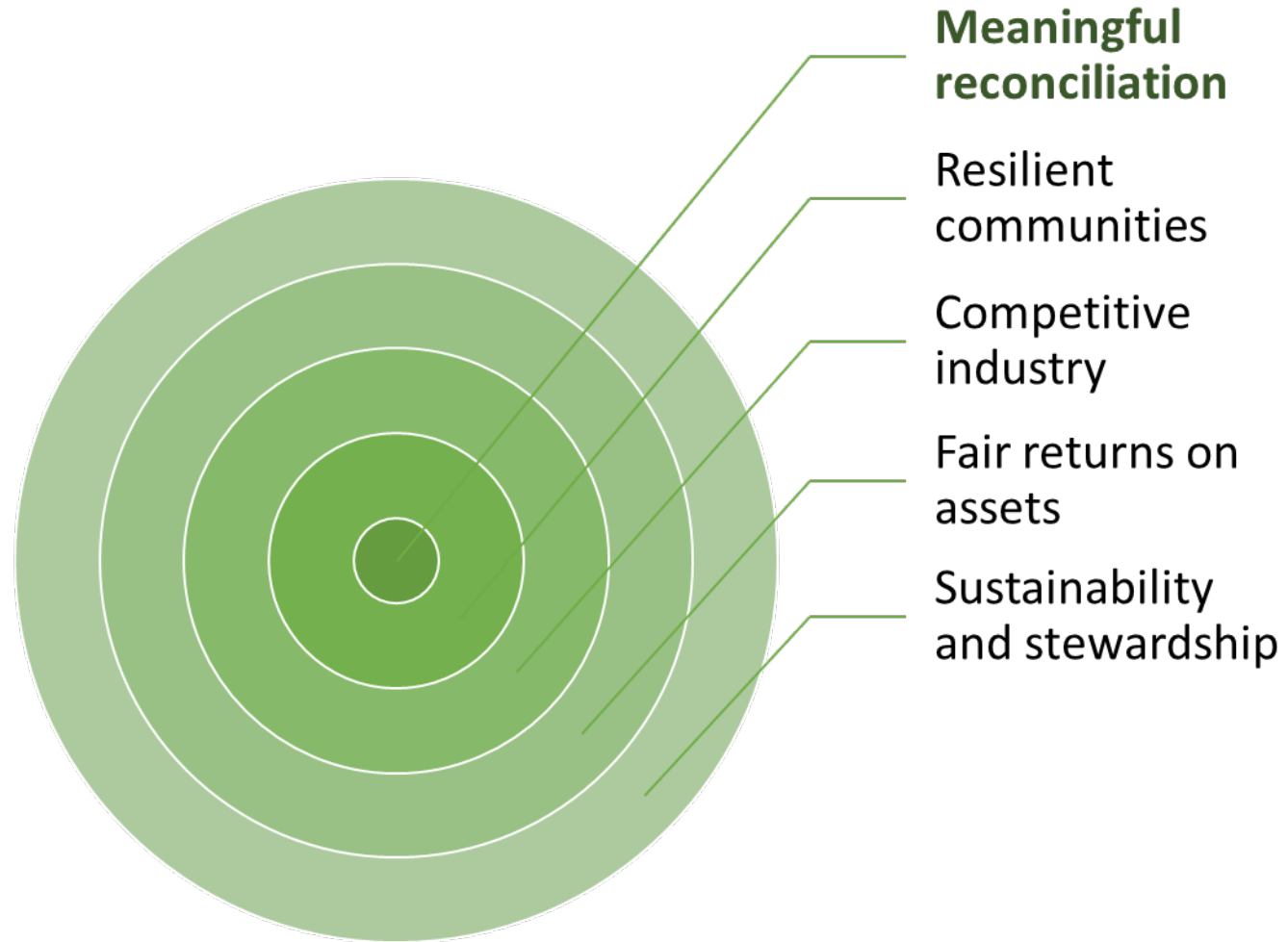
Serious threats and challenges are being faced



Current policy framework is inadequate to address today's challenges



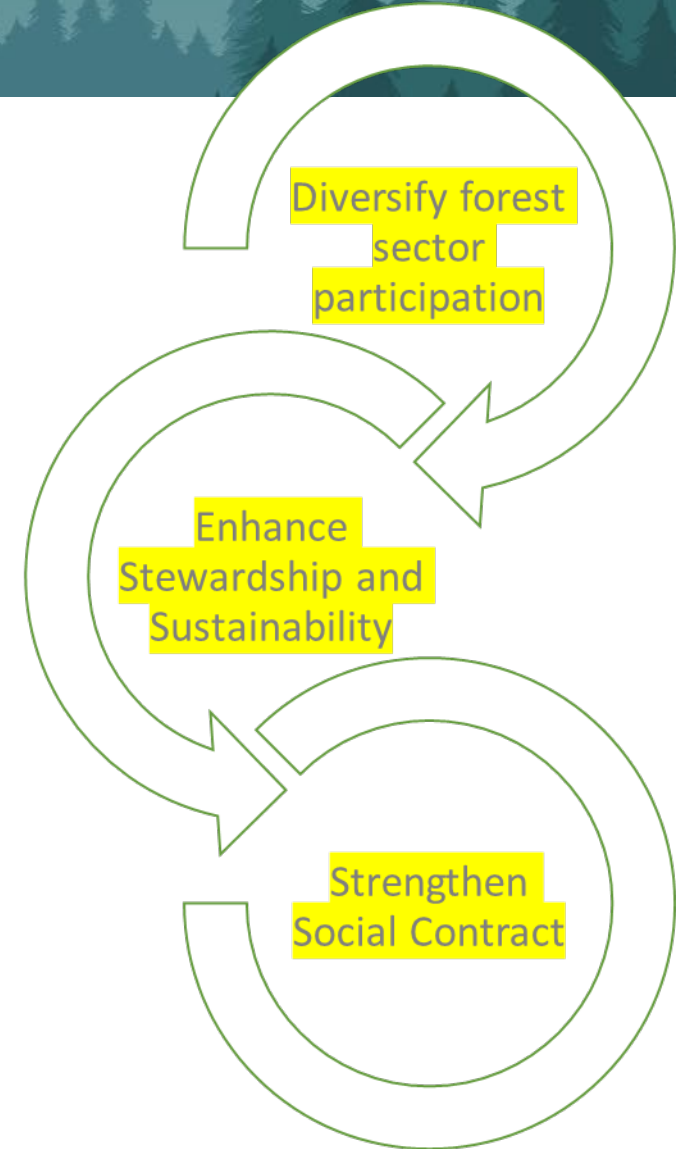
Future generations deserve to enjoy and benefit from our forests





Modernizing **Forest Policy** in British Columbia

*Setting The Intention and Leading
the Forest Sector Transition*





Engagement with
Indigenous partners,
Communities and
the Forest Sector



Forestry-Related
Forums



Policy Exploration





Actions & Achievements

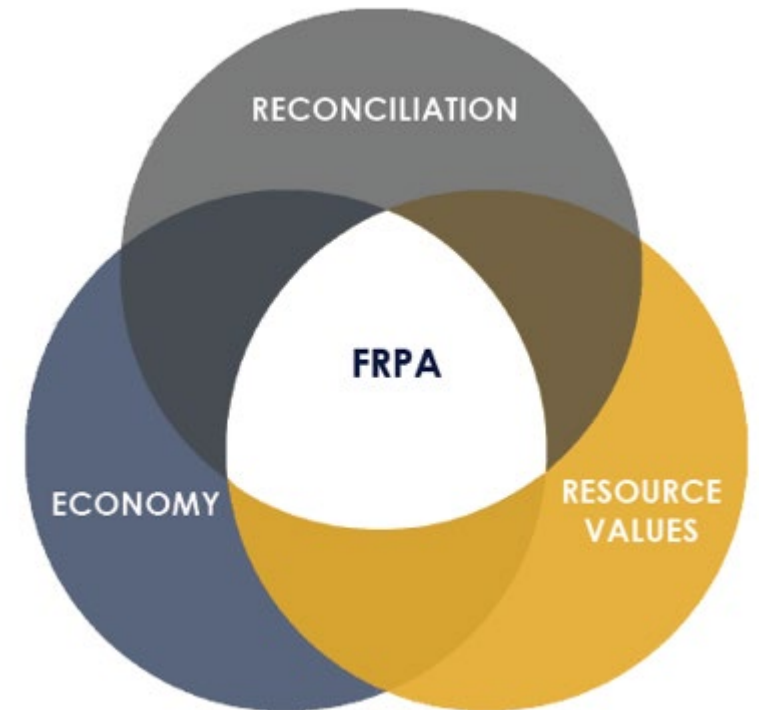
- Contractor Sustainability Review (IP 20a)
- Forest Act (Bill 21 -2019)
- Forest Act (Bill 28 - 2021)*
- FRPA (Bill 21 -2019)*
- FRPA (Bill 23 – 2021)*
- Raw log Export policy is complete (IP5)
- Mass Timber Action Plan Released (IP 17)

**Regulations will still be required to advance the legislation*



Intent of Proposed Changes to FRPA

- Clarify government's objectives for forest and range resources
- Improve information sharing in forest planning
- Enhance accountability for achieving desired outcomes
- Increase opportunities for communities to engage in planning
- Advance reconciliation with Indigenous Nations by enhancing their participation in forest and range management
- Adapt resource management to changing land base and values





Implementing First Nation Reconciliation

Reconciliation Commitments



Cross-Government

- Section 35, *Constitution Act, 1982* + Aboriginal Case Law
- BC/FNLC Joint Agenda: Implementing the Commitment
- Upholding TRC Calls to Action,
- 10 Draft Principles, 2018
- *Declaration Act, 2019* & Action Plan
- *Interpretation Amendment Act, 2021*
- Shared Priorities Framework with the Alliance of BC Modern Treaty Nations

Ministry Specific

- Mandate Letters: Minister & Parliamentary Secretary
- 22/23 Ministry Priorities
- Ministry Service Plan/Annual Report
- *Declaration Act* Action Plan/Annual Report
- MFP Intentions Paper:
 - Old Growth Strategic Review
 - FRPA Improvement Initiative
 - Interior Sector Renewal
 - Coast Forest Sector Revitalization
- Existing treaties, agreements, & partnerships
- G2G relationships

2022-2025 Service Plan Commitments



FOR

Service Plan
commitments

Goal 2: Partnerships that Support Reconciliation with Indigenous Peoples.

Objective 2.1: Strengthen partnerships and meaningful engagement with Indigenous Peoples in the management of the land base and natural resources in B.C.

Declaration on the Rights of Indigenous Peoples Act (Declaration Act)



Passed into law
by BC
Legislative
Assembly in
November 2019

Requires the Province to work in consultation and cooperation with Indigenous Peoples to ensure provincial legislation, regulation and policy are consistent with the UN Declaration (section 3)

Requires the development and implementation of an Action Plan, in consultation and cooperation with Indigenous Peoples, to achieve the objectives of the UN Declaration (section 4)

Requires the Province to report annually on progress made toward alignment of laws and achievement of the goals in the actions plan (section 5); and

Enables agreements with Indigenous governing bodies, including joint or consent-based decision-making agreements that reflect free, prior and informed consent (sections 6 and 7)

Action Plan 2022-2027



The action plan is a fundamental element of the Province's implementation of the UN Declaration

The action plan includes 89 actions in the areas of self-determination and self-government, rights and title, ending anti-Indigenous racism, and enhancing social, cultural and economic well-being.

Each ministry will work in **consultation and cooperation** with Indigenous Peoples in B.C. to implement the specific actions in the plan.

Action items do not encompass the full range of the Province's obligations and commitments to advance reconciliation with Indigenous Peoples, nor do they replace, limit, change, or stop existing initiatives or related commitments.

FOR may be connected to certain actions in the Action Plan despite not being explicitly tagged with those actions (e.g., resource revenue-sharing with First Nations through the new fiscal relationship).

Distinctions-based Approach



The Province is committed to a **distinctions-based approach**. This requires that the Province’s dealings with First Nations, Métis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments. Section 35 of the Constitution Act, 1982, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. **In many cases, a distinctions-based approach may require that the Province’s relationship and engagement with First Nations, Métis and Inuit Peoples include different approaches or actions and result in different outcomes.”**

“A distinctions-based approach must be applied in the interpretation and implementation of the action plan. Some of the actions referencing Indigenous Peoples may, through implementation, come to be more aptly focused on First Nations and/or Métis people.”

-Declaration Act Action Plan, 2022

Action Plan – FOR Actions



•**2.6:** Co-develop and enhance strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovating and evolving partnerships that support integrated land and resource management. (LWRS, MIRR, FOR, ENV, EMLI, BC Oil and Gas Commission).

•**Update:**

- Action initiated & implementation underway with First Nations partners
- Part of LWRS mandate around co-management

Action Plan – FOR Actions



- **2.10:** Reform forest legislation, regulations and policy to reflect a shared strategic vision with First Nations that upholds the rights and objectives of the UN Declaration. (FOR).
- **Updates:**
 - 20 priority actions outlined in the Intentions Paper to modernize and transform the forest sector. Notable progress thus far has included the passing of the *Forest Amendment Act* (Bill 28) and the *Forest Statutes Amendment Act* (Bill 23) in 2021.
 - FOR will continue to advance the suite of policy and legislative changes associated with the Intentions Paper in consultation and cooperation with First Nations, and by involving industry, communities and other key stakeholders where appropriate. At this time, this work is focused on changes associated with Bills 21, 23, and 28.

Action Plan – FOR Actions



- 1.4:** Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms. This work will include collaboration with the Government of Canada. (Ministry of Finance, Ministry of Indigenous Relations and Reconciliation)
- 1.5:** Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples. (Ministry of Finance, Ministry of Indigenous Relations and Reconciliation)
- Updates:**
 - April 27, 2022, BC announced we will co-develop with First Nations a new forestry revenue-sharing model to replace the existing Forest Consultation and Revenue Sharing Agreements (FCRSA)
 - Interim steps: FCRSA Rate Enhancements (effective April 1, 2023) & Language Changes

Forest Landscape Planning - Vision



- Working collaboratively with Indigenous Nation partners, FLPs seek to...



Develop directions to manage for ecosystem **health** and resiliency and support implementation of the **Old Growth Strategy**



Reflect local community **values** in forest management



Establish short term (10 year plan) direction to meet a long term vision for **future forest conditions**



Clarify the “where” and “how” for **harvesting** and other forest activities



Provide **certainty** for the forest sector

FOREST LANDSCAPE PLANNING FRAMEWORK



Set landscape and stand level expectations for forest management for forestry sector



Established, by order, by the Chief Forester

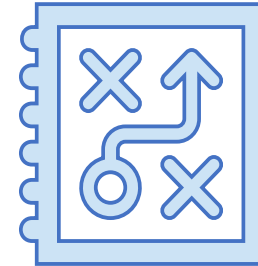
Can be amended as local conditions change



Would apply to volume-based tenures in Timber Supply Areas, area-based tenures, or combination of these.



Developed in partnership with Indigenous Nations, with engagement from licensees, and input from stakeholders & local communities



Requirement to report to the public on plan performance every 5 years

5 OBJECTIVES WHEN PREPARING AN FLP



Managing the values placed on forest ecosystem
by Indigenous Peoples



Managing the values placed on ecosystems
by local communities



Supporting the protection and conservation
of the environment



Supporting production & supply of timber
in the forest landscape area



Preventing, mitigating, and adapting to impacts caused
by significant disturbances to forests and forest health

What are the phases and associated timelines of a FLP?



Pre-FLP

(~ 1 year)

- G2G pre-negotiations and agreement building
- Develop current condition report
- Decide to proceed (both Regional Ops & OCF agree)

FLP Development

(~ 2 years)

- Establish G2G Governance, Planning Table & other technical tables
- Develop draft outcomes & planning guidelines considering trade-offs

FLP Approval & Legal Establishment

(~3-6 months)

- Final FN and public review of plan
- finalize plan
- Legal Establishment

FOP Development & Legal Approval

(~1-2 years)

- Creation of Forest Operations Plans (FOPs)
- Approval of FOPs

Timber Supply Review & AAC Determination

- FLP plan documents, analyses and engagement can support a section 8 decision.

FLP Maintenance

(during 10-year lifecycle of plan)

- Amending FLP as required
- Monitoring
- Reporting (every 5 years)

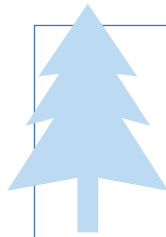
Begin Updating FLP after 10 years

(start again from the beginning!)

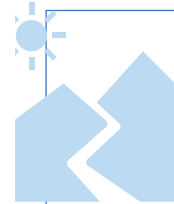
FOREST OPERATIONS PLAN



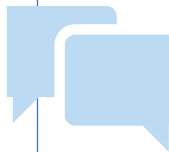
- FLP direction will be implemented through Forest Operations Plans (FOPs)



Must be consistent with FLP



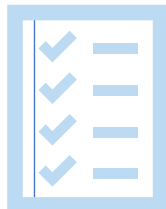
Identifies where roads and cutblocks will be located



Provides a transparent platform for comment on road and cut block locations and practices over time



Prepared by forest professionals on behalf of forest agreement holders



Approval required from statutory decision-maker. The FOP may be approved with conditions.

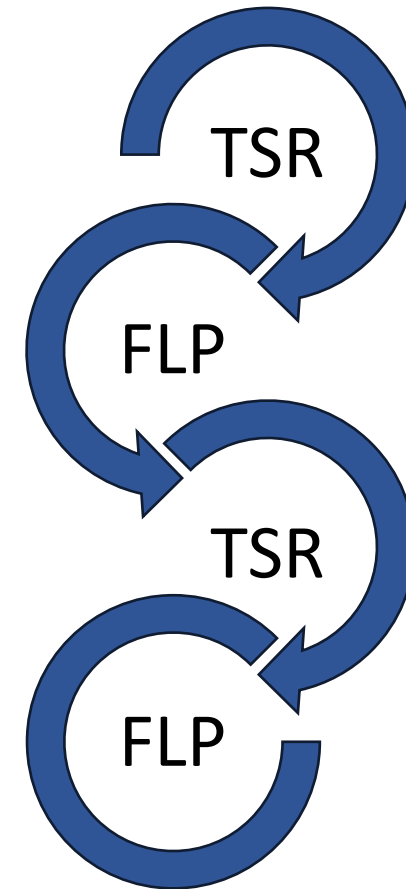


The FOP is approved for up to 5 years

FLP connection to TSR



- FLP is intended to align with TSR process
- FLP can support a forward-looking AAC determination, based on forest management direction described in the FLP





Thank You

Questions?