



PRIVATE MANAGED  
FOREST LAND COUNCIL

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# Private Managed Forest Land Act



**Presentation to:  
Association of Vancouver Island  
and Coastal Communities**

April 12, 2014



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- Brief history of the Private Managed Forest Land Act
  - Private Managed Forest Land Council
  - Management objectives on Private Managed Forest Land
  - Private managed forest land legislation & regulation
  - Private managed land forestry vs. crown land forestry
  - Overview of regulations
  - Questions & answers



- Regulation of forest practices enabled in 1999 under the *Forest Land Reserve Act* administered by the Forest Land Commission
- In 2004, provincial government dissolved forest land reserves & repealed the *Forest Land Reserve Act*
- The *Private Managed Forest Land Act* was enacted to encourage sustainable forest management & protect key environmental values on private managed forest land



**Chair:**

Rod Davis

**Owner Representatives:**

Will Pryhitko

Blair Robertson

**Government Representatives:**

Michael Alexander

Rod Visser

**Executive Director:**

Phil O'Connor



## ➤ **LEGISLATIVE**

- Make regulations respecting performance requirements

## ➤ **JUDICIAL**

- Make compliance determinations (penalties, remediation orders, revoke status)
- Issue stop work orders

## ➤ **ADMINISTRATIVE**

- Determine operating budget & levy fee on landowners
- Review landowner applications to enter managed forest land
- Impose exit fees when owner leaves managed forest land
- Review annual declarations by owners
- Notify BC Assessment Authority (owner application; performance)
- Prepare & submit an annual report to the Minister



➤ **TO GOVERNMENT**

- Must submit an annual report
- Subject to audit by minister

➤ **TO LANDOWNERS**

- Annual budgeting process
- May appeal enforcement actions to Forest Appeals Commission
- Bylaws, Policies & Procedures posted on website

➤ **TO PUBLIC**

- Regulations must conform with *Regulations Act*
- Annual report publicly available
- Council must respond to public inquiries/complaints
- Compliance determination process open to public



# Legislated Management Objectives

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- **Soil conservation** – protect soil productivity by minimizing the area occupied by roads, landings & trails
- **Water quality** – protect human drinking water, both during and after harvesting
- **Fish habitat** – protect fish habitat by retaining sufficient streamside trees & understory vegetation to protect habitat conditions
- **Critical wildlife habitat** – provide an opportunity for MoE to assess critical wildlife habitat & foster agreements for the protection of critical wildlife
- **Reforestation** – regenerate areas with healthy & commercially valuable stand of trees

<b>Private Managed Forest Land Act</b>	<ul style="list-style-type: none"> <li>▪ Establishes &amp; defines jurisdiction of the Council as public –private partnership</li> <li>▪ Defines forest management objectives for key public environmental values</li> <li>▪ Provides administration remedies /compliance</li> </ul>
<b>Private Managed Forest Land Regulation</b>	<ul style="list-style-type: none"> <li>▪ Defines forest management activities</li> <li>▪ Owner protection of critical wildlife habitat</li> <li>▪ Determining exit fees</li> </ul>
<b>Private Managed Forest Land Council Matters Regulation</b>	<ul style="list-style-type: none"> <li>▪ Water quality objectives in community watershed</li> <li>▪ Remediation orders</li> <li>▪ Fines for offences</li> </ul>
<b>Private Managed Forest Land Council Regulation</b>	<ul style="list-style-type: none"> <li>▪ Council powers &amp; administration requirements</li> <li>▪ Landowner requirements for soil conservation, streams, water supply areas, reforestation</li> </ul>
<b>Other applicable legislation</b>	<ul style="list-style-type: none"> <li>▪ Water Act (Ministry of Environment)</li> <li>▪ Drinking Water Protection Act (Ministry of Health)</li> <li>▪ Wildlife Act (Ministry of Environment)</li> <li>▪ Fisheries Act (Fisheries &amp; Oceans Canada)</li> <li>▪ Species at Risk Act (Environment Canada)</li> </ul>





## Land Owner Requirements

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- May voluntarily enter or exit regulatory framework
- Are required to comply with legislation
- Pay for the annual operating costs of the Council
- Comply with the PMFL Act & Regulations
- Protect soil, fish streams, water quality, wildlife habitat
- Restock within 5 years of harvest or destruction, successful regeneration to be established within 15 years
- Submit annual declaration of forest management activities
- Pay an exit fee if property withdrawn from program within 15 years



## Private Managed Forest Land



- ~ 260 managed forest properties
- Range in size from 3.5 ha to 166,000 hectares
- ~ 824,000 hectares total area
- Located primarily on Vancouver Island, the southern mainland coast, the Kootenays, Okanagan - Shuswap

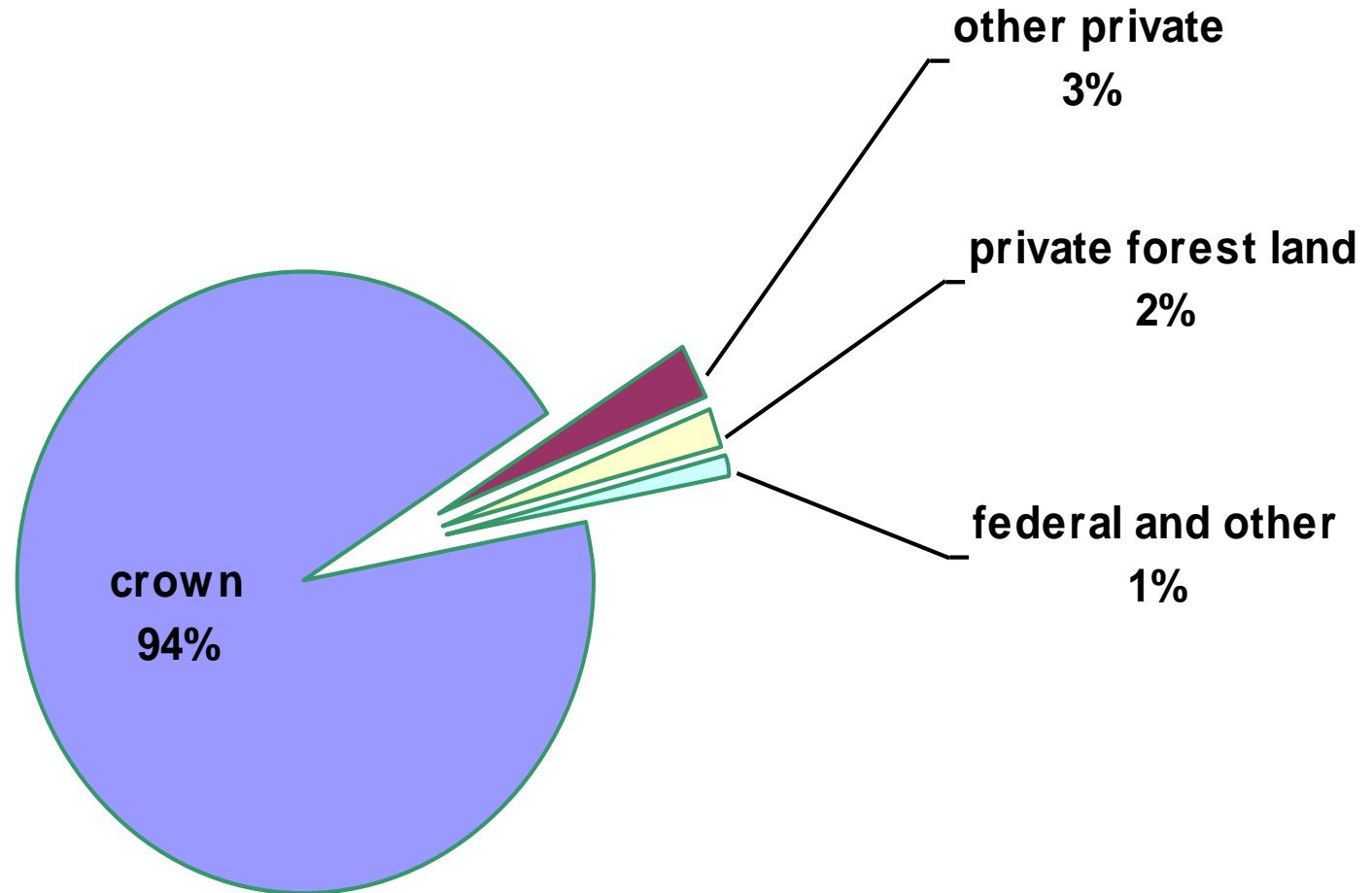


- Harvest volume – 3,94 million m<sup>3</sup>
- Harvest area - 8567 ha
- Road construction – 414 km
- Restocked – 9,978 ha
- Regenerated – 8,966 ha



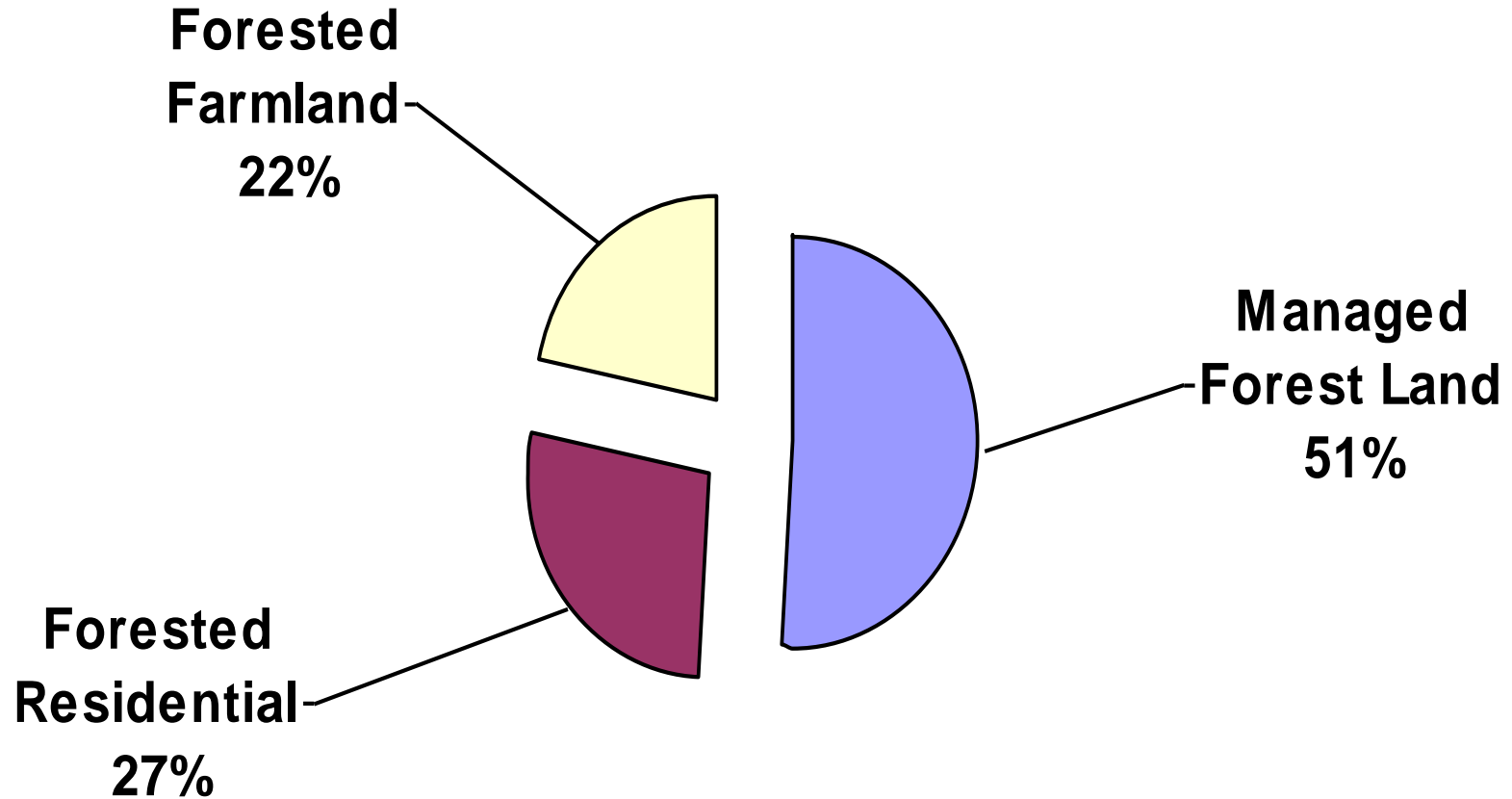


## Private Land in BC





# Private Forest Land



## Crown

- Required to submit a forest stewardship plan for approval by government
- Forest management plans must be consistent with objectives set by government
- Forest management includes comprehensive array of timber & non-timber objectives & practices requirements
- Government issues permits for harvesting and road construction
- Sustainable harvest levels established by the MoF Chief Forester

## Private

- Not required to submit a plan for approval by government
- Must file a commitment to use the property for production & harvesting of timber & associated forest management activities
- Protection limited to 4 key public values
- Standard of practice for harvesting, stream protection, road construction/maintenance & reforestation similar to crown land forestry
- Land owner not constrained on level of harvest beyond commitment to protect environmental requirements





- PMFLC enacted a new Private Managed Forest Land Council Regulation effective September 1st, 2007
- New regulation:
  - Strengthened the protection of water quality at licensed waterworks intakes for human consumption
  - Strengthened fish habitat protection by increasing riparian protection requirements
  - Requires activities to not have an adverse effect on fish habitat or water quality
  - Updated road construction & maintenance standards consistent with Crown land practices

# Soil Conservation



- Limits on areas that may be occupied by roads and logging trails
- Requires rehabilitation & reforestation of logging trails





## Protecting Water Quality & Fish Habitat

- Forest management must not cause sediment transport or deposition
- Roads not allowed adjacent to fish habitat or upstream of licensed waterworks intakes
- Stream crossings must protect stream channel & banks, mitigate stream disturbance & and not cause an adverse effect on fish habitat or drinking water quality
- Natural surface drainage patterns must be maintained
- Soils exposed during road construction/deactivation must be revegetated
- Licensed waterworks intakes must be protected
- Roads must be maintained to ensure structural integrity & function of drainage systems
- Roads must be deactivated if no longer maintained
- Landslides impacting streams must be reported to Council



## Protecting Water Quality & Fish Habitat

Stream Class	Stream Width (Meters)	Retention Requirement (# of trees)	Regulated Zone (Meters)
<b>A</b> (fish stream or upstream of LWI)	> 10	30	30
<b>B</b> (fish stream or upstream of LWI)	3 – 10	25	30
<b>C</b> (fish stream or upstream of LWI)	1.5 - 3	15	10
<b>D</b> (fish stream or upstream of LWI)	< 1.5	0	10
<b>E</b> (direct tributary to A,B,C or D)	> 1.5	0	10



# Protecting Water Quality & Fish Habitat



- Must not construct a road within:
  - 30 m of class A or B stream
  - 10 m of a class C, D or E stream
- Must retain non-commercial trees and understory vegetation:
  - within 30 m of Class A or B stream, or
  - within 10 m of Class C, D, or E stream



## Reforestation

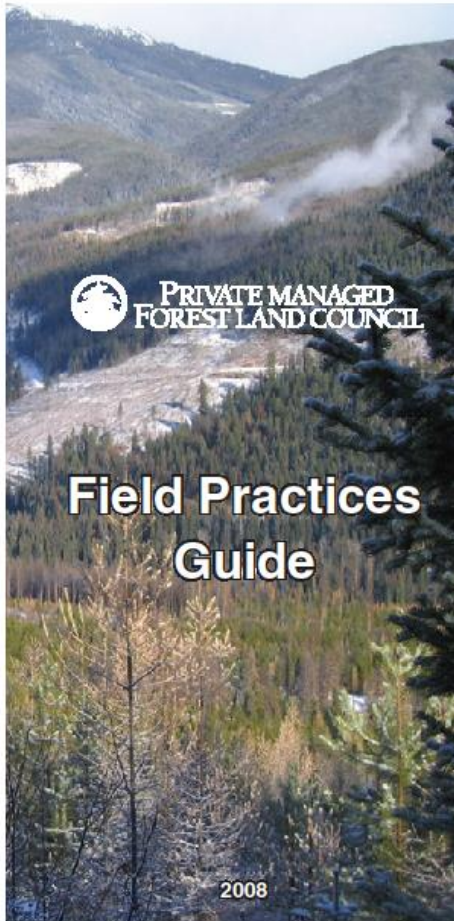


- Areas where timber has been harvested must be restocked and successfully regenerated
- Restocking standards equivalent to requirements on Crown Land
- Newly disturbed areas must:
  - be restocked < 5 years, and
  - successfully regenerated < 15 years
- If disturbed before becoming owner's land:
  - restock < 10 years, and
  - successfully regenerate < 20 years





# Inspection Program



- Objective: Inspect all MFs at least once every 5 years, new MFs within 3 years
- Assess performance relative to Management Commitments & regulatory practices
- High rate of compliance (99.5% based on 15% inspection rate)
- Opportunity to discuss management practices with a professional as well



## Investigations (2012/13)



- 14 self-reported slides, 4 into fish streams
- Slides were not associated with operations; some were associated with old roads
- 2 underwent formal compliance review
- Investigation underway to follow-up information provided to Council by Forest Practice Board staff



- Council supports a culture of continuous improvement
- Past internal audits have lead to numerous changes
  - Tighter definition and protection of fish streams
  - Strengthened protection of licensed water supply intakes
  - Strengthened soil protection and road deactivation requirements



- Results-based regulatory model
- High rate of compliance (since 2004, council has conducted 11 formal investigations, issued 5 penalty determinations & 4 remediation orders under the Act)
- Cost-effective - funded by land owners
- Council cost is \$0.85/ m<sup>3</sup>
- Private managed forest land located province-wide on both the coast and interior





Conversations with local governments and public have highlighted some common concerns:

- Urban interface issues
- Viewscapes
- Watershed management and domestic water quality
- Wildlife habitat; Species at risk
- Noise



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