Private Managed Forest Land Act

Presentation to:
Association of Vancouver Island and Coastal Communities

April 12, 2014
Outline

- 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In 2004, provincial government dissolved forest land reserves & repealed the Forest Land Reserve Act.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:  Government Representatives:
Will Pryhitko  Michael Alexander
Blair Robertson  Rod Visser

Executive Director:
Phil O’Connor
Mandate

- **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
Accountability

➢ 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

- **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
# Regulations

| Private Managed Forest Land Act | ▪ Establishes & defines jurisdiction of the Council as public–private partnership  
▪ Defines forest management objectives for key public environmental values  
▪ Provides administration remedies/compliance |
|-------------------------------|-----------------------------------------------------------------------------------|
| Private Managed Forest Land Regulation | ▪ Defines forest management activities  
▪ Owner protection of critical wildlife habitat  
▪ Determining exit fees |
| Private Managed Forest Land Council Matters Regulation | ▪ Water quality objectives in community watershed  
▪ Remediation orders  
▪ Fines for offences |
| Private Managed Forest Land Council Regulation | ▪ Council powers & administration requirements  
▪ Landowner requirements for soil conservation, streams, water supply areas, reforestation |
| Other applicable legislation | ▪ Water Act (Ministry of Environment)  
▪ Drinking Water Protection Act (Ministry of Health)  
▪ Wildlife Act (Ministry of Environment)  
▪ Fisheries Act (Fisheries & Oceans Canada)  
▪ Species at Risk Act (Environment Canada) |
Land Owner Requirements

- 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
~ 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 m³
- Harvest area - 8567 ha
- Road construction – 414 km
- Restocked – 9,978 ha
- Regenerated – 8,966 ha
Private Land in BC

- Crown: 94%
- Private forest land: 2%
- Other private: 3%
- Federal and other: 1%
Private Forest Land

- Managed Forest Land: 51%
- Forested Farmland: 22%
- Forested Residential: 27%
Private Managed Forest Land vs. Crown Land Forestry

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

<table>
<thead>
<tr>
<th>Stream Class</th>
<th>Stream Width (Meters)</th>
<th>Retention Requirement (# of trees)</th>
<th>Regulated Zone (Meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> (fish stream or upstream of LWI)</td>
<td>&gt; 10</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>B</strong> (fish stream or upstream of LWI)</td>
<td>3 – 10</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td><strong>C</strong> (fish stream or upstream of LWI)</td>
<td>1.5 - 3</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td><strong>D</strong> (fish stream or upstream of LWI)</td>
<td>&lt; 1.5</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td><strong>E</strong> (direct tributary to A,B,C or D)</td>
<td>&gt; 1.5</td>
<td>0</td>
<td>10</td>
</tr>
</tbody>
</table>
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
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
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
Audits

- 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
Effectiveness

- 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/ m³
- 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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