



Submission on Provincial Forest Advisory Council's Interim and Final Reports regarding BC's Forests

West Coast Environmental Law

December 8, 2025

Thank you for the opportunity to comment on the Provincial Forest Advisory Council's ("PFAC's" or "Council's") interim report released in October 2025. PFAC was established as part of fulfilling the commitment in the Cooperation and Responsible Government Accord 2025 to comprehensively "review BC forests".¹ WCEL understands that the Council's work is comprised of two phases. Phase one consisted of "problem identification" that led to the preparation and release of the Council's interim report identifying nine interconnected issues that are perpetuating unsustainable forest management practices in BC. PFAC's interim report indicates that these issues are not new and that their persistence underscores the need for systemic change - a paradigm shift.² Phase two of PFAC's work will consist of the development of a final report containing recommendations to address the issues identified in the Council's interim report.

West Coast Environmental Law ("WCEL") harnesses the power of law to solve complex environmental challenges. Our non-profit group of environmental and Indigenous rights lawyers work to transform environmental decision-making and strengthen legal protection for the environment through collaborative legal strategies that bridge Indigenous and Canadian law. Since 1974, we have successfully worked with communities, non-governmental organizations, the private sector, and federal, provincial and Indigenous governments to develop proactive legal solutions to protect and sustain the environment. We are currently working in partnership with these actors to advocate for the co-development of a law that prioritizes biodiversity and ecosystem health ("BEH" or the "BEH priority") in decision-making across resource sectors.

As PFAC members are aware, establishing the BEH priority through legislation was recommendation #2 of the Old Growth Strategic Review Report ("OGSR Report"). The rationale for legally prioritizing the BEH of BC's forests stemmed from the OGSR's finding that, under our current forest management strategy, much of BC, especially the areas covered with productive forest, will be in a high biodiversity risk situation in the near future.³ To avoid this outcome and the potential destruction of ecosystems that are effectively non-renewable, the OGSR recommended legislatively reorienting forest management towards an overarching priority that applies to all resource sectors, that is to maintain and restore ecological integrity (ecosystem health) by managing biodiversity risk.⁴ We emphatically support this recommendation.

The OGSR Report and BC's subsequent Old Growth Action Plan and Draft BEH Framework (collectively "Policy Reports") provide guidance on establishing the BEH priority as a legal standard/objective for all resource sectors, including forestry, through the co-development with Indigenous Nations of a BEH law. The Policy Reports further indicate that the BEH priority must align with the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") and with the requirements of BC's *Declaration on the Rights of Indigenous Peoples Act* ("Declaration Act"). WCEL respectfully submits that PFAC clearly identify in its final report that the

¹ [Provincial Forest Advisory Council Terms of Reference](#), May 2025.

² [PFAC's Interim Report](#), October 2025, pages 1-2.

³ [OGSR Report](#), April 2020, page 50.

⁴ [OGSR Report](#), April 2020, page 50.

Policy Reports have not been implemented to date and that to advance such implementation, **it is essential for PFAC to explicitly recommend that a new BEH law be enacted to give effect to the paradigm shift set out in the Policy Reports.** The enactment of a new BEH law will facilitate a transition to a more sustainable forest management system by addressing many of the current impediments (i.e: land use issues) identified in PFAC's interim report.

WCEL's submissions, detailed further below, provide recommendations that WCEL believes are responsive to the issues raised in PFAC's interim report. Like the work of PFAC, our submission is grounded in the inherent rights, title and jurisdiction of Indigenous peoples as reflected in UNDRIP, with which BC has legislatively committed to align its laws as per the *Declaration Act*. Our submission is also grounded in the legal prioritization of the BEH of BC's forests.

We respectfully submit that the recommendations in the Council's final report, anticipated to be submitted to the BC government in December 2025, be aligned with those set out herein. Our recommendations are organized under the following three broad categories and enumerated in part four of these submissions:

1. Land use planning and forest management activities must be anchored in ecosystem-based planning and management;
2. A whole-of-government approach that upholds and respectfully engages with Indigenous governance systems and legal orders is needed; and
3. Interim/immediate measures are needed to facilitate paradigm shift

WCEL draws on the recommendations set out in these submissions in our responses to the engagement survey that PFAC is conducting in phase two of its work. Those responses can be found in part five of this submission.

1. Land use planning and forest management activities must be anchored in ecosystem-based planning and management

PFAC's interim report identified a number of barriers that are impeding effective land management within the forestry sector, such as outdated forest management systems, lack of trust in collaborative processes, and problems with volume-driven approaches (see issues 1, 6 and 8). Ecosystem-based planning and management ("EBPM") provides a pathway to more effective land management because it is an approach to land use planning and management that restores and maintains ecological integrity by managing and mitigating risk to BEH and is therefore an avenue for prioritizing BEH in land use decision-making.⁵

As noted in BC's Draft BEH Framework, maintaining and restoring ecological integrity as a focus of EBPM may be achieved using the historic range of variability ("HRV") as the benchmark for risk assessment and as a standard for planning and management.⁶ HRV is understood as expected pre-colonial ecosystem conditions that were and are the result of not just natural disturbance, but active management to Indigenous legal standards over time, such as through cultural burning practices.⁷ Retaining 70% of HRV (e.g., in old forest

⁵ See [BC's Draft Biodiversity and Ecosystem Health Framework](#), page 3, and [WCEL submissions regarding BC's Draft BEH Framework](#), page 9 for definitions of ecosystem-based management.

⁶ [BC's Draft Biodiversity and Ecosystem Health Framework](#), pages 3, 9.

⁷ [WCEL submissions regarding BC's Draft BEH Framework](#), page 2.

retention) is scientifically understood as a “low risk” target for maintaining and restoring ecological integrity, with 30% retention understood as high risk.⁸

WCEL recommends that an EBPM approach informed by measurable, “low risk” (i.e. 70% of HRV) ecosystem targets be used in the development of an Ecosystem Review Process; the establishment of an interconnected network of protected areas, including as a priority Indigenous Protected and Conserved Areas (“IPCAs”), to meet BC’s commitment to 30 x 30; and Forest Landscape Plans to guide operational forestry activities.

WCEL further recommends that these measurable, low risk ecosystem targets be based on the best available Indigenous and western science. Best available scientific information may be used in the interim in the absence of a First Nation-specific standard in respect of a particular ecosystem.⁹ However, because pre-colonial Indigenous management and cultural practices were and are fundamental to shaping HRV, new governance measures should ensure that Indigenous law and knowledge are foundational to planning and standards/objectives established.

- a) **An Ecosystem Review Process** should replace or supersede the current Timber Supply Review (“TSR”) Process. WCEL envisions the Ecosystem Review Process being conducted under the auspices of the Office of Biodiversity and Ecosystem Health referred to in BC’s Draft BEH Framework.¹⁰ The Office would be responsible for ensuring that the following occurs within ecologically and culturally relevant regions throughout BC:
- i. Establish a base case based on the HRV;
 - ii. Evaluate risk to ecosystem values arising from current conditions (as compared to the base case), and status quo plans and practices;
 - iii. Spatially model scenarios that would maintain or restore to low risk (i.e. 70% of HRV); and
 - iv. Periodically reevaluate levels of risk, effectiveness of conservation measures etc. based on the outcomes from monitoring (e.g. every five years, or in response to significant change in circumstances, request of First Nation etc.), and require adaptation and management action to respond.

Outputs from the Ecosystem Review Process would inform the establishment of an interconnected, representative network of protection and conservation areas at multiple spatial scales, and flowing from that, areas available for logging or other development. Further, based on the low-risk scenario outputs of planning (item iii above), a sustainable harvest level and rate of cut may then be determined in a precautionary manner (e.g., taking into account realistic vulnerabilities to losses from wildfire, pests). In addition, target dates should be set and clear pathways established for redetermination of the annual allowable cut to align with legal objectives prioritizing BEH.¹¹

⁸ [WCEL submissions regarding BC’s Draft BEH Framework](#), page 2 citing Coast Information Team, [Ecosystem-Based Management Planning Handbook](#), page 10.

⁹ This includes the [Interim Assessment Protocol for Forest Biodiversity in British Columbia](#) currently used in BC’s cumulative effects framework.

¹⁰ [WCEL submissions regarding BC’s Draft BEH Framework](#), page 4; [BC’s Draft Biodiversity and Ecosystem Health Framework](#), page 8.

¹¹ [WCEL submissions regarding BC’s Draft BEH Framework](#), page 4. WCEL’s recommendation with respect to an Ecosystem Review Process is reflective of the process carried out under BC’s cumulative effects framework with respect to [forest biodiversity](#).

- b) **Forest Landscape Plans (“FLPs”)** need to account for a range of values that influence their scope, including supporting the protection and conservation of the environment, managing the values placed on forest ecosystems by Indigenous peoples and local communities, as well as supporting the production and supply of timber in the forest landscape area.¹² However, the FLP objectives set out in the *Forest and Range Practices Act* (“*FRPA*”) are broad and do not reflect BC’s commitment to prioritize BEH as per recommendation #2 of the OGS Report and Draft BEH Framework.

It is essential that the legal and policy framework for FLPs evolve to reflect the BEH priority. This does not mean that BEH is necessarily more important than other values. It does mean that planning needs to ensure that land management occurs within ecosystem limits and does so by managing to a standard that ensures a high probability of maintaining or, if necessary, restoring ecosystem health.

Existing Forest Stewardship Plans (“FSPs”) are ineffective mechanisms for maintaining or, if necessary, restoring ecosystem health because they continue to be subject to the now repealed “without unduly restricting” clause in the [Forest Planning and Practices Regulation](#) (“*FPPR*”).¹³ This clause has hampered protection measures for BEH, as government objectives in respect of BEH applied and were given effect in FSPs only to the extent that they did not “unduly reduc[e] the supply of timber from British Columbia’s forests.”

BC’s transition away from FSPs and towards FLPs provides an opportunity to improve protections for BEH in forest management by using an EBPM approach in the development of FLPs. Such an approach can contribute to the effectiveness of FLPs meeting *FRPA* objectives because EBPM aims to account for multiple values (i.e. cultural, economic, social and ecological) in land use planning by measuring risk to ecosystems against “low risk” (i.e. 70% of HRV) targets. Given the particularity inherent in EBPM, it is essential that FLPs developed using an EBPM approach are not limited by arbitrary standards potentially unrelated to a planning area, such as a ten percent timber supply cap that we understand is currently being applied.

We expect that a new BEH law would set this higher-level EBPM direction in a systemic way. However, as an interim approach, legal mechanisms such as the following could be used immediately to prioritize BEH in forestry decision-making, including in respect of FLPs and TSRs, to ensure that these decisions are not finalized lacking the BEH priority: ss. 1.1 and 8(8)(d) of the [Forest Act](#), an order under s.7 of the [Environment and Land Use Act](#) or possibly under s. 93.4 or s. 93.1 of the [Land Act](#), if the latter were brought into effect.¹⁴

¹² [SBC 2002, c 69 | Forest and Range Practices Act | CanLII](#), s 2.22.

¹³ [BC Reg 14/2004 | Forest Planning and Practices Regulation | CanLII](#), s.115.

¹⁴ Prioritizing BEH in decision-making means:

- managing to low risk (ie: 70% of HRV) to biodiversity and ecological integrity (where risk is understood relative to pre-colonial processes and patterns of abundance), and using best available western and Indigenous science to do so;
- requiring a precautionary approach to industrial use and development if best available information is insufficient to support informed decision making about risks to BEH; and
- no provincial decision-makers may issue a tenure, approval or permit that is inconsistent with the BEH priority, taking into account cumulative impacts on BEH values.

Furthermore, implementing the BEH priority cannot be achieved solely at the operational forestry level. Strategic land use planning that recognizes and upholds IPCAs, for example, will be essential to satisfying “low risk” ecosystem targets and providing an avenue for managing values placed on forest ecosystems by Indigenous peoples. IPCAs were a glaring omission from BC’s Draft BEH Framework, but their recognition and enforcement are essential to restoring and maintaining ecological integrity and biocultural continuity and ultimately sustainable forest management.

2. A whole-of-government approach that upholds and respectfully engages with Indigenous governance systems and legal orders is needed

PFAC’s interim report identified several institutional challenges that are hindering sustainable forest management, including government ministry misalignment and competition for limited resources amongst ministries (issue 2), fear-based resistance and lack of effective frameworks for decision-making (issue 5) and lack of a coordinated vision for fire prevention and management (issue 9). In respect of issue 5, PFAC found that there is a need for consistent, respectful, and strategic engagement with Indigenous communities, but consistency in this regard appears lacking due to limited capacity for First Nations and the BC government to meaningfully engage through existing (sometimes ill-defined) governance structures.¹⁵

WCEL recommends the BC government follow-through on its commitment to developing a “whole-of-government” approach to prioritizing biodiversity and ecosystem health and that this approach uphold and respectfully engage with Indigenous governance systems and legal orders regarding biodiversity conservation and management.

The whole-of-government approach to prioritizing BEH, detailed in BC’s Draft BEH Framework, is suited to addressing the institutional challenges identified by PFAC by providing mechanisms to coordinate decision-making processes and to support First Nations and the BC government in co-development of standards and plans through better defined governance structures.

A proposed mechanism to achieve a whole-of-government approach is the Office of BEH. According to the Draft BEH Framework, this Office would be responsible for, among other things, integrating and aligning decision-making processes, policies, and programs with the priority of conserving and managing ecosystem health and biodiversity across resource sectors.¹⁶ However, as WCEL has [identified](#), it is unclear what authorities the Office will have to achieve its stated purpose and goals. Clarity in this regard is needed if the Office is to be effective.

Furthermore, to uphold and give effect to UNDRIP, the Office of BEH should be structured to include (or developed in conjunction with) institutional approaches that centre Indigenous legal orders and cultural practices regarding biodiversity conservation and management. For example, institutional mechanisms could include distinct First Nations BEH institutions that would work in partnership with the Office of BEH to co-administer a new BEH law; this could involve providing the resources (i.e. data and expertise) necessary to conduct EBPM across resource sectors, including in respect of forestry (e.g. development of FLPs). By providing such resources, the Office of BEH and distinct First Nations BEH institutions can serve to address the

¹⁵ [PFAC’s Interim Report](#), October 2025, page 5.

¹⁶ [BC’s Draft Biodiversity and Ecosystem Health Framework](#), page 8.

lack of expertise and resources that PFAC has identified as being barriers to effective land management in the forestry sector (see issues 3, 4, 5, 6 and 7). See WCEL's response to survey question 2 in part five below.

As a next step in developing the Office of BEH and distinct First Nation BEH institutions, we recommend the establishment of an Indigenous and western science, law and policy expert body ("Expert Body") comprised of individuals who are respected in their fields/communities.¹⁷ This Expert Body could be responsible for the following:

- i. Determining the structure, authority and accountability of the Office of BEH and advising on the set up and hiring for the Office, drawing on lessons learned about/best practices regarding effective whole-of-government initiatives;¹⁸
- ii. supporting title-holders in envisioning and shaping distinct First Nations BEH institutions, the relationship between them, the BEH Office, and decision-makers, and how these should be reflected in a new BEH law; and
- iii. advancing the establishment of default/interim "low risk" (i.e. 70% of HRV) management targets by ecosystem based on best available western and Indigenous science.¹⁹

The Office of BEH alongside distinct First Nations BEH institutions could provide a solution to the institutional and resource challenges identified by PFAC by providing a pathway for integrating and aligning informed decision-making processes and for improving existing (sometimes ill-defined) governance structures.

3. Interim/immediate measures are needed to facilitate paradigm shift

a) Demonstrating that the question is not whether but how to make the paradigm shift

PFAC's interim report identifies fear-based resistance (issue 5) and lack of trust (issue 6) as barriers to systemic change. These issues are not ameliorated by inconsistent or incomplete government action. By sending mixed signals and falling into a "start again" – "stop again" pattern with implementation of the BEH Framework and other related policy initiatives, government is simply reinforcing industry resistance to the paradigm shift and is subsequently preventing the shift from occurring in a timely manner or at all. *WCEL recommends that the Ministry of Forests ("Ministry") demonstrate not whether, but how to make the paradigm shift by taking the following immediate measures available to the Ministry:*

- i. *moving old growth deferrals already agreed to into protection, and making progress on the outstanding deferrals;*
- ii. *closing "loopholes" on recommended old growth deferral areas ("Deferral Areas") by:*
 - *ensuring that forests that meet the criteria for at-risk old growth are swiftly deferred;*
 - *providing directed deferrals to BC Timber Sales;*
 - *ensuring no roads are permitted to be developed within Deferral Areas;*

¹⁷ [WCEL submissions regarding BC's Draft BEH Framework](#), pages 6-7.

¹⁸ For example, as initially housed within the Premier's office, the Climate Action Secretariat and related bodies are widely perceived to have been more effective at achieving the goals of a whole-of-government approach than when housed in the Ministry of Environment and Climate Change Strategy.

¹⁹ E.g., Building on resources such as the [Interim Assessment Protocol for Forest Biodiversity in British Columbia](#).

- *making data available when Deferral Areas are removed from their relevant maps;*
- *respecting the exercise of the inherent jurisdiction of First Nations when they withhold consent to the logging of old growth forest within their territories; and*
- iii. *using best available scientific data regarding disturbance rates and risk to forest BEH alongside Indigenous knowledge regarding particular ecosystems in a planning area to update the biodiversity guidebook and to inform the development of FLPs.*

These immediate measures have the potential to alleviate fear and build trust and to thereby facilitate the needed paradigm shift.

b) Removing the “Drive for 45”

PFAC’s interim report identified that outdated metrics (i.e. volume-driven metrics) are leading to poor land management decision-making and are cited as barriers to whole land management (see issue 8). This issue is likely to be exacerbated by the direction in the Minister of Forest’s [mandate letter](#), dated January 16, 2025, to prioritize harvesting 45,000,000 cubic meters of forests per year. This “Drive for 45” is fundamentally inconsistent with the BC government’s commitment to prioritizing BEH in resource management and it most certainly will not facilitate a transition to a more sustainable forest management system.

WCEL recommends that the “Drive for 45” be removed from the Minister of Forest’s mandate, to be replaced by direction to prioritize BEH.

4. Summary of Recommendations

- a) WCEL recommends that an EBPM approach informed by measurable, “low risk” (i.e. 70% of HRV) ecosystem targets be used in the development of an Ecosystem Review Process; the establishment of an interconnected network of protected areas, including as a priority Indigenous Protected and Conserved Areas, to meet BC’s commitment to 30 x 30; and Forest Landscape Plans to guide operational forestry activities.
- b) WCEL further recommends that these measurable, low risk ecosystem targets be based on the best available Indigenous and western science. Best available scientific information may be used in the interim in the absence of a First Nation-specific standard in respect of a particular ecosystem. However, because pre-colonial Indigenous management and cultural practices were and are fundamental to shaping HRV, new governance measures should ensure that Indigenous law and knowledge are foundational to planning and standards/objectives established.
- c) WCEL recommends the BC government follow-through on its commitment to developing a “whole-of-government” approach to prioritizing biodiversity and ecosystem health and that this approach uphold and respectfully engage with Indigenous governance systems and legal orders regarding biodiversity conservation and management.
- d) WCEL recommends that the Ministry of Forests (“Ministry”) demonstrate not whether, but how to make the paradigm shift by taking the following immediate measures available to the Ministry:
 - i. moving old growth deferrals already agreed to into protection, and making progress on the outstanding deferrals;
 - ii. closing “loopholes” on recommended old growth deferral areas (“Deferral Areas”) by:

- ensuring that forests that meet the criteria for at-risk old growth are swiftly deferred;
 - providing directed deferrals to BC Timber Sales;
 - ensuring no roads are permitted to be developed within Deferral Areas;
 - making data available when Deferral Areas are removed from their relevant maps;
 - respecting the exercise of the inherent jurisdiction of First Nations when they withhold consent to the logging of old growth forest within their territories; and
- iii. using best available scientific data regarding disturbance rates and risk to forest BEH alongside Indigenous knowledge regarding particular ecosystems in a planning area to update the biodiversity guidebook and to inform the development of FLPs.
- e) WCEL recommends that the “Drive for 45” be removed from the Minister of Forest’s mandate, to be replaced by direction to prioritize BEH.

Our submissions and recommendations detailed above reflect and uphold recommendation #2 of the OGS Report calling for a paradigm shift in forestry management by legislatively reorienting the sector towards prioritizing BEH to all incursions in the forest. We respectfully reiterate our request that the Council advance the implementation of recommendation #2 of the OGS Report, BC’s Old Growth Action Plan and Draft BEH Framework as well as *UNDRIP* and the *Declaration Act* by aligning the recommendations in its final report with those set out above. We look forward to reviewing the Council’s final report upon its release.

5. WCEL’s Responses to PFAC’s Phase Two Survey

Part 1: Please provide your input by answering questions on the following themes.

- 1. Transitioning to Area-Based Management:** What are the necessary steps, policies, and supports required to successfully shift from current volume-driven systems to a comprehensive, area-based management model?

Historically, the majority of timber harvested on Crown lands in BC has been allocated to timber companies through two forms of licenses, volume-based forest licences and area-based tree farm licenses (“TFLs”). Despite being area-based, TFLs are exclusively timber focused and designed for corporate rather than local community control and benefits from forest lands, especially after the removal of appurtenancy requirements in the early 2000s that tied timber harvesting rights to local milling obligations.

Transitioning to a comprehensive area-based management model of forestry will require creating more opportunities for First Nations and local communities to access area-based tenures that provide opportunities to manage forests for a range of values, such as protection of traditional uses, recreation, wildlife and watershed management. While existing tenure forms such as Community Forest Agreements and First Nations Woodland Licences are a good start, consideration should be given to new tenure forms that better encompass the management and conservation goals of First Nations and communities, such as living tree tenures focused on management and restoration for carbon benefits.

Further, a true transformation to an area-based model will require a substantial tenure take-back from major timber companies and redistribution through new tenure forms, and the creation of viable log markets that create alternative pathways for mills and value-added producers to secure access to fibre. This will require legal and policy leadership from the provincial government. Half-measures that leave communities and First Nations tenures on the margins, with no one to sell their wood to but local corporate controlled mills, will not

accomplish the needed paradigm shift. We note the Forest Resources Commission recommendation that this take-back from major corporate licensees should be 50% or greater.²⁰ Such a shift should be accompanied by legislative changes to limit compensation payable in order to reduce the taxpayer cost of this shift.

To ensure the prioritization of biodiversity and ecosystem health in transitioning to a comprehensive, area-based management model of forestry, West Coast Environmental Law (“WCEL”) recommends prioritizing the allocation of new area-based tenures to local communities and First Nations that have developed robust ecosystem-based plans for management of natural resources.

2. Effective Decision-Making: As we move toward greater regional autonomy, what should new decision-making models look like? Who must be at the table, and what governance structures will ensure accountability, transparency and predictability?

New decision-making models, if they are to be effective and facilitate greater regional autonomy, must address the current misalignment in government decision-making and include First Nations and local communities “at the table”. The proposed Office of Biodiversity and Ecosystem Health (“BEH”), supported by First Nations BEH institutions, is a key component to the development of new/more effective decision-making models. The Office would be responsible for bringing more alignment to government decision-making across resource sectors, including forestry, in view of prioritizing BEH. The Office could also assist in ensuring more accountability, transparency and predictability in decision-making by supporting informed decision-making through managing and providing access to a data inventory (or coordinate such access while taking measures to protect Indigenous knowledge) on the status of BEH. This data inventory could conceivably support decision-making at FLP tables and a transition to an Ecosystem Review Process from a Timber Supply Review Process detailed in WCEL’s submissions regarding PFAC’s interim report.

Foundational to effective decision-making is the recognition that:

- Ecosystems cannot be restored to healthy conditions without implementation of cultural practices according to Indigenous legal standards, e.g., ceremonial burning.
- Healthy ecosystem relationships cannot be maintained/restored without Indigenous governance, laws, and language.

Put another way, the proposed paradigm shift must include legal and policy alignment with the priority of biodiversity/healthy ecosystems *and* with Indigenous legal orders. Local systems of caretakership/stewardship need to be the primary determinant of ecosystem health in a region. This includes aligning with Indigenous-led conservation initiatives such as IPCAs.

Any move toward greater regional autonomy should thus foster holistic approaches where local/regional staff are empowered to follow Indigenous laws and have sufficient provincial tools to do so. Furthermore, First Nations-led and sustainably funded Indigenous experts (knowledge-holders, language speakers) should guide both the ‘diagnosis’ (how do current conditions diverge from pre-colonial standards?) and the prescription (what cultural practices and conservation measures should be implemented to restore healthy ecosystem relationships?) for particular ecosystems.²¹

²⁰ Forest Resources Commission, *The Future of Our Forests* (April 1991), at 40.

²¹ The above paragraphs were adopted, with permission in [WCEL submissions regarding BC’s Draft BEH Framework](#), along with the other submissions of Lower Similkameen Indian Band.

- 3. Supporting Climate Resilient Forestry:** In the face of a changing climate, how must our approach to forestry evolve to address increased concerns from pests, disease and catastrophic fire? How can we plan and incorporate forest management activities that reduce the risk of consequences of these events to forests, communities and the economy?

As forest ecologist Dr. Jim Pojar has noted: “The increasingly acute threat to nature as we know it is not climate change acting in isolation, but rather the combination of climate change and intensifying changes made to natural landscapes and systems by humans.”²² Decades of industrial forest practices have not only diminished biodiversity in BC, but have also dramatically degraded carbon storage in forest ecosystems from historic levels. This much change.

As Dr. Pojar notes: “More diverse, complex systems tend to be more resilient; fragmented or degraded systems tend to be less resilient; and even resilient systems will radically shift if the environment changes sufficiently... Maintaining the integrity and connectivity of entire landscapes is now more important than ever.”²³

To support climate resilient forestry, we must move from volume-driven, timber-based management to ecosystem-based planning and management (“EBPM”). An EBPM approach to forest management will assist in mitigating the effects of climate change on forest ecosystems while increasing the capacity of these ecosystems to withstand the impacts of climate change (i.e. increase resilience).

In our submissions on PFAC’s interim report, WCEL recommended an approach to incorporating EBPM into forest management activities. In summary, WCEL, relying on existing scientific data regarding EBPM, recommended using 70% of an ecosystem’s historic range of variability (“HRV”) as a benchmark against which to measure ecological risk. WCEL further recommended that this benchmark be used in the development of an Ecosystem Review Process, in the establishment of an interconnected network of protected areas, including as a priority Indigenous Protected and Conserved Areas (“IPCAs”) and in the development of Forest Landscape Plans to guide operational forestry activities.

Implementation of an expanded and interconnected network of protected areas, and other improved forest management that avoids degradation of carbon stocks also has the potential to generate new revenue from carbon markets for First Nations and Communities.

Part 2: What are the key enabling conditions to accomplish the topics of the previous themes?

- 1. Aligning Priorities and Resources:** How can the government redistribute spending and resources to support these new, aligned priorities for land care and stewardship?

The government should redistribute spending and resources to develop a “whole-of-government” approach to prioritizing biodiversity and ecosystem health and ensure that this approach upholds and respectfully engages

²² Jim Pojar, *A New Climate for Conservation Nature, Carbon and Climate Change in British Columbia* (Working Group on Biodiversity, Forests and Climate, 2010) at 6, online:

<https://wcel.org/sites/default/files/publications/New%20Climate%20for%20Conservation%20-%20Nature,%20Carbon%20and%20Climate%20Change%20in%20British%20Columbia%20-%20Executive%20Summary.pdf>

²³ Pojar, at pp. 9 and 11.

with Indigenous governance systems and legal orders regarding biodiversity conservation and management. As detailed in WCEL's submission on PFAC's interim report, a mechanism to achieve a whole-of-government approach that has been proposed by the BC government is the Office of Biodiversity and Ecosystem Health ("Office of BEH"). According to BC's Draft BEH Framework, this Office would be responsible for, among other things, integrating and aligning decision-making processes, policies, and programs with the priority of conserving and managing ecosystem health and biodiversity across resource sectors, including forestry. WCEL indicated in its submission on PFAC's interim report that it will be necessary to structure the Office of BEH to ensure that Indigenous governance systems and legal orders regarding biodiversity conservation and management are central to the paradigm shift, for example through the development of distinct First Nations-led BEH institutions. The Office of BEH, alongside these institutions, could provide the "institutional infrastructure" needed to conduct ecosystem-based planning and management in respect of land use in the forestry sector and thereby can support a transition to a more sustainable forest management model in the long-term.

2. Streamlining for Action: What specific systems and processes can be streamlined, redesigned, or eliminated to foster agility and reduce administrative burdens?

The Office of Biodiversity and Ecosystem Health ("BEH") alongside distinct First Nations BEH institutions are "specific systems and processes" that need to be designed/established to foster agility and reduce administrative burdens within the forestry sector. PFAC's interim report indicates that administrative burdens stem from a lack of expertise that are impacting the confidence and speed at which decisions can be made, leading to "rule-based, top-down-driven outcomes that can be costly, inefficient, and ineffective in achieving land management objectives (e.g., focusing on process rather than outcomes)". The Office of BEH, alongside distinct First Nations BEH institutions, will help to "streamline for action" by providing the resources needed to conduct ecosystem-based planning and management to implement measurable, "low risk" ecosystem targets aimed at satisfying land management objectives that prioritize BEH.

3. Political Consistency: How can we create a long-term plan that keeps things stable, even when political priorities change? What are some practical tactics or examples that could support this?

Prioritizing biodiversity and ecosystem health ("BEH") using legal tools is essential to creating a long-term plan that "keeps things stable" when political priorities change. The recent passing of "fast tracking" legislation (i.e. Bills 14 and 15) while the provincial government's commitment to co-developing a BEH law remains outstanding is a practical example of what can occur when there is no long-term plan in place to protect the ecosystems that sustain our communities and economies. While the sense of urgency in passing "fast tracking" legislation to move resource projects forward faster is understandable given the current political and economic climate, the province must also move forward with a BEH law as a strong foundation. A BEH law would establish the "ecological guardrails" within which ambitious resource projects could proceed and mitigate the risk of losing these guardrails when political priorities change.

4. Rethinking Economic Models: Can we rethink our timber pricing system and the distribution of benefits to ensure they support First Nations, local communities and sustainable land management? What would that look like?

West Coast Environmental Law has been a long-time advocate for the creation of open, transparent regional log markets located as locally as possible to where timber is harvested, and for using data from competitive log markets to establish timber pricing / stumpage payable for other wood. Because fully functioning log markets with many sellers and many buyers are required to establish fair market value and create the transaction base

necessary for attracting investment, we have recommended that no major corporate licensees with manufacturing facilities should have allowable annual cut under tenure that exceeds 50% of their total BC processing capacity, or their actual processing averaged over the previous five years, whichever is less. In addition to supporting timber pricing objectives, log markets have the demonstrated capacity to increase access to wood for value-added manufacturers and thus increase the jobs per cubic metre of wood logged. These measures would necessarily be coupled with strengthened raw log export restrictions to ensure access to fibre for BC producers.²⁴

Additionally, we recommend that BC should cooperate with First Nations to ensure that any evolution of BC legal frameworks and policies supports access to revenue streams for Nations from carbon markets when new protected areas and ecosystem-based management is implemented.

Consideration should also be given to redirecting government timber revenues to benefit First Nations, local communities and sustainable forest management, keeping in mind the prioritization required to recognize inherent title/Aboriginal title. These revenues may be used to fund data collection regarding biodiversity and ecosystem health (“BEH”) as well to support ecosystem-based planning and management. This approach has the potential to align economic models with ecological goals (i.e. prioritization of BEH) by creating opportunities for First Nations and local communities to ground their area-based tenures (i.e. community forest agreements) in robust ecosystem-based planning for the management of natural resources.

- 5. Data-Driven Decisions:** What is needed to ensure all decision-makers, including potential investors in BC, have access to transparent data and analytics to support effective and informed choices?

Existing resources should be allocated to ensure that the best available Indigenous and western sources of data regarding biodiversity and ecosystem health (“BEH”) are made available to support effective and informed choices regarding forest management. The Office of BEH, alongside First Nations BEH institutions, will provide the “institutional infrastructure” needed to create a BEH data inventory that will support effective and informed decision-making in respect of forest management activities in the long-term. Best available scientific information may be used in the interim to support effective and informed choices regarding forest management activities.

- 6. Supporting Reconciliation:** What reforms to banking and government support structures are necessary to empower First Nations' full participation in decision-making structures and the forest economy in a way that brings broader society to a new reconciled future?

The Office of Biodiversity and Ecosystem Health (“BEH”), supported by distinct First Nations BEH institutions, provide a pathway for empowering First Nations to participate fully in decision-making structures and in the forest economy in a way that brings broader society to a “new reconciled future”. For example, First Nation BEH institutions could provide capacity to First Nations participating in the development forest landscape plans using an ecosystem-based management approach or in grounding area-based tenures in ecosystem-based planning with respect to the management of local resources.

- 7. Other Critical Factors:** What other enabling conditions are essential for success that we have not listed?

²⁴ See BC Coalition for Sustainable Forest Solutions, *Forest Solutions for Sustainable Forest Communities Act* (private members bill discussion draft, 2003), available on request.

Other enabling conditions that are essential for success that are not listed are interim/immediate measures that will facilitate the paradigm shift that PFAC indicated is needed within forestry to achieve more sustainable forest management. WCEL recommended a number of interim/immediate measures in our submission on PFAC's interim report (i.e. moving old growth deferrals already agreed to into protection). Employing interim/immediate measures to facilitate the needed paradigm shift will assist in "socializing" actors to what this shift looks like on an incremental basis. An incremental approach to the paradigm shift will assist in alleviating fears and building trust as we move towards a vision for BC's forests that is more stable and supportive of resilient communities, economies and ecosystems.

Part 3: Ranking of enabling conditions

Now that you have considered the enabling conditions, how would you rank them in terms of priority, with 1 being most important and 9 being least important:

1. Other Critical Factor #1: interim/immediate measures
2. Data-Driven Decisions
3. Aligning Government Priorities and Resources
4. Supporting Reconciliation
5. Streamlining Systems and Processes for Action
6. Rethinking Economic Models
7. Maintaining Political Consistency

West Coast Environmental Law ("WCEL") notes that there is no means through PFAC's survey platform to provide a rationale for ranking the "enabling conditions" in the way that we have above. We have ranked the enabling conditions in the order of priority indicated above based on measures that are immediately available on an interim basis that will facilitate the needed paradigm shift to measures that will take time to develop, but that will be necessary to sustain the paradigm shift to a more sustainable forest management system in the long-term. However, it is WCEL's position that the enabling conditions indicated above could be accomplished in tandem and not necessarily sequentially.

Thank you for the opportunity to engage with PFAC's review of BC's forests.

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