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July 30, 2020

File No.: 4960-20 PMFL

Via Email: FLNR.Minister@gov.bc.ca; MAH.Minister@gov.bc.ca; IRR.Minister@gov.bc.ca

The Honourable Doug Donaldson
Minister of Forests, Lands,
Natural Resource Operations and
Rural Development
PO Box 9049, Stn Prov Govt
Victoria, BC V8W 9E2

The Honourable Selina Robison
Minister of Municipal Affairs and
Housing
PO Box 9056, Stn Prov Govt
Victoria BC V8W 9E2

The Honourable Scott Fraser
Minister of Indigenous Relations
and Reconciliation
PO Box 9051, Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Donaldson, Minister Robison and Minister Fraser:

Re: *Private Managed Forest Land Act (PMFLA) Amendments*

On behalf of Islands Trust Council, I am writing to voice our concerns that the current provincial *Private Managed Forest Lands (PMFL) Act* is restricting Islands Trust from fulfilling its legislative mandate to preserve and protect the environment of the Trust Area, as mandated in the *Islands Trust Act*. Furthermore, by compromising the ability of the Trust to protect forest ecosystems and green carbon sinks throughout the Trust Area, the current *PMFL Act* is also compromising the Trust's Reconciliation Action Plan and efforts to mitigate and adapt to climate change in the Trust Area.

On June 17, 2020, the Islands Trust Council passed the following resolution:

Trust Council requested the Chair write to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), and the Honourable Selina Robison, Minister of Municipal Affairs and Housing (MAH), and the Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation (MIRR), requesting amendments to the Private Managed Forest Land Act that would enable local trust committees to regulate, but not prohibit, forest activities on land within the Islands Trust Area.

The Islands Trust is a unique, special-purpose local government and must be distinguished from other forms of local government in the Province. Islands Trust Council is concerned that the *Private Managed Forest Land Act* is at odds with the Islands Trust Object specified in the *Islands Trust Act*, which states:

The object of the trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.

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The primary means by which local trust committees and island municipalities fulfil the Islands Trust Object is through land use planning policies and regulation. However, Section 21 of the *Private Managed Forest Land Act* restricts all local governments' authorities, including local trust committees' ability to adopt a bylaw or issue a permit that would restrict forest management activities on land that is private managed forest land. Since the wording in the *Private Managed Forest Lands Act* is vague, these restrictions could apply to ancillary uses that support forest activities, such as worker accommodation, and log sorting and transportation.

The Islands Trust Area is located within the sensitive and biodiverse Coastal Douglas-fir Biogeoclimatic Zone. Protection of forest ecosystems is critical to the sustainability of watersheds, maintenance of local climatic conditions, provision of clean air, and sequestration of carbon. At present, local governments in British Columbia are unable to adopt development permit area bylaws on private managed forest lands to protect the environment, stream riparian areas, wetlands and other endangered and sensitive ecosystems. Development permit areas are a layer of regulatory control that establishes objectives for protection of certain features, and contain guidelines by which landowners can obtain a permit to undertake development. This allows local governments to ensure sensitive ecosystems are protected during the development stage. These schemes currently exclude land that is in the Private Managed Forest Land Program due to Section 21 of the *Private Managed Forest Lands Act*. We are asking that this section be modified to allow local trust committees to work with private managed forest land owners to protect sensitive ecosystems, to regulate dwellings and accommodation (e.g. number, size, setbacks) for forestry and to regulate forestry ancillary uses (such as log processing and sorting).

It is also critically important to highlight that this area is culturally significant to First Nations who have called this place home since time immemorial. Islands Trust is working closely with First Nation governments to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action, and has set out clear goals in the [Islands Trust Reconciliation Action Plan](#). Islands Trust Council has concerns that the current forest management process does not adequately address preservation and protection of cultural heritage, culturally significant forest areas, or harvest rights. Trust Council wishes to ensure that forest areas and ecosystems that rely on those forest areas are protected for future generations and for cultural use.

In March 2019, Islands Trust Council joined First Nations and governments around the world in declaring a Climate Emergency, calling for an urgent response to the threats and costs posed by climate change. Proper management and protection of forest ecosystems and green carbon sinks in the Trust Area, including on private managed forest land, will be critical to the Trust's climate mitigation and adaptation efforts. This is yet another reason why it will be imperative for local trust committees to have the ability to regulate forest activities on PMFL lands within the Islands Trust Area.

In July 2019, Islands Trust Council wrote to the Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, in response to the Ministry's public engagement on the *Private Managed Forest Land Act*. In that [letter](#), Trust Council requested that the PMFL Act require standards that are equivalent to Crown forest land regulations and that Section 21 be amended to allow local governments to regulate, but not prohibit forest management activities. Since that time, Trust Council has not received any meaningful response or indication that our requested amendments are being considered. Nonetheless, we remain committed to working together on necessary amendments to the *Private Managed Forest Lands Act* that will enable us to fulfil our mandate to preserve and protect the Trust Area and to realize Reconciliation and climate action related goals.

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Islands Trust Council looks forward to feedback from each of your Ministries as to how we can work together to resolve this important matter for the benefit of First Nations communities, the Islands Trust Area and the Province of British Columbia.

Yours sincerely,



Peter Luckham
Chair, Islands Trust Council
250-210-2553
pluckham@islandstrust.bc.ca

cc: Islands Trust Area MLAs
Islands Trust Area MPs
BOKÉCEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEL (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵwḵwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SḶÁUTW (T sawout) First Nation
Stz'uminus First Nation
SXIMEŁŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOLELP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
x^wməθk^wəyám Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal Council
Te'mexw Treaty Association
Gulf Islands Alliance
Managed Forest Council
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website