

NICCRD FMLT Meeting #30 –Minutes

January 30, 2020 9:00 am – 3 pm

2217 Mine Road, Port McNeill

Dial-in Information: 1-877-353-9184; 7664179

Attendees: Andrew Ashford (Co-chair), Jon Flintoft (Co-Chair), Tyson Berkenstock, Mike DesRochers, Cyndy Grant, Ione Brown (by phone), Charlotte Mellstrom, Jen Peschke, Kai Sonnenburg, Paul Barolet, Kim Lefebvre, Gary Gallinger (by phone), Shane Simard, Emmarie Leeson, Amy Beetham (facilitator)

Regrets: Christina Mardell, Megan Hanacek, Jon Lok, Tracy Ng

Guests: Richard Grieve (by phone), Fred von Westarp (by phone), Alan Rudson (in-person)

1. **Welcome & Agenda Review** – Andrew welcomed everyone, completed a safety briefing, confirmed the agenda, thanked Kim for bringing snacks, welcomed Emmarie to her first meeting, and observed that we will miss Joe Leblanc who is retiring from Interfor shortly. Andrew noted to Emmarie that as a new member, there is a charter to read and then sign (which she acknowledged and signed before the end of the meeting). On a sad note, we lost member Ivan Tallio to a tragic accident and the FMLT acknowledged the contributions he made.

2. **Adopt October 2, 2019 Meeting Minutes and Review FMLT Action Items**

Minutes were circulated November 27, 2019. No comments were received. Jon reviewed the minutes which were then confirmed.

[https://www.for.gov.bc.ca/ftp/DNI/external/!publish/FMLT Information/Meetings/Meeting%202019/October%202019%20Minutes%20with%20Attachments.pdf](https://www.for.gov.bc.ca/ftp/DNI/external/!publish/FMLT%20Information/Meetings/Meeting%202019/October%202019%20Minutes%20with%20Attachments.pdf)

Table 1: FMLT Action Items Summary

Action Generated	Issue	Responsibility	Due
October 2, 2019	Contact Ben Morton to find out more about the 5-year (2022) ecosystem-based management review process. <i>Email sent October 28, 2019 - see update below.</i>	Andrew Ashford	January 30, 2020 <i>(completed)</i>

The review process is not yet defined. It is on the agenda for both the government to government forums (Coastal First Nations and Nanwakolas) to develop protocols and the process. The Joint Solutions Project is also expected to provide a submission. We do not know what it will look like as it is in development.

3. ***Declaration on the Rights of Indigenous Peoples Act (DRIPA)*** – Presenter: Richard Grieve, MIRR Executive Director, Reconciliation Transformation and Strategies Division

-Summary of the Act: fully in effect as of the end of November 2019; it is a short piece of legislation with only 9 sections; the United Nations Declaration on the Rights of Indigenous People (UNDRIP) is attached to the Act as an appendix, however the legal effect of the Act does not give the articles of UNDRIP legal force and effect; UNDRIP is a non-binding international instrument which courts can look at for interpretational assistance; Cabinet Ministers were given instructions to implement UNDRIP, and the 10 Draft Principles developed by the Province assist ministries as they look at ways to implement UNDRIP; government is very serious about implementing the declaration over time, and expect this process to be generational

-one part of the Act deals with implementing UNDRIP through two provisions; section 3 means that in doing our government work we are guided and must be aware of how our legislation - new and old - may conflict with UNDRIP; need to look at all the laws on the books to bring them into compliance over time; this will be done in cooperation with indigenous peoples (which includes Metis and Inuit peoples)

-second part of the Act is focussed on entering into agreements with indigenous governing bodies; an entity that is authorized to act on behalf of indigenous peoples as recognized under the constitution; based on how they govern themselves, not necessarily Indian Band, society or corporation, for example; this Act does not give the indigenous body any legal entity status

-need to prepare an action plan to achieve DRIPA, which will be done in consultation with indigenous partners; no date for when this is required or will be achieved; it will be made public through the legislative assembly or the clerk; an example of what an action plan might look like would be the 'Concrete Actions' document

(https://news.gov.bc.ca/files/BC_FNLC_Actions.pdf); the action plan is wide-ranging

-there is an annual reporting requirement (June 30th) to speak to how we have done implementing the Act and related action plan including any progress made in alignment of laws, etc.; responsibility of the Minister for the Ministry of Indigenous Relations and Reconciliation; done in consultation and cooperation with indigenous partners

-decision-making agreements can be entered into between the Province and indigenous governing bodies; jointly making a statutory decision (i.e. Haida Gwaii model) or ascertain whether consent has been provided by an indigenous governing body ahead of making a statutory decision (i.e. *Environmental Assessment Act* section 7); will require legislation to be amended to allow for these types of decision-making agreements to be put into place in relation to a statutory decision; Cabinet Minister must seek a mandate

for an agreement, which will be made public through the Gazette, and must consult with a range of stakeholders (such as local governments)

-UNDRIP: language taken at face value; this is an international instrument, written so that whole world can sign onto it, however, each state must contextualize it to their region; in the British Columbia context, provincially, the section related to free, prior and informed consent is not considered veto

-Andrew asked if anyone has experienced a difference in their operations post-DRIPA? Mike has not seen a change in operations, they are continuing to work together with First Nations, developing partnerships, getting the perspective of the Nation, maintaining relationships-whether in a business agreement or not; Shane agrees that he has not seen a big change yet; Richard notes that there has been confusion about the legal effect of the Act and in the spirit of implementing UNDRIP there has been situations where more might have been done; expect to see government consultation policy change over time to further the Act; some people do believe that the Act brings UNDRIP into force which creates confusion and tough conversations for Andrew as a decision-maker, creating an opinion that Andrew 'broke the law' by making a statutory decision without receiving consent

-First Nations Leadership Council are participants

-Tyson notes that there is confusion (news articles) about the effect of DRIPA, so how can we prepare ourselves for changes to come, can we expect something more formal or regular from the province? Richard notes there is a website with some general guidance and where government intends to keep everyone informed

(<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>); nowhere has anyone done the work to speak to what each article means (Hansard Debates provides some insight); this is a work in progress in terms of implementation

-Jon is wondering about the indigenous governing bodies given the Wetsuweten context and how it would play out in determining who is the appropriate governing body when there may be more than one entity speaking on behalf of a First Nation? Richard notes the short answer is that we would not be able to enter into an agreement without some agreement within the First Nation community, a good example in terms of governance is the Broughton Fish Farm agreement which included Band Councils and Hereditary Chiefs; the right to self-determination and self-government is fundamental to UNDRIP

-Andrew has asked Richard for guidance to be created and made available for decision-makers, the public, licensees, etc.; we consult and accommodate based on the Haida principles, there are a number of indigenous nations who feel that the Act now makes

free, prior and informed consent a legal requirement; this may only be resolved through a court case

4. Coast Operational Issues Forum (OIF) (October 10, 2019 and January 23, 2020) Update – Andrew

October 10, 2019

-Provincial Old Growth Management Review: Al Gorley and Garry Merkel developing recommendations to government as an independent panel. Engaging across the province with anyone who wants to talk to them. They have thousands of submissions and will base their recommendations on those and through their lens as professional foresters. They have visited any First Nation community interested in meeting. Part of the mandate is related to defining old growth. Not releasing information as they go. This is not a public opinion poll approach.

-Big Tree Policy: Developing operational flexibility related to the buffer (circles not always the best – control points and safety considerations). The estimate is this policy effects 1,500 trees in B.C., and some could be in already constrained areas too.

-Old Growth Fact Sheet: Vancouver Island focus; these figures are not endorsed by environmental organizations who are using different metrics; expect the Ministry to publish this as a government perspective; (**Action Item: Andrew will confirm whether he can circulate the draft document, and then circulate it if possible.**)

-Federal Fisheries Act: Related to recent changes, the Federal Government feels it is self-explanatory and they are not providing advice; considerations for decision-makers: traditional knowledge, precautionary approach; fish passage elements can affect forestry road operations

-DRIPA presentation

-Company Updates: COFI raised opinion that Coast Revitalization is not bringing certainty; questions about cost competitiveness; 60% of coast operations down (markets and strike)

January 23, 2020

-Coast Forest Revitalization: appraisal training coming March 3-4, 2020; fee-in-lieu for licensees delayed 6 months; 21% reduction in the size of Fibre Recovery Zone and cruise-based permits no longer permitted in that zone; waste manual changes coming summer 2020; big fibre flow issue in relation to the pulp fibre supply

-Provincial Forestry Forum: cost reduction project (pursuing \$30 off delivered wood costs in three months – appraisals are off the table); Mike Hykaway for the Province is working

on an 'ideas' template to collect, monetize and rank ideas from within both government and industry; Tyson has looked at their recent projects to see where they are spending money and where government policy affects their costs; can improve your product (value-added) on the revenue side, while this project is looking at delivery costs; Jen mentioned cost avoidance versus cost reduction conversations at the waste working group; Mike was approached by Fibre who has an algorithm that measures waste volume by drone, different methodology for sampling; target benefactor here? It is a woodlands focus, government wants to understand what the implications are to employment, regional impacts, etc. **(Action Item: Andrew will distribute the template to FMLT members once it is available)**

-Licences of Occupation: concerns raised about differences in process between districts and potential duplication of requirements with Federal requirements; reminder that a replacement is a whole new decision; need to keep in a clean, safe and sanitary condition
- not all log handling sites in our district have been kept in this manner; we are hearing about the importance of these areas from First Nations; First Nation expectation is that the garbage be addressed; sometimes an older Licence of Occupation has not had consultation to the standard of the day; have an obligation to demonstrate that the site is clean safe and sanitary; sometimes sites were previously approved and now has sensitive sites that have recovered (i.e. eel grass) so it raises questions about whether a previously approved site remains the best site and most appropriate land use activity; sliding scale based on the specifics of the site

-*Forest Act* section 131: provides government certainty around stumpage being paid (referred to as follow-the-wood); what this has meant is if a licensee doesn't pay stumpage then the mill who received the logs has had to pay; interpretation could be that any person who has dealt in a transactional way in the wood has to pay (i.e. scaler, broker, etc.); if you're part of the transactional process then no, you are not subject to this section; this is a financial legal liability for those who receive the wood

-Stumpage Update (Al Bennet): now a lumber-based rather than log-based approach; variable fee-in-lieu change; focussed on trying to feed the pulp market using alternative scale methods to provide that flexibility (Mary Mitchell is your contact); changes to the Waste Manual to try and incent more timely waste reporting

-Professional Governance Office (Paul Craven): working on regulations for the *Professional Governance Act* and getting the office up and running; consulting foresters on OIF raised concerns about costs associated with professional reviews, etc.; conversation that perhaps they will establish rosters of competent professionals you could call on for peer review; expectation that the regulations will define professional forestry

-Provincial Forestry Forum Update (Les Kiss): changes coming July 2020 to the Manufactured Lumber Regulation (under the *Forest Act*) is considered a major concern; some mills could go down as a result of these regulatory changes; Tyson notes this could have a big effect on the cedar market, and on the central coast; noted that Doug Kelly is the Acting Director for Tenures Branch; effectiveness of OIF (around the province) and membership was discussed

-DRIPA

-Marine Planning Processes: Federal Oceans Protection Plan relates to marine transport and safety (link: <https://www.tc.gc.ca/en/initiatives/oceans-protection-plan.html>); Andrew is wondering if there are effects on moving logs? uncertainty in the room so something to consider

5. What's going on out there? What is keeping you up at night? Around the table discussion of top of mind issues/interests.

-Jon: lots of exciting change is still underway, working on analysis of silviculture projects; keeping up with legislative changes is keeping them busy; got burn plan approved by the Fire Centre last year and were told we could not use planting boxes as an ignition source, still trying to find out why not?; utilization and secondary manufacturing is encouraging – should lead to less burning

-Andrew: in December our Minister met with contractors, Mayors, and indigenous communities in relation to the strike, and interestingly during these meetings they also heard about old growth concerns at many of these venues

-Tyson: concerned about the old growth review and the huge information disparity in the public and everyone's obligation to educate to the degree they are comfortable; recognizing increased resource allocation to First Nations and need to fill the huge educational gap in terms of how forestry works; Jen notes they have First Nations interns to help address this situation too and thinks this has been a great opportunity

-Shane: DRIPA implementation and effects, seems like it will be a slower process

-Kai: with Joe retiring, focus is environmental monitoring system (EMS) and other new roles

-Emmarie: happy to be here; thinking about the old growth review a lot; would remove the acronyms from any public brochure

-Jen: old growth review and work curtailment; keeping busy with waste and salvage; attended the woody debris workshop yesterday; thinking about the spring plant (a million and a half trees to find places for); member discussion that Seedling Services are asking BCTS to reduce the size of their stock – will consider this next fall

-Charlotte: landscape reserve design (LRD) completion timelines - challenging time getting any done; keeping on top of legislative changes, especially Federal legislation; joint practice guidelines for bridges and lifecycle of structures and reviewing internal processes for consistency

-Ione: part of the Association of BC Forest Professionals Annual General Meeting (ABCFP AGM) host committee and is feeling anxious; so many things happening and keeping current is important, and wondering what are things going to look like in 1 year or 5 years?; curious about increased public input and pressure on District Managers to look at public input (in relation to *Forest and Range Practices Act* (FRPA) changes); Andrew understands there will be communication / guidance information in relation to the FRPA changes; Andrew says the FRPA changes are adding a big level of discretion for decision-makers that we have not seen since Forest Practices Code days; UNDRIP-related current and future changes have her attention; anxious about the North Island Timber Supply Area Timber Supply Review (NITSA TSR)

-Gary: in terms of forestry, frosting his pickle is the *Federal Fisheries Act* and no training available, and marine planning and some crazy sounding stuff coming out of that; there is competing provincial legislation around burning requirements that are at loggerheads, making it tougher to burn; Andrew has heard some places around the province have only 7-8 available days to burn given the requirements; Pacific Institute for Climate Solutions centred out of University of Victoria do work on climate research and Gary recommends reviewing their research and analysis

(https://pics.uvic.ca/sites/default/files/Primer_Workshop%20on%20forest%20carbon%20management%20in%20BC.pdf)

-Kim: anxiety over so many changes and whether I am missing any of the changes, this is a good forum and appreciate having it; stacks of things to read these days and maintaining competency; worried about the effect of the USW-WFP strike on the community and what will end the strike; company is involved in waste and a Forest Enhancement Society project and community wildfire protection and fuel treatment for Woss; Kim notes that Katherine Willis is getting the Distinguished Forester Award next week and Barb Drennan is getting the Forest Technologist of the Year Award

-Cyndy: concerned about the USW-WFP strike; started a new job as a Land & Resource Specialist; the reconciliation component of the job lights me up; concerning is the interpretation of the *Federal Fisheries Act* and watching how it is applying operationally in terms of project review

-Paul: echoes the perfect storm right now - prices, strike, old growth, Big Tree policy, etc. and how some of these changes will trigger Forest Stewardship Plan amendments and the associated workload for clients and government; knotweed is near and dear to his heart, treated Nimpkish (761 treatment hours last year and need 30% more time

than that this year), what about numerous other areas requiring treatment? Kim notes that the Regional District of Mount Waddington is doing some work this year (focus will be towns and municipalities); Paul notes there is a NITSA TSR data package coming to the District Manager soon

-Amy: concerned about a resolution to USW-WFP strike; as of June 2020, will have an entirely new team which is exciting and challenging given all the changes taking place

-Mike: putting a lot of energy into LRD; will be attending the ABCFP AGM to heckle Ione; ABCFP webinar series for climate change is posted

6. On the Radar –

- Pulp Fibre Supply: there is a provincial interest to keep pulp mills running, is there anything out there that could be done? lay out roads to be conducive to secondary harvesters (chip producers) as grade can be challenging and turnarounds are needed (up to 30% of blocks affected); challenge is deactivation timing (5-year road planning is a possible solution); the WFP strike makes it difficult in the short-term locally
- FP Innovations Woody Debris Management Workshops: are happening this week, some members went yesterday, others are attending tomorrow in Port McNeill; Jen thought it was well done and included good speakers on a variety of topics: feedstock, alternative scaling, Forest Carbon Initiative, types of arrangements and agreements, different applications, fibre recovery zone, etc.
- Old Growth Strategic Review - submissions and questionnaire open until 4 pm January 31, 2020 (<https://engage.gov.bc.ca/oldgrowth>)
- Truck Loggers – feedback from attendees was that it was slower and quieter than previous years, the tone was not invigorating and lots of frustration expressed; John Rustad spoke as the opposition critic, Premier Horgan and Minister Doug Donaldson spoke as well; Russ Taylor a market economist focussed on global wood markets spoke to Asian markets being flooded with European timber and China building mills in Russia – BC plays a relatively small role in the global market; there was a public opinion pollster asking British Columbians about forestry which was fascinating – the gist is that they think forestry is an important economic generator but they also don't like it; less attendees overall
- Forestry awareness outreach to local educators: Cyndy says in September they started thinking about what to do for National Forestry Week and proposed to target teachers rather than students this year; wanted to ask teachers what would be beneficial for professional development and then provide that; Charlotte and Andrew had a careers in forestry presentation at the high school

(Grades 8, 10, 12); had 5 really engaged teachers attend a session; Forestry Academy half-day session and replicated the pro-d session; there is another opportunity on May 8, 2020 for a pro-d session, a Festival of Forestry – type session with a bus and lunch; wondering if there is an appetite to participate within the FMLT? - generally yes for BCTS, Strategic, WFP; **Action Item: Cyndy will contact those with interest in early March to begin planning.**

7. **Working Group Update** – Large Cutblocks under VILUP

-Kim noted they met in November, have edited the document, and there is one final review within the working group to complete; **Action Item: The working group will provide the final edited draft guidance document to Amy for circulation to the broader FMLT prior to the next meeting in April.**

8. **Post-harvest Appraisal Reconciliation Method (PHARM)** – Fred von Westarp, Coast Area Pricing Business Analysis Forester (by phone) and Alan Rudson, Coast Area Pricing Section Head (in-person)
-PowerPoint presentation

Andrew - How is the interior process going – any learnings for the coast? AI – the model is a little different in the interior in that there is more scrutiny of the original submission up-front and a secondary certification is possible, which is not part of the coastal process; Andrew – Will the second submission be electronic or a big paper package full of invoices and time cards? AI – an ECAS submission is envisioned, but a mixed bag of electronic and paper submissions is possible; it is important to submit quality work in the initial appraisal submission to prevent surprises/differences at post-harvest; interaction with *Forest Act* section 131? Finance could come back to you with a bill or refund and it could change things, especially if there is a shortfall; uncertain effects on Forest Consultation and Revenue Sharing Agreement model? People are putting in appraisals now, what can we expect in terms of accuracy? AI- Historically on the coast there has been an average error of 1.1%, or \$16,000; all the measurements should be more precise, and expect less mistakes; the timber cruise does not get reconciled; 50% of post-harvest will get office scrutiny and a portion of those will also be field-inspected; we will not be doing a comparison between the initial submission and the post-harvest submission
-there is PHARM training coming up (room for 110 in Campbell River – 90 registered to date); 1 ½ day deep dive; currently more room in the Nanaimo session; this is joint training for ministry and industry staff

-PHARM is designed to be neither a revenue generator nor a subsidy; licensees believe it will be a significant cost compared to the previous system
-Tyson asked if it is the intent of PHARM to proof the model? Fred described that the intent is to move away from estimates towards actual costs and also to further professional reliance

9. **Next Meeting** – Suggestions for April (field) meeting and setting the date

-ideas: post-harvest appraisal (Mosaic) and discussion about how the planned March training went; final ratification of the Large Cutblocks under VILUP working group document; Discussion about whether we are managing watersheds well? Burning regulation; forest carbon cycle and climate change; Woss fuel reduction treatment area; field visit wildfire sites from 2018; section 108

-date: **April 22, 23, 2020**

-Note: will also consider a fall field trip if it appears that a spring field trip proves challenging

10. **Closing and check-in**

-great to be involved at FMLT; liked the PHARM presentation; good meeting and recognition that the strike is making things difficult and is symptomatic of conditions; learned a lot; topical discussion; good meeting; good participation, everyone brought something; disappointed Joe wasn't here for a send-off; good diverse group; appreciate the discussion, don't prefer to attend by phone, learned a lot; well-organized, good content, thanks for the humour; enjoy learning something new every time and my team appreciates hearing the information when I get back to the office; will miss Ivan's First Nation's perspective and from the Bella Coola area; it's nice to bring everyone together to discuss different perspectives, interesting topics; I have ended up with a reading list; great value to listen to different perspectives; appreciate the enthusiasm and participation in the room, and taking off our company hats