

# Province of British Columbia

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Population: 4,623,000<sup>1</sup>

Area: 95 million ha

Forests: 55 million ha

Ownership/allocation of forested lands:

Public: 52 million ha (95%)

Private: 3 million ha (5%)

Public forest land subject to forest management agreements: 22 million ha (timber harvesting land base)

Parks and protected areas: 14.1 million ha or 14.8%, plus another 14% in special management zones.

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## 1. Description:

British Columbia (BC) is on the western coast of Canada, bordering the Pacific Ocean. BC is Canada's most biologically and ecologically diverse province. The province's forests are 91% softwood, giving BC almost half of Canada's softwood inventory. Commercially important species include hemlock, Douglas-fir, balsam, pine, spruce, larch, and cedar. Publicly owned forests account for 95% of BC's forests, with the remaining 5% under private ownership.

BC's largest forest product export markets are the United States (38.3%), China (32.8%), Japan (11.6%), and the European Union (5.5%). Total forest product export sales in 2011 were \$9.9 billion<sup>2</sup>. British Columbia is the world's largest exporter of softwood lumber (2011).

## 2. Forest governance:

### Public lands:

About 95 per cent of BC's 55 million hectares of diverse forests are publicly owned, and priorities for the use of these lands are developed through community based strategic land and resource management planning. Comprehensive land use planning involves British Columbians in decisions that determine how public lands will be used today and in the future, and how resources will be managed to benefit current and future generations.

The foundation of sustainable forest management in BC is the timber supply review through which BC's independent chief forester is required by law to determine how much wood can be harvested from each of the province's 70 management units. This process involves a detailed analysis of 200 year fibre supply projections, public comment and consideration of

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<sup>1</sup> BCStats, October 2012, <http://www.bcstats.gov.bc.ca/Home.aspx>

<sup>2</sup> Statistics Canada

non-timber values, and it ensures that the harvest level is based on the latest information, practices and policies – economic, environmental and social. About 22 million hectares comprise the timber harvesting land base.

Under the Forest Act, the government can issue various forms of long and short term tenure agreements (licenses) for Crown timber. The agreement holders can be forest companies, communities, individuals or First Nations.

All timber harvesting operations under these agreements, on public lands, must comply with the results-based *Forest and Range Practices Act*. The Act requires that forest stewardship plans document how activities will be consistent with objectives set by government for soils, timber, wildlife, water, fish, biodiversity, recreation resources, visual quality and cultural heritage resources. Before each plan is approved by government, companies must invite and consider public and First Nations comments. The Act also specifies requirements related to activities such as road construction, forest health, and reforestation (silviculture).

As per the *Forest Act*, before any logging can begin on public lands, a company must be issued a cutting permit by government, setting out the boundaries of the area approved to be harvested. Timber from both public and private lands is tracked to ensure there is no illegal harvesting and to keep track of payments to government. Possession of unmarked or incorrectly marked timber can lead to fines of up to \$500,000 and imprisonment of up to two years.

British Columbia is home to many nationally and internationally significant natural and cultural values. Through the establishment of parks, ecological reserves and protected areas, an important first step has been undertaken to ensure that these values are afforded legal protection. The legal framework for protecting these important areas includes the *Protected Areas of British Columbia Act*, *Park Act*, *Ecological Reserve Act* and *Environment and Land Use Act*.

#### Private lands:

About 3 million hectares of BC's forests (5%) are privately owned. Of these 3 million hectares, over 908,000 hectares is classified as Managed Forest. Other classifications include forested residential and forested farmland. There are an estimated 20,000 private forest owners in BC.

All private Managed Forests must be managed in accordance with the *Private Managed Forest Land Act* and associated Regulations. The regulations specify the required forest practices related to soil conservation, protection of water quality, protection of fish habitat, and reforestation.

The Private Managed Forest Land Council is an independent provincial agency established under the *Private Managed Forest Land Act* to administer the Managed Forest Program and protect key public environmental values on private Managed Forest land in BC. This includes the setting and monitoring of forest practices standards, performing audits and enforcing standards.

### **3. Forest management legislation and regulations:**

#### Public lands:

British Columbia's sustainable forest management and forest areas are governed by the following BC Acts and Regulations administered by the Ministry of Forests, Lands and Natural Resource Operations.

Primary BC Acts and Regulations governing Crown forest land:

- [Forest Act](#)
  - [REGULATIONS:](#)
    - [Advertising, Deposits, Disposition And Extension Regulation](#)
    - [Allowable Annual Cut Administration Regulation](#)
    - [Annual Rent Regulation](#)
    - [BC Timber Sales Regulation](#)
    - [Community Tenures Regulation](#)
    - [Cut Control Regulation](#)
    - [First Nations Tenure Regulation](#)
    - [Forest Accounts Receivable Interest Regulation](#)
    - [Forest Licence Regulation](#)
    - [Forest Revenue Audit Regulation](#)
    - [Forestry Licence to Cut Regulation](#)
    - [Interest Rate under Various Statutes](#)
    - [Log Salvage Regulation for the Vancouver Log Salvage District](#)
    - [Manufactured Forest Products Regulation](#)
    - [Minimum Stumpage Rate Regulation](#)
    - [Scaling Regulation](#)
    - [Special Forest Products Regulation](#)
    - [Timber Definition Regulation](#)
    - [Timber Harvesting Contract and Subcontract Regulation](#)
    - [Timber Marking and Transportation Regulation](#)
    - [Tree Farm Licence Management Plan Regulation](#)
    - [Woodlot Licence Regulation](#)
  
- [Forest and Range Practices Act](#)
  - [REGULATIONS:](#)
    - [Administrative Orders and Remedies Regulation](#)
    - [Administrative Review and Appeal Procedure Regulation](#)
    - [Forest Planning and Practices Regulation](#)
    - [Forest Practices Board Regulation](#)
    - [Forest Recreation Regulation](#)
    - [Forest Service Road Use Regulation](#)
    - [Fort St. John Pilot Project Regulation](#)
    - [Government Actions Regulation](#)
    - [Invasive Plants Regulation](#)
    - [Security for Forest and Range Practice Liabilities Regulation](#)
    - [Woodlot Licence Planning and Practices Regulation](#)

British Columbia provincial parks and protected areas are governed by the following Consolidated Acts and Regulations:

- [\*Protected Areas of British Columbia Act\*](#)
- [\*Park Act\*](#)
  - [\*Park, Conservancy and Recreation Area Regulations\*](#)
- [\*Ecological Reserve Act\*](#)

Compliance monitoring, enforcement and penalties:

Ministry of Forests, Lands and Natural Resource Operations (FLNRO) staff are primarily responsible for assessing and ensuring compliance with forestry laws and documentation requirements.

The Compliance and Enforcement Branch, including Natural Resource Officer field staff, form the law enforcement arm of FLNRO. The main purpose of the Branch is to ensure that forestry laws are being followed, and to take action where they are not. Compliance and Enforcement staff deal with all forest crimes including illegal logging, but also notably contraventions of British Columbia's sustainable forest management practices regulations. Where there is evidence of a contravention, an investigation is conducted, which may lead to the issue of a violation ticket, penalty, or other enforcement action. The most serious forest crimes are prosecuted through the court system.

Legislation that defines offences and penalties, particularly related to illegal harvesting, is as follows:

- Under the *Forest Act* – Section 163 defines penalties for such offences as failure to mark or scale timber, fraudulent marking or scaling, transporting of unscaled timber without permission, exporting logs without authorization, and more. Penalties range from fines of \$5,000 to \$500,000 and imprisonment of 6 months to 2 years.
- Under the *Forest and Range Practices Act* – Section 87 defines penalties for such offences as unauthorized harvesting, damaging the environment, failure to prepare required plans prior to harvesting, failure to achieve the results of plans, failure to properly reforest a harvested site, improper road construction and maintenance, and more. Penalties range from fines of \$5,000 to \$1 million and imprisonment of 6 months to 3 years. The Act allows the maximum penalty to be imposed if the offense is unauthorized timber harvesting.
- Under the *Forest and Range Practices Act* – Section 67 permits an official to seize timber (including seizure of the vehicle or vessel used to transport) that is in contravention of sections of the *Forest Act* or *Forest and Range Practices Act* dealing with unauthorized harvest, scaling, timber marking, transportation, export outside of BC, or payments owing to the Crown.
- Under the *Administrative Orders and Remedies Regulation* the Minister of FLNRO can levy administrative penalties and issue various orders with respect to contraventions of the *Forest Act*, the *Forest and Range Practices Act*, and their associated regulations.

In addition to the compliance and enforcement activities undertaken by the BC government, BC has an independent authority, the "Forest Practices Board" as set out under Part 8 of the *Forest and Range Practices Act*. By law, the board must audit government and industry forestry practices and the appropriateness of government enforcement. It must deal with

complaints from the public regarding forest practices and the appropriateness of government enforcement. In addition, it may appeal enforcement decisions and penalties imposed by government, seek review of government decisions to approve plans for forestry operations, and carry out special investigations. For more information see the Board's website: <http://www.fpb.gov.bc.ca/>

Enforcement of federal regulations is conducted by other regulatory agencies, including Environment Canada and Fisheries & Oceans Canada.

#### Private lands:

The Private Managed Forest Land Council is an independent provincial agency established under the *Private Managed Forest Land Act* to administer the Managed Forest Program and protect key public environmental values on private Managed Forest land in British Columbia. This includes the setting and monitoring of forest practices standards, performing audits and enforcing standards.

All timber harvested from private lands in BC must comply with the *Forest Act* provisions dealing with timber scaling, marking and transportation. The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) staff are responsible for assessing and ensuring compliance with the *Forest Act* requirements.

Primary BC Acts and Regulations governing private forest land:

- [Private Managed Forest Land Act](#)
  - [REGULATIONS:](#)
    - [Private Managed Forest Land Council Matters Regulation](#)
    - [Private Managed Forest Land Council Regulation, 2007](#)
    - [Private Managed Forest Land Regulation](#)
- [Forest Act](#)
  - [Timber Marking and Transportation Regulation](#)

Enforcement of federal government regulations on private forest land is conducted by other regulatory agencies, including Environment Canada and Fisheries & Oceans Canada.

#### **4. Timber processing legislation and regulations:**

In British Columbia, all harvested Crown and private timber is tracked. All private and Crown timber must be scaled before it is processed. Tracking all harvested timber is essential to ensure that there is no illegal harvesting and that money owing to government for Crown timber (stumpage) is completely and accurately invoiced. To provide this assurance, the Ministry of Forests, Lands and Natural Resource Operations has a number of controls in place for timber harvested from Crown land. These include:

- Each harvest area has a unique timber mark which, among other things, identifies the area of harvest, the stumpage rate, and the authorized licensee in the case of Crown timber, or the landowner in the case of private timber. Before timber is removed from the harvest area, it must be physically stamped or painted with the correct timber mark.
- Failure to obtain a registered timber mark or possession of unmarked or incorrectly marked timber is subject to severe penalty.

- All timber in transport must be accompanied by a load slip, which carries essential information describing the load, its source and its destination.
- Timber can only be delivered to scale sites that have been designated and authorized by the Ministry. For these sites, the Ministry sets all conditions of scaling. Timber can be scaled only by scalers who are licensed and authorized by the Ministry.
- The timber mark is used to identify harvested timber from cut block through to scaling and invoicing to provide a complete audit path and ensure that no harvested timber is unaccounted.
- All transport activities, scaling, and processing of scale data is subject to check-scaling, scale site inspections, data review, and audit.
- Accurate records are required to be kept by anyone who: buys or sells timber, or products manufactured from timber, or operates a timber processing facility in the province. These records must be available for inspection by the Ministry.

Legislation:

- [Forest Act](#)
  - [REGULATIONS:](#)
    - [Log Salvage Regulation for the Vancouver Log Salvage District](#)
    - [Manufactured Forest Products Regulation](#)
    - [Minimum Stumpage Rate Regulation](#)
    - [Scaling Regulation](#)
    - [Timber Marking and Transportation Regulation](#)

## **5. Other relevant legislation:**

In addition to the public and private forest land legislation in BC, numerous other pieces of provincial legislation apply to forest management activities including the *Heritage Conservation Act*, *Integrated Pest Management Act*, *Water Act* and *Wildfire Act*.

In addition to provincial acts related to the management of wildlife and wildlife habitat, BC must follow all relevant federal legislation; notably BC provides special consideration for species at risk under Canada's *Species at Risk Act*, and for fish and fish habitat under Canada's *Fisheries Act*.

## **6. Forest certification:**

British Columbia has more certified forest land than any other jurisdiction in the world, with the exception of Canada as a whole. As of 2012, BC has 52 million hectares certified to at least one of these three certification programs: 47 percent to the Canadian Standards Association (CSA), 49 percent to the Sustainable Forestry Initiative (SFI) and 4 percent to the Forest Stewardship Council (FSC)<sup>3</sup>. The CSA and SFI programs are both endorsed internationally by the Programme for the Endorsement of Forest Certification schemes (PEFC).

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<sup>3</sup> [Certification Status Report, British Columbia-SFM-Year End 2012](#). [www.certificationcanada.org](http://www.certificationcanada.org)

## 7. Public engagement in forest management:

Forests have been economically, culturally and spiritually significant to First Nations (Aboriginal people) for thousands of years. First Nations rights are protected under Canada's Constitution. The Crown (both Federal and Provincial) also has a duty to consult with Aboriginal peoples in circumstances where Crown conduct may adversely affect Aboriginal rights. The consultations must be meaningful and conducted in good faith. In certain cases, the consultation process may result in a duty to accommodate Aboriginal interests (e.g., changes to the design of a project, economic benefits such as resource sharing and job creation, and community benefits).

Public participation is an essential component of BC's sustainable forest management of our public forest lands. It begins with public involvement in the strategic land use plans and continues through to the operational plans of forest companies. Under the *Forest and Range Practices Act* before a Forest Stewardship Plan is approved by government, the license holder is required make the plan available for review and comment by other stakeholders, the public and First Nations.

Many licensees have voluntarily convened public advisory committees from the local community to provide advice on their sustainable forest management practices, often in association with their third-party forest certification.

In 1994, an independent study by Dr. Cashore of Yale University, comparing forest policy and regulations across 38 jurisdictions<sup>4</sup> around the world confirmed that in British Columbia there are a wide number of institutionalized, formal procedures to ensure compliance with BC policy. This study also concluded that BC's policies and practices are among the most stringent in the world.

Similarly, in 2009, an independent study by the Finnish research company Indufor Oy<sup>5</sup>, compared forest legislation and forest certification schemes in 11 jurisdictions around the world. Two of their key conclusions were:

- "Canada (British Columbia and Ontario) and Australia (New South Wales) are the countries with the most demanding legislation on the studied elements" and
- "the strength of the legislation contributes to the strictness of the standard more than does the type of the standard (FSC or PEFC)."

These studies reaffirm the fact that BC continues to be a leader in practicing legal and sustainable forest management.

For more information on British Columbia's forest management visit [www.gov.bc.ca/for/](http://www.gov.bc.ca/for/) or [www.naturallywood.com](http://www.naturallywood.com).

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<sup>4</sup> Comparing British Columbia with the World (2004) – Summary  
<http://www.naturallywood.com/sites/default/files/Comparing-British-Columbia-with-the-World-2004.pdf>

<sup>5</sup> Indufor Oy, 2009, Comparison of Selected Forest Certification Standards - Summary  
<http://www.naturallywood.com/sites/default/files/Comparison-selected-forest-certification-standards-summary.pdf>