



1001 – 207 West Hastings
Vancouver, BC V6B 1H7
www.wcel.org

tel: 604.684.7378
fax: 604.684.1312
toll free: 1.800.330.WCEL (in BC)
email: admin@wcel.org

West Coast Environmental Law DEREGULATION BACKGROUNDER

Changes to the *Forest Act* and *Forest Practices Code* (Bills 22 & 35 – 2002)

On April 8, 2002, the government introduced Bill 22, the *Sustainable Resource Management Statutes Amendment Act*. Bill 22 received Royal Assent April 11th. On April 16th the government introduced Bill 35, the *Deregulation Statutes Amendment Act*. Both contain significant changes to the Forest Practices Code and Bill 35 contains important changes to the Forest Act. The changes:

- Remove environmental oversight of logging plans in community watersheds
- Remove environmental oversight of biodiversity objectives in forestry planning.
- Allows the Chief Forester to postpone allowable annual cut determinations up to 10 years.
- Eliminate Code requirements for stand management plans for thinning spacing or fertilizing second growth forests.

Background:

The government has promised a white paper and extensive consultation prior to the introduction of a new “results based” Forest Practices Code. An announcement of that process is expected within the month. Despite this promise Bills 22 and 35 make major changes to the Code.

Impact

Environmental oversight: Both Bills continue the trend of reducing oversight by environmental officials, either eliminating it outright or placing it in the hands of the line ministry. Bill 35 repeals the Code section requiring environmental official approval of logging and road building in community watersheds. While the Vancouver and Victoria watersheds are not impacted, rural watersheds where water quality is often an issue will be affected, such as in the Okanagan and Kootenays.

Bill 22 authorizes the Minister of Sustainable Resource Management (MSRM) to set biodiversity objectives, previously set regionally by Forest Service and Ministry of the Environment officials. With MSRM’s more explicit economic development mandate, and wildlife management now under a different ministry (MWLAP), this change reduces wildlife protection. As well Bill 22 repeals requirements for environmental official approval of biodiversity objectives once set. Together these amendments mean a real reduction of environmental oversight of wildlife concerns in logging areas.

Sustainability: Bill 35 allows the Chief Forester to postpone allowable annual cut determinations for up to 10 years where he feels those determinations will not change significantly. Key to this change is the quality of the timber inventory data underlying the determinations. Inventory quality is not consistent across BC and where data is of poor quality an extension may prolong unsustainable cut levels.

Forestry planning: Bill 35 repeals Code requirements for stand management plans for thinning, spacing or fertilizing second growth forests. Second growth forest management may be compromised without these plans and oversight. Also, special management zones for wildlife could be compromised with a “one size fits all” approach. With the elimination of this level of planning, only two of the original six planning levels in the Code are left. Some officials have indicated that the government is considering reducing this to one general high-level plan.