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**General Purposes Committee**

**Council Chambers, City Hall  
6911 No. 3 Road**

**Monday, April 19, 2021  
4:00 p.m.**

Pg. #      ITEM

MINUTES

**GP-4**      *Motion to adopt the **minutes** of the meeting of the General Purposes Committee held on April 6, 2021.*



DELEGATION

1. Nancy Small, CEO, Tourism Richmond, to provide Tourism Richmond's Annual Update.

FINANCE AND CORPORATE SERVICES DIVISION

2. **MUNICIPAL AND REGIONAL DISTRICT TAX (MRDT) FIVE YEAR RENEWAL 2022-2027**  
(File Ref. No. 08-4150-03-06) (REDMS No. 6616108)

**GP-10**

**See Page GP-10 for full report**

*Designated Speaker: Katie Ferland*

STAFF RECOMMENDATION

- (1) *That staff prepare an application to the Province of British Columbia for the renewal of the three percent (3%) Municipal and Regional District Tax (MRDT) for an additional five-year period from July 1, 2022 to June 30, 2027; and*
- (2) *That a bylaw be drafted requesting that the Province of British Columbia levy the Municipal and Regional District Tax (MRDT) on the municipality's behalf for the purposes of delivering tourism marketing and development services during the period from July 1, 2022 to June 30, 2027.*



COMMUNITY SAFETY DIVISION

3. **PROPOSED NEW SOIL DEPOSIT AND REMOVAL BYLAW NO. 10200**

(File Ref. No. 12-8080-12-01) (REDMS No. 6629457)

GP-19

See Page GP-19 for full report

*Designated Speaker: Carli Williams*

STAFF RECOMMENDATION

- (1) *That each of the following Bylaws be introduced and given first, second and third readings:*
  - (a) *Soil Deposit and Removal Bylaw No. 10200;*
  - (b) *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10192;*
  - (c) *Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10193; and*
  - (d) *Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10194.*
- (2) *That staff report back to Council in two years to provide a status update regarding the implementation and enforcement results following adoption of Soil Deposit and Removal Bylaw No. 10200.*
- (3) *That the Consolidated 5 Year Financial Plan (2021-2025) be amended to include the temporary Soil Bylaw Officer position, which will be funded by an increase in permit and volume fees.*



Pg. # ITEM

4. **BC POLICE ACT REFORM**  
(File Ref. No. 09-5355-00) (REDMS No. 6649966)

GP-84

See Page GP-84 for full report

*Designated Speaker: Mark Corrado*

STAFF RECOMMENDATION

*That the feedback set out in the staff report titled “BC Police Act Reform”, dated March 28, 2021, from the General Manager of Community Safety, be approved for submission to Special Committee on Reforming the Police Act.*

PLANNING AND DEVELOPMENT DIVISION

5. **REPORT FROM THE CITY CITIZEN REPRESENTATIVES ON THE VANCOUVER INTERNATIONAL AIRPORT AERONAUTICAL NOISE MANAGEMENT COMMITTEE (YVR ANMC) FOR 2020**  
(File Ref. No. 01-0153-04-01) (REDMS No. 6628674)

GP-91

See Page GP-91 for full report

*Designated Speaker: John Hopkins*

STAFF RECOMMENDATION

*That the staff report titled “Report from the City Citizen Representatives on the Vancouver International Airport Aeronautical Noise Management Committee (YVR ANMC) for 2020”, dated March 17, 2021, from the Director, Policy Planning, be received for information.*

COUNCILLOR HAROLD STEVES

6. **RESOLUTION SUPPORTING OLD-GROWTH FORESTS**  
(File Ref. No.)

GP-100

See Page GP-100 for background materials

**General Purposes Committee Agenda – Monday, April 19, 2021**

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Pg. #

ITEM

RECOMMENDATION

*That the City of Richmond endorse and support the old-growth forest resolution passed by the City of Port Moody on March 23, 2021.*

ADJOURNMENT





## General Purposes Committee

Date: Tuesday, April 6, 2021

Place: Council Chambers  
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair  
Councillor Chak Au  
Councillor Carol Day (by teleconference)  
Councillor Alexa Loo (by teleconference)  
Councillor Bill McNulty (by teleconference)  
Councillor Linda McPhail (by teleconference)  
Councillor Harold Steves (by teleconference)  
Councillor Michael Wolfe (by teleconference)

Call to Order: The Chair called the meeting to order at 4:02 p.m.

### AGENDA ADDITION

It was moved and seconded  
*That Food Trucks in Steveston be added to the agenda as Item No. 5.*

**CARRIED**

### MINUTES

It was moved and seconded  
*That the minutes of the meeting of the General Purposes Committee held on March 15, 2021, be adopted as circulated.*

**CARRIED**

**General Purposes Committee**  
**Tuesday, April 6, 2021**

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**COMMUNITY SAFETY DIVISION**

1. **APPLICATION TO AMEND LIQUOR MANUFACTURER LICENCE # 306407 TO INCLUDE A LOUNGE ENDORSEMENT - 0873663 BC LTD DOING BUSINESS AS: COUNTRY VINES - 12900 STEVESTON HWY.**

(File Ref. No. 12-8275-30-001) (REDMS No. 6625428)

It was moved and seconded

*(1) That the application from 0873663 BC Ltd., doing business as, Country Vines, for an amendment to Liquor Manufacturer Licence # 306407 to operate its winery manufacturing facility to include an outdoor Lounge endorsement at the premises located at 12900 Steveston Hwy., be supported for:*

*(a) Outdoor Lounge with total person capacity set at 65 persons;*

*(b) Proposed hours of liquor sales from Monday to Sunday, from 10:00 AM to 10:00 PM; and*

*(2) That a letter be sent to Liquor and Cannabis Regulation Branch, which includes the information attached as Appendix A, advising that Council recommends the approval of the licence amendment for the reasons that this amendment has been determined, following public consultation, to be acceptable in the area and community.*

**CARRIED**

**ENGINEERING AND PUBLIC WORKS DIVISION**

2. **ACCELERATED FLOOD PROTECTION PROGRAM CONCEPT AND FLOOD PROTECTION RATE STRUCTURE REVIEW**

(File Ref. No. 10-6060-04-01) (REDMS No. 6627045 v. 5)

In reply to queries from Committee, staff noted that (i) increases to the utility rates would be brought forward for Council consideration through the annual budget process, (ii) currently the utilities generate approximately \$13M per year, (iii) there is no immediate necessity to accelerate the program; however, the City would be in a better position should sea level rise, (iv) currently there is approximately \$28M in the utility reserve, (v) environmental staff positions have been accounted for in the calculations; however, the scope of the work requires additional review to determine cost, (vi) due to the pandemic in 2020 Council delayed the utility rate increases, and (vii) an in depth review of single-family residents on agricultural land will be undertaken within the next year.

**General Purposes Committee**  
**Tuesday, April 6, 2021**

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Discussion took place on ensuring that sufficient public consultation is conducted to allow the community to provide feedback and proceeding with the increase immediately is necessary as maintenance of the dikes is important.

It was moved and seconded

- (1) *That a target annual revenue level of \$30 million by 2031, for the Drainage and Diking Utility, be endorsed for use in future utility budget planning in order to support Option 1 – 50 Year Implementation Period for an accelerated flood protection program; and*
- (2) *That new rate classes be introduced for the Drainage and Diking Utility as presented in Table 2 of the report titled “Accelerated Flood Protection Program Concept and Flood Protection Rate Structure Review” dated February 26, 2021 from the Director, Engineering and be incorporated in the preparation of the 2022 utility budget and rates.*

The question on the motion was not called as discussion took place on delaying the increase of utility rates and as a result, the following **amendment motion** was introduced:

It was moved and seconded

*That the following items be added as Parts (3) and (4):*

- (3) *That a public consultation and communication plan be developed; and*
- (4) *That implementation of the new utility rates commence in 2023.*

The question on the amendment motion was not called as discussion took place on the need for a utility rate increase and ensuring the public is provided with the opportunity to offer feedback.

The question on the amendment motion was then called and it was **CARRIED** with Cllrs. Day, Steves and Wolfe opposed.

The question on the main motion, which reads as follows:

- (1) *That a target annual revenue level of \$30 million by 2031, for the Drainage and Diking Utility, be endorsed for use in future utility budget planning in order to support Option 1 – 50 Year Implementation Period for an accelerated flood protection program;*

**General Purposes Committee**  
**Tuesday, April 6, 2021**

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- (2) *That new rate classes be introduced for the Drainage and Diking Utility as presented in Table 2 of the report titled “Accelerated Flood Protection Program Concept and Flood Protection Rate Structure Review” dated February 26, 2021 from the Director, Engineering and be incorporated in the preparation of the 2022 utility budget and rates;*
- (3) *That a public consultation and communication plan be developed; and*
- (4) *That implementation of the new utility rates commence in 2023.*

was then called and it was **CARRIED** with Cllrs. Steves and Wolfe opposed.

## FINANCE AND CORPORATE SERVICES DIVISION

### 3. **CITY PARTICIPATION IN THE CIRCULAR CITIES AND REGIONS INITIATIVE**

(File Ref. No. 10-6125-07-01) (REDMS No. 6631823 v. 6)

It was moved and seconded

*That as described in the report titled “City Participation in the Circular Cities and Regions Initiative” dated March 2, 2021 from the Director, Sustainability and District Energy, the City of Richmond’s application to participate in the Circular Cities and Regions Initiative (CCRI), be endorsed.*

The question on the motion was not called as in reply to queries from Committee, staff noted that (i) there was extensive engagement with internal and external stakeholders through the procurement policy, (ii) stakeholder workshops were held in 2019 with local vendors that supply services to the City, and (iii) the reclaimed asphalt pilot project is performing as expected and the same process will be used on neighbourhood streets.

The question on the motion was then called and it was **CARRIED**.

## DEPUTY CAO’S OFFICE

### 4. **SISTER CITY ADVISORY COMMITTEE 2020 YEAR IN REVIEW**

(File Ref. No. 01-0100-20-SCIT1) (REDMS No. 6637158)

It was moved and seconded

*That the staff report titled “Sister City Advisory Committee 2020 Year in Review”, dated March 8, 2021, from the General Manager, Community Safety, be received for information.*

**CARRIED**

**General Purposes Committee**  
**Tuesday, April 6, 2021**

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5. **FOOD TRUCKS IN STEVESTON**

(File Ref. No.)

Discussion took place on mobile food trucks renting parking lots in Steveston.

It was moved and seconded

*That staff provide:*

- (a) an analysis on the need for mobile food trucks; and*
- (b) options for the regulation for mobile food trucks in Steveston including the need to consult with local merchants;*

*and report back.*

The question on the referral motion was not called as discussion took place on (i) ensuring mobile food trucks were not conflicting with other restaurants in the area, (ii) designating a specific area just for mobile food trucks, (iii) examining other cities and how they manage mobile food trucks, (iv) creating new opportunities while protecting the existing businesses, and (v) ensuring appropriate traffic management is in place.

In reply to queries from Committee, staff advised that (i) two mobile food trucks in Steveston have gone through the approval process and received licences to operate on properties approved for restaurants, (ii) there is a requirement in the Business Regulation Bylaw that denotes a mobile food truck can not operate directly outside or in the normal flow of traffic to any business which offer the same or similar items for sale, (iii) mobile food truck vendors are required to find locations themselves that meet zoning and business regulation bylaw requirements, and (iv) any changes requested by Council would require bylaw changes as well as a public consultation period.

The question on the referral motion was then called and it was **CARRIED**.

**ADJOURNMENT**

It was moved and seconded

*That the meeting adjourn (4:58 p.m.).*

**CARRIED**

**General Purposes Committee**  
**Tuesday, April 6, 2021**

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Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Tuesday, April 6, 2021.

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Mayor Malcolm D. Brodie  
Chair

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Sarah Goddard  
Legislative Services Associate



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** April 6, 2021



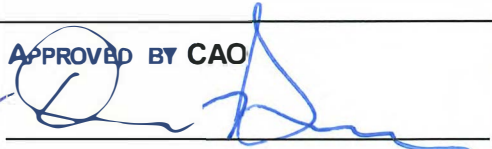
**From:** Jerry Chong **File:** 08-4150-03-06/2021-Vol 01  
Acting General Manager, Finance and Corporate Services

**Re:** **Municipal and Regional District Tax (MRDT) Five Year Renewal 2022-2027**

### Staff Recommendation

1. That staff prepare an application to the Province of British Columbia for the renewal of the three percent (3%) Municipal and Regional District Tax (MRDT) for an additional five-year period from July 1, 2022 to June 30, 2027; and
2. That a bylaw be drafted requesting that the Province of British Columbia levy the Municipal and Regional District Tax (MRDT) on the municipality's behalf for the purposes of delivering tourism marketing and development services during the period from July 1, 2022 to June 30, 2027.

Jerry Chong  
Acting General Manager, Finance and Corporate Services  
(604-247-4923)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Arts, Culture & Heritage	<input checked="" type="checkbox"/>	 Acting GM, F&CS
Law	<input checked="" type="checkbox"/>	
Richmond Sport Hosting	<input checked="" type="checkbox"/>	
<b>SENIOR STAFF REPORT REVIEW</b>	INITIALS: 	<b>APPROVED BY CAO</b> 

## Staff Report

### Origin

Enabled by regulation under Section 123 of the *Provincial Sales Tax Act*, the City of Richmond is a designated recipient of a 3% Municipal and Regional District Tax (MRDT), commonly known as “hotel tax”, for the period July 1, 2017 to June 30, 2022.

These funds are administered by the City in accordance with City of Richmond Municipal and Regional District Tax Imposition Bylaw No. 9631 and contractual agreements with the Richmond Hotel Association and the Richmond Tourism Association (Tourism Richmond).

In order to renew the MRDT for an additional five-year period beginning on July 1, 2022, an application to the Province is due on September 30, 2021 which includes a municipal bylaw, majority support of accommodation providers and other supporting elements. This report outlines the application requirements and seeks Council direction to initiate the renewal process. This report supports Council’s Strategic Plan 2018-2022 Strategy #7 A Supported Economic Sector:

*Facilitate diversified economic growth through innovative and sustainable policies, practices and partnerships.*

It also supports Action Item 5.3 of the Council endorsed Resilient Economy Strategy:

*Increase the tourism sector in Richmond.*

### Analysis

#### Current Tourism Delivery Model in Richmond

The City is accountable to the Province for the ongoing administration of the MRDT Program in accordance with established criteria and reporting requirements. These funds are used to deliver tourism marketing, sport hosting and destination enhancement services in Richmond under a partnership model. Tourism Richmond is the City’s contracted service provider for tourism marketing, programs and projects. The City and the Richmond Hotel Association also receive a portion of the funds to undertake tourism projects and destination enhancement initiatives in accordance with the Provincial regulation and guidelines

The annual funding breakdown is as follows, with a more detailed description included in the key business terms found in Attachment 1.

- 2/3 of 3% Tourism marketing, programs and projects (**Tourism Richmond**);
- 20% of remaining 1% Tourism Events Program Fund deduction (**Province of BC**);
- \$400,000 Sport hosting marketing, programs and projects; (**City of Richmond Sport Hosting**); and



- Balance Destination enhancement initiatives **(50/50 split between Richmond Hotel Association and City of Richmond)**

A recent change to the Provincial legislation introduced a new stream of MRDT revenue from Online Accommodation Platforms (such as Airbnb), that can be used for affordable housing initiatives. This funding is independent of the general MRDT revenue as described above and as of January 2020 these funds are transferred to the City's Affordable Housing Reserve in accordance with Municipal and Regional District Tax Imposition Bylaw No. 9631 Amendment Bylaw No. 10099.

#### Tourism Sector Development: 2017-2022 MRDT Period

Since 1998, hotel tax revenue has been used to support the growth and development of the tourism sector in Richmond. Over the past several years, the focus has shifted to include destination development and enhancement as key components to the community's tourism strategy, creating a stronger foundation for destination marketing activities. During the current MRDT term, nearly \$19 million has been received to date (from July 2017 to December 2020); a sample of key initiatives undertaken is as follows:

#### **1. Steveston Heritage Sites**

MRDT funding has enabled the City's Britannia Shipyards National Historic Site, Steveston Museum and Steveston Tram to extend hours of operation, enhance programming, as well as develop longer-term marketing and visitor experience initiatives.

#### **2. City of Richmond Sport Hosting Program**

In partnership with Tourism Richmond and the Richmond Hotel Association, the MRDT has funded incentive grants and operational activities to attract and support sporting events in Richmond. In 2019, this resulted in over 75 hosted events and 18,000 hotel room nights.

#### **3. Tourism Richmond**

Under the award-winning 'Pacific.Authentic.' brand and marketing programs, Tourism Richmond continues to achieve its vision of Richmond as a 'can't miss part of the Metro Vancouver Experience'. In 2019, an estimated \$1.99 billion was spent in Richmond by approximately 8.36 million visitors<sup>1</sup>.

#### **4. Richmond Hotel Association**

The Association uses MRDT funds to directly invest in the local visitor economy by supporting Richmond Sport Hosting, major events such as CARHA International Hockey Tournament, destination enhancement initiatives such as the Discovery Shuttle and a popular 'Stay and Play' hotel incentive program that motivates visitors to stay in Richmond when visiting the region.

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<sup>1</sup> Tourism Richmond 2019 Visitor Volume Study

**5. Richmond Olympic Experience**

MRDT funding has enabled the Richmond Olympic Oval to expand and upgrade its product offering including improved visitor flow, new exhibits and updated spaces. This initiative ensures the Richmond Olympic Experience remains an important Richmond asset and visitor attraction.

**6. Richmond Discovery Shuttle**

Launched in 2019 as a joint destination enhancement initiative between the City, Tourism Richmond and the Richmond Hotel Association, the Richmond Discovery Shuttle connected visitors with key tourism assets across Richmond, improving exposure of City Centre and Steveston attractions such as the Richmond Olympic Oval and Steveston Heritage Sites. Over 2,000 riders boarded the shuttle in its pilot season.

Prior to COVID-19, tourism in Richmond was experiencing record levels of growth. Local hotel occupancy rates were consistently among the highest in Canada, year-over-year hotel room revenue growth was 10% on average, annual YVR passenger volumes had increased to over 26 million and the industry employed over 19,000 people in Richmond across multiple sectors<sup>2</sup>.

**COVID-19 Impacts on Tourism Industry**

The impact to the tourism industry caused by the current pandemic has been significant and has affected businesses and jobs spanning multiple sectors including travel services, food and beverage, accommodation, transportation, sport, recreation and entertainment. Urban centres have seen the greatest declines as tourism in these areas is largely driven by corporate travel, major events and the cruise industry – all of which are constrained in the current environment. Airplane passenger volume and hotel tax revenue are key economic indicators for the tourism industry. In Richmond, 2020 MRDT revenue declined by 64% over 2019 levels and the passenger volume at Vancouver International Airport declined by 72% in the same period.

Destination Canada projects that recovery to 2019 revenue levels will take several years, with a possible acceleration in the recovery timeline if a significant shift in tourism spend from international to domestic travel occurs. Leading economists, including from the BC Business Council and Scotiabank, indicate that pent-up demand for leisure travel and increased household savings could help spur recovery once vaccinations become widespread.

In Richmond the MRDT Program and partnership model for delivering tourism marketing and development services can leverage this anticipated demand, as well as provincial and national strategies, to support the recovery of this important sector locally.

**MRDT Renewal Milestones and Timeline**

Legal agreements in place with the Richmond Hotel Association and Tourism Richmond, governing the MRDT Program and tourism delivery model during the current five-year period, were structured to provide for a renewal for one additional five-year year period under the same key business terms (Attachment 1). Exercising this option, rather than renegotiating new

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<sup>2</sup> Tourism Richmond 2017 Visitor Volume Study

business terms, is preferred by all parties. Because the COVID-19 pandemic caused significant impacts to the local tourism industry and associated MRDT revenues mid-way through the initial agreement period, this would allow the City and its tourism partners to continue working towards the existing vision for tourism marketing and development in Richmond while supporting the gradual recovery of this important economic sector.

This renewal would come into effect on July 1, 2022, subject to the adoption of a bylaw by Council and a new regulation enacted by the Province under the *Provincial Sales Tax Act*. For this to occur, an application by the City to the Province is due on September 30, 2021.

In addition to renewing legal agreements with the Richmond Hotel Association and Tourism Richmond, significant elements of this application include: an updated five-year strategic business plan, one-year tactical plans for each major program area, evidence of consultation with tourism industry stakeholders, an affirmative majority vote of local accommodation providers and adoption of a municipal bylaw.

Key milestones of the MRDT renewal process are as follows:

<b>Milestone</b>	<b>Dates</b>
<i>Current regulation and legal agreements expire</i>	<i>July 1, 2022</i>
Legal agreements renewed	May 2021
Five-year strategic business plan finalized	June 2021
Stakeholder support and accommodation provider vote confirmed	June 2021
Bylaw adopted	July 2021
Application to Province submitted	September 30, 2021
Provincial review and Order in Council	October 2021 to June 2022 (9 months)
MRDT renewed	July 1, 2022

Staff is seeking Council’s direction to proceed with the process to renew the MRDT Program for an additional five-year period beginning July 1, 2022 in order to continue delivering tourism marketing and development services in Richmond.

**Financial Impact**

MRDT revenue forecasts are highly variable due to the current limitations on travel and the expected gradual recovery of the tourism industry. At this time it is anticipated that if successfully renewed, the MRDT would generate approximately \$25 million for the delivery of tourism marketing and development services in Richmond from July 1, 2022 to June 30, 2027.

Under the existing partnership model this would result in the following approximate total funding by program area over the five-year period:

<b>Estimated MRDT Program Funding - 2022-2027</b>	
<b>Program Area</b>	<b>Amount</b>
Tourism Richmond	\$ 17,857,143
City Sport Hosting Program	\$ 2,000,000
Destination Enhancement Initiatives	
City of Richmond	\$ 2,571,429
Richmond Hotel Association	\$ 2,571,429
<b>Total (est.)</b>	<b>\$ 25,000,000</b>

This preliminary forecast has been developed in consultation with key stakeholders and will be subject to regular review and update as new information is made available.

During the same five-year period, MRDT revenue from Online Accommodation Platforms is expected to be approximately \$1 million. These funds are independent of the General MRDT Revenue and would be transferred to the City’s Affordable Housing Reserve to fund affordable housing initiatives.

**Conclusion**

Tourism is an important sector for Richmond’s economy that has experienced steady growth in recent years, supporting many local businesses and jobs across various sectors. The MRDT Program provides funding for the delivery of tourism marketing and development services under a partnership model. This funding can support activities required to support the recovery and resilience of this sector following the significant impacts caused by the COVID-19 pandemic.

In order to renew the MRDT for an additional five-year period beginning on July 1, 2022, an application to the Province is due on September 30, 2021, which includes a municipal bylaw, a five-year business plan, majority support of accommodation providers and other supporting elements. This report outlines the application requirements and seeks Council direction to initiate the renewal process.

Katie Ferland  
 Manager, Economic Development  
 (604-247-4923)

- Att. 1: Key Business Terms of MRDT Legal Agreements
- 2: Municipal and Regional District Tax Imposition Bylaw No. 9631

**Key Business Terms of Existing MRDT Legal Agreements**

1. MRDT term: July 1, 2017 to the earlier of MRDT regulation expiry or June 30, 2022;
2. MRDT rate of 3% on the price of Richmond accommodation for the term;
3. 2% of the 3% MRDT to Tourism Richmond for destination marketing, programs and projects, subject to the provincial and city requirements;
4. 0.2% of the remaining 1% MRDT to Province for the Tourism Events Program (required);
5. From the residual 0.8% of the remaining 1% MRDT, \$400,000 per year for a total of \$2,000,000 over 5 years to the City's Sport Hosting Program;
6. Over 5 years, from the residual 0.8% of the remaining 1% MRDT, less \$400,000 per year for Sport Hosting, 50% to the Richmond Hotel Association for tourism projects subject to City and Provincial MRDT requirements;
7. Over 5 years, from the residual 0.8% of the remaining 1% MRDT, less \$400,000 per year for Sport Hosting, 50% to the City for destination enhancement initiatives, subject to the Provincial requirements.

CITY OF RICHMOND



***MUNICIPAL AND REGIONAL DISTRICT TAX  
IMPOSITION***

***BYLAW NO. 9631***

EFFECTIVE DATE – JULY 1, 2017

***CONSOLIDATED FOR CONVENIENCE ONLY***

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw No. 10099	November 25, 2019	January 1, 2020



## Municipal and Regional District Tax Imposition Bylaw No. 9631

The Council of the City of Richmond enacts as follows:

- 1) The Lieutenant Governor in Council is hereby requested to issue a regulation under Section 123(1) of the *Provincial Sales Tax Act* in respect to imposing a tax on accommodation purchased within the whole of the City of Richmond from and including July 1, 2017 to and including June 30, 2022.
- 2) The tax to be imposed under the provisions of the regulation referred to in section 1 of this Bylaw is requested to be three percent of the purchase price of the accommodation.
- 3) Except as provided in Section 4, the purposes for which the amount paid to the City of Richmond out of the revenue collected from the tax to be imposed under the provisions of the regulation referred to in section 1 of this Bylaw may be expended are:
  - a) tourism marketing, programs and projects;
  - b) sport hosting marketing, programs and projects; and
  - c) destination enhancement initiatives, including capital and non-capital investments in and operation of tourism attractions (including construction or renovation of infrastructure); major events; tourism product development; and direct sales.
- 4) The amounts paid to the City of Richmond out of the revenue collected from the tax imposed on purchases through online accommodation platforms may be expended on affordable housing initiatives.
- 5) This Bylaw is cited as “**Municipal And Regional District Tax Imposition Bylaw No. 9631**” and is effective July 1, 2017.



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** March 30, 2021  
**From:** Cecilia Achiam **File:** 12-8080-12-01/Vol 01  
 General Manager, Community Safety  
**Re:** **Proposed New Soil Deposit and Removal Bylaw No. 10200**

### Staff Recommendation

1. That each of the following Bylaws be introduced and given first, second and third readings:
  - a) Soil Deposit and Removal Bylaw No. 10200;
  - b) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192;
  - c) Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193; and
  - d) Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194.
2. That staff report back to Council in two years to provide a status update regarding the implementation and enforcement results following adoption of Soil Deposit and Removal Bylaw No. 10200.
3. That the Consolidated 5 Year Financial Plan (2021-2025) be amended to include the temporary Soil Bylaw Officer position, which will be funded by an increase in permit and volume fees.

Cecilia Achiam  
 General Manager, Community Safety  
 (604-276-4122)

Att. 9

REPORT CONCURRENCE	
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>
Building Approvals	<input checked="" type="checkbox"/>
Engineering	<input checked="" type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
Parks Services	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
Sustainability & District Energy	<input checked="" type="checkbox"/>
<b>SENIOR STAFF REPORT REVIEW</b>	<b>INITIALS:</b>
<b>APPROVED BY CAO</b>	



## Staff Report

### Origin

During the July 6, 2020, General Purposes meeting, the Committee made the following referral:

*That staff examine the potential size of bonds in relation to soil fill applications.*

During the February 8, 2021, Council Meeting, Council made the following referral:

*That staff be directed to consult with the Food Security and Agricultural Advisory Committee and report back with a proposed bylaw for adoption; and*

*That further options and rationale for potential security deposits be provided.*

This report supports Council's Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

*Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.*

*2.1 Continued leadership in addressing climate change and promoting circular economic principles.*

*2.2 Policies and practices support Richmond's sustainability goals.*

*2.3 Increase emphasis on local food systems, urban agriculture and organic farming.*

### Analysis

At the February 8, 2021 Council meeting, staff provided the report "Draft New Soil Deposit and Removal Bylaw", dated January 11, 2021 (Attachment 1). Following discussions, Council provided a referral to staff to consult with the Food Security and Agricultural Advisory Committee (FSAAC) and other stakeholders, to reconsider recommendations for security bonds and bring forward a new bylaw for adoption. In response to this, and following consultation with FSAAC, staff have finalized the Soil Deposit and Removal Bylaw No.10200 (the "Proposed Soil Bylaw") intended to replace Soil Removal and Fill Deposit Regulation Bylaw No. 8094 (the "Current Soil Bylaw").

The Proposed Soil Bylaw is intended to strengthen the existing regulatory framework and will cover all lands in the City. Moving forward with the Proposed Soil Bylaw allows the City to modernize regulations and ensure that the fees collected reflect the cost to the City. Regulations and requirements within the Proposed Soil Bylaw will continue to provide support and enhance protection for Council endorsed strategies such as the Ecological Network Management Strategy, Farming First Strategy, Flood Protection Management Strategy 2019 and the Invasive Species Action Plan.

In order to support the Proposed Soil Bylaw, amendments are also proposed to the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 and the Municipal Ticket Information Authorization Bylaw No. 7321. In addition, this report identifies proposed amendments to the Consolidated Fees Bylaw No. 8636 in response to Council's referral for an increase to the refundable security deposit. These changes are described further in the sections below.

As noted above, staff have consulted with FSAAC as per Council direction. In addition, staff have also consulted with the B.C. Cranberry Growers Association and staff from the Agricultural Land Commission (ALC), Ministry of Agriculture, Food and Fisheries, Ministry of Energy, Mines and Low Carbon Innovation, and the Ministry of Environment and Climate Change Strategy. The following sections identify comments received from stakeholder organizations and Provincial ministries.

As a result of consultation, revisions to the draft bylaw were added in several areas relating to exemptions for legitimate farm practices. These changes, along with significant changes between the City's Current Soil Bylaw and the Proposed Soil Bylaw are summarized in Attachment 2.

#### Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192

The Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 provides the Soil Bylaw Officer with the authority to issue administrative penalties of up to \$500, while providing an adjudication process for a person found to be in non-compliance to appeal a ticket/settle disputes.

Staff are proposing a number of amendments and additional ticketing measures be added to Bylaw Violation Dispute Adjudication Bylaw No. 8122. The proposed ticketing measures (Attachment 3) are a response to the enhanced enforcement measures introduced within the Proposed Soil Bylaw. The additional measures will improve the enforcement tools that may be utilized by staff in attempting to obtain compliance.

#### Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193

The current Municipal Ticket Information Authorization Bylaw No. 7321 (the "MTI Bylaw") does not provide staff the means to issue fines for Soil Bylaw related issues. Staff are proposing to add measures within the MTI Bylaw that provides staff the authority to issue fines of \$1000. The new fines (Attachment 4) will provide staff additional enforcement measures as an option, although staff will continue to rely on education and voluntary compliance as a first step. Fines under the MTI Bylaw are forwarded to Provincial court should a dispute arise.

#### Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194

As per Council directive, staff have reviewed the security deposit collected by the City for soil deposit/removal permits. Staff proposed that the City increase the current maximum allowable security deposit from \$15,000 to \$200,000. Staff were further directed by Council on February 8, 2021, to review additional options and rationale for potential security deposits.

When assessing new fees for the Proposed Soil Bylaw, staff recognized a need to strike a balance between adopting measures that assist in maintaining compliance with the Proposed Soil Bylaw while at the same time not generating requirements or costs that are so restrictive as to make it impossible for property owners to develop/enhance the agricultural capability of their property. The City's security deposit is typically collected to ensure that the City has access to adequate financial resources to repair City infrastructure.

In addition to the City's security deposit, applicants are required to provide a substantial bond to the ALC prior to projects commencing. The ALC bond is collected to ensure applicants adhere to the terms of the ALC's approval and make certain the ALC has adequate financial security to ensure remediation is undertaken by the property owner if they negatively impact the agricultural capability of the property (e.g. import unapproved soil or other material). ALC bonds for past approved projects have ranged from \$60,000 to \$290,000.

Should Council adopt the recommended security deposit, it is expected that successful applicants will have upfront bond costs exceeding \$200,000 when accounting for the expected City and ALC security deposits. In consideration of the FSAAC motion (noted below) requesting that the City "strengthen enforcement while not impeding farm operations", staff recommends that the City's security deposit be capped at \$200,000 maximum.

Attachment 5 outlines the enhanced fee schedule.

#### Food Security and Agricultural Advisory Committee Recommendations

As per Council referral, Community Bylaws staff presented the Proposed Soil Bylaw to FSAAC on February 25, 2021. As a result of their review, several members of FSAAC expressed concerns around the clarity of language used to describe exemptions for legitimate farming activities.

Following discussion with the committee's members, staff provided additional language to address the concerns of the committee. The additional language is noted under the 'Additional Exemptions' section below. Following consultation, FSAAC unanimously passed the subsequent motion:

*That the Food Security and Agricultural Advisory Committee support the Proposed Soil Deposit and Removal Bylaw as presented with the understanding that this is to strengthen enforcement without impeding farm operations.*

#### B.C. Cranberry Growers Association

In addition to consulting with FSAAC, staff consulted with the B.C. Cranberry Growers Association (the "Association"). Upon their initial review, the Association indicated concerns relative to language within the Proposed Soil Bylaw that could negatively impact the viability of the industry (Attachment 6). Staff responded to the Association's concerns and introduced additional language which acknowledges standard practices within the industry which are permitted as per the Agricultural Land Reserve Use Regulations. The additional language is noted under the 'Additional Exemptions' section.

Subsequent to reviewing the proposed additional language, the Association confirmed in writing their satisfaction with the changes and the Proposed Soil Bylaw (Attachment 7).

#### Agricultural Land Commission

Staff referred the Proposed Soil Bylaw to the ALC for information purposes as the City does not require ALC approval in order to adopt the Proposed Soil Bylaw. ALC staff did not indicate any concerns that the Proposed Soil Bylaw conflicts with the *ALC Act* and/or ALR Use Regulations.

#### Ministry of Agriculture, Food and Fisheries

Staff referred the Proposed Soil Bylaw to the Ministry of Agriculture, Food and Fisheries for information purposes as the City does not require that the Ministry provide approval in order to adopt the Proposed Soil Bylaw. Ministry staff appreciated the opportunity to review and did not have any concerns with the Proposed Soil Bylaw.

#### Ministry of Energy, Mines and Low Carbon Innovation

Staff from the Ministry of Energy, Mines and Low Carbon Innovation has reviewed the Proposed Soil Bylaw. Ministry staff are of the view that the Proposed Soil Bylaw will not require the approval of the Minister as it does not prohibit soil removal.

#### Ministry of Environment and Climate Change Strategy

Staff from the Ministry of Environment and Climate Change Strategy has reviewed the Proposed Soil Bylaw. Should Council provide third reading for the Proposed Soil Bylaw, the Ministry will be required to review and provide official consent prior to Council adoption of the Proposed Soil Bylaw.

#### Soil Deposit and Removal Bylaw No. 10200 - Additional Exemptions

Following consultation with FSAAC and the B.C. Cranberry Growers Association, staff have added the following permit exemptions to section 3.3.1, outlining that a permit will not be required if any of the following circumstances apply:

- The deposit or stockpiling of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with Applicable Laws;
- The deposit or removal is in relation to the sale of soil pursuant to a valid and subsisting business license and is in accordance with Applicable Laws;
- The deposit or stockpiling of sand for berry production, if done so in accordance with ALR Regulations; and
- The deposit of soil or other material for the constructing of berms or dikes for producing cranberries, if done so in accordance with ALR Regulations.

### Staffing for Soil Bylaw Enforcement

The Proposed Soil Bylaw will modernize and strengthen the regulations with respect to authorized and unauthorized soil and non-soil material deposition and soil removal within the City. As such, staff anticipate that additional staff time may be required to ensure appropriate enforcement throughout the City and that sufficient oversight of approved projects is maintained. Staff propose that temporary enforcement staff be utilized to assist the City's full-time Soil Bylaw Officer, should it become necessary, to ensure timely inspection as the volume of work increases. This decision will be reviewed during a two year review period to ascertain the effectiveness and necessity for additional resources and to determine if further funding is warranted as part of the budget process.

### **Financial Impact**

Revenue from increased permit and volume fees is expected to range between \$50,000 to \$200,000 depending on implementation and demand for permits. It is proposed that this funding is used to offset costs of temporary enforcement staff as required. Utilizing temporary staff will ensure that there will be no impact on the budget and will provide management the opportunity to assess the workload and demand for staff time. The costs for a temporary Soil Bylaw Officer position will be approximately \$27,500 for the last three months of the year which will be funded through permit and volume fees. The Consolidated 5 Year Financial Plan (2021-2025) will be amended accordingly, as per budget policy.

Attachments 8 and 9 identify the proposed increases to permit fees and the proposed volume fee.

### **Conclusion**

Staff recommend that Soil Removal and Fill Deposit Regulation Bylaw No. 8094 be repealed and replaced with Soil Deposit and Removal Bylaw No. 10200. In addition, staff recommend adoption of Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw 10192, Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw 10193 and the Consolidated Fees Bylaw No. 8636, Amendment Bylaw 10194.



Carli Williams, P.Eng.  
Manager, Business Licence and Bylaws  
(604-276-4136)



Mike Morin  
Soil Bylaw Officer  
(604-204-8625)

- Att. 1: RTC re. Draft New Soil Deposit and Removal Bylaw (11 Jan 2021)
- Att. 2: Table of Changes
- Att. 3: Administrative Measures Penalties for Soil Bylaw contraventions
- Att. 4: Ticketing Measures for Soil Bylaw contraventions
- Att. 5: Security Deposit fee schedule
- Att. 6: B.C. Cranberry Growers Association letter to Mayor and Council (23 Feb 2021)

March 30, 2021

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Att. 7: B.C. Cranberry Growers Association letter to Mayor and Council (05 Mar 2021)

Att. 8: Proposed Soil Deposit/Removal Application Fee and Security Deposit

Att. 9: Proposed Volume Fees



**City of  
Richmond**

**Report to Committee**

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**To:** General Purposes Committee **Date:** January 11, 2021  
**From:** Cecilia Achiam **File:** 12-8080-12-01/Vol 01  
 General Manager, Community Safety  
**Re:** **Draft New Soil Deposit and Removal Bylaw**

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**Staff Recommendation**

1. That the report titled “Draft New Soil Deposit and Removal Bylaw”, dated January 11, 2021, from the General Manger, Community Safety, be received for information; and
2. That staff be directed to consult with the Food Security and Agricultural Advisory Committee and report back with a proposed bylaw for adoption.

Cecilia Achiam  
 General Manager, Community Safety  
 (604-276-4122)

Att. 6

<b>REPORT CONCURRENCE</b>	
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>
Engineering	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
Building Approvals	<input checked="" type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>
Finance	<input checked="" type="checkbox"/>
<b>SENIOR STAFF REPORT REVIEW</b>	<b>INITIALS:</b> MO
<b>APPROVED BY CAO</b> 	

## Staff Report

### Origin

The current Soil Removal and Fill Deposit Regulation Bylaw No. 8094 (the “Current Soil Bylaw”) is applicable to lands within the Agricultural Land Reserve (ALR) only. Staff have undertaken a detailed review of the Current Soil Bylaw and determined that there are a number of opportunities to strengthen how the City of Richmond regulates soil deposition and removal throughout the City. In addition, at the General Purposes meeting on July 6, 2020, it was requested that:

*staff examine the potential size of bonds in relation to soil fill applications.*

This report supports Council’s Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

*Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.*

*2.1 Continued leadership in addressing climate change and promoting circular economic principles.*

*2.2 Policies and practices support Richmond's sustainability goals.*

*2.3 Increase emphasis on local food systems, urban agriculture and organic farming.*

### Analysis

Staff have reviewed the Current Soil Bylaw and determined that there are a number of opportunities to strengthen the existing regulatory framework and application beyond lands within the ALR. Staff review indicated that the security deposit, application and renewal fees collected under the Current Soil Bylaw are not sufficient given the scope and size of current and proposed projects. In addition, the regulations within the Current Soil Bylaw do not provide staff the ability to issue penalties to property owners depositing unacceptable soil or other material for unsanctioned projects. Staff have coordinated with Planning and Engineering staff, who are continuing with their ongoing work to support agriculture in Richmond and the management of soil deposition, to ensure that the changes in the Proposed Soil Bylaw are in support of Council objectives. Strengthening regulations within the Proposed Soil Bylaw will serve to protect Council endorsed strategies such as the Environmentally Sensitive Areas Management Strategy, Agricultural Viability Strategy, and the Invasive Species Action Plan.

As a result of the staff review and in response to the request from the General Purposes Committee, staff have reviewed the Current Soil Bylaw and drafted a new Soil Deposit and Removal Bylaw (the “Proposed Soil Bylaw”) to replace the Current Soil Bylaw for discussion and consultation. The Proposed Soil Bylaw is attached to this report as Attachment 1.



Moving forward with the Proposed Soil Bylaw allows the City to modernize regulations and ensure that the fees collected reflect the cost to the City. In preparing the Proposed Soil Bylaw, staff consulted and received feedback from the Agricultural Land Commission (ALC), Ministry of Agriculture, Ministry of Environment & Climate Change Strategy, Ministry of Energy, Mines, and Petroleum Resources (MEMPR). As the regulatory regime for natural resources is a specialized discipline, the City retained external legal counsel (Borden Ladner Gervais) experienced in establishing soil bylaws to provide advice on the Proposed Soil Bylaw. Both internal and external legal counsel have reviewed the Proposed Soil Bylaw.

The Food Security and Agricultural Advisory Committee (FSAAC) provides comments on the application submissions for soil deposition and removal in the ALR and have made observations and comments for regulatory and enforcement improvements. The Proposed Soil Bylaw has taken into consideration two motions passed in 2020 by the advisory committee. The FSAAC unanimously recommended a review of the Soil Bylaw and that it include applying requirements to properties exempt from the ALR Regulations (e.g. less than 2 acres). In addition, FSAAC strongly recommended that staff review the exemption in the Current Soil Bylaw for soil deposition of 100 m<sup>3</sup> or less per year.

The following sections provide a description of how the Proposed Soil Bylaw would address the issues previously identified and overall improvements to the City's approach to regulating soil deposit and removal. The proposed changes are described in more detail in Attachment 2.

#### Exemptions in the Current Soil Bylaw

There are a number of exemptions within the Current Soil Bylaw that limit the ability of the City to ensure that agricultural lands within the City are not negatively impacted by authorized and unauthorized filling. Such exemptions include:

- allowing property owners to import 100 cubic metres of soil per year without requiring a permit;
- allowing the deposition of non-soil material including asphalt, concrete and construction waste;
- allowing the importation of soil to construct access roads; and
- allowing soil to be moved between contiguous parcels.

Each of these items are typically regulated by the ALC but do not require a permit from the City under the regulations in the Current Soil Bylaw. Also of note, under the current system, projects require Council approval only when approval by the ALC is required. The Proposed Soil Bylaw will require that all proposals exceeding 600m<sup>3</sup> on ALR lands (when required as per the *ALC Act* and ALR Regulations) and on non-ALR lands must be approved by Council.

In addition, the Current Soil Bylaw applies only to lands within the ALR. The exclusion of non-ALR lands from the Current Soil Bylaw has allowed some property owners to fill unabated, potentially impacting neighbouring lands. Regulating non-ALR lands will allow the City to require permits and ensure that drainage and geotechnical concerns are addressed prior to importation or removal of soil or other material. In addition, regulating soil and other material

deposition on non-ALR lands will ensure the appropriate material is deposited and that such work does not negatively impact neighbouring lands and City infrastructure.

One permit exemption that will remain is for the placement and removal of preload material on non-ALR Lands due to the temporary nature of these operations. The Proposed Soil Bylaw will continue to regulate soil and other material deposition and soil removal from properties in the ALR to ensure that the City's regulations regarding farm homeplate and agricultural areas are respected.

#### Soil Deposit/Removal Permit Fees and Security Deposit

As directed by Council, staff have reviewed the security deposit collected by the City with respect to soil deposit/removal permits. The current refundable security deposit collected by the City prior to permit issuance is relatively low and may not provide adequate protection or incentive for permit holders to respect permit conditions or the regulations in the Current Soil Bylaw. Staff are proposing that the City increase the current maximum allowable security deposit of \$15,000 to \$200,000. This will bring the City in line with municipalities within the Lower Mainland and Fraser Valley (listed for comparison in Attachment 3).

In addition, staff recommend that the City increase the application fee from \$600 to \$1,000 to assist in offsetting the cost to the City for assessing proposals. The proposed fee increase would be the first increase since the Current Soil Bylaw was adopted in 2007. These fees would be reflected in an amendment to Consolidated Fees Bylaw No. 8636, subject to Council approval.

#### Proposed Volume Fee

The Proposed Soil Bylaw introduces the requirement for an applicant to provide a non-refundable volume fee to the City, which is to be collected prior to issuance of a soil deposit and/or removal permit. This requirement is in keeping with other municipalities within the region and will be implemented on a per cubic metre basis (comparison shown in Attachment 4). The fee will be used to offset the costs of monitoring on-going projects, which typically increase with project size.

Distinct within the proposed volume fee structure is that projects that import soil from outside of Richmond will be required to provide a higher volume fee to the City. Staff view this as an opportunity to provide an incentive for soil deposit site operators to source soil from Richmond through approved development projects within the City.

The volume fees proposed for Richmond, if approved, would be the highest in the region. However, based on information collected through past surveys of industry representatives, tipping fees being collected in Richmond are also the highest in the region. This is due to Richmond's proximity to major land development projects. When compared as a percentage of tipping fees, the volume fee proposed to be collected by Richmond is comparatively less than other municipalities. Based on projects approved by Council in 2020, revenue generated for the City could range from approximately \$50,000 to \$150,000.

### Enhanced Ticketing and Increased Fines

There are two bylaws that provide authority to issue tickets for bylaw offences. The Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 provides the Soil Bylaw Officer the authority to issue administrative penalties of up to \$500, while providing an adjudication process for a person to appeal a ticket/settle disputes. However, there are currently no provisions in the Municipal Ticket Information Authorization Bylaw No. 7321 to issue fines for Current Soil Bylaw related issues. Best practice in bylaw enforcement is to have ticketing authority in both bylaws.

The Proposed Soil Bylaw will include modernized language and fines that reflect changes to Provincial regulations. Cities are now permitted to seek fines of up to \$50,000 when pursuing bylaw prosecution in Provincial Court. The Proposed Soil Bylaw will include a \$50,000 maximum fine and also a minimum fine amount. This is similar to the City's approach with other property related bylaws. Taken together the new ticketing provisions and increased fines will provide additional enforcement measures as an option, although staff will continue to rely on education and voluntary compliance as a first step.

### Food Security and Agricultural Advisory Committee Recommendations

In 2020, FSAAC unanimously recommended a review of the Current Soil Bylaw and that the review include applying requirements to properties exempt from the ALR Regulations (e.g. less than 2 acres). In addition, FSAAC strongly recommended that staff review the exemption in the Current Soil Bylaw for soil deposition of 100 m<sup>3</sup> or less per year.

The Proposed Soil Bylaw removes the exemption within the Current Soil Bylaw that allows for the importation of 100 m<sup>3</sup> of soil per year; however, the Proposed Soil Bylaw will allow for up to 14 m<sup>3</sup> per year without a permit. This exemption is consistent with soil bylaws in neighbouring municipalities and allows property owners two truckloads of soil per year. In addition, measures added within the Proposed Soil Bylaw will serve to better protect ALR properties that are less than 2 acres that may not be subject to the *ALC Act* and/or ALR Regulations.

This report proposes that staff receive direction from Council to consult with FSAAC on all of the regulations in the Proposed Soil Bylaw and report back with a bylaw for enactment.

### Review and Inspection of Soil Deposit Permits

The Proposed Soil Bylaw continues to apply the rigorous application requirements and inspection process undertaken by the City when assessing soil deposit or removal applications. All soil deposit and removal proposals requiring approval will continue to require professional oversight and review by a Geotechnical Engineer, Drainage Engineer, Agrologist (should the property be in the ALR), and other professionals as required. Such reviews and reporting requirements, including analysis on the impact of the soil deposition on the capillary action and crop type capability, is intended to ensure that the proposed project will not negatively impact the subject property, neighbouring lands and City infrastructure. For lands in the ALR, oversight and reporting requirements provided by an Agrologist will assist in ensuring the proposal

identifies and provides supporting evidence that the project will deliver an agricultural benefit and that other options, other than soil deposition/removal, have been considered.

The reliance on professionals occurs at both the application phase and throughout the deposition or removal operation. The Soil Bylaw Officer, in conjunction with other City staff, review applications, prepare reports to Council when required and ensure that all inspection and reporting protocols are followed at all times. This includes the detailed protocol established for the “Kavanagh Project” at 14791 Westminster Highway. A list of the City’s application requirements are summarized in Attachment 5. Inspection and project oversight requirements are listed in Attachment 6 for information.

**Financial Considerations**

If the measures contemplated in the Proposed Soil Bylaw are approved by Council, the revenue is anticipated to increase even if the volume of permit remains stable. The increase would be due to increased permit fees, the addition of a volume fee and increased revenues from expanded ticketing. These fees would offset the costs currently being incurred by the City to administer, monitor and regulate soil movement. Each of these potential impacts to revenue are summarized below in Table 1.

Table 1 – Summary of Proposed Revenue Increase

	Collected in 2020	Annual Estimate if Proposed Soil Bylaw is Enacted
Application Fees	\$7,000	\$10,000
Tickets and Fines	\$4,000	\$10,000
Volume Fee	N/A	\$50,000 to \$150,000

**Financial Impact**

None.

**Conclusion**

In conjunction with direction from Council and FSAAC, staff have identified a number of opportunities to strengthen the City’s approach to regulating soil deposit and removal. These measures include: modernizing the bylaw, closing unintended loop holes, expanding the requirement of permits beyond ALR lands, adjusting application fees to reflect cost recovery and increasing fines and penalties to promote compliance. Staff recommend that the Proposed Soil Bylaw described in this report be presented to FSAAC for input and that staff report back with a bylaw for adoption.



Carli Williams, P.Eng.  
 Manager, Business Licence and Bylaws  
 (604-276-4136)

January 11, 2021

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Att. 1: Draft New Soil Bylaw

Att. 2: Comparison of Current Soil Bylaw to Proposed Soil Bylaw

Att. 3: Proposed Soil Deposit/Removal Application Fee and Security Deposit

Att. 4: Proposed Volume Fees

Att. 5: Soil Deposit and Removal Application Requirements Checklist

Att. 6: City Inspection and Project Oversight Protocols and Requirements

### Comparison of Current Soil Bylaw to the Proposed Soil Bylaw

Part	Section	Proposed Change in New Soil Bylaw	Current Soil Bylaw No. 8094
1	<b>Application</b>	To apply to all lands (ALR & non-ALR) in the City.	Only applies to lands within the ALR.
2	<b>Definitions</b>		
	<b>Deposit</b>	Language is expanded so that the deposit of other material, not just soil, is regulated	Language applies only to soil and does not reference other material (ie. construction waste).
	<b>End Site</b>	A defined term so that all sites receiving soil or other material will be regulated. Term employed within the Bylaw to delineate from 'Source Site'	Not defined.
	<b>Environmentally Sensitive Area</b>	Means those areas designated for the purpose of protecting and enhancing the environmental resources and ecosystem services which are critical components in maintaining the City's natural attributes and liveability as designated by the 2041 Official Community Plan.	Not defined.
	<b>Fill</b>	Term is removed and replaced by more specific definitions of soil and other material.	Means a deposit comprised of soil or permitted material or combination thereof.
	<b>Other Material</b>	A new term that includes, but is not limited to, woodwaste, construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, including any materials listed in the <i>Solid Waste and Recycling Regulation Bylaw No. 6803</i> , but does not include soil.	Not defined.
	<b>Preload</b>	Means soil deposited on a property to increase the substrate's bearing capacity to support the designed loads of a proposed building or structure on the property.	Not defined.
	<b>Riparian Management Area</b>	Has the meaning ascribed to it in the Zoning Bylaw.	Not defined.

	<b>Security Deposit</b>	Means a deposit in the form of cash, cheque or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the General Manager.	Not defined.
	<b>Soil</b>	means topsoil, cobbles, boulders, sand, gravel, rock, silt, clay, peat, or any other substance of which land is naturally composed, above bedrock, but does not include Other Material.	Means topsoil, sand, gravel, rock, silt, clay, peat or any other substance of which land is composed, or any combination thereof.
	<b>Stop Work Order</b>	Means a written or verbal notification ordering the owner and permittee (if different from the owner) to stop the deposit and/or removal activities.	Not defined.
	<b>Watercourse</b>	Has the meaning ascribed to it in the Zoning Bylaw.	Not defined.
<b>3.2</b>	<b>Deposit of Other Material</b>	Adding language that allows the City to regulate the deposition of non-soil material ("Other Material").	Not defined.  Bylaw does not provide staff the authority to fine or issue a stop work and/or removal order when construction waste has been deposited on properties in the ALR.
<b>3.3</b>	<b>General Permit Exemptions</b>	Permit exemption limit capped at 14 cubic metres of soil over the course of a calendar year.	100 cubic metres per calendar year.
		Permit exemption limit reduced to 0.25 metres in depth when depositing 14 cubic metres of soil over the course of a calendar year.	1 metre in depth.
		Permit exemption provided when the deposit or removal is in relation to the sale of soil pursuant to a valid and subsisting business license and is in accordance with Applicable Laws.	Floriculturist or horticulturist not required to obtain a permit prior to depositing and/or removing material on lands owned by that person or business and in connection with such trade or business.
		Exemption amended such that material can be deposited or removed only for maintenance or repair of an access road, driveway, paved parking area, berm, or dike on private property.	Allows a property owner to import material to "create, maintain or repair a private road, driveway, paved parking area, dyke or any highway or statutory right-of-way necessary to



			accommodate a permitted use on the property”.
		Exemption amended such that the deposit or removal is exempted if undertaken by the City or a Governmental Authority.	Permit exempted if material is required “for the construction, maintenance or repair of utility works within a highway or municipal works, by or on behalf of the City”.
3.3	General Permit Exemptions	Exemption amended such that the deposit or removal involves the movement of soil existing within the boundaries of a single property.	Permit exempted if moving “existing soil within the boundaries of a single parcel or contiguous parcels of land”.
		Exemption amended such that the deposit or stockpiling of woodwaste is exempted if done so in accordance with the provisions of the <i>Code of Practice for Agricultural Environmental Management</i> .	Permit exempted if it “involves the open storage or stockpiling of soil or woodwaste intended to be processed and removed in connection with a lawful use of the land on which they are stored”.
		Exemption added: “The deposit or stockpiling of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with Applicable Laws.”	N/A
		Exemption added: “The deposit or stockpiling of sand for berry production, if done so in accordance with ALR Regulations.”	N/A
		Exemption added: “The deposit of soil or other material for the constructing of berms or dikes for producing cranberries, if done so in accordance with ALR Regulations.”	N/A
		Exemption added: “The deposit is undertaken within a landfill and is in compliance with all applicable laws”.	N/A
		Added language within the ‘General Permit Exemption’ section that stipulates that permit exemptions do not apply within an Environmentally	N/A



		<p>Sensitive Area, Riparian Management Area, Watercourse and/or deposition or removal of soil or other material violates any Environmental Laws.</p> <p>In addition, that general permit exemptions granted under the Bylaw do not apply to a subject property that is non-compliance with any City bylaws.</p>	
<b>3.5</b>	<b>Council Resolution</b>	A Council resolution shall be required for proposals exceeding 600m <sup>3</sup> on ALR lands (when required as per the <i>ALC Act</i> and ALR Regulations) and on non-ALR lands.	N/A
<b>4.1</b>	<b>Permit Application Requirements</b>	<p>Application fee:</p> <ul style="list-style-type: none"> <li>• Less than 100 cubic metres - \$0</li> <li>• 100 to 600 cubic metres - \$600</li> <li>• Exceeding 600 cubic metres - \$1,000</li> </ul> <p>To be specified in the Consolidated Fees Bylaw.</p>	Application fee - \$600.
		Formal language added regarding requirement to provide a drainage plan prepared by Professional Engineer.	N/A
		Formal language added regarding requirement to provide a geotechnical report prepared by Professional Engineer.	N/A
		Formal language added regarding requirement to provide a report prepared by a Qualified Agrologist for properties in the ALR.	Current language: "A description of the composition and volume of the soil to be removed or fill to be deposited as prepared by a Professional Agrologist".
		Formal language added regarding requirement to provide a Farm Plan prepared by a Qualified Agrologist for properties in the ALR.	N/A
<b>4.2</b>	<b>Security Deposit</b>	\$5.00 per cubic metre (\$200,000 max.; \$15,000 min.). To be specified in the Consolidated Fees	\$15,000 maximum.

		Bylaw.	
4.3	<b>Depositing of Soil and Other Material and Removal of Soil</b>	Soil importation/removal will be restricted on weekends and statutory holidays unless specifically exempted in the permit.  Hours to be restricted between 7:00pm and 7:00am.	Soil importation/removal currently restricted on Sundays and statutory holidays.  Hours currently restricted between 8:00pm and 7:00am.
4.4	<b>Permit Issuance - Volume Fee</b>	Adopting a non-refundable volume fee to be collected from the applicant by the City to be collected on permits issued over 100 cubic metres. To be specified in the Consolidated Fees Bylaw.	N/A
4.7	<b>Permit Renewal, Extension, or Modification</b>	Permit Renewal Fee - \$300. To be specified in the Consolidated Fees Bylaw.	Permit Renewal Fee - \$100.
7.1	<b>Enforcement</b>	Formalizes the Stop Work Order and Removal Order process and remediation requirement.	Current process allows City to issue an order to cease activities and require a remedy to obtain compliance.
7.1.1	<b>Enforcement - Application Fee</b>	Application fee to be twice the amount if application is submitted following the unauthorized deposit of soil or other material or soil removal.	N/A
7.1.4	<b>Enforcement - Payment for Remedial Works</b>	If the City carries out works, the owner of the subject property will reimburse the City for the City's cost of carrying out such works, plus a 20% administrative fee.	Current language does not allow the City to recover administrative or overhead costs for carrying out remedial works on the owner's behalf.
9.1.1	<b>Offences and Penalties</b>	Clause added to allow for issuance of Municipal Ticket Information, with fines of \$1,000 per offence.	Currently only Bylaw Violation Notices can be issued.
9.1.2	<b>Offences and Penalties - Bylaw Prosecution</b>	\$50,000 maximum fine; \$1,000 minimum.	\$10,000 maximum fine; no minimum.

**SCHEDULE A to BYLAW NO. 10192**

<b>Schedule – Soil Deposit and Removal Bylaw No. 10200</b>							
<b>Designated Bylaw Contraventions and Corresponding Penalties</b>							
A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	<b>Period of Time from Receipt (inclusive)</b>	n/a	n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Deposit or remove soil without a valid permit or approval	3.1.1	No	500.00	475.00	525.00	n/a
	Deposit other material without a valid permit or approval	3.2.1	No	500.00	475.00	525.00	n/a
	Failure to pay a security deposit deficiency	4.2.2	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 f	No	500.00	475.00	525.00	n/a
	Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 g	No	500.00	475.00	525.00	n/a
	Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 h	No	500.00	475.00	525.00	n/a

## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Deposit soil or other material over well or private sewage disposal system	4.3.1 i	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material between the hours of 7 00 p.m. and 7 00 a.m.	4.3.1 j	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 k	No	500.00	475.00	525.00	n/a
	Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 l	No	500.00	475.00	525.00	n/a
	Making a false statement	4.5.1	No	500.00	475.00	525.00	n/a
	Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 a	No	500.00	475.00	525.00	n/a
	Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 b	No	500.00	475.00	525.00	n/a
	Failure to remove a temporary structure	5.1.1 c	No	500.00	475.00	525.00	n/a

## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Failure to adequately fence or protect hazards	5.1.1 d	No	500.00	475.00	525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 e	No	500.00	475.00	525.00	n/a
	Allow soil or other material to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 f	No	500.00	475.00	525.00	n/a
	Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 g	No	500.00	475.00	525.00	n/a
	Failure to post the permit placard	5.1.1 h	No	500.00	475.00	525.00	n/a
	Deposit or removal interferes with a hydrological function	5.1.1 i	No	500.00	475.00	525.00	n/a
	Prevent or obstruct entry by the General Manager	6.1.1	No	500.00	475.00	525.00	n/a
	Failure to maintain or provide records	6.1.2	No	500.00	475.00	525.00	n/a
	Failure to comply with a stop work order	7.1.1	No	500.00	475.00	525.00	n/a

## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Failure to cease activities	7.1.1 a	No	500.00	475.00	525.00	n/a
	Failure to correct a contravention	7.1.1 b	No	500.00	475.00	525.00	n/a
	Failure to remove soil or other material	7.1.1 c	No	500.00	475.00	525.00	n/a
	Failure to remediate	7.1.1 d	No	500.00	475.00	525.00	n/a
	Failure to submit an application	7.1.1 e	No	500.00	475.00	525.00	n/a
	Failure to repair damage	7.1.7	No	500.00	475.00	525.00	n/a
	Failure to remove an obstruction	7.1.8	No	500.00	475.00	525.00	n/a
	Failure to clean a highway	7.1.9	No	500.00	475.00	525.00	n/a
	Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	No	500.00	475.00	525.00	n/a

Bylaw No. 10193

**SCHEDULE A to BYLAW NO. 10193**

<b>SCHEDULE B 11A</b>		
<b>Soil Deposit and Removal Bylaw No. 10200</b>		
Column 1	Column 2	Column 3
<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Deposit or remove soil without a valid permit or approval	3.1.1	1,000
Deposit other material without a valid permit or approval	3.2.1	1,000
Failure to pay a security deposit deficiency	4.2.2	1,000
Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 f	1,000
Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 g	1,000
Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 h	1,000
Deposit soil or other material over well or private sewage disposal system	4.3.1 i	1,000
Deposit or remove soil or other material between the hours of 7 00 pm and 7 00 am	4.3.1 j	1,000
Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 k	1,000
Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 l	1,000
Making a false statement	4.5.1	1,000
Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 a	1,000
Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 b	1,000
Failure to remove a temporary structure	5.1.1 c	1,000
Failure to adequately fence or protect hazards	5.1.1 d	1,000
Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 e	1,000

<b>SCHEDULE B 11A</b>		
Column 1	Column 2	Column 3
<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Allow soil or other material to encroach, undermine, damage, or endanger adjacent property or setback area	5.1.1 f	1,000
Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 g	1,000
Failure to post the permit placard	5.1.1 h	1,000
Deposit or removal interferes with a hydrological function	5.1.1 i	1,000
Prevent or obstruct entry by the General Manager	6.1.1	1,000
Failure to maintain or provide records	6.1.2	1,000
Failure to comply with a stop work order	7.1.1	1,000
Failure to cease activities	7.1.1 a	1,000
Failure to correct a contravention	7.1.1 b	1,000
Failure to remove soil or other material	7.1.1 c	1,000
Failure to remediate	7.1.1 d	1,000
Failure to submit an application	7.1.1 e	1,000
Failure to repair damage	7.1.7	1,000
Failure to remove an obstruction	7.1.8	1,000
Failure to clean a highway	7.1.9	1,000
Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	1,000



Bylaw 10194

**SCHEDULE A to Bylaw No. 10194**

## Soil Deposit and Removal Bylaw No. 10200 Fees

<b>Section</b>	<b>Description</b>	<b>Fee</b>
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 100 cubic metres to 600 cubic metres)	\$600.00
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 600 cubic metres)	\$1,000.00
Section 4.2.1	Security Deposit	\$5.00 per cubic metre (\$15,000 minimum to a maximum of \$200,000)
Section 4.4.1 (d)	Volume Fee – Soil Removal	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>within</u> the City)	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>outside</u> the City)	\$2.00 per cubic metre
Section 4.7.1 (b)	Soil and Other Material Deposit or Soil Removal Permit Renewal Fee	\$300.00

**B.C. Cranberry Growers Association**

21538 - 87B Avenue, Langley, BC V1M 2E6  
Tel: 604.309.9868 [www.bccranberrygrowers.com](http://www.bccranberrygrowers.com)

February 23, 2021

Mayor and Council  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Delivered by email: <https://www.richmond.ca/contact/departments/council.htm>

**RE: DRAFT NEW SOIL DEPOSIT AND REMOVAL BYLAW**

Mayor and Council;

This letter is in response to the above mentioned Draft New Soil Deposit and Removal Bylaw, dated 2021.01.11, directed by your General Manager, Community Safety.

With forty percent of BC's cranberry acreage located in Richmond, the BC Cranberry Growers Association (BCCGA) is concerned that the proposed New Bylaw will threaten and undermine Council's Strategic Plan 2018-2022 Strategy #2: *A Sustainable and Environmentally Conscious City*, namely items 2.1, 2.2 and 2.3:

- 2.1 Continued leadership in addressing climate change and promoting circular economic principles;*
- 2.2 Policies and practices support Richmond's sustainability goals;*
- 2.3 Increase emphasis on local food systems, urban agriculture and organic farming.*

Our concern regards the proposed implementation of application and permitting requirements for the addition of "***clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m<sup>3</sup>/ha or less***";. This practice is currently considered an "**Exempted Activity**", under the Placement of Fill or Removal of Soil in the ALR. (ALC Bulletin 07: SOIL OR FILL USES IN THE ALR, March 22, 2019).

Clean sand is used as a widely accepted, cranberry industry best management practice to mitigate and control insect and disease pests, and encourage healthy cranberry root establishment. If the BCCGA interprets the proposed bylaw correctly, the changes proposed would add prohibitive expense to an accepted agronomic practice that growers would avoid or postpone, reducing the health and viability of their operation.

Depth of sand applied for agronomic benefit per application is generally limited to ¾ to 1" and occurs every second or third year, not appreciably changing the soil profile and certainly not "dumping" of soil as we believe Council or the FSAAC is concerned about.

## B.C. Cranberry Growers Association

21538 - 87B Avenue, Langley, BC V1M 2E6

Tel: 604.309.9868 [www.bccranberrygrowers.com](http://www.bccranberrygrowers.com)

We hope this input regarding the proposed New Bylaw is useful in your deliberations and that it conforms with Council's Sustainability Strategy.

Sincerely,



Michael Wallis  
Executive Director

- cc. Cecilia Achiam, GM, Community Safety;  
. Carli Williams, Manager, Business Licenses & Bylaws;  
. Kelly Greene, MLA Richmond-Steveston;  
. Henry Yao, MLA Richmond Centre;  
. Aman Singh, MLA Richmond-Queensborough

**B.C. Cranberry Growers Association**

21538-87B Avenue, Langley, BC V1M 2E6

Tel: 604.309.9868 [www.bccranberrygrowers.com](http://www.bccranberrygrowers.com)

March 5, 2021

Mayor and Council  
City of Richmond  
6911 No. 3 Road  
Richmond, BC V6Y 2C1

Delivered by email: <https://www.richmond.ca/contact/departments/council.htm>

**RE: DRAFT NEW SOIL DEPOSIT AND REMOVAL BYLAW**

Mayor and Council;

This letter pertains to correspondence submitted February 23, 2021, in relation to the City of Richmond's proposed new soil deposit and removal bylaw.

That letter addressed concerns regarding language and intent of the new bylaw, raising industry concerns that commonly accepted agricultural practices would be impacted by permit requirements and tipping fees.

I would like to thank the City's quick response from staff regarding this issue, explaining and clarifying both the language and intent of the proposed bylaw. Your staff, particularly Mike Morin, Soil Bylaw Officer, reached out immediately to address our concerns in an urgent and professional manner.

The BC Cranberry Growers Association appreciate Richmond's recognition of the importance of the cranberry industry within its municipal boundaries and looks forward to many more years of cooperative sustainability.

Yours truly



Michael Wallis  
Executive Director

- cc. Cecilia Achiam, GM, Community Safety;  
. Carli Williams, Manager, Business Licenses & Bylaws;  
. Kelly Greene, MLA Richmond-Steveston;  
. Henry Yao, MLA Richmond Centre;  
. Aman Singh, MLA Richmond-Queensborough

## Local Government Application Fee and Security Deposit Table

Local Government	Application Fee	Security Deposit	Permit Renewal Fee
<b>Richmond</b>	\$600	\$15,000 max.	\$100
<b>Richmond (proposed)</b>	\$0 - up to 99m <sup>3</sup> \$600 - 100 to 600m <sup>3</sup> \$1,000 - Over 600m <sup>3</sup>	\$5.00 per m <sup>3</sup> (\$15,000 min. to \$200,000 max)	\$0 - up to 99m <sup>3</sup> \$300 - 100 to 600m <sup>3</sup> \$500 - Over 600m <sup>3</sup>
<b>Abbotsford</b>	No amount charged	\$10,000 + \$5,000 per ha (\$15,000 min. to \$100,000 max.)	No amount charged
<b>Chilliwack</b>	\$250	\$5,000 max.	No amount charged
<b>Delta</b>	\$500 (non-ALR lands) \$100 (ALR lands)	\$0.50 per m <sup>3</sup> (\$100,000 max.)	\$500 (non-ALR lands) \$100 (ALR lands)
<b>Maple Ridge</b>	\$50 - Up to 350m <sup>3</sup> \$350 - 351 to 5,000m <sup>3</sup> \$750 - Over 5,000m <sup>3</sup>	\$1,000 - up to 350m <sup>3</sup> \$5,000 min. - over 350m <sup>3</sup> \$2.00 per m <sup>3</sup> for up to 20,000m <sup>3</sup> \$1.00 per m <sup>3</sup> over 20,000m <sup>3</sup>	\$50 - up to 350m <sup>3</sup> \$175 - over 350m <sup>3</sup> \$375 - over 5,000m <sup>3</sup>
<b>Pitt Meadows</b>	\$250	\$5.00 per m <sup>3</sup> (no max.)	\$100
<b>Surrey</b>	\$741	\$5.00 per m <sup>3</sup>	\$741 \$281 - permit transfer fee
<b>Township of Langley</b>	\$250 - Up to 600m <sup>3</sup> \$500 - Over 600m <sup>3</sup>	\$5.00 per m <sup>3</sup> (\$1,000 min.)	\$500

**Notes:** A security deposit is typically refundable unless drawn upon by the City to address issues of non-compliance or damage to City infrastructure due to soil deposit and/or removal operations.

COR staff most recent review of Soil Bylaws from neighbouring municipalities occurred in July 2020

## Local Government Volume Fee Table

Local Government	Volume Fee (per m <sup>3</sup> ) *Typical load equals 7m <sup>3</sup>	Approximate Tipping Fee (\$ per load)	Volume Fee as a Percentage of Tipping Fee
<b>Richmond</b>	<b>No amount charged</b>	<b>\$75-\$100</b>	<b>0%</b>
<b>Richmond (proposed)</b>	<b>\$1.00 (removal)</b> (\$7.00 per load)  <b>\$1.00 (deposit)</b> <b>Soil sourced within Richmond</b> (\$7.00 per load)  <b>\$2.00 (deposit)</b> <b>Soil sourced from outside of Richmond</b> (\$14.00 per load)	<b>\$75-\$100</b>	<b>9.3%-7%</b>  <b>9.3%-7%</b>  <b>18.6%-14%</b>
<b>Abbotsford</b>	\$0.67 (\$4.69 per load)	\$35-\$50	13%-9%
<b>Chilliwack</b>	\$0.50 (\$3.50 per load)	\$35-\$50	10%-7%
<b>Delta</b>	\$0.50 (\$3.50 per load)	\$50-\$70	7%-5%
<b>Maple Ridge</b>	\$0.50 (\$3.50 per load)	Unknown	Unknown
<b>Pitt Meadows</b>	\$0.50 (\$3.50 per load)	Unknown	Unknown
<b>Surrey</b>	\$0.57 (for removal) (\$3.99 per load)	Unknown	Unknown
<b>Township of Langley</b>	\$1.00 (\$7.00 per load)	\$50-\$70	14%-10%

**Notes:** The City of Richmond, unlike surrounding municipalities, does not currently collect a 'volume fee'. A 'volume fee' is paid directly by the permit holder to Local Government on a per cubic metre basis and should not be mistaken with a 'tipping fee'.

A 'tipping fee' is typically paid by the contractor and/or soil source site operator to the property owner/permit holder to deposit soil on the owner's property. Tipping fees are variable and can be wide ranging throughout the region as the tipping fee amount is based on the soil source location in proximity to the approved soil deposit site, type of soil, and season.

The percentage indicated in Column 3 outlines the approximate amount of income other municipalities collect as a percentage of what the property owner may receive per load via the 'tipping fee'.

COR staff most recent review of Soil Bylaws from neighbouring municipalities occurred in July 2020



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,  
Amendment Bylaw No. 10192**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by:
  - (a) deleting the reference to the “Soil Removal and Fill Deposit Regulation Bylaw 8094, as amended;” and
  - (b) adding the following to section 1.1 in alphabetical order:

**“Soil Deposit and Removal Bylaw No. 10200, as amended;”**

2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Schedule A by deleting Schedule – Soil Removal and Fill Deposit Regulation No. 8094, in its entirety.
3. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding the content of the table in Schedule A attached to and forming part of this bylaw as “Schedule - Soil Deposit and Removal Bylaw No. 10200” to Schedule A of Bylaw No. 8122, in alphabetical order.
4. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10192”**.

FIRST READING

SECOND READING

THIRD READING

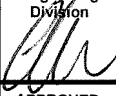

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor


\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE A to BYLAW NO. 10192**

<b>Schedule – Soil Deposit and Removal Bylaw No. 10200</b>							
<b>Designated Bylaw Contraventions and Corresponding Penalties</b>							
A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	<b>Period of Time from Receipt (inclusive)</b>	n/a	n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Deposit or remove soil without a valid permit or approval	3.1.1	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit other material without a valid permit or approval	3.2.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to pay a security deposit deficiency	4.2.2	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 (f)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 (g)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 (h)	No	\$500.00	\$475.00	\$525.00	n/a



## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Deposit soil or other material over well or private sewage disposal system	4.3.1 (i)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material between the hours of 7:00 p.m. and 7:00 a.m.	4.3.1 (j)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 (k)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 (l)	No	\$500.00	\$475.00	\$525.00	n/a
	Making a false statement	4.5.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 (a)	No	\$500.00	\$475.00	\$525.00	n/a
	Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 (b)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove a temporary structure	5.1.1 (c)	No	\$500.00	\$475.00	\$525.00	n/a

## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Failure to adequately fence or protect hazards	5.1.1 (d)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (e)	No	\$500.00	\$475.00	\$525.00	n/a
	Allow soil or other material to encroach, undermine, damage or endanger adjacent property or setback area	5.1.1 (f)	No	\$500.00	\$475.00	\$525.00	n/a
	Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 (g)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to post the permit placard	5.1.1 (h)	No	\$500.00	\$475.00	\$525.00	n/a
	Deposit or removal interferes with a hydrological function	5.1.1 (i)	No	\$500.00	\$475.00	\$525.00	n/a
	Prevent or obstruct entry by the General Manager	6.1.1	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to maintain or provide records	6.1.2	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to comply with a stop work order	7.1.1	No	\$500.00	\$475.00	\$525.00	n/a

## Schedule – Soil Deposit and Removal Bylaw No. 10200

### Designated Bylaw Contraventions and Corresponding Penalties

A1	A2	A3	A4	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
<b>Soil Deposit and Removal Bylaw No. 10200</b>	Failure to cease activities	7.1.1 (a)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to correct a contravention	7.1.1 (b)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove soil or other material	7.1.1 (c)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remediate	7.1.1 (d)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to submit an application	7.1.1 (e)	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to repair damage	7.1.7	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to remove an obstruction	7.1.8	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to clean a highway	7.1.9	No	\$500.00	\$475.00	\$525.00	n/a
	Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	No	\$500.00	\$475.00	\$525.00	n/a



**Municipal Ticket Information Authorization Bylaw No. 7321,  
Amendment Bylaw No. 10193**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by adding Schedule A attached to and forming part of this bylaw as a new Schedule B 11A of Bylaw No. 7321, in alphabetical order.
2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10193**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>LB</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE A to BYLAW NO. 10193**

<b>SCHEDULE B 11A</b>		
<b>Soil Deposit and Removal Bylaw No. 10200</b>		
Column 1	Column 2	Column 3
<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Deposit or remove soil without a valid permit or approval	3.1.1	\$1,000
Deposit other material without a valid permit or approval	3.2.1	\$1,000
Failure to pay a security deposit deficiency	4.2.2	\$1,000
Deposit or remove soil or other material within 3.0 metres of a property line	4.3.1 (f)	\$1,000
Deposit soil or other material on or remove soil from City owned property or highway without authorization	4.3.1 (g)	\$1,000
Deposit soil or other material within 3 metres of a utility, railway right-of-way or service	4.3.1 (h)	\$1,000
Deposit soil or other material over well or private sewage disposal system	4.3.1 (i)	\$1,000
Deposit or remove soil or other material between the hours of 7:00 pm and 7:00 am	4.3.1 (j)	\$1,000
Deposit or remove soil or other material on a Saturday, Sunday or any statutory holiday	4.3.1 (k)	\$1,000
Deposit or remove soil or other material within an Environmentally Sensitive Area or Riparian Management Area	4.3.1 (l)	\$1,000
Making a false statement	4.5.1	\$1,000
Failing to repair damage to drainage facilities, watercourse, highway or a property	5.1.1 (a)	\$1,000
Failing to keep drainage facilities or watercourse free of soil or other material	5.1.1 (b)	\$1,000
Failure to remove a temporary structure	5.1.1 (c)	\$1,000
Failure to adequately fence or protect hazards	5.1.1 (d)	\$1,000
Failure to protect from erosion, collapse, or run-off water or mud	5.1.1 (e)	\$1,000

<b>SCHEDULE B 11A</b>		
Column 1	Column 2	Column 3
<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Allow soil or other material to encroach, undermine, damage, or endanger adjacent property or setback area	5.1.1 (f)	\$1,000
Stockpiling soil or other material other than in the location as per the permit or approval	5.1.1 (g)	\$1,000
Failure to post the permit placard	5.1.1 (h)	\$1,000
Deposit or removal interferes with a hydrological function	5.1.1 (i)	\$1,000
Prevent or obstruct entry by the General Manager	6.1.1	\$1,000
Failure to maintain or provide records	6.1.2	\$1,000
Failure to comply with a stop work order	7.1.1	\$1,000
Failure to cease activities	7.1.1 (a)	\$1,000
Failure to correct a contravention	7.1.1 (b)	\$1,000
Failure to remove soil or other material	7.1.1 (c)	\$1,000
Failure to remediate	7.1.1 (d)	\$1,000
Failure to submit an application	7.1.1 (e)	\$1,000
Failure to repair damage	7.1.7	\$1,000
Failure to remove an obstruction	7.1.8	\$1,000
Failure to clean a highway	7.1.9	\$1,000
Failure to comply with a term or condition of a permit or Soil Deposit and Removal Bylaw No. 10200, as amended	9.1.1	\$1,000



**Consolidated Fees Bylaw No. 8636,  
Amendment Bylaw No. 10194**

The Council of the City of Richmond enacts as follows:

1. The Consolidated Fees Bylaw No. 8636, as amended, is amended by adding Schedule A attached to and forming part of this bylaw as a new schedule to Consolidated Fees Bylaw No. 8636, in alphabetical order.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10194.**”

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>LS</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE A to Bylaw No. 10194**

## Soil Deposit and Removal Bylaw No. 10200 Fees

<b>Section</b>	<b>Description</b>	<b>Fee</b>
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 100 cubic metres to 600 cubic metres)	\$600.00
Section 4.1.1 (d)	Soil and Other Material Deposit or Removal Application Fee (over 600 cubic metres)	\$1,000.00
Section 4.2.1	Security Deposit	\$5.00 per cubic metre (\$15,000 minimum to a maximum of \$200,000)
Section 4.4.1 (d)	Volume Fee – Soil Removal	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>within</u> the City)	\$1.00 per cubic metre
Section 4.4.1 (d)	Volume Fee – Soil Deposit (Soil or Other Material imported from <u>outside</u> the City)	\$2.00 per cubic metre
Section 4.7.1 (b)	Soil and Other Material Deposit or Soil Removal Permit Renewal Fee	\$300.00





**Soil Deposit and Removal Bylaw No. 10200**

The Council of the City of Richmond enacts as follows:

**CITY OF RICHMOND**

***SOIL DEPOSIT AND REMOVAL BYLAW***

**NO. 10200**

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**Soil Deposit and Removal Bylaw  
No. 10200**

The Council of the City of Richmond enacts as follows:

**PART ONE: APPLICATION**

**1. Application**

- 1.1 This Bylaw applies to all lands located within the City of Richmond.
- 1.2 Nothing in this Bylaw precludes or relieves a person from complying with any other applicable bylaws of the **City** or all **Applicable Laws**.

**PART TWO: DEFINITIONS**

**2. Definitions**

- 2.1 For the purposes of this Bylaw, the following words have the following meanings:

<b>ALC</b>	means the Provincial Agricultural Land Commission established under the <i>ALC Act</i> .
<b>ALC ACT</b>	means the <i>Agricultural Land Commission Act</i> , S.B.C. 2002, c. 36.
<b>ALR</b>	means land designated as an agricultural land reserve under the <i>ALC Act</i> , and includes an agricultural land reserve under a former Act.
<b>ALR PROPERTY</b>	means a <b>Property</b> located in the <b>ALR</b> .
<b>ALR REGULATIONS</b>	means the <i>Agricultural Land Reserve General Regulation</i> , B.C. Reg. 149/2020 and the <i>Agricultural Land Reserve Use Regulation</i> , B.C. Reg. 149/220.
<b>APPLICABLE LAWS</b>	means all enactments, regulations, bylaws, standards, ordinances, codes, rules, orders, judgments, directions, directives, and policies enacted, adopted, issued or published by the <b>City</b> or a <b>Governmental Authority</b> which are applicable in the <b>City</b> .
<b>APPLICANT</b>	means a person who has applied for a <b>Permit</b> .

<b>BUILDING</b>	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .
<b>BUILDING PERMIT</b>	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .
<b>CITY</b>	means the City of Richmond.
<b>CITY CLERK</b>	means the person appointed by <b>Council</b> to the position having that name and includes, his or her designates and authorized agents.
<b>CITY PERSONNEL</b>	means the <b>City</b> , its agents, employees, officers and servants.
<b>CONSOLIDATED FEES BYLAW</b>	means the City of Richmond <i>Consolidated Fees Bylaw No. 8636</i> .
<b>COUNCIL</b>	means the municipal council of the <b>City</b> .
<b>DEPOSIT</b>	means the act of temporarily or permanently placing <b>Soil</b> or <b>Other Material</b> on a <b>Property</b> .
<b>END SITE</b>	means a <b>Property</b> approved by the <b>City</b> to accept <b>Soil</b> or <b>Other Material</b> . An <b>End Site</b> (also known as a ‘ <b>Soil Deposit site</b> ’ or ‘fill site’) may also be a <b>Property</b> that has accepted <b>Soil</b> or <b>Other Material</b> without obtaining the necessary approvals from the <b>City</b> or <b>ALC</b> .
<b>ENVIRONMENTAL LAWS</b>	means all <b>Applicable Laws</b> relating to fisheries, public health and safety, occupational health and safety, the protection or preservation of the environment, or the manufacture, operation, processing, distribution, use, treatment, storage, disposal, release, transport, handling, or remediation of contaminants as per the <i>Environmental Management Act</i> , S.B.C. 2003 c. 53, the <i>Canadian Environmental Protection Act, 1999</i> S.C. 1999, c. 33, and the <i>Fisheries Act</i> , R.S.C. 1985, c. F-14, and any other similar <b>Applicable Laws</b> .
<b>ENVIRONMENTALLY SENSITIVE AREA</b>	means those areas designated for the purpose of protecting and enhancing the environmental resources and ecosystem services which are critical components in maintaining the <b>City’s</b> natural attributes and liveability as designated by the <i>2041 Official Community Plan</i> .

<b>GENERAL MANAGER</b>	means the General Manager, Community Safety, his or her designates and authorized agents.
<b>GOVERNMENTAL AUTHORITY</b>	means any government, parliament, legislature, court, administrative or regulatory agency, board, tribunal or commission; any other authority or entity charged with the administration or enforcement of legal requirements or any person under the authority of any of the foregoing, other than the <b>City</b> .
<b>HIGHWAY</b>	includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right-of-way on private <b>Property</b> .
<b>LANDFILL</b>	means a site approved by <b>Council</b> or a <b>Governmental Authority</b> authorized to accept the disposal of <b>Other Material</b> , <b>Soil</b> , or any material approved by a <b>Governmental Authority</b> .
<b>OTHER MATERIAL</b>	includes, but is not limited to, <b>Woodwaste</b> , construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, biological waste, organic waste, including any materials listed in the <i>Solid Waste and Recycling Regulation Bylaw No. 6803</i> , but does not include <b>Soil</b> .
<b>OWNER</b>	means a person registered in the records of the Land Title Office as the fee simple owner of a <b>Property</b> , including the strata corporation in the case of a <b>Property</b> under strata ownership.
<b>PERMIT</b>	means the written authority granted by the <b>General Manager</b> pursuant to this Bylaw for the <b>Deposit of Soil</b> or <b>Other Material</b> , or the <b>Removal of Soil</b> .
<b>PERMITTEE</b>	means the holder of a <b>Permit</b> .
<b>PRELOAD</b>	means <b>Soil Deposited</b> on a <b>Property</b> to increase the substrate's bearing capacity to support the designed loads of a proposed <b>Building</b> or <b>Structure</b> on the <b>Property</b> .
<b>PROFESSIONAL AGROLOGIST</b>	means an agrologist registered and in good standing with the British Columbia Institute of Agrologists.

<b>PROFESSIONAL ENGINEER</b>	means a professional engineer registered and in good standing with the Engineers and Geoscientists British Columbia and maintaining professional liability and errors and omissions insurance in the amount of not less than \$5,000,000 per occurrence during the term of his or her engagement.
<b>PROPERTY</b>	means any lot, block or other area in which land is held or into which it is subdivided, including unopened road allowances but excluding a <b>Highway</b> .
<b>QUALIFIED ENVIRONMENTAL PROFESSIONAL</b>	means an individual who may serve as a primary qualified environmental professional for the purposes of carrying out part of an assessment under the <i>Riparian Areas Protection Regulation</i> , B.C. Reg. 178/2019.
<b>REMOVE OR REMOVAL</b>	means to take, excavate, or extract <b>Soil</b> from a <b>Property</b> .
<b>RIPARIAN MANAGEMENT AREA</b>	has the meaning ascribed to it in the <i>Zoning Bylaw</i> .
<b>SECURITY DEPOSIT</b>	means a deposit in the form of cash, cheque or an unconditional, irrevocable letter of credit drawn on a Canadian financial institution, in a form acceptable to the <b>General Manager</b> .
<b>SOIL</b>	means topsoil, cobbles, boulders, sand, gravel, rock, silt, clay, peat, or any other substance of which land is naturally composed, above bedrock, but does not include <b>Other Material</b> .
<b>SOURCE SITE</b>	means a <b>Property</b> in which <b>Soil</b> or <b>Other Material</b> is excavated or removed from.
<b>STOCKPILE</b>	means a man-made accumulation of <b>Soil</b> or <b>Other Material</b> held in storage for future use.
<b>STOP WORK ORDER (SWO)</b>	means a written or verbal notification from the <b>General Manager</b> ordering the <b>Owner</b> and <b>Permittee</b> (if different from the <b>Owner</b> ) to stop the <b>Deposit</b> of <b>Soil</b> or <b>Other Material</b> and/or <b>Soil Removal</b> activities until further notification from the <b>General Manager</b> .
<b>STRUCTURE</b>	has the meaning ascribed to it in the <i>Building Regulation Bylaw No. 7230</i> .

**SUBJECT PROPERTY**

means:

- (a) the **Property** upon which the **Deposit** of **Soil** or **Other Material** has occurred or will occur (with or without a **Permit**); or
- (b) the **Property** from which the **Removal** of **Soil** has occurred or will occur (with or without a **Permit**).

**TRAFFIC BYLAW**

means the City of Richmond *Traffic Bylaw No. 5870*.

**WATERCOURSE**

has the meaning ascribed to it in the *Zoning Bylaw*.

**WOODWASTE**

means:

- (a) wood residue, as defined within the *Code of Practice for Agricultural Environmental Management*;
- (b) sawdust, hog fuel, bark, and bark mulch;
- (c) woods chips, slabs, shavings, mill ends, trimmings, edgings; or
- (d) other wood waste which is the result of any manufacturing process involved in the production of lumber or other wood products.

**ZONING BYLAW**

means the City of Richmond *Zoning Bylaw No. 8500*.

**PART THREE: DEPOSITING & REMOVING**

**3.1 General Permit Requirements**

3.1.1 No person shall **Deposit Soil** on or **Remove Soil** from a **Property**, unless:

- (a) that person has been authorized to undertake the **Deposit** or **Removal**, as applicable, by a **Permit**; or
- (b) the person does not require a **Permit** to undertake the **Deposit** or **Removal** pursuant to section 3.3.1.

**3.2 Deposit of Other Material**

3.2.1 No person shall **Deposit Other Material** on a **Property** unless:

- (a) that person has been authorized to undertake the **Deposit** by a **Permit**; or
- (b) the person does not require a **Permit** to undertake the **Deposit** pursuant to section 3.3.1.

3.2.2 The **General Manager** will only issue a **Permit** authorizing the **Deposit**

of the following **Other Material**:

- (a) concrete rubble which is used to construct roadways and has a maximum diameter of 150 mm;
- (b) asphalt rubble which is used to construct roadways and has a maximum diameter of 25 mm; or
- (c) any **Other Material** as determined by the **General Manager**.

3.2.3 For **Properties** in the ALR, the **General Manager** will only issue a **Permit** authorizing the **Deposit** of **Other Material** as permitted under the *ALC Act* and/or **ALR Regulations**.

### 3.3 General Permit Exemptions

3.3.1 Subject to section 3.3.2,a **Permit** is not required to **Deposit Soil** or **Other Material** on a **Property**, or **Remove Soil** from a **Property**, if one or more of the following circumstances apply:

- (a) the **Deposit** or **Removal** of **Soil**:
  - (i) will not exceed 14 cubic metres over the course of a calendar year;
  - (ii) does not exceed 0.25 m in height at any point; and
  - (iii) is accessory to a permitted residential use of the **Subject Property** on a non-ALR **Property**;
- (b) the **Deposit** or **Removal** is undertaken by the **City** or a **Governmental Authority**;
- (c) the **Deposit** or **Removal** is specifically authorized by a permit or other approval issued by a **Governmental Authority** in which authority to regulate is granted to that **Governmental Authority** pursuant to **Applicable Laws**;
- (d) the **Deposit** or **Removal**:
  - (i) is, in the opinion of the **General Manager**, necessary to deal with a significant threat to the health, safety, or welfare of the public, on such terms and conditions, as required by the **General Manager**; and
  - (ii) if required by the **General Manager**, payment has been made to the **City** of some or all of the fees set out in Part 4;
- (e) the **Deposit** or **Removal** is required to prepare the bearing capacity of **Soil** for the building of foundations for a **Building(s)** or **Structure(s)** on a non-ALR **Property**;
- (f) the **Deposit** or **Removal** is related to works and services for a subdivision on a non-ALR **Property**;
- (g) the **Deposit** or **Removal** of **Soil** is required for the construction or maintenance of a private sewage disposal system or septic field for which an approval has been granted by the appropriate **Governmental Authority**;



- (h) the **Deposit** or **Stockpiling** of **Woodwaste** is in accordance with the provisions of the *Code of Practice for Agricultural Environmental Management*;
- (i) the **Deposit** or **Stockpiling** of fertilizer, manure, compost, soil conditioners or soil amendments is in accordance with **Applicable Laws**;
- (j) the **Deposit** or **Removal** is in relation to the sale of **Soil** pursuant to a valid and subsisting business license and is in accordance with **Applicable Laws**;
- k) the **Deposit** or **Stockpiling** of sand for berry production, if done so in accordance with **ALR Regulations**;
- l) the **Deposit** of **Soil** or **Other Material** for the constructing of berms or dikes for producing cranberries, if done so in accordance with **ALR Regulations**;
- (m) the **Deposit** or **Removal** is required to maintain or repair an access road, driveway, paved parking area, berm, or dike on private property;
- (n) the **Deposit** or **Removal** involves the movement of **Soil** existing within the boundaries of a single **Property**; or
- (o) the **Deposit** is undertaken within a **Landfill** and is in compliance with all **Applicable Laws**.

3.3.2 Notwithstanding any other section of this Bylaw:

- (a) a **Deposit** or **Removal** which does not require a **Permit** pursuant to section 3.3.1 must comply with section 4.3.1 and sections 5.1.1(a) through 5.1.1(g);
- (b) a **Permit** will be required to **Deposit Soil** or **Remove Soil** to facilitate the **Deposit of Preload** on a **Subject Property** within the **ALR**, unless:
  - (i) a **Building Permit** or development permit for a **Building** or **Structure** to be located on the area of the proposed **Preload Deposit** or **Soil Removal** has been issued by the **City**; and
  - (ii) such **Building Permit** or development permit has not expired or been revoked before the **Soil Deposit** has been completed and the **Preload** has been removed;
- (c) subject to section 3.6.1, general **Permit** exemptions granted under the Bylaw do not apply should the **Deposit** of **Soil** or **Other Material** or **Soil Removal** be undertaken within an **Environmentally Sensitive Area, Riparian Management Area, Watercourse** or violates any **Environmental Laws**;
- (d) general **Permit** exemptions granted under the Bylaw do not apply to a **Subject Property** that is non-compliance with this Bylaw or any **City** bylaws; and

- (e) general **Permit** exemptions granted under the Bylaw do not apply to a **Subject Property** if the **Deposit** or **Removal of Soil** or **Deposit of Other Material** requires **Council** authorization as per **Applicable Laws** or any **City** bylaws.

### **3.4 Agricultural Land Reserve Permit Exemptions & Requirements**

- 3.4.1 A **Permit** is required to **Deposit Soil** on an **ALR Property**, or **Remove Soil** from an **ALR Property**, provided the **General Manager** is of the opinion that the requirement for a **Permit** will not effectively prohibit a **Deposit** or **Removal** which is expressly permitted by the *ALC Act*, the **ALR Regulations**, or an order or approval granted pursuant thereto.
- 3.4.2 A **Permit** will not be issued for a **Deposit** or **Removal** that requires the approval of the **ALC** until the **ALC** has granted such approval.
- 3.4.3 A **Deposit** or **Removal** referred to in section 3.4.2 must be carried out in accordance with any restrictions, limits or conditions specified for the **Deposit** or **Removal** by the **ALC** or its chief executive officer.

### **3.5 Council Resolution**

- 3.5.1 A **Council** resolution shall be required only for:
  - (a) a **Soil Deposit** or **Removal** greater than 600 cubic metres on lands within the **ALR** when required as per the *ALC Act* and **ALR Regulations**; and
  - (b) a **Soil Deposit** or **Removal** greater than 600 cubic metres on lands outside the **ALR**.

### **3.6 Conflict with Provincial or Federal Law or Other Permit or Approval**

- 3.6.1 Notwithstanding anything to the contrary in this Bylaw, a person is exempt from compliance with a section of this Bylaw if compliance would:
  - (a) effectively prohibit an activity which is expressly permitted by a **Governmental Authority** or **Applicable Laws**; or
  - (b) cause the person to contravene a **Governmental Authority** or **Applicable Laws**.

For certainty, compliance with this Bylaw will not effectively prohibit an activity which is expressly permitted by a **Governmental Authority** or **Applicable Laws** if the section merely imposes additional requirements, conditions or restrictions on the activity.

## **PART FOUR: PERMIT APPLICATION PROCESS**

### **4.1 Permit Application Requirements**

- 4.1.1 Unless exempted by the **General Manager**, an application for a **Permit** must:

- (a) be made in the form provided from time to time by the **City** for that purpose;
- (b) be made by the **Owner** of the **Subject Property**, or by an agent of the **Owner**, provided that such agent has been granted written authority to act on behalf of the **Owner**;
- (c) be accompanied by sufficient information, as required or determined as necessary by the **General Manager**, to adequately review and assess the proposed **Soil** or **Other Material Deposit** or **Soil Removal**, including information with respect to land ownership, land use, purpose for **Deposit** or **Removal**, site conditions, **Soil** or **Other Material** characteristics, and proposed **Deposit** or **Removal** methodology;
- (d) include a non-refundable application fee as specified in the **Consolidated Fees Bylaw**, except that an application fee shall not be required for any application proposing to **Deposit** less than 100 cubic metres of **Soil** or **Other Material** or **Remove** less than 100 cubic metres of **Soil**;
- (e) include a Topographic Survey of the **Subject Property**, prepared by a Registered Land Surveyor;
- (f) include a certified Drainage/Irrigation Plan prepared by a **Professional Engineer**;
- (g) include a certified Geotechnical Report prepared by a **Professional Engineer**;
- (h) include, should the **Subject Property** be in the ALR, a report prepared by a **Professional Agrologist** containing some or all of the following, as determined as necessary by the **General Manager**, in relation to the **Subject Property**:
  - (i) legal description, zoning and current land use;
  - (ii) site plan/description including site photos and historical land use of the property;
  - (iii) the **Soil** characteristics/description of the **Subject Property** and current agricultural capability;
  - (iv) **Soil** management rationale/improved agricultural capability following project completion;
  - (v) the benefits that the proposed **Soil Deposit** and/or **Removal** project will provide for agricultural productivity and use;
  - (vi) **Soil** placement plan including an outline of the proposed program for stripping, storing, and redistributing topsoil during and upon completion of the proposed **Deposit** or **Removal** works on the **Subject Property**;
  - (vii) outline any limitations, conditions or recommendations to ensure agricultural integrity is maintained and improved upon completion of the project;

- (viii) proposed duration of the project; and
- (ix) Farm Plan, containing the following:
  - (1) drainage requirements/rationale;
  - (2) irrigation requirements/rationale and water sources;
  - (3) proposed agricultural operator;
  - (4) proposed planting plan with site plan;
  - (5) agricultural improvement cost estimate; and
  - (6) project income statement (5-10 years).
- (i) include certification from a **Professional Agriologist** that the **Soil** to be **Deposited** meets any and all criteria for the intended land use at the **End Site**;
- (j) include the location of the **Source Site(s)** in the case of a **Soil** or **Other Material Deposit**, or the location of the **End Site(s)** to which **Soil** is to be **Removed** to, in the case of **Soil Removal**;
- (k) include an environmental assessment and independent monitoring plan of the operation at the **Subject Property**;
- (l) include a Traffic Management Plan for trucking of **Soil** or **Other Material** to be **Deposited** at or **Removed** from the **Subject Property**;
- (m) include evidence, satisfactory to the **General Manager**, that all requirements have been met under the *Boulevard and Roadway Protection and Regulation Bylaw No. 6366* and *Tree Protection Bylaw No. 8057*;
- (n) include an Erosion and Sediment Control Plan prepared by a **Qualified Environmental Professional** showing sediment control works to be implemented on the **Subject Property** to control the run-off of sediment laden water and to prevent the **Deposit** of **Soil** or **Other Material** onto **Properties** adjacent to the **Subject Property** or into nearby **Watercourses**;
- (o) include copies of any permits and approvals issued by **Governmental Authorities**, and required by **Applicable Laws**, in connection with the proposed **Soil** or **Other Material Deposit** or **Soil Removal** operation at the **Subject Property**;
- (p) include written confirmation from the **Owner** of the **Subject Property** that the **Owner** will waive, remise, release, indemnify and save harmless the **City Personnel** from and against all claims, demands, losses, costs (including legal costs), damages, actions, suits, or proceedings whatsoever brought by reason of, or arising from, the issuance of a **Permit** by the **City** or the proposed **Deposit** of **Soil** or **Other Material** or **Removal** of **Soil**, by or on behalf of the **Owner**;

- (q) with respect only for an application for a **Permit to Deposit Other Material**, include:
  - (i) information satisfactory to the **General Manager** addressing possible concerns regarding the effect of the **Deposit of Other Material** on:
    - (1) the health, safety, or welfare of the public;
    - (2) the short and long term impact (whether positive or negative) on the use of the **Subject Property**;
    - (3) the short and long term impact (whether positive or negative) on the use of **Properties** adjacent to the **Subject Property**; and
  - (r) include any other information, reports, and certifications reasonably required by the **General Manager** to consider an application.

4.1.2 An application will be deemed to have been abandoned if the **Applicant** fails to fully and completely respond to a request by the **General Manager** for documentation or information under this Bylaw within six (6) months of the date the request is made. If the **Applicant** wishes to proceed with the **Deposit of Soil or Other Material**, or the **Removal of Soil**, after any such abandonment, the **Applicant** must, unless exempted in writing by the **General Manager**, submit a new application for a **Permit** and must pay an additional non-refundable application fee as specified in the **Consolidated Fees Bylaw**.

## 4.2 Security Deposit

- 4.2.1 Prior to the issuance of a **Permit**, every **Applicant** must provide a **Security Deposit** to the **General Manager**. The amount of the **Security Deposit** will be equal to the fee specified in the **Consolidated Fees Bylaw**, based on the approved volume, up to a maximum of two-hundred thousand dollars (\$200,000.00) or a lesser amount as determined by the **General Manager** to be adequate in the circumstances, provided the amount of **Security Deposit** will not be less than fifteen thousand dollars (\$15,000.00) to ensure full and proper compliance with the provisions of this Bylaw and all terms and conditions of the **Permit**.
- 4.2.2 If the **Security Deposit** is not sufficient for the **City** to rectify any contravention of this Bylaw or with the **Permit**, or any other **City** bylaw relevant to the **Deposit or Removal** that is the subject of the **Permit**, the **Owner** of the **Subject Property** will pay any deficiency to the **City** within seven (7) days of receiving a written demand for same from the **City**.
- 4.2.3 If a **Security Deposit** which takes the form of a letter of credit will expire prior to the **Permittee** complying with the provisions of this Bylaw, or prior to the performance of all of the terms and conditions expressed in the **Permit**, the **Permittee** will deliver to the **City**, at least thirty (30) days prior to its expiry, a replacement letter of credit on the same terms as the original letter of credit provided to the **City**, unless otherwise approved by

- the **General Manager**. If the **Permittee** fails to do so, the **City** may realize the letter of credit and hold the **Security Deposit** in lieu thereof.
- 4.2.4 Where the **Security Deposit** is drawn upon for any reason, the **Permittee** will, within fifteen (15) days of receipt of written notice from the **City**, replenish the **Security Deposit** to the amount required by section 4.2.1, unless exempted in writing by the **General Manager**.
- 4.2.5 Upon expiry of the **Permit** (including any renewal thereof), or completion of the project which is the subject of the **Permit**, whichever occurs earlier, the **Permittee**, or if no longer authorized by the **Owner**, the **Owner** of the **Subject Property**, will undertake any activity required by the **General Manager** to ensure that the provisions of this Bylaw, and the terms and conditions of the **Permit**, have been complied with. Such activities may include, but not be limited to, providing the following within thirty (30) days after the earlier of the expiration of the **Permit** or the completion of the project which is the subject of the **Permit**:
- (a) a topographical survey prepared by a Registered Land Surveyor identifying the finished elevations to determine the total quantity of **Soil** or **Other Material Deposited**, or **Soil Removed**, from the **Subject Property**;
  - (b) a final lot grading plan signed and sealed by a **Professional Engineer**;
  - (c) a final report from a **Professional Agrologist** confirming that the **Soil Deposit and/or Removal** project has been completed as per the conditions of the **Permit**;
  - (d) a final report(s) from a **Qualified Environmental Professional** and/or **Professional Engineer**, confirming that the **Soil Deposit** and/or **Removal** project has been completed as per the conditions of the **Permit**; and
  - (e) when applicable, written confirmation from the **ALC** that the project has been completed as per the **ALC** approval.
- 4.2.6 Subject to sections 4.2.7 and 4.2.8, upon final completion of the **Soil Deposit** and/or **Removal** project which is the subject of the **Permit**, the **City** will have up to six (6) months after the earlier of the expiration of the **Permit** and the completion of the **Deposit** and/or **Removal** project covered by the **Permit**, to return the **Security Deposit** with no interest attached. If, after making reasonable efforts, the **City** is unable to locate the individual who provided the **Security Deposit**, a non-refundable administrative fee of \$1,000 will be charged by the **City** and paid from the **Security Deposit** for each year that the **City** retains the **Security Deposit** commencing six (6) months after the earlier of the expiration of the **Permit** and the completion of the **Deposit** or **Removal** project covered by the **Permit**.
- 4.2.7 The **City** will not be required to release any **Security Deposit**, or issue a new **Permit**, or renew an existing **Permit**, until all requirements imposed by the **General Manager** pursuant to section 4.2.5 have been complied with to the satisfaction of the **General Manager**.

4.2.8 At the discretion of the **General Manager**, a **Security Deposit** may not be required for a **Permit** issued for the **Deposit of Soil or Other Material** or **Soil Removal** of less than 100 cubic metres.

#### 4.3 **Depositing of Soil and Other Material and Removal of Soil**

4.3.1 In addition to any terms and conditions contained in a **Permit**, no person shall **Deposit Soil** or **Other Material**, or **Remove Soil**, except in accordance with the following requirements, unless exempted in writing by the **General Manager**:

- (a) the slope or any part of an exposed face of any **Deposited Soil** or **Other Material** will not be greater than the angle of repose necessary for stability of the **Soil** or **Other Material** in question;
- (b) the **Deposited Soil** or **Other Material**, or the **Removed Soil**, will not, in any way, interfere with the hydrological function and drainage pattern or capacity of any adjoining or reasonably adjacent **Properties** or **Highway** so as to cause flooding of those **Properties**, **Highway** or malfunctioning of any private sewage disposal system;
- (c) the **Deposited Soil** or **Other Material**, or the **Removed Soil**, will not, in any way, foul, obstruct, destroy, impede, divert, or otherwise adversely affect any **Watercourse**, groundwater aquifer, waterworks, drain, sewer or other established drainage facility, whether privately or publicly owned;
- (d) the **Deposited Soil** or **Other Material** shall be graded in such a manner that positive gravity drainage is assured throughout, and a drainage system will be installed which is of sufficient capacity and extent to ensure that groundwater and surface run-off will not drain into adjoining **Properties** at greater rates after commencement of the **Deposit** operation than prior to the commencement of the **Deposit** operation;
- (e) where **Soil** or **Other Material** is **Deposited** within six (6) metres of a **Property** line, the **Deposited Soil** or **Other Material** will be graded in such a manner so that the slope of the **Deposit** closest to the **Property** line is not steeper than one (1) metre vertical to four (4) metres horizontal;
- (f) no **Soil** or **Other Material** will be **Deposited** within three (3) metres of a **Property** line unless otherwise authorized by the **General Manager**;
- (g) no **Soil** or **Other Material** will be **Deposited** over or **Removed** from a **City-owned Property** or a **Highway** without written authorization from the **General Manager** or, if applicable, from the **City** or **Governmental Authority** with jurisdiction over the **Highway**;
- (h) no **Soil** or **Other Material** will be **Deposited** within three (3) metres of any utilities, railway right-of-way or services which may be damaged by any settlement resulting from such **Deposit**, without

first providing the **General Manager** with written authorization to do so from the owner or operator of such utilities, railway right-of-way or services;

- (i) no **Soil** or **Other Material** will be **Deposited** over wells or private sewage disposal systems;
- (j) no **Depositing** of **Soil** or **Other Material** or **Removal** of **Soil** may be carried out between the hours of 7:00 p.m. and 7:00 a.m. on any day;
- (k) no **Depositing** of **Soil** or **Other Material** or **Removal** of **Soil** may be carried out on a Saturday, Sunday, or any statutory holiday unless specifically exempted in the **Permit**; and
- (l) no **Soil** or **Other Material** will be **Deposited** within or **Removed** from an **Environmentally Sensitive Area** or **Riparian Management Area** except in accordance with all **City** bylaws and all **Applicable Laws**.

#### 4.4 **Permit Issuance**

4.4.1 The **General Manager** may issue a **Permit** upon being satisfied that:

- (a) the proposed **Soil** or **Other Material Deposit** or **Soil Removal** complies with all **City** bylaws and all **Applicable Laws**;
- (b) the **Deposit** or **Removal** operation can be carried out safely, without undue nuisance or interference to adjacent **Properties** or the public, or damage or injury to persons or **Property**;
- (c) the **Deposit** or **Removal** operation will not cause a **Governmental Authority** to incur excessive costs to provide public utilities, works, or services to the **Subject Property**, or an adjoining or reasonably adjacent **Property**;
- (d) the **Applicant** has paid the **City** the non-refundable volume fee required under the **Consolidated Fees Bylaw**;
- (e) the **Applicant** has provided proof of general liability insurance coverage in an amount and on terms satisfactory to the **General Manager**; and
- (f) the **Deposited Soil** or **Other Material**, or the **Removed Soil**, will not threaten the health, safety, or welfare of the public or be otherwise contrary to the public interest.

4.4.2 A volume fee may be waived at the discretion of the **General Manager**:

- (a) if the transporting of **Soil** or **Other Material** is undertaken between adjoining **Properties** without impact or utilization of a **Highway**; or
- (b) if a **Permit to Deposit Soil** or **Other Material** or **Remove Soil** is less than 100 cubic metres.

4.4.3 A **Permit** may authorize the processing of **Other Material** on the **Subject Property**, provided this activity is permitted by **Applicable Laws**.



## 4.5 General Provisions

- 4.5.1 No person will make a false statement in relation to an application for a **Permit** or with respect to any reports or information provided to the **General Manager** or the **City** pursuant to this Bylaw.
- 4.5.2 No **Permit** or any interest in a **Permit** will be transferred or assigned, without the advance written approval of the **General Manager**. Unless such advance approval is provided by the **General Manager**, where an **Owner** sells, transfers, or otherwise disposes of a **Subject Property**, the **Permit** will be revoked and returned to the **General Manager**, and no further **Deposit** or **Removal** will be permitted on the **Subject Property** unless and until a new **Permit** is issued for the **Subject Property**.
- 4.5.3 The **Permittee**, or if the **Permittee** is no longer authorized by the **Owner** of the **Subject Property**, the **Owner** of the **Subject Property**, as applicable, will remove all signage from the **Subject Property** that displays or references the **Permit** within two (2) weeks of the earliest of:
- (a) completion of the **Deposit** or **Removal** as provided for in the **Permit**;
  - (b) expiration or revocation of the **Permit**; or
  - (c) a written request by the **General Manager** to remove the signage, failing which, the **Permittee**, as applicable, and the **Owner** of the **Subject Property** irrevocably grants the **General Manager** permission to enter upon the **Subject Property** and remove and dispose of all such signage at the **General Manager**'s sole discretion and will indemnify and hold harmless the **City Personnel** from and against any and all claims, demands, losses, costs, damages, actions, suits, or proceedings whatsoever by whomsoever brought against the **City Personnel** by reason of the **General Manager** taking such action.
- 4.5.4 The **General Manager** is authorized to specify conditions consistent with the **Traffic Bylaw**, for traffic control, haul routes, and utilization of a **Highway** in connection with a **Permit**. Without limiting the generality of the foregoing, a **Permittee** or **Owner** may be required to maintain a truck log detailing:
- (a) each date upon which there is a **Deposit** or **Removal**; and
  - (b) the number of trucks and amount of **Soil** or **Other Material Deposited**, or **Soil Removed**, on each such date.

The **Permittee** or **Owner** will provide the truck log to **City Personnel** upon request by the **General Manager**.

## 4.6 Permit Expiry

- 4.6.1 Subject to section 4.7.1, every **Permit** issued shall expire and cease to authorize any **Deposit** or **Removal** twelve (12) months following the date of issue or such date as may be specified in the **Permit** or such date as may be specified in a renewal or extension of a **Permit**.

#### 4.7 Permit Renewal, Extension, or Modifications

- 4.7.1 If the **Deposit** or **Removal** operations authorized by a **Permit** are not completed before the **Permit** expires, the **General Manager** may renew, extend, or modify the **Permit** upon written request of the **Permittee** or **Owner**, subject to the following:
- (a) there is no obligation on the **City** to renew any **Permit** upon expiry of the **Permit**, except where the **Deposit** or **Removal** is being carried out pursuant to an approval issued by the province, in which case the **Permit** may be extended (annually or otherwise) for the period of time necessary to allow for the completion of the **Deposit** or **Removal** authorized by the provincial permit or other approval;
  - (b) the **Permittee** shall pay a non-refundable **Permit** renewal fee as specified in the **Consolidated Fees Bylaw**;
  - (c) the application for a renewal, extension, or modification is received no later than thirty (30) days before the expiry date of the existing **Permit** unless another date is specified by the **General Manager**;
  - (d) subject to section 4.7.1(a), the **General Manager** may renew or extend a **Permit** for an additional period of not more than one (1) year at a time; and
  - (e) the **General Manager** may require that the **Permittee** provide additional information authorized by this Bylaw as a pre-condition to considering an application for a **Permit** renewal, extension or modification.

### PART FIVE: REGULATIONS

#### 5.1 Regulations

- 5.1.1 Every **Deposit** or **Removal** and every **Permit** issued under this Bylaw is subject to the observance or fulfilment of the following requirements, restrictions and regulations, to the satisfaction and approval of the **General Manager**:
- (a) all damage to drainage facilities, **Watercourses**, **Highways**, or other public or private **Property** shall be promptly and properly repaired to the satisfaction of the **General Manager** at the expense of the **Owner**;
  - (b) all **Watercourses**, groundwater aquifers, waterworks, drains, sewers, or other established drainage facilities shall be kept free of all **Soil** or **Other Material** arising from or caused by the **Deposit** or **Removal** operations;
  - (c) any **Structure** erected or excavations made in connection with a **Deposit** or **Removal** operation shall be temporary in nature and shall be removed upon completion of the operation or upon request of the **General Manager**;

- (d) all hazards or potential hazards arising from the **Deposit** or **Removal** operation shall be adequately fenced or otherwise protected for the safety of the public;
  - (e) during and upon completion of every **Deposit** or **Removal** operation, the boundaries of all adjacent **Properties**, **Highways**, rights-of-way, and easements shall be protected from erosion or collapse and from run-off of water or mud;
  - (f) all **Deposit** or **Removal** operations shall be limited only to the area specified in the **Permit** which the **General Manager** may require to be clearly marked at the **Subject Property** and such markings maintained for the duration of the **Permit** and not encroach upon, undermine, damage, or endanger any adjacent **Properties** or any setback area prescribed in the **Permit** or the Bylaw;
  - (g) a **Stockpile(s)** of **Soil** or **Other Material** shall be confined to the locations prescribed in the **Permit** and shall be maintained so that they do not adversely affect or damage adjacent **Properties** or cause a nuisance to any person;
  - (h) every **Permittee** shall post a **Permit** placard in the form provided by the **General Manager** at the entrance of the **Subject Property** in a location visible to the adjacent **Highway**;
  - (i) must not, in any way, interfere with the hydrological function and drainage pattern or capacity of any adjoining **Property** or **Highway** so as to cause flooding of an adjoining **Property**, **Highway** or the malfunctioning of any private sewage disposal system; and
  - (j) must not, in any way, interfere with existing underground, surface, and aerial services and utilities.
- 5.1.2 The **General Manager** may issue a **Permit** subject to the observance or fulfilment of additional conditions specified in the **Permit** which in the opinion of the **General Manager** are necessary to achieve the purposes of this Bylaw.

## **PART SIX: ADMINISTRATION**

### **6.1 Inspections**

- 6.1.1 The **General Manager** is authorized to, at all reasonable times, enter upon and inspect:
- (a) any **Property** to determine if the **Owner** of a **Property** upon which a proposed **Deposit** or **Removal** operation is situated is required to obtain a **Permit**;
  - (b) any **Property** to determine if a **Deposit** or **Removal** has occurred in contravention of this Bylaw or any other **City** bylaws; and
  - (c) a **Subject Property** to ascertain whether the provisions of this Bylaw, the **Permit** issued pursuant thereto, or any of the **City's** bylaws, are being complied with.

6.1.2. Every **Permittee** or, if the **Permittee** is no longer authorized by the **Owner** of the **Subject Property**, the **Owner**, will maintain current records sufficient to allow the progress of the **Deposit** or **Removal** operation to be monitored by the **City** for compliance with the provisions of this Bylaw, the terms and conditions of the **Permit**, and any **City** bylaws relevant to the **Deposit** or **Removal**, and such records will be made available to the **General Manager** upon request.

## **6.2 Agricultural Land Commission Notices and Orders**

6.2.1 Every person who is required to provide any notice to the **ALC** pursuant to the *ALC Act* or **ALR Regulations** concerning a **Deposit** or **Removal** will, within five (5) days of providing such notice and any subsequent amended notice, as may be applicable, provide to the **General Manager** a copy of such notice, along with any supporting documentation provided to the **ALC**.

6.2.2 Every person who receives an order from the **ALC** pursuant to the *ALC Act* or **ALR Regulations** concerning a **Deposit** or **Removal** will, within five (5) days of receiving such order and any subsequent amended order, as may be applicable, provide to the **General Manager** a copy of such order from the **ALC**, along with any supporting documentation provided by the **ALC**.

## **PART SEVEN: ENFORCEMENT**

### **7.1 Enforcement**

7.1.1 If an **Owner** of a **Subject Property** or a **Permittee** contravenes a provision of this Bylaw or a **Permit** condition, the **General Manager** may issue a **Stop Work Order** notifying the **Owner** and **Permittee** of such a contravention and may instruct the **Owner** and **Permittee** to correct the contravention. Such a correction may include, but not be limited to:

- (a) immediately ceasing all **Soil** or **Other Material Deposit** or **Soil Removal** activities;
- (b) addressing any contravention of the **Permit** as specified by the **General Manager** by a date specified by the **General Manager**;
- (c) **Removal** of unauthorized **Soil** and/or **Other Material** from the **Subject Property** by a date specified by the **General Manager**;
- (d) remediating the **Subject Property** to a standard suitable to the **General Manager** by a date specified by the **General Manager**; and
- (e) if requested by the **General Manager**, submit a completed **Soil** or **Other Material Deposit** and/or **Soil Removal** application with a non-refundable application fee twice the amount specified within the **Consolidated Fees Bylaw** to the **City** within five (5) business days, unless specified otherwise by the **General Manager**. Unless exempted by the **General Manager**, the **Applicant** would be

required to meet all other requirements within the Bylaw or **Permit**, should one be issued. If an application is not submitted within the specified period, the **General Manager** is authorized to stipulate the means to correct the contravention.

- 7.1.2 If the **Owner** of the **Subject Property** or a **Permittee** fails to correct a contravention referenced in section 7.1.1, by the date specified in the **Stop Work Order**, or as otherwise instructed by the **General Manager**, then:
- (a) the **City** or its appointed agents may enter upon the **Subject Property** or any part thereof and may carry out such works and undertake such actions as the **City** deems necessary to correct or remedy the contravention; and
  - (b) the **General Manager** may revoke the relevant **Permit**, which will then cease to authorize any **Deposit** or **Removal** at the **Subject Property**.
- 7.1.3 Other than in case of emergency (as determined by the **General Manager**), in which case notification from the **City** is not required, the **City** will give ten (10) days' written notice to the **Owner** of the **Subject Property** of the **City's** intention to carry out works pursuant to section 7.1.2.
- 7.1.4 If the **City** carries out works pursuant to section 7.1.2, the **Owner** of the **Subject Property** will reimburse the **City** for the **City's** cost of carrying out such works, plus a 20% administrative fee, within ten (10) days of receiving a written request by the **City** for such reimbursement. If not paid within ninety (90) days, the expense, with interest at the prescribed rate and costs, shall be recovered in the same manner and with the same remedies as municipal taxes or as per section 7.1.5.
- 7.1.5 The **City** may cash and use the **Security Deposit** provided pursuant to section 4.2.1, for one or more of the following purposes:
- (a) to remedy a contravention of this Bylaw, a **Permit** or any other **City** bylaws relevant to the **Deposit** or **Removal** that is the subject of the **Permit**;
  - (b) to remedy any emergency condition which, in the opinion of the **General Manager**, is associated with, arises from, or is the result of a contravention of this Bylaw, a **Permit**, or any other **City** bylaw relevant to the **Deposit** or **Removal** that is the subject of the **Permit**, and requires immediate action; and
  - (c) to satisfy any outstanding fee payable under this Bylaw, including but not limited to, any outstanding volume fee as determined by a final topographical survey.
- 7.1.6 The **City** will not be liable for any damage, loss or expense of any nature or kind whatsoever, arising out of or in connection with the issuance of a **Permit**, or the **Deposit** or **Removal** of any material, or any other action by the **City** under this Bylaw.
- 7.1.7 In the event of damage to **City** or privately-owned drainage facilities, **Watercourses**, **Highways**, lands, utilities, or other **City** or privately-

owned **Property** or facilities, resulting from a **Deposit** or **Removal** operation, the **Owner**, or an agent of the **Owner**, will promptly and properly repair the damage to the satisfaction of the **General Manager**.

- 7.1.8 All drainage facilities, **Watercourses**, and ground water aquifers will be kept free of **Soil** and **Other Material** originating from the **Deposit** of **Soil** or **Other Material** upon a **Subject Property**, and every obstruction or damage caused to such drainage facilities, **Watercourses**, or ground water aquifers will constitute an offence under this Bylaw.
- 7.1.9 Dirt, mud, debris, and other substances, which as a result of a **Deposit** or **Removal** operation, are **Deposited** on a **Highway**, will be removed on a daily basis by the **Permittee**. Where the dirt, mud, debris, and other substances cause a hazard or nuisance, they are to be removed immediately by the **Owner** or **Permittee** unless otherwise directed by the **General Manager**.
- 7.1.10 Where **Soil** or **Other Material** is to be **Deposited**, or **Soil** is to be **Removed**, and is to be transported over a **Highway** or portion in the **City** that is restricted to truck traffic, as defined in the **Traffic Bylaw**, the **Permittee** will be responsible for any damage occurring to that **Highway** as a result of the transportation of the **Soil** or **Other Material**.
- 7.1.11 Section 7.1 is without prejudice to any other remedies available to the **City** under this Bylaw, under other **City** bylaws, under other **Applicable Laws**, or in equity.

## **PART EIGHT: COUNCIL RECONSIDERATION**

### **8.1 Request for Reconsideration**

- 8.1.1 Where an **Owner** of a **Property** or **Applicant** is subject to a requirement under this Bylaw, a decision made by the **General Manager** under this Bylaw to refuse, suspend, or revoke a **Permit**, or a decision to take remedial action pursuant to section 7.1.2, the **Owner** or **Applicant** may appeal to **City Council** for reconsideration of the matter within thirty (30) days of the requirement or decision being communicated to them.
- 8.1.2 An application for reconsideration must be delivered in writing to the **City Clerk** and must set out the grounds upon which the **Applicant** considers the requirement or decision of the **General Manager** inappropriate and what, if any, requirement or decision the **Owner** or **Applicant** considers **City Council** ought to substitute.
- 8.1.3 **City Council** may either confirm the requirement or decision of the **General Manager** or substitute its own requirement or decision.

## **PART NINE: OFFENCES & PENALTIES**

### **9.1 Offences and Penalties**

- 9.1.1 A violation of any of the provisions of this Bylaw or any **Permit** shall:

- (a) result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122;
  - (b) be subject to the procedures, restrictions, limits, obligations and rights established in the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 in accordance with the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c.60; and
  - (c) be subject to such fines as may be prescribed in Municipal Ticket Information Authorization Bylaw No. 7321.
- 9.1.2 Every person who contravenes any provision of this Bylaw or any **Permit** issued under this Bylaw is considered to have committed an offence against this Bylaw and is liable on summary conviction, to a fine of not less than One Thousand Dollars (\$1,000) and not more than Fifty Thousand Dollars (\$50,000), and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

## **PART TEN: SEVERABILITY, CITATION, & INTERPRETATION**

### **10.1 Severability**

- 10.1.1 If any part, section, subsection, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of any Court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.

### **10.2 Citation**

- 10.2.1 This Bylaw is cited as “**Soil Deposit and Removal Bylaw No. 10200**”.

### **10.3 Interpretation**

- 10.3.1 In this Bylaw:
- (a) words importing the singular number include the plural and vice versa;
  - (b) words importing the neutral gender include the masculine and the feminine genders;
  - (c) the definitions include the past, present, and future tense as applicable;
  - (d) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
  - (e) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “Part” is a reference to a Part in this Bylaw; and
  - (f) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia, as amended, revised, consolidated or replaced from time to time, and a reference to a bylaw or policy is a reference to a **City** bylaw or

policy, as amended, revised, consolidated or replaced from time to time.

FIRST READING

\_\_\_\_\_

SECOND READING

\_\_\_\_\_

THIRD READING

\_\_\_\_\_

ADOPTED

\_\_\_\_\_

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>LB</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER





# City of Richmond

## Report to Committee

**To:** General Purposes Committee  
**From:** Cecilia Achiam  
General Manager, Community Safety  
**Re:** **BC Police Act Reform**

**Date:** March 28, 2021  
**File:** 09-5355-00/Vol 01

### Staff Recommendation

That the feedback set out in the staff report titled “BC Police Act Reform”, dated March 28, 2021, from the General Manager of Community Safety, be approved for submission to Special Committee on Reforming the Police Act.

Cecilia Achiam  
General Manager, Community Safety  
(604-276-4122)

REPORT CONCURRENCE	
SENIOR STAFF REPORT REVIEW	INITIALS: 
APPROVED BY CAO 	

## Staff Report

### Origin

Under the *Constitution Act* section 91 (27) the Federal Government has the authority to create criminal laws and criminal procedures. Provincial Governments have broad constitutional authority for the administration of justice and policing per section 92 (14). In British Columbia (BC) the Province captures this authority over policing in the *Police Act*. Introduced in 1974, the *Police Act* sets the goals, mandate, and standards for the ministry to oversee effective policing in BC. However, this act has not undergone a comprehensive review since its inception. In response to a growing tide of socio-political and economic protest movements centred on issues of police funding, structural racism, and mental health and wellness checks, the Province announced the formation of the Legislative Assembly Special Committee (Special Committee) on Reforming the *Police Act* on July 8, 2020. Prior to the delivery of its final report to the House on May 14, 2021, the Special Committee has launched a public consultation campaign. Of note, all submissions to the Special Committee will be made public and must be made prior to April 30 via a website submission.

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

*Enhance and protect the safety and well-being of Richmond.*

### Analysis

#### Organized Crime and Countering Money Laundering

Recently, the former Director of Police Services drew attention to the lack of coordination of strategy between the Province's and Federal government's anti-organized crime efforts:

*"While there are multiple efforts underway to combat organized crime in the province, there is no federal strategy. ...The Organized Crime Agency, OCA, is a provincially designated policing unit but is utilized as a subordinate contingent within the RCMP-led CFSEU. Staff are dispersed among CFSEU in a wide variety of roles. OCA does not currently have its own chief officer or board of governance. OCABC is absent true organizational identity and mandate. The special committee could consider the reconstitution of OCABC to become the lead agency for B.C.'s organized crime efforts... OCA could be positioned to work collaboratively with all RCMP business lines and provincial regulatory agencies to conduct a broad range of coordinated enforcement efforts. They could work with industry, public and private sector institutions to implement cost-effective prevention strategies."*<sup>1</sup>

The above lack of a cohesive strategy to combat organized crime and, in particular, money laundering was identified by Richmond City Council in 2018 in the report "Countering Organized Crime, Money Laundering, and Elicit Gaming" from the General Manager of Community Safety. Multiple letters were written to both the Federal and Provincial Ministers of Public Safety as well as Ministers of Finance calling on the need for a coordinated strategic plan

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<sup>1</sup> <https://www.leg.bc.ca/documents-data/committees-transcripts/20200921am-PoliceActReform-Virtual-n4>

and adequate police resources to combat organized crime and money laundering. While the Federal government has recently announced that it will finally reconstitute money laundering regional policing units, the Province should not wait for action and should introduce its own strategy, in consultation with municipalities and the Federal government, supported with long-term funding and provincial police units. The Province should change the *Police Act* and establish the Organized Crime Agency BC (OCABC) as the lead agency to ensure that there is adequate oversight and focus placed on BC's organized crime efforts.

At the same time, combatting organized crime requires a broader legislative and regulatory effort that should engage the Ministry of Finance, Ministry of Justice and the Ministry of Public Safety and Solicitor General in areas such as gaming, money service businesses, luxury goods and real estate. For example, this could involve the harmonization and modernization of disparate legislation such as the *Gaming Control Act*, *Police Act* and the creation of new legislation for the regulation of money service businesses, mortgage brokers as well as luxury goods industries. Lastly, the Province should provide special constable status to agencies that will oversee anti-money laundering efforts. It is possible that the newly created BC Financial Services Authority could oversee a comprehensive regulatory and enforcement regime regarding money services businesses.

### Integrated Teams

Under the *Police Act*, the Province has the authority to require that local governments within a specialized service area use and pay for the services of a specialized police service provider or integrated team. Currently, participation for the Integrated Teams is voluntary. The reality is that gang violence and organized crime transcends geographical boundaries, particularly in the Lower Mainland. The recent gang and drug wars as well as the money laundering that fuels it must be addressed in a regional and cooperative manner. However, participation in vital policing units, such as the Integrated Homicide Investigation Team (IHIT) and Integrated Emergency Response Team (ERT), remains voluntary. Currently, the largest municipality in BC is not a participant in the Integrated Teams. By making the integrated teams a regional and cohesive unit, it will lead to greater effectiveness and cost containment for all municipalities in the Lower Mainland. The *Police Act* should make participation in the integrated teams mandatory.

### Emergencies

Under the *Police Act* section 38, the Minister has authority to redirect municipal police resources in the case of a declared emergency:

*“If the minister believes an emergency exists outside the municipality in which a municipal constable or special municipal constable is employed, the minister may direct one or more municipal constables or special municipal constables to the part of British Columbia in which the emergency exists.”*

However, in recent history, the Province has not drawn on non-RCMP municipalities to respond to policing emergencies. With the largest municipality in the Province not policed by RCMP and the second largest municipality transitioning away from the RCMP, it is not equitable that only RCMP municipalities should continue to bear the burden of emergency response. The *Police Act*

should make such emergency levies equitable without discriminating on the basis of police service.

### Mental Health Issues

Over the past three years, the RCMP policed jurisdictions have experienced an annual average of 58,780 mental health related calls-for-service. This number is an undercount for the Province as a whole given that it excludes major non-RCMP municipal police forces including Vancouver Police and Victoria Police. Moreover, it should be noted that the *Mental Health Act* (MHA) occurrences represents only a fraction of the police interactions associated with people with mental health difficulties.

Under the *MHA* section 28, titled Emergency Procedures, only police officers have the authority to detain someone who is perceived to be suffering from a mental health crisis:

*“If a police officer or constable is satisfied from his or her own observations or from information received by him or her that a person*

*(a) is acting in a manner likely to endanger his or her own safety or that of others, and  
(b) is apparently suffering from mental disorder,*

*he or she may take the person into custody and take the person immediately to a physician<sup>2</sup>.”*

Apprehension under the *MHA* often involves the transportation of an individual by a police officer to the nearest designated mental health facility. The police officer must wait until a certificate of involuntary admission is completed by a doctor. While police officers are waiting for this form, the individual must remain in the custody of the police officer. If no certificate is issued, the individual must be released from custody. The primary issue is individuals brought to the hospital under *MHA* related matters may receive a low-priority status under the hospital's emergency triage system. In short, police officers could be waiting for hours and sometimes in vain with the individual not receiving any treatment or referrals to address their mental health issues.

However, the Province has recently considered creating a special constable or peace officer status for hospital or regional health authority staff that would enable them to detain individuals under the *MHA*. Under section 9 of the *Police Act*, the Minister may appoint “a special provincial constable [that] has the powers, duties and immunities of a provincial constable.” The creation of mental health based special constables would have a two-fold benefit: first, police officers, who are not specialists in mental health crises, could be supported during call response by mental health trained workers who may have greater expertise to decide whether to detain individuals under the *MHA*; second, these mental health specialists could be posted at hospitals and given authority to retain these individuals under their custody under the *MHA*.

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<sup>2</sup> [https://www.bclaws.gov.bc.ca/civix/document/id/rs/rs/96288\\_01#section028](https://www.bclaws.gov.bc.ca/civix/document/id/rs/rs/96288_01#section028)

In addition to call response, Police officers are involved in a variety of non-emergency but complex mental health services including well-being checks which, most often, are triggered by concerns from family members. Well-being checks frequently devolve into the need to make an urgent and effective risk assessment and de-escalate a mental health crisis. However, police officers are not medically trained mental health professionals and cannot make diagnoses. In response to this urgent need for medical support, the City of Richmond has teamed up with Vancouver Coastal Health (VCH) and launched the mental health car (Fox-80) initiative that involves a joint-police-mental health nurse team.

However, initiatives such as Fox 80 are far from the norm throughout the Province. The *Police Act* should be revised to grant special constable or peace office status to health staff that enables them to respond to individuals suffering from a mental health crisis. The Province should make it mandatory under other legislation that all regional health authorities have integrated mobile crisis response units such as Fox-80. It should also be mandatory that each regional health authorities have integrated case management and outreach services such as the Assertive Community Treatment (ACT) Teams, which are vital in preventative treatment of individuals suffering from mental health issues. Underpinning these joint-police-mental health initiatives should be an overhaul of the nature of information sharing between health authorities and police. Health authorities should proactively provide information to police and not wait for a production order when issues of safety are involved. The Province should standardize information sharing procedures and remove cultural barriers between health and police agencies. Currently, these information sharing agreements are a patchwork at the municipal level and require provincial standardization.

#### Auxiliary Program

Under section 8 of the *Police Act*, the Minister may appoint Auxiliary Constables that have the “powers, duties and immunities of a provincial constable.” Until recently, auxiliary activities included a range of services including operational patrols, call-response, check stops, scene security, person searches and a series of crime prevention-based functions. However, following a series of public safety incidents in 2014 and 2015, the RCMP introduced several restrictions on the Auxiliary program. According to an internal RCMP audit, 735 or 47 per cent of Auxiliaries left the program since 2016 due to these restrictions.<sup>3</sup> In “E” Division (BC), 376 or 48 per cent of Auxiliaries have left since 2016. These rates of attrition are worse for municipal Detachments, such as the Richmond, which operationally rely on Auxiliaries as a key component of its service delivery including community engagement initiatives.

The Auxiliary program has made a significant contribution to community safety in Richmond. The Richmond RCMP Auxiliary Program was re-introduced in 2002 and has provided over 120,000 volunteer hours towards public education and community safety initiatives since its inception. This program provides an important and valuable opportunity for police to partner with a diverse group of Auxiliaries who have an intimate local knowledge and local perspective as well as a vested interest in ensuring community safety. In 2014, Auxiliaries in Richmond were responsible for 12,592 hours of work. However, in 2019 Auxiliaries were responsible for only 2,106 hours, which represents a reduction of 83 per cent.

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<sup>3</sup> <https://www.rcmp-grc.gc.ca/en/evaluation-the-rcmp-auxiliary-program#toc5>

In 2018, the RCMP proposed a three-tiered program model that would allow some degree of a return to the previous model of service delivery. However, the program remains in transition and currently does not include operational patrols, check stops, attending calls, scene security or searches of persons. Moreover, a recent RCMP internal study of Auxiliaries surfaced the following concerns:

1. Diminished roles and responsibilities of Auxiliaries – Restrictions placed on the program in 2016, particularly providing assistance during general duty patrols with regular members (RMs), were considered to have negatively impacted the number of Auxiliaries who wanted to participate in the program. RMs also described the restrictions placed on Auxiliaries' roles as negative since Auxiliaries were no longer able to support them with operational duties.
2. Impacts of the program being in transition for a number of years – When restrictions were placed on the program in 2016, there was no timeline associated with how long it would take the program to complete its redesign. Many Auxiliaries were inactive in terms of being able to do any operational duties but were still considered part of the program.
3. Lack of ongoing communication from the RCMP – Information updates regarding the status of the program were described by Auxiliaries as minimal at the Detachment level.
4. Negative perception of redesigned uniforms – Auxiliaries and RMs described the appearance of the redesigned uniforms as unprofessional and, due to a design that makes the uniforms highly visible, as potentially putting Auxiliaries at risk for harm.<sup>4</sup>

Recently, the Province has signalled at various RCMP municipal forums, as well as to the UBCM, that it is interested in creating its own Provincial Auxiliary Program. Given the dramatic loss of resources in the auxiliary program, it is vitally important the Province create a new Provincial Auxiliary Program and authorize, under the *Police Act*, that Provincial Police Auxiliaries have similar powers which they had prior to the RCMP restrictions. In short, Auxiliaries provide key operational support, a local link to the community, and substantial cost containment.

### Police Boards

In the wake of the City of Surrey's recent movement away from the RCMP towards an independent Surrey Police Service there has been greater scrutiny of the role of police boards. In BC, there are currently 12 municipalities that are not policed by the RCMP. Under the *Police Act*, section 23, municipalities may establish a municipal police department governed by a board consisting of the mayor, who is also the chair; one person appointed by the municipal council; and an additional seven people appointed by the Lieutenant-Governor-in-Council. Although police boards are unelected, they have considerable authority and may conflict with their city councils.<sup>5</sup> In the case of a conflict, for example over a police budget, the ultimate arbitrator would be the Assistant Deputy Minister and Director of Police Services. The Province has broad authority under the *Police Act* section 2, and the Minister "must ensure that an adequate and

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<sup>4</sup> Ibid.

<sup>5</sup> A recent example of such a conflict occurred with Vancouver City Police, City Council and its Police Board. <https://theyee.ca/Analysis/2021/03/16/Former-Mountie-Sets-Vancouver-Police-Budget/>

effective level of policing and law enforcement is maintained throughout British Columbia.” Throughout Canada there has been an increasing trend in conflict between police boards and city councils, most often concerning budgets. More recently, concerns have also been raised over the integrity of individual police board members.<sup>6</sup> This is of particular concern given that police boards have access to confidential and privileged information. The question remains what criteria and due diligence is being conducted by the Province over the appointment of these boards? What governance, oversight and training is being offered by the Province to ensure that these boards are operating effectively and without any conflicts of interests?<sup>7</sup> The *Police Act* should establish clear criteria and standards around board appointments as well conflict of interest.

### **Financial Impact**

None.

### **Conclusion**

The Special Committee on Reforming the Police Act has requested feedback from the public. This represents a unique opportunity to provide input into a key piece of legislation that impacts the lives of all British Columbians. Of note, the City has until April 30, 2021 to provide feedback to the Special Committee.



Mark Corrado  
Manager, Community Safety Policy and Programs  
(604-204-8673)

MC:mc

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<sup>6</sup> <https://www.surreynowleader.com/news/surrey-mayor-concerned-about-perception-of-surrey-police-board-member-in-photo-with-hells-angels/>

<sup>7</sup> Currently, issues of conflict of interests and board integrity are not present in the *Act* but are instead sparsely addressed in the 2015 BC Police Board Handbook, and complaints can be made by the public to the Director of Police Services.



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** March 17, 2021  
**From:** John Hopkins, MCIP, RPP **File:** 01-0153-04-01/2021-  
Vol 01  
**Re:** **Report from the City Citizen Representatives on the Vancouver International Airport Aeronautical Noise Management Committee (YVR ANMC) for 2020**

### Staff Recommendation

That the staff report titled “Report from the City Citizen Representatives on the Vancouver International Airport Aeronautical Noise Management Committee (YVR ANMC) for 2020”, dated March 17, 2021, from the Director, Policy Planning, be received for information.

John Hopkins, MCIP, RPP  
 Director, Policy Planning  
 (604 276-4279)

JH:pw

Att. 2

REPORT CONCURRENCE		
<b>ROUTED TO:</b> Transportation	<b>CONCURRENCE</b> <input checked="" type="checkbox"/>	<b>CONCURRENCE OF GENERAL MANAGER</b> 
<b>SENIOR STAFF REPORT REVIEW</b>	<b>INITIALS:</b> 	<b>APPROVED BY CAO</b> 



## Staff Report

### Origin

The Vancouver International Airport Aeronautical Noise Management Committee (YVR ANMC) is a committee of stakeholders struck by the Vancouver Airport Authority. The City's representatives on the Committee are two citizen representatives appointed by Council and a staff member from the Policy Planning Department. As directed by Council, the City's two citizen appointees provide annual updates directly to the General Purposes Committee on the work undertaken by the YVR ANMC in the previous year.

This report supports Council's Strategic Plan 2018-2022 Strategy #8 An Engaged and Informed Community:

*Ensure that the citizenry of Richmond is well-informed and engaged about City business and decision-making.*

*8.1 Increased opportunities for public engagement.*

### Findings of Fact

#### YVR Aeronautical Noise Management Committee (ANMC)

Through its ground lease with the Federal Government, the Vancouver Airport Authority has responsibility for noise management at the Vancouver International Airport (YVR), addressed through a comprehensive noise management program which includes:

- Development and implementation of a five-year Noise Management Plan;
- Stakeholder engagement through the ANMC;
- Procedures and directives to mitigate noise from aircraft and airport operations;
- Flight tracking and noise monitoring across the region;
- Staff responsible for responding to questions and concerns from the community;
- Education and awareness programs; and
- Identification of noise-exposed areas to inform local government land-use planning and noise attenuation requirements in building design.

The purpose of the ANMC is to enable YVR to engage regularly with stakeholders having an interest in aeronautical noise management. In addition to representatives of the Airport Authority, members are independently appointed by stakeholder groups including affected municipalities, the Musqueam Indian Band, airline associations, NAV CANADA and Transport Canada. The Committee's mandate is limited to aeronautical noise. Other sources of noise, like construction or ground traffic, are addressed through the Airport Authority's environmental assessment program and are managed by their project team and Communications group.

Attachment 1 provides answers to some frequently asked questions related to the Committee and aeronautical noise at YVR.

Attachment 2 is a report from the two Richmond citizen appointees that summarizes the key items discussed by the Committee in 2020. This report provides additional staff comments on noise management issues and concerns from activities at YVR.

## **Analysis**

### COVID-19 Impacts

Globally, the aviation industry saw a significant decline in activity in 2020 due to the COVID-19 pandemic. Impacts at YVR included:

- Air traffic decreased by 52% and passenger trips by 72% over the previous year;
- Noise levels fell to the point where community noise has generally been higher than aircraft noise; and
- YVR cancelled its CORE Program, a multi-year capital construction program that included a new parkade, central utilities building and geexchange energy system.

YVR noted that domestic flights in China have recovered to pre-pandemic levels since the number of new cases there dropped, suggesting we may see the same recovery locally following successful vaccination.

### 2020 Aircraft Noise Concerns

The number of individuals registering noise complaints in the Lower Mainland fell 55% year-over-year, mirroring the reduction in air traffic due to COVID-19, although factors other than air traffic may also have influenced that trend.

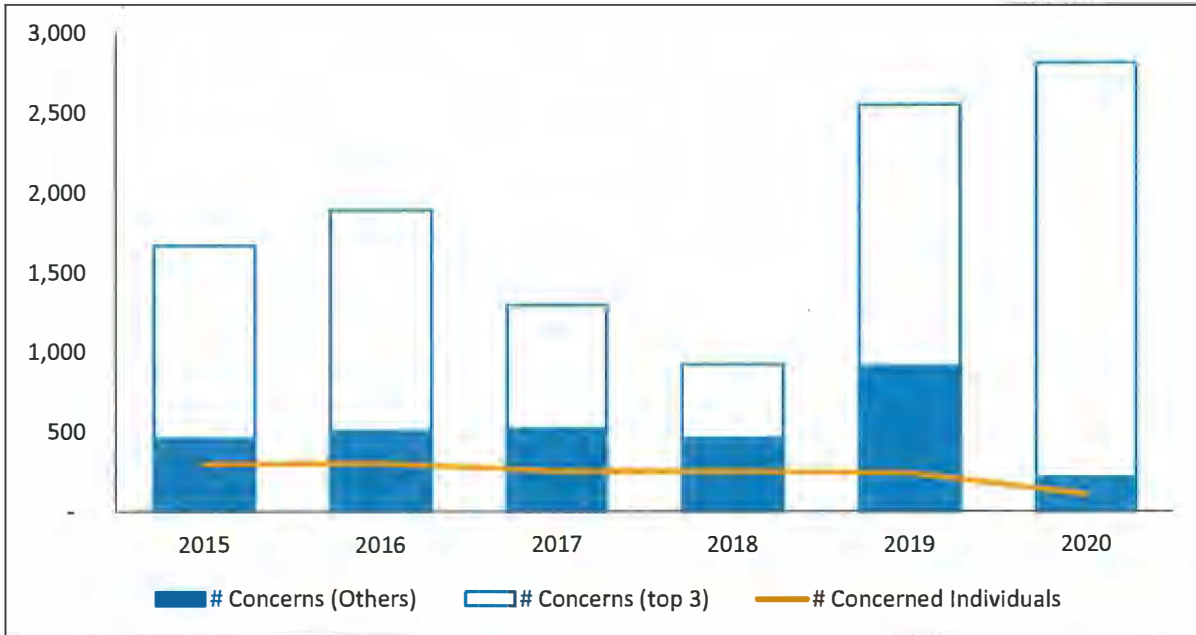
At airports across Canada, a small number of individuals are responsible for the great majority of registered noise concerns. For example, in Richmond in 2020, three individuals registered 75% of all concerns. YVR reports statistics on the number of registered concerns, the number registered by the few “top” individuals and the number of concerned individuals, an approach supported by ANMC members as providing a complete picture of noise concerns.

As shown in Figure 1 (next page), the number of concerned individuals across the Lower Mainland has dropped gradually since 2016, with a slight rise in 2019 and a substantial drop in 2020. As with the Lower Mainland, about half as many concerned individuals in Richmond registered concerns in 2020 as in 2019 (Figure 2). The City also saw a similarly large drop in registered concerns other than those from the top three concerned individuals.

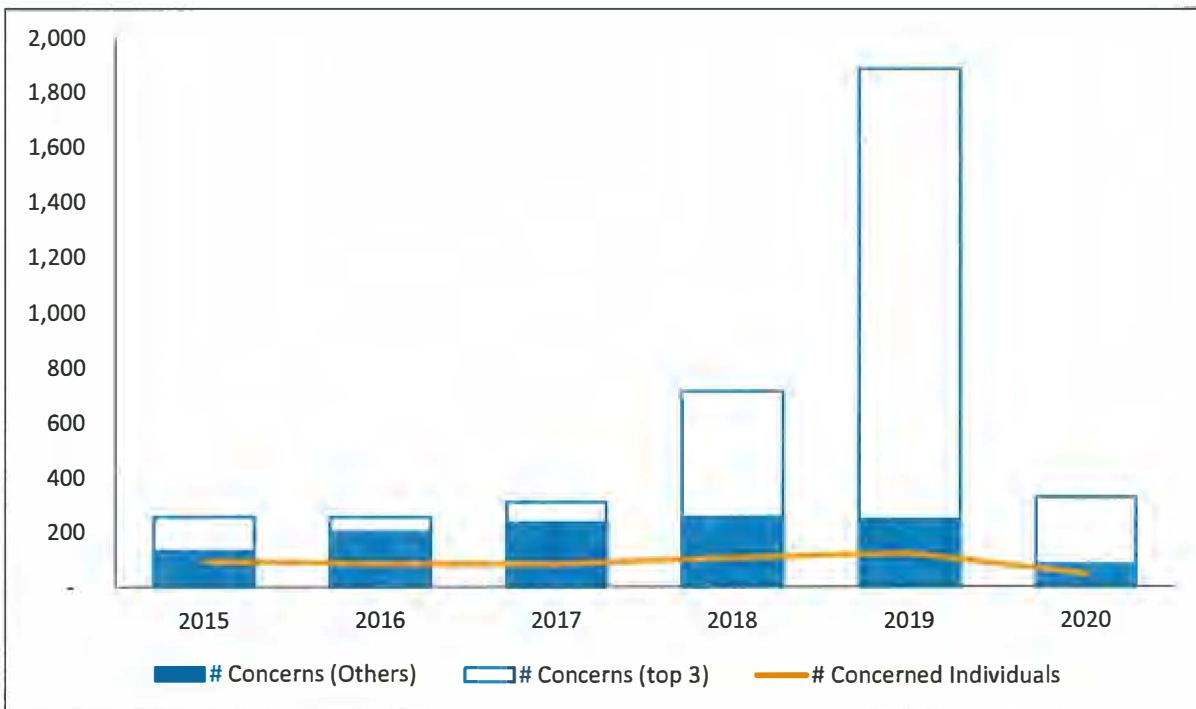
Jet departures were the source of concerns for most concerned individuals in Richmond, including the top three complainants. Other concerns of note were:

- Float planes, a concern for residents of the Thompson neighbourhood;
- Engine run-ups (engine testing required as part of regular maintenance), a concern for Burkeville residents; and
- Propeller aircraft movements, noticeable for residents in western Richmond.

**Figure 1: Lower Mainland Noise Concerns and Concerned Individuals (2015-2020)**



**Figure 2: Richmond Noise Concerns and Concerned Individuals (2015-2020)**



### Airspace Modernization Program

In 2019, the airport began a project to “modernize” airspace, leveraging advances in technology to optimize flight paths around YVR. The aim of the project is to accommodate increased air traffic while maintaining safety and reducing the impact of noise on surrounding communities. It is anticipated that this program will narrow flight paths and reduce engine surges during descents, reducing overall noise impacts. However, it may also move flight paths, increasing noise impacts in some locations. YVR has committed to further consultation with the ANMC and its members in 2021 as the project progresses towards 2022 implementation.

### Noise Exposure Levels and Land Use Planning

Canadian airports including YVR have used Noise Exposure Forecast (NEF) models to delineate areas of high noise exposure. These have been used by the City to create land use policies that restrict development of aircraft-noise sensitive uses in those areas. Responding to a 2019 report to the House of Commons Standing Committee on Transport, Infrastructure, and Communities (TRAN), Transport Canada plans to review the NEF approach. The scope and timeline for this review have not been set, and staff will monitor this to understand any potential impacts on the City’s policy framework.

### **Financial Impact**

None.

### **Conclusion**

The YVR ANMC remains a valuable forum for keeping abreast of aeronautical noise and proactively addressing potential impacts on Richmond. The City’s citizen representatives to the YVR ANMC continue to uphold Richmond’s interest at the Committee and contribute positively to discussions. The upcoming Airspace Modernization Program consultation is an important opportunity for the City and the City’s representatives to the YVR ANMC to ensure that the goals of minimizing aeronautical noise impacts to the community and enhancing residents’ quality of life remain priorities guiding the Airport Authority’s decisions.



Peter Whitelaw, MCIP, RPP  
Planner 3  
(604-204-8639)

In collaboration with: Arvind Sharma and Ivan Ma  
City Citizen Representatives to the YVR ANMC

PW:cas

Att. 1: Frequently Asked Questions Related to the YVR ANMC

Att. 2: Report from the City Citizen Representatives on the YVR ANMC for 2020

## FREQUENTLY ASKED QUESTIONS: VANCOUVER AIRPORT AERONAUTICAL NOISE COMMITTEE (ANMC)

This document provides answers to common questions about the ANMC and about issues relating to aeronautical noise management and the City of Richmond. YVR provides more information and other general FAQ about noise on their website at <https://www.yvr.ca/en/about-yvr/noise-management/noise-faqs>.

**Q: What noise does the ANMC discuss and how are concerns about other sources of noise addressed?**

The committee's mandate is limited to aeronautical noise. Other sources of noise, like construction or ground traffic, are addressed through the Airport Authority's environmental assessment program and are managed by project teams and YVR's Communications group.

**Q: Can the airport reduce noise impacts on Richmond by using the North runway more?**

The airport's use of the North runway is restricted by conditions set out by the federal Minister of Transportation through the Environmental Assessment completed when construction of the North runway was approved in 1992. These restrictions include:

- No operations between the hours of 10:00PM and 7:00AM
- Use is primarily for landings; however, take-offs are permitted when demand approaches capacity limits
- Minimal use of reverse thrust consistent with safe operating procedures

The restrictions are exempted in case of emergencies or airfield maintenance. In particular, the North runway is used during closures of the South runway for required regular maintenance.

**Q: Is it possible for City staff or citizen representatives to follow up with people who have registered aeronautical noise concerns?**

The Airport follows strict protection of privacy guidelines which prohibit the release of personal information to third parties, so the City and citizen representatives to the ANMC cannot follow up with concerned individuals directly. In the past, when citizen representatives asked YVR about if they could invite follow-up discussions, the Airport let concerned individuals know of the invitation. To date, this invitation has not been taken up.

**Q: Will the noise contours Richmond uses in its Official Community Plan policy change as air traffic increases?**

To provide guidance about potential future noise impacts, the noise contours are based on maximum anticipated air traffic levels, not historical levels. Therefore, they will not change with increased air traffic alone. If aircraft routing changes, the contours may change; however, aircraft routing changes can only occur through a substantial process including extensive consultation (e.g. the 2019-2022 Airspace Modernization program).

**Date:** February 06<sup>th</sup> 2021

**To:** City of Richmond General Purposes Committee

**From:** Arvind Sharma, Ivan Ma  
City of Richmond Citizen YVR ANMC Representatives

**2020 Status Report: YVR Aeronautical Noise Management Committee**

**City Appointees:**

Arvind Sharma, AME and Human Factors Trainer working for Lufthansa German Airlines at Vancouver International Airport. Arvind is a City Rep on Noise Committee since 2018 and recently renewed his term. Ivan Ma is the new City Rep who replaced Gary Abrams in 2020. Ivan is a Project Manager at Translink and a general aviation pilot. Both Arvind and Ivan live in Richmond.

**Past Year at the YVR Aeronautical Noise Management Committee**

The ANMC met on April 16<sup>th</sup>, September 10<sup>th</sup>, and December 3<sup>rd</sup>, 2020. In addition, there was a special presentation on June 19<sup>th</sup> about the YVR Airspace modernization project.

**April 16<sup>th</sup> Meeting**

1. The April 16<sup>th</sup> meeting was the first one to be conducted after Covid-19 restrictions were placed on travel and a partial lock down was issued. It was the first virtual teams meeting conducted by Marion Town, Director Environment for the Vancouver Airport Authority. The subject of greatest interest was the initial impact of closure on air traffic movement through the airport. In their first analysis of impact, they are expecting 40-50% decline in traffic and staff layoff at airport. Most of projects with capital expenditure including airport modernization project have been put on hold. Data from the previous year, 2019, was presented. The number of passengers at Vancouver had increased by 8 million over the past five years, to a record number of 26.4 million in 2019. The impact of Covid-19 will be felt slowly across all business units of YVR Airport.
2. In the first 3 months of Q1 2020, there were 1168 noise complaints received and an increase of 450% over the past year for same period. Out of these 1168 complaints 930, or 80%, of the complaints came from one individual in south Surrey. YVR offered to meet the individual to allay their concerns, but the offer was refused.
3. There was a presentation about SST( Super Sonic transport) a/c noise certification by US F.A.A. Certification that is related to noise levels during subsonic phase of flight, takeoff, and landing. The rules are being framed for planes with MTOW

(Maximum Take Off Weight) below 150,000 pounds and a speed of Mach 1.8. Supersonic flights are still banned over land in the US. The consultation has been started as a lot of manufacturers have shown interest in developing the SST. Presently, there are no rules being proposed by Transport Canada related to SST.

### **June 19<sup>th</sup> YVR Airspace Modernization Project**

1. On June 19<sup>th</sup>, there was a special meeting to brief committee members about the YVR Airspace modernization project.
2. NAV Canada is one of the largest Air Navigation Service providers in the world, and it is engaged in modernizing the airspace around Vancouver as the a/c movements have increased considerably over the past few years. Project Manager Jonathan Bragg gave a presentation about preliminary designs. The work has been impacted by Covid-19, but the project is still on track. The main priority of the project is to maintain highest levels of safety and at the same time maintain the projected increase in airplane movements. RNP (Radio Navigational Procedures) approach methods are being adopted to make precise approaches and reduce the impact of noise. Although it is not possible to avoid this in the residential area completely, the main goal is still to move more and more traffic over commercial and agricultural areas.
3. The timeline of the project was discussed with groundwork being laid in 2020, public consultation starting in 2021 with the start of implementation from 2022 onwards, all stakeholders including Richmond City, ANMC will be a part of stakeholder consultation process.

### **September 10<sup>th</sup> Meeting**

1. The ANMC held its second meeting on Sep. 10<sup>th</sup>. The ongoing impact of Covid-19 was discussed. The passenger load factor has considerably gone down on domestic and international flights due to various COVID-19 restrictions. YVR Airport has launched initiatives like rapid testing for COVID-19 with WestJet for passenger screening.
2. Analysts discussed the update being made to the ANMC term of reference and sought input from committee members as the last update was in 2009. Main revisions were around:
  - a) Airport lease requirement to manage noise and how ANMC fits with the overall YVR Noise management program.
  - b) ANMC mandate is to deal with noise related to a/c movements. Non a/c related noise like construction, etc. are dealt with the Airport Authority Environmental Assessment program.
  - c) Committee members provided feedback on proposed changes. In relation to the ANMC Member list, earlier new committee members were provided with the

committee manual as a welcome package. YVR Airport has discontinued handing out the manual, as most material is available online and instead invites new member to meet airport staff and discuss committee mandate.

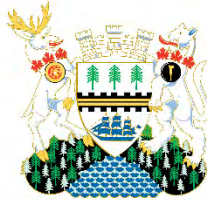
3. YVR presented the quarterly summary of airport activity. a/c movement was down by 50% and passenger movement down by 63%. There were 19% less run ups compared to last year.
4. The NMT (Noise Monitoring Terminals) update has been postponed to 2021 due to budget constraints.
5. UBC conducted a study based on NMT Data to investigate the impact of noise due to reduced social activities during COVID-19 times.
6. YVR presented a study from HMMH a US based consulting company on airport noise levels during Covid-19 times. As per the study, airport cumulative noise has dropped by 5dB due reduced a/c movements.

<b>Dec 3<sup>rd</sup> Meeting</b>
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1. The last meeting of the YVR ANMC for 2020 took place on Dec. 3<sup>rd</sup>. The full year impact of Covid-19 on the airport was discussed. There was a 51% decrease in aircraft movement and 69% decrease in passenger movement.
2. YVR is updating their website on the noise management section. Emphasis is to transfer information from pdf format to video format for a user friendly experience and raise general awareness about noise. The committee members provided feedback about how to further improve the website.
3. Noise Exposure Forecast (NEF) Information was provided by airport. TC prescribes NEF as a tool to assist municipalities with compatible land use around airport. It helps in planning for cities and accommodate future growth and noise impact. In BC the land use planning is delegated to municipalities and no provincial protection around airport unlike Alberta. Richmond has utilized NEF parameters for future development of city projects.
4. YVR Airport is embarking on the improvement of airside pavements. Most of the focus is on the north side of the runway and does not plan closure of the south runway. South runway closure is still planned in nights for routine maintenance. Dates will be informed well in advance and posted on the website.
5. YVR Airport presented a noise management summary for the year 2020 up till November 30. No less than 2664 complaints were registered from 101 individuals. Although aircraft movements have come down due COVID-19, complaints have shown a 26% increase from previous year. 2292, or 86% of these complaints, were registered by a single person based in Surrey.

Arvind Sharma  
Ivan Ma





## Report to Council From the Office of Mayor Rob Vagramov

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Date: March 12, 2021  
Subject: Old Growth Logging

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### Purpose

To advocate for the protection of the remaining old growth forests in British Columbia.

### Recommendation

**WHEREAS** ancient high productivity (big tree) old growth ecosystems are one of the most valuable tourism, First Nations culture, wild salmon enhancing, biodiversity banking, and climate resiliency assets;

**AND WHEREAS** only a miniscule fraction of the planet's original, high productive, ancient forests remain in BC, the vast majority of which is slated to be eliminated through logging; including the headwaters of Fairy Creek, the last unprotected intact old-growth watershed on southern Vancouver Island;

**BE IT RESOLVED THAT** the City of Port Moody formally oppose the logging of at-risk old-growth forests as recommended in the report dated March 12, 2021 from Mayor Rob Vagramov regarding Old Growth Logging;

**AND THAT** the City of Port Moody call on the Government of British Columbia to immediately and permanently protect the Fairy Creek watershed from further logging;

**AND THAT** the City of Port Moody call on the Government of British Columbia to immediately defer logging in all at-risk old-growth forests, including all remaining high-productivity old-growth forests, as identified by the independent Old Growth Strategic Review Panel, until all 14 of the panel's recommendations have been implemented;

**AND THAT** the City of Port Moody call on the Government of British Columbia to allocate funding to support the economic transition of affected communities away from unsustainable old growth logging, in the full spirit of indigenous reconciliation where applicable, for the development of long-term sustainable local economies and Indigenous Protected and Conserved Areas where applicable;

**AND THAT the following resolution be sent to the Lower Mainland Local Government Association and the Union of BC Municipalities with this report, dated March 12, 2021 from the Office of Mayor Rob Vagramov regarding Old Growth Logging:**

**WHEREAS ancient high productivity (big tree) old growth ecosystems are one of the most valuable tourism, First Nations culture, wild salmon enhancing, biodiversity banking, and climate resiliency assets;**

**AND WHEREAS only a miniscule fraction of the planet's original, high productive, ancient forests remain in BC, the vast majority of which is slated to be eliminated through logging; including the headwaters of Fairy Creek, the last unprotected intact old-growth watershed on southern Vancouver Island;**

**BE IT RESOLVED THAT the Government of British Columbia immediately defer logging in all at-risk old-growth forests, as identified by the independent Old Growth Strategic Review panel until all 14 of the panel's recommendations have been implemented, and support the transition of affected local communities toward more sustainable jobs.**

**AND BE IT FURTHER RESOLVED THAT the Government of British Columbia allocate funding to support the economic transition of affected communities away from unsustainable old growth logging, in the full spirit of indigenous reconciliation where applicable, for the development of long-term sustainable local economies and Indigenous Protected and Conserved Areas where applicable.**

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## Background

Ever since humanity's divergence from our primate ancestors, we have generally (with the exception of some localized cultures, or indigenous peoples) upheld and very successfully implemented a *scorched earth policy* of sorts, by efficiently and systematically converting all manner of living beings – wild beasts, exotic flora, forests, and other – into useable resources for the further expansion of the Human Footprint.

Over the course of our humble takeover of the planet, this process has eliminated vast reserves of wildlife, wildlife habitat, and flora, during our relatively brief expansion from the prehistoric age, to the present day, accelerating with every advancement in technology – from the stick, to the gun, to the chainsaw, to the factory.

When considering the forested groundcover on planet Earth, it is estimated that less than 30%<sup>1</sup> of it has been spared from human interference. Much of this miniscule share is right here in British

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<sup>1</sup> [https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM\\_Updated-Jan20.pdf](https://www.ipcc.ch/site/assets/uploads/sites/4/2020/02/SPM_Updated-Jan20.pdf)

Columbia, and of *that*, only a few groves and parks are offered the permanent protections they deserve, as an unbelievably scarce resource possessing ineffable value.

The few forest watersheds that remain untouched show us what the rest of our Province looked like pre-harvesting: vast expanses of dense forests, trunks wider than many cars, trees older than millennia. One can understand the mindset of the settlers who first logged Port Moody: “This continent is infinite, and another plentiful continent surely exists *somewhere*.” The Space Race of the 1950s and 60s, however, showed us the physical limitations of the planet we inhabit, a self-contained *pale blue dot*, with no similar oasis nearby. Unlike those first settlers, we have no excuses at our disposal when it comes to protecting rare spots of original surface.



## Discussion

### **Government Says, Government Should Do**

In September 2020, the BC government released the much-anticipated report (**Attachment 2**) of the Old Growth Strategic Review, conducted by an independent two-person panel comprised of Garry Merkel (professional forester, natural resource expert, member of the Tahltan Nation) and Al Gorley (professional forester, former chair of the Forest Practices Board). The Old-Growth Strategic Review had one of the highest ever *Engage BC* responses with 200 meetings in 45 communities, 300 written submissions, 400 published articles and papers, 9,000 emails and 18,500 completed surveys. The Review concluded that “*BC’s overall system of forest management has not supported the effective implementation or achievement of the stated and legislated public objectives for old growth forests.*” The panel called for a “*paradigm shift,*” recognizing that old forests have intrinsic value for all living things, and should be managed as such, rather than simply for timber supply to support ephemeral consumer goods.

Since its release, many were hopeful that the government would spare no time in implementing the recommendations, and thus, protecting some of the most incredible natural spaces left on the face of the Earth. Statements made by Premier John Horgan during the previous provincial election bolstered this sentiment. The *Prince George Citizen* captured the Premier's campaign sentiments in an October 15 2020 article:

*"We're committed to implementing the report in its totality," said Horgan when asked about it during a campaign stop.<sup>2</sup>*

Since winning the election, Premier Horgan further backed this up with his mandate letter to the current Minister of Forests, Katrine Conroy. In it, he includes a mandate to *"implement the recommendations of the Old Growth Strategic Review in collaboration with Indigenous leaders, labour, industry, and environmental groups to protect more old-growth stands"*, and further comments about indigenous reconciliation and the importance of addressing climate change through forestry policy, throughout the document.

Since that time, however, a coalition of environmental organizations including the Wilderness Committee, Sierra Club BC, and Ancient Forest Alliance reviewed the government's actions, and issued a scathing report card (**Attachment 1**) outlining that many commitments remain un-actioned. The report card gives the current government one D grade, followed by several "F"s in relation to its commitments to old growth protection. This indicates a clear disconnect in terms of expectations set and met, between the provincial government and environmentalist/concerned First Nations.

In a February 22 2021 meeting with Minister Conroy, the Minister stated that the government remains committed to implementing the recommendations, but noted that the implementation of the recommendations as they were presented in the independent panel's report is *"probably going to take at least a decade."* Many are concerned that we risk losing significant, if not all of, the kind of at-risk, high-productivity old growth forests that the independent panel recommended protecting in the first place.

March 11<sup>th</sup>, 2020 marked the six-month deadline for the provincial government to begin implementing the recommendations of the independent panel's report. Recommendation #6 recommended that *"until a new strategy is implemented, defer development in old forests where ecosystems are very high and near term risk of irreversible biodiversity loss."*

This report does not question the Government's resolve in relation to protecting old growth assets, which has been confirmed to the public time and time again. This report also does not directly advocate for an acceleration of the Minister's implementation timeline of over 10 years (although that would be nice). Instead, one of the resolutions recommended here seeks to simply halt all logging of all at-risk old growth forest assets *until* the independent panel's recommendations are implemented in their entirety. This would provide a level of temporary protection until the government can enact the "paradigm shift" that was promised during the election, and alleviate

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<sup>2</sup> <https://www.princegeorgecitizen.com/news/local-news/horgan-commits-to-paradigm-shift-in-old-growth-forest-management-1.24220819>

some of the pressure from the provincial government in ensuring the panel's recommendations can be implemented properly.

## **First Nations / Reconciliation**

This report does not seek to speak for First Nations communities, only to note that to date, First Nations have yet to be paid any semblance of fair-re-compensation for the historical wealth extracted from forests on their unceded lands.

On September 29<sup>th</sup> 2020, the The Union of B.C. Indian Chiefs passed a resolution calling on the province to implement all 14 of BC's Old Growth Strategic Review Recommendations. The Union's resolutions best summarizes what the BC Government must do to preserve the last of the high-productive ancient forest ecosystems, and make right on their public commitments to true reconciliation:

***"THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the First Nations and allies who are protesting the negligent logging and clear-cutting practices enabled by the BC government that have undermined First Nations Title and Rights and pushed Vancouver Island's old-growth forests to the brink of collapse;*

***THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Old Growth Strategic Review Panel's report and recommendations that are vital to creating a new, sustainable old growth strategy, and call upon the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out, with First Nations included and consulted every step of the way;*

***THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the BC government to provide more details on its plan to shift logging deferrals to permanent protection, and working in partnership with impacted First Nations, to engage in discussions on expanding these deferrals to include all threatened old-growth forests, including areas like the Walbran Valley, Nahmint, Fairy Creek, Tsitika Valley, Mt. Elphinstone, Argonaut Creek.*

***THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with other like-minded organizations to urge the provincial and federal governments to provide dedicated funding for First Nations Indigenous Protected and Conserved Areas (IPCAs) and First Nations land use plans, as well as financial support for First Nations communities to manage and steward ICPAs, purchase and protect private lands with old-growth, and pursue conservation-based businesses and economies, including cultural and eco-tourism businesses, clean energy, and second-growth forestry;*

***THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly urge the Ministry of FLNRORD to consult and engage with First Nation communities and organizations, including the First Nations Forestry Council and the First Nations Leadership Council, to develop and implement a renewed old-growth strategy that entrenches Indigenous consent into its processes; is aligned with the principles of the UN Declaration, the Old Growth Strategic Review recommendations, and the BC First Nations Forestry Strategy; is supported*



*by strong enforcement and compliance standards; and is intended to support sustainable old-growth cultural harvesting as an important First Nations livelihood and source of culture.”*

## **Jobs, Jobs, Jobs**

Usually, proponents of unsustainable resource extraction point to a jobs sector that would be deeply affected by any proposed regulations, or at least a negative impact to the bigger economic picture. In the case of Old Growth logging, however, the economic picture is quite simple: the trees are worth more alive.

Currently, about 54,000 hectares of old-growth forests – an area about 5x the size of Vancouver – are being logged every year in BC<sup>3</sup>. At current logging rates, and especially with our notorious “clear-cut” approach to harvesting, BC will eventually run out of old growth forests. This means that jobs tied directly to the rude logging of these incredible giants will also come to an end, if no protective measures are taken now. In short, any jobs tied to old growth logging are fundamentally doomed, simply due to the fact that you can only clear-cut original forests once – from there on out, they are no longer original, and do not possess many of the qualities that are worth preserving, from complex mycelial networks that allow countless trees to work as one, to unparalleled tree size, to unimaginable (or, as presented in the independent panel’s report, un-understandable) biodiversity, and of course, carbon capture abilities.

Old growth trees, on the other hand, possess a significantly longer economic viability profile, simply by their tourism allure alone in many cases. In their 2016 submission to the BC Chamber of Commerce, the Port Renfrew Chamber noted one anecdote from a 2012 financial analysis done by a kayaking company in the Discovery Islands:

*It was determined that the value of the 60 hectares of timber was worth about \$3,600,000. Since the regeneration cycle meant the area could be cut only once every 60 years, the yearly economic value of the timber was \$60,000. The economic value to the kayaking company, however, was \$416,000 per year, or \$24,960,000 for the same 60-year period. In stark contrast to the approximately 300 person-days employment from logging the 60 hectares just once, the kayaking company provided 20,160 person-days of employment during the 60-year cycle. And this simple economic analysis didn’t include the employment and earnings for the 40 other ecotourism businesses using the same area.*

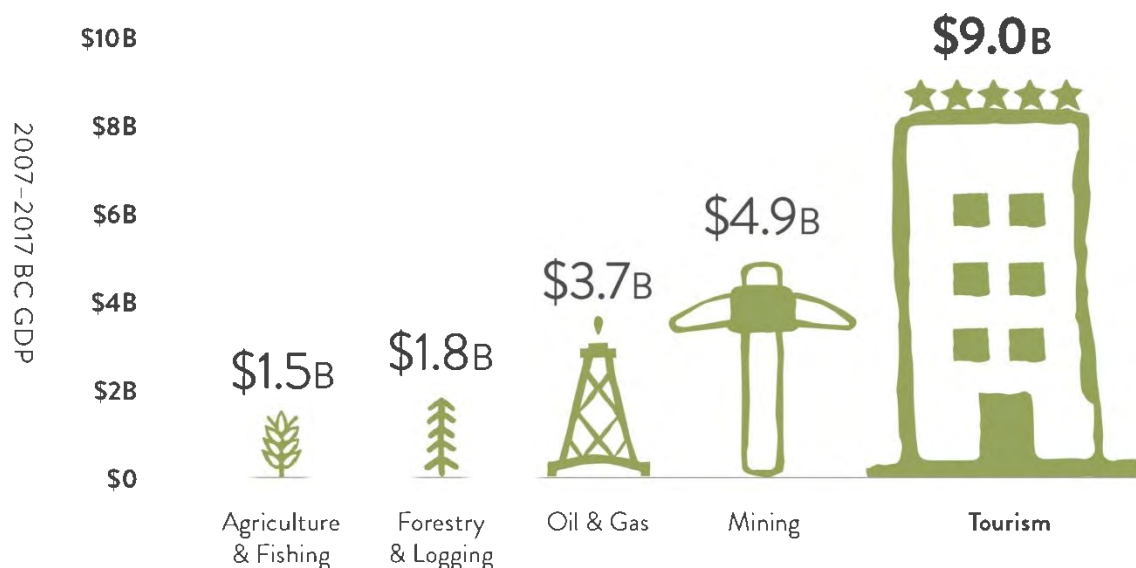
This one simple analysis uncovers the true value of these incredible old growth trees, not as pathetic roof shingles to be shipped to Florida, nor (even more disrespectfully) as fuel pellets for generating electricity in Europe. According to the Government of British Columbia, “*tourism contributed more to GDP than any other primary resource industry [in 2017]*”.<sup>4</sup>

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<sup>3</sup> <https://www.theglobeandmail.com/canada/british-columbia/article-while-government-consults-and-consults-some-more-logging-in-bcs/>

<sup>4</sup> <https://www.destinationbc.ca/content/uploads/2019/07/2017-Value-of-Tourism.pdf>

## GDP BY PRIMARY RESOURCE INDUSTRY



The BC Chamber of Commerce carried the following resolution in 2016, renewing it in 2019:

### THE CHAMBER RECOMMENDS that the Provincial Government:

1. **Support the increased protection of old-growth forests in areas of the province where they have or can likely have a greater net economic value for communities if they are left standing for the next generation and beyond.**
2. **Protect endangered old-growth forests by enacting new regulations such as an Old-Growth Management Area, Wildlife Habitat Area, or Land Use Order, with the intent to eventually legislate permanent protection for areas through provincial park or conservancies.**

The economic case for keeping these trees standing it clear, and the effects of encouraging tourism instead have already been tried and tested across North America's west coast – just imagine requesting to purchase California's Redwoods (some confirmed to be over 1,500-2,000 years old) to convert to them to "*amazing shingles that might even last 30 years*" – the very proposition would be laughable in a jurisdiction that was once as comparatively abundant in old growth assets as BC is today.

In many developing countries, impoverished locals commit environmental atrocities on a regular basis simply to put food on their tables. From hunting rhinos for their horns, to finning sharks, to illegally obtaining and refining crude oil (leading to perpetual spills in delicate ecosystems), these actions are pursued solely out of desperation – there simply isn't another accessible job at their disposal, and many of their traditional ways of life have been permanently disrupted by the global economy. Many international NGOs have acknowledged this reality, and have begun pouring

money into conservation and eco-tourism initiatives, leading to poachers becoming conservationists or tour guides, as an example.

One of the recommendations of this report calls on Provincial funding and support for BC communities and First Nations that currently rely on unsustainable old growth logging. Folks in the environmental movement are not out to destroy the livelihood of local residents. A supported transition to more sustainable sources of income, in the spirit of indigenous reconciliation where applicable, would not only protect the ecosystems in question, but would also lead to sustainable and resilient economies that can stand the test of time.

### **Climate Crisis**

The October 2018, International Panel on Climate Change (IPCC) special report provided a grave global warning of the need for massive emissions reduction within the next 11 years to avoid irreversible catastrophic changes to climate.

Aside from the intrinsic value of the magnificence of some of the largest organisms on the planet existing in one of the most intricate webs of ecological relationships on par with the rain forests of the amazon, these ancient ecosystems have an incredible capacity to store and sequester carbon.

High productivity old-growth forests can store over 1,000 tonnes of carbon per hectare, one of the highest rates on earth. These forests act as the planet's carbon bank, accumulating carbon in soil, trees, and organic matter over millennia. Research has increasingly shown that old trees store more carbon than young trees in proportion to their size. A single valley-bottom old growth tree can absorb far more carbon in a year than even an acre of seedlings. Almost 70% of the carbon stored in a tree is accumulated in the second half of its life.

Logging primary, mature and old forests and converting them to secondary, managed forests can reduce total carbon storage by 40-50% or more, even when off-site storage of carbon in wood products in buildings is factored in. In a climate crisis it does not make sense to cut down carbon-storing older trees when there are large expenditures of resources to reduce carbon emissions and invent carbon-capture technology.

In addition to carbon storage and sequestration, the unique conditions and processes within ancient old growth ecosystems are vital to BC's ability to adapt to a changing climate. Old growth forests are critical to the conservation of biodiversity akin to "banks" of genetic material for future use and adaptation to changing climatic conditions. In addition, these forest are very resistant to fire and have an incredible ability to intercept and store water, which are critical attributes necessary to withstand the self-reinforcing cycle of increasing temperature, drying landscapes, and large forest fires.

When taking into account that old growth forest products are often shipped across the world, to be used in often-replaceable products such as roofing shingles, exterior cladding, paper, pulp, and pellets, the senselessness of old-growth ecosystem harvesting cannot be understated.

### **Have We Not Learned?**



One of the current battles for Old Growth protection is currently taking place at the Fairy Creek watershed in Pacheedaht First Nation territory near Port Renfrew. Fairy Creek is known locally as the last remaining unprotected, intact watershed on southern Vancouver Island. Note the dark green colouration, no missing patches, a rare sight to behold on satellite imagery of BC:



For context, one creek away stands the aptly-named “Avatar Grove” (who were you rooting for during that film?), a grove that was protected relatively recently. Further up stands *Big Lonely Doug*, pictured below, which is Canada’s second-largest Douglas-fir tree and is known as one of the most famous trees in Canada. Doug is estimated to be between 750 and 1200 years old<sup>5</sup>, and is the last remaining member of his grove, which was logged in 2014. It is estimated that 99% of the original, old-growth Douglas firs in British Columbia have been mercilessly cut down.

If the image below is *after* logging, one need not use imagination to conceptualize what existed there *before*.

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<sup>5</sup> <https://www.atlasobscura.com/places/big-lonely-doug>





Only a few hundred meters away is Eden Grove, another section of forest slated for annihilation. Its contents are nothing short of breathtaking, offering a glimpse into what Doug's neighbourhood used to look like:



Recently, logging interest in the area has rung the alarm bells loudly in local communities and across the province. In response, local environmentalists, First Nation members, and others concerned about the impending doom of

Fairy Creek, Eden Grove, and surrounding high-value ecosystems have blockaded forest service roads leading to the magnificent and irreplaceable old growth Forests that are slated for destruction. These groups are joined by Bill Jones, elder from Pacheedaht First Nation, who has been calling on Premier John Horgan to protect the forests of his lands, and other forests like it. An injunction has been applied for to clear the way for logging, and hearings are set for the end of March.

Those who have followed the history of similar conflicts over unsustainable old growth logging are sure to draw parallels between this localized situation, and one that sparked the single largest act of civil disobedience in Canadian History - the *War of the Woods*, over Clayoquot Sound on Vancouver Island. Following a similar injunction granted in the 1990s, thousands flocked to protect the rainforests of Vancouver Island near Tofino. Hundreds of arrests took place before much of the area was finally protected, and in 2000, it was added to the UNESCO World Biosphere Reserve, rightfully acknowledging the area for its global environmental value.

The recommendations of this report specific to Fairy Creek seek to prevent such a large-scale conflict from taking place again, by urging the provincial government to immediately protect these last remaining lands from human interference.

### **Reasonable Request**

The fundamental request of this report to the Provincial government is simple – to immediately protect high productivity old growth forests, which represent only 1% of the forests of British Columbia<sup>6</sup>. It is my conclusion that logging *only* 99% of our forests should be enough.

### **Financial Implications**

There are no financial implications associated with this report.

### **Council Strategic Plan Objectives**

- Inspire environmental actions and advocacy

### **Attachment(s)**

1. Article from Ancient Forest Alliance – B.C. is Flunking on Old-Growth Forests
2. A New Future for Old Forests
3. Minister of Forests, Lands, Natural Resources Operations and Rural Development Mandate Letter

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<sup>6</sup> <https://www.ancientforestalliance.org/wp-content/uploads/2014/10/bcs-old-growth-forest-report-web.pdf>





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# B.C. is flunking on old-growth forests, environmental report card says

Published: March 11, 2021  
Posted in: [News Coverage](#)

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**National Observer**

March 11, 2021



The B.C. government is failing to enact recommendations to protect large old growth trees like those pictured above in a Vancouver Island cut block. Photo by TJ Watt.

Premier John Horgan is getting failing grades when it comes to protecting B.C.'s old-growth forests, according to a report card issued by a coalition of environmental groups on Thursday.

The report card evaluates the province's progress at the six-month mark after its promise to act on 14 recommendations outlined in a [report that followed a strategic review](#) of B.C.'s old-growth forestry practices.

Most urgently, the province grades poorly around the call to take immediate action to protect at-risk old-growth and stem the loss of rare ecosystems, said Andrea Inness, a campaigner with the Ancient Forest Alliance (AFA), which issued the report card along with the Wilderness Committee and the Sierra Club BC.

"They committed to act immediately to temporarily halt logging in the most endangered old-growth forest ecosystems," said Inness.

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Categories

"The province still has a very, very long way to go to actually implement that critical recommendation."

When the government [announced it would adopt a new approach](#) to old-growth management in September, it temporarily deferred logging in 353,000 hectares of forest in nine regions until a new plan was developed.



Andrea Inness, of the the Ancient Forest Alliance (AFA), said the B.C. government is not acting on its promise to act on recommendations to protect at-risk, old-growth forests. Photo courtesy of Ancient Forest Alliance

However, various environmental groups and reports have questioned how much of the government's deferred areas actually included at-risk, high-value, old-growth ecosystems, Inness said.

"Those deferrals were highly problematic," she added, noting the most at-risk areas of old-growth valued in terms of biodiversity were not protected.

"They've really exaggerated that a lot to make it sound like they've done more than they have," Inness said.

Much of the [forested areas covered in the government's deferral](#) fell within a number of parks, ecological reserves, or included already existing deferrals or poor grade timber and low-value ecosystems not at risk of logging, Inness said.

Only about 415,000 hectares of old-growth forest with big trees remain in B.C., mostly without protection, [according to an independent report](#), Inness said.

"We try to look at this data and have determined that only 3,800 hectares of that 353,000 deferral was actually previously unprotected high-risk old-growth forests," Inness said.

As such, clear-cutting will continue in critical old-growth stands — such as the Fairy Creek watershed on Vancouver Island — destroying their bio-diverse ecosystems forever, she said.

Activists [blockading logging activity in the Fairy Creek watershed](#) near Port Renfrew for the last seven months got a [temporary reprieve](#) after an injunction hearing to oust them was adjourned last week.

"It would send a very strong signal if Premier Horgan announced within this three-week timeframe that (government) is going to set that forest aside," Inness said.

"Because, that would be consistent with what he's promised to do."








# BC Government Old-growth Report Card

Date: March 11th, 2021

Premier: John Horgan

Last fall, Premier John Horgan made a big promise. He pledged his government would implement the old-growth panel recommendations 'in their totality.' The recommendations, which government received in April and published September 11th, follow a three-year (including short-term actions) and call for a paradigm shift to make ecological integrity and biodiversity the top priority. This report card grades how the government is doing six months after committing to this paradigm shift.

SUBJECT	PROGRESS	GRADE
<b>Immediate action for at-risk forest (deferrals within 6 months)</b>		<b>D</b>
<p>The old-growth panel calls for immediate interim protection of the most at-risk old-growth to prevent the loss of rare ecosystems. To date, government's deferrals only include about about 3,800 hectares, or less than 1% of the most at-risk old-growth. Logging continues in much of the remainder, and critical old-growth stands are being lost forever. <b>To improve this grade, the BC government must immediately defer logging of all at risk old-growth in the province.</b></p>		
<b>Three-year workplan with milestone dates</b>		<b>F</b>
<p>The old-growth panel recommendations are embedded in a three-year framework with six month steps, starting with immediate action for at-risk forests and engagement with Indigenous governments, followed by a transition plan, a new framework prioritizing ecological integrity and alternatives to clearcutting. To date, the BC government has not tied its implementation promise to a work plan with milestone dates. <b>Without such a step, the BC government remains unaccountable, meaning First Nations and forestry-dependent communities cannot count on support through the transition.</b></p>		
<b>Funding for implementation, First Nations and forestry transition</b>		<b>F</b>
<p>Significant provincial funding to support economic alternatives for First Nations and to enable a transition in the forest sector is fundamental to the successful implementation of the old-growth panel recommendations. This includes immediate funding to support First Nations seeking temporary economic relief while logging deferrals are put in place, as well as support for forestry workers. The BC government has yet to announce any funding commitments whatsoever, jeopardizing the success of many of the panel's recommendations. <b>To improve this grade, it must immediately allocate funds to meet both short-term and long-term needs to secure Indigenous-led long-term conservation solutions and economic alternatives to old-growth logging.</b></p>		
<b>Change course and prioritize ecosystem integrity and biodiversity</b>		<b>F</b>
<p>The old-growth panel's call for a paradigm shift to prioritize conservation and management of ecosystem integrity and biodiversity across sectors requires an immediate course correction. This requires giving direction to statutory decision-makers like the chief forester and district managers to execute these priorities. <b>As a first step, the BC government must immediately introduce delayed amendments to provincial forestry laws prepared prior to the pandemic.</b></p>		
<b>Transparency and Communication</b>		<b>F</b>
<p>The old-growth panel stressed the need to improve transparency and communication about ecosystems and forest management in order to rebuild public trust. Unfortunately, the government's communication around its response to the report has been inaccurate and misleading. The government has further alienated the public and jeopardized this process from the outset by classifying its initial measure as "353,000 hectares of old-growth protected" when much of this area is not old-growth and much of it is forest that is already protected. <b>To get to a passing grade, government must correct misleading information and quickly share accurate data on how much at-risk old-growth remains unprotected and report on progress without false claims.</b></p>		



An environmental report card on the B.C. government's protection of old-growth forests, created by Ancient Forest Alliance, the Wilderness Committee and the Sierra Club BC.

The report card suggests that the province is also failing to adequately chart a new forest approach that prioritizes the integrity of ecosystems and biodiversity as called for by the review plan.

During the October election, the [NDP election platform](#) committed to meeting the old-growth strategic review recommendations and protecting more old-growth forests — in addition to the original deferral — in collaboration with First Nations, labour, industry and environmental groups.

And the province also committed to protecting up to 1,500 individual, giant and iconic trees as part of its special tree regulations when announcing its forest deferrals.

While the government has initiated conversations with First Nations around old-growth forestry, other steps need to be taken to fulfil the old-growth recommendations, Inness said.

The new B.C. budget is slated for April and the province should commit funds to support First Nations experiencing economic losses due to forestry deferrals or when choosing to protect ancient forests, she said.

“Until that economic piece is addressed, it could be very difficult for First Nations to agree to temporarily halt logging or permanently protect old growth in their territories if there aren't alternatives,” Inness said.

Additionally, the province has failed to tie its implementation promises to any timeline, nor has it signalled whether it's on track to come up with a provincial transition plan within the next six months that prioritizes ecosystem health as promised, she said.

Should the government make good on its promises to enact old-growth strategic review recommendations, it involves a complete paradigm shift in the way forests are managed, Inness said.

“It means putting biodiversity and ecosystem integrity ahead of timber supply,” she said.

“But (the province) isn't showing that they understand that. In fact, it feels more like they want to maintain the status quo.”

Comment from the office of the B.C.'s Ministry of Forests, Lands, Natural Resource Operations and Rural Development was unavailable before the *National Observer's* publication deadline.

*Rochelle Baker / Local Journalism Initiative / Canada's National Observer*

[Read the original article](#)

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A stylized illustration of a forest scene rendered in a stained glass style. The trees are composed of various shades of green, brown, and red, with black outlines. The background is a mix of light and dark green, suggesting a dense forest. The overall composition is abstract and artistic.

# **A NEW FUTURE FOR OLD FORESTS**

**A Strategic Review of How  
British Columbia Manages  
for Old Forests Within its  
Ancient Ecosystems**



**OUTCOMES**

Healthy Ecosystems

Effective Management

Public Support

**PRODUCTS**

Compliance with existing targets & guidelines

Integrated provincial-local goals & priorities

Innovative silviculture systems

Inclusive stable governance

Updated targets & guidelines

Updated classification & inventory

Protected, Converted & Consistent zoning

Improved public information

Indigenous involvement

Address immediate threats

Monitoring, evaluation & updates

Transition planning

Transition support

**Over-Arching Ecosystem Health Legislation**

Provincial Policy on Old Forest & Implementation Plan

Public Engagement

**BC-Indigenous G2G Relationship**

**CORE DRIVERS**

**GUIDING PRINCIPLES**

Focus on ecosystem health

Use scientific methods

Involve the public

Maintain local flexibility

Foster a paradigm shift

Manage for multiple benefits



April 30, 2020

Honourable Doug Donaldson  
Minister of Forests, Lands,  
Natural Resource Operations  
and Rural Development  
Room 248 Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister,

We are pleased to submit this report detailing the results of our independent strategic review of old growth forest management in British Columbia. We have been honoured to co-chair this work, and to have had the opportunity to engage with and hear from British Columbians directly about how they value old forests, and how they believe they should be managed.

In addition to scientific studies and data, people shared their personal observations, perspectives, and ideas about what needs to be done. In many cases, their information and ideas were about broader land use policies, or sometimes they focused on how to manage a specific plot of land. We particularly appreciated the constructive approach taken by nearly every participant in the dialogue, and the common sentiment that we need to find better ways to manage old forests for a broad spectrum of benefits and reasons.

Our recommendations are shaped by a recognition that society is undergoing a paradigm shift in its relationship with the environment, and the way we manage our old forests needs to adapt accordingly. In the government's upcoming deliberations about how to implement our recommendations, we encourage you to engage with Indigenous leaders and organizations from the outset, and to involve local communities and stakeholders throughout the process.

We also encourage you to consider our recommendations as a whole. Had previous old forest strategies and recommendations been fully implemented, we would likely not be facing the challenges around old growth to the extent we are today, i.e., high risk to loss of biodiversity in many ecosystems, risk to potential economic benefits due to uncertainty and conflict, and widespread lack of confidence in the system of managing forests.

We would finally like to thank you and your government for putting your trust in us to carry out this review. We have done our best to capture the passion and many good suggestions that were provided in the hopes that the results of our deliberations will help you as your government determines the future management of old forests in British Columbia.



**Al Gorley, RPF**  
*Co-Chair*



**Garry Merkel, RPF**  
*Co-Chair*





Ponderosa pine

Photo by Deb MacKillop



## ACKNOWLEDGEMENTS

Many people care about appropriately conserving and managing British Columbia’s old forest ecosystems. We spoke directly with nearly 800 people and heard from thousands more through our survey, written submissions and emails. We thank everyone for sharing their knowledge and opinions. Viewpoints were often expressed with passion and a sincere interest in old forests and land stewardship. In addition to scientific studies and data, people shared their personal observations, perspectives, and ideas about what needs to be done. In many cases, the information and good ideas we received were about broader land use policies, or sometimes they focused on how to manage a specific plot of land. We particularly appreciated the constructive approach taken by nearly every participant in the dialogue, and the common sentiment that we need to find better ways to manage old forests for a broad spectrum of benefits and reasons.

The written input we received has been provided to the provincial government, with the survey results, a specially commissioned technical report, and a summary of the written submissions is also provided in a What We Heard report. Please note that original versions of the written submissions we received are available on the Province’s [Old Growth Strategic Review](#) website. This report does not cite every comment or idea we received, but we have attempted to bring together the essence of what we learned in our recommendations and implementation suggestions.

As many of you reminded us, it is important to recognize that old forests are more than old or big trees. They are a product of ancient and unique ecosystems, and their characteristics vary greatly across the province. They can only be effectively managed in the context of broader public priorities, including the interests of current and future generations.

We would also like to thank the people who directly supported our work on this endeavour:

- Project management: Steve Kachanoski (BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development)
- Logistics and record keeping: Sacha Chin and Trevor Pancoust (Pace Group Communications)
- Report preparation and editing: Greg Descantes (Pace Group Communications)
- Report graphic design: Myron Advertising + Design
- Survey design and results: Elevate Consulting



Al Gorley and Garry Merkel

Photo by Sacha Chin

## FOREWORD

Almost three decades ago, over a hundred people from various walks of life, including government, worked for 18 months to find consensus on *An Old Growth Strategy for British Columbia* (B.C. Ministry of Forests, May 1992): In that report the development team said:

*“Members of the public, public interest groups, professional resource managers and representatives of industry have expressed increasing concern about management of old growth forests in British Columbia. Not only does the forest industry depend heavily on old growth for its current wood supply, but many new demands are being placed on the remaining old growth to satisfy a broad range of forest values. **In parts of the province, meanwhile, opportunities to reserve representative samples of old growth are dwindling rapidly** (emphasis added). These pressures are leading to increased instances of conflict among supporters of competing land uses.”*

Although many subsequent measures were taken under the auspices of land-use planning and the forest practices code (some of which carried forward to the current legislation), many critical aspects of the strategy laid out in that report were either discarded or only partly implemented. Had that strategy been fully implemented, we would likely not be facing the challenges around old growth to the extent we are today:

- High risk to loss of biodiversity in many ecosystems.
- Risk to potential economic benefits due to uncertainty and conflict.
- Widespread lack of confidence in the system of managing forests.

While some of the immediate old forest issues we face can be addressed within the existing policy framework, continuing to apply the approaches that brought us to this point will not provide a sustainable solution. Our underlying assumption is that the government feels it is in the public interest to conserve long-term ecosystem health by maintaining forest biodiversity, so this priority will therefore be the foundational goal of any new strategy. We also assume that a new strategy and supporting policies and programs will be developed through dialogue with Indigenous governments, communities, and stakeholders in a manner that reflects the ecological, historical, and socio-economic uniqueness of each region.

Many of the people we heard from during our engagement process expressed optimism for a positive change to managing old forests, however we also heard a considerable amount of skepticism. We frequently heard about examples where current and past governments were perceived as having not followed through on initiatives or recommendations, including: full implementation of the previous Old Growth Strategy (1992); monitoring and updating land-use plans; reviewing, monitoring and updating biodiversity guidance; and implementing the [recommendations](#) of the Forest Practices Board (2012) on old growth management, and the Auditor General’s (2013) [report](#) on biodiversity, to name just a few.

Therefore, we have suggested that if the government accepts our recommendations, it develop a formal implementation plan to accompany its public response. We advise that this be developed in collaboration with Indigenous governments, and in consultation with many others. We hope this approach provides an avenue to simultaneously build good policy and practices, a stable timber industry as well as public trust.

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## DEFINITIONS

**Aspatial** – Used to describe targets set for the amount of old forest to be retained within a management area as a whole, but not at a specifically define location.

**Biodiversity Conservation** – To maintain ecosystem, species and genetic diversity, and the processes that shape them, in the face of human development.

**Climax condition or climax vegetation communities** – A forest community of plants, animals, and fungi which, through the process of ecological succession in an area over time, have reached a state where they are subject to very little overall change.

**Forest Stewardship Plan** – A plan which guides forest operations for a timber tenure required under the *Forest and Range Practices Act* which is prepared by a forest licensee and approved by government.

**Land Use Plans** – Plans sanctioned by the provincial government, including those arising from the Commission of Resources and the Environment (CORE), Land and Resource Management Plans (LRMPs), and those developed through government-to-government processes such as for the Great Bear Rainforest and Haida Gwaii.

**Legal / Non-legal OGMA** – Individual Old Growth Management Areas that are either legally established or are not legally established but still identified in the planning process.

**Natural range of variability** – Describes the disturbance processes and ecosystem variability that these disturbances create, typically defined by the period before European settlement.

**Old growth** – A generic term to describe forests with old trees. In British Columbia, for management purposes, this is usually described according to the age of the trees (usually 250+ years on the coast and 140+ years in the interior).

**Primary forest** – Forests of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed.

**Second growth forest** – Forests regenerated on native forests that were cleared by natural or human causes.

**Seral stage** - An intermediate stage found in ecological succession in an ecosystem advancing towards its climax community. In many cases more than one seral stage evolves until climax conditions are attained.

**Site Index** – An indicator of site productivity described by the height that a stand of trees reach in a given time, e.g.,  $SI_{50}$  means the height at 50 years.

**Site series** – A finer stratification of a biogeoclimatic sub-zone based on soil moisture and nutrients.

**Spatial vs Aspatial** – OGMAs that are identified spatially on maps (spatial) or are tracked in overall statistics but not specifically identified on a map (aspatial).



## ACRONYMS

**AAC** – Allowable Annual Cut: The number of cubic meters that are allowed for harvest each year in a given area.

**BEC** – Biogeoclimatic Ecological Classification: A system of classification that categorizes the landscape into zones, each with its own with unique biological, geological and climatic properties.

**CORE** – [Commission on Resources and Environment](#): A government-appointed commission that was in place from 1992-1996 and lead a variety of land initiatives including various regional land use plans.

**ENGO** – Environmental Non-Government Organization

**FRPA** – Forest and Range Practises Act: Legislation (2002) that regulates forest practises in British Columbia.

**FSP** – Forest Stewardship Plan

**LRMP** – Land and Resource Management Plan: A local land use plan that engages a number of local stakeholders in the preparation and ongoing monitoring and updates to that plan.

**NGO** – Non-Government Organization

**NRV** – Natural Range of Variability

**OGMA** – Old Growth Management Area: An area that is set aside and specially managed for old forest values.

**LU** – Landscape Unit: The base area for operational forest planning.

**LUP** – Land Use Plan

**SI** – Site Index

**THLB** – Timber Harvesting Land Base: The area that is operationally feasible to be accessed for timber harvesting.

**TSA** – Timber Supply Area: An administrative area that is used to set the AAC.

**TSR** – Timber Supply Review: The process for establishing the AAC in a TSA.

**VQO** – Visual Quality Objective: A mechanism for protecting the visual quality of a forested landscape.

## TERMS OF REFERENCE AND PROCESS

On July 17, 2019, the Government of British Columbia announced that we, Al Gorley and Garry Merkel, would be appointed as an independent panel to undertake a province-wide [Old Growth Strategic Review](#) and provide a report to the Minister of Forests, Lands, Natural Resource Operations and Rural Development by April 30, 2020. The purpose is to inform the development of broad public policy regarding old growth forests. The government committed to releasing the report to the public within six months of us submitting it.

In British Columbia, the term “old growth” is officially defined by the age of trees in a forest using specific thresholds (often over 250 years on the coast and 140 years in the Interior). However, we did not limit ourselves to that timber-based definition because it would not have adequately captured the many values, interests and circumstances surrounding conservation and management of old forests.

We were asked to examine the subject from a variety of perspectives, including employment, economic, social, cultural, environmental and climate change, and to consider the interplay between them. To ensure we were aware of these perspectives, we undertook a four-month process of engagement which was substantially completed on January 31, 2020. We did not characterize our outreach as “consultation” because that will be the job of government after it receives our recommendations. Our aim was to learn as much as we could from a wide spectrum of people throughout the province so that we could hopefully make as fulsome a set of recommendations as possible. We also wanted to make sure every British Columbian had an opportunity to express their views.

Without limiting who we heard from, our commitment was to ensure we connected with:

- Indigenous governments and communities
- Local governments and communities
- The forest industry
- The tourism and recreation industries
- Environmental non-government organizations
- Professional associations
- Professionals, academics, and other experts
- Forest and resource stewardship organizations
- Stakeholder groups
- Members of the public

Engagement Techniques	
<b>In-person, teleconference, and videoconference</b>	We participated in over 200 meetings in 45 communities with close to 800 people. To ensure we received input from a wide variety of perspectives, we reached out directly to some groups and individuals, and through our Province of BC website invited everyone interested to request a meeting. Due to the time available, we were unable to accommodate all meeting requests. We kept informal notes of these meetings to help us write this report, but they will not be published. A list of in-person meeting locations can be found in our <i>What We Heard</i> report.
<b>Written submissions</b>	We invited individuals and organizations to make formal written submissions. We received more than 300 submissions along with more than 400 published articles, scientific papers, and reports. With a few exceptions where confidentiality was requested, we have asked that these submissions be accessible on the government's website. A synopsis of the written submissions is available in our <i>What We Heard</i> report.
<b>Survey responses and emails</b>	We encouraged people to complete our on-line survey, which was open for just over three months, or to send us an email. We received 18,523 survey responses, and approximately 9,000 emails to our electronic mailbox. The results of the survey are summarized and available with this report. The original submissions are also available on the government's website.
<b>Technical and scientific briefings</b>	<p>We received an initial technical briefing from a group of over 30 government staff to ensure we were informed about the status of current forest management processes and initiatives relevant to our task. Several follow-up briefings were also held to address specific information requirements.</p> <p>We also commissioned a report from the Department of Forest Resources Management at the University of British Columbia to tell us how other jurisdictions manage old forests and what we can learn from them. That document is available in the <i>What We Heard</i> report.</p>

The variety and number of contributors exceeded our expectations. We heard from and met with elementary school children, high-school and college students, leading researchers, small and large business from all areas of the timber and non-timber forest sector, practising and retired professionals, elders, parents and grandparents, forest and service sector workers, environmental advocates, self-described average citizens, government employees, and political leaders to name a few. Many people talked about the broader system for managing old forests, whereas others offered up specific local examples to explain their point of view.





# Executive Summary

Grizzly Den Trail — High-elevation forest east of Prince George

Photo by Al Gorley

GP - 127



Old forests, especially those with very large trees, are the product of ancient ecosystems, icons of British Columbia's landscape, and a key aspect of the province's unique identity. In addition to their intrinsic value, the timber they provide is important to the provincial economy, and a primary source of income in many communities. These same forests anchor ecosystems that are critical to the wellbeing of many species of plants and animals, including people, now and in the future. The conditions that exist in many of these forests and ecosystems are also simply non-renewable in any reasonable time frame.

Facing diminishing available timber supplies, ecosystems at risk of biodiversity loss in several areas, and significant public concern, the Government of British Columbia announced that an independent panel (Al Gorley and Garry Merkel) would carry out a province-wide Old Growth Strategic Review to inform the development of new management policies and strategies.

In order to understand the range of perspectives (employment, economic, social, cultural, environmental, climate change and more) and consider the interplay between them, we undertook a four-month engagement process to hear from as wide a spectrum of people and organizations as possible throughout BC. This was achieved through a combination of meetings, written submissions, and an online survey. The review looked beyond the timber-based definition of "old growth" so we could adequately capture the many values, interests and circumstances surrounding the conservation and management of old forests. This is one of three reports, and contains a situation overview, our recommendations, and implementation advice. There are two companion documents: *A New Future for Old Forests: Summary Report and Old Growth Strategic Review: What We Heard*. All three reports and the written submissions we received are posted on the Province's [Old Growth Strategic Review website](#).

Our strategic review of the management of old forests led us to conclude that despite the good intentions and efforts of many people, including government personnel associated with forest management development and implementation, the overall system of forest management has not supported the effective implementation or achievement of the stated and legislated public objectives for old forests. This has not come about because of any one group or decision, but through a pattern of many choices made over several decades, within an outdated paradigm.

While our report cannot possibly reflect the full breadth and depth of the information provided to us, our key observations are:

1. Ecosystems with large, old trees are important to British Columbians for many different reasons.
2. Retaining and managing forests of old trees is a key strategy for maintaining biological diversity and cannot be done in isolation.
3. The extent and condition of ecosystems with old trees, relative to natural condition, is highly variable across the province.
4. The economy is heavily dependent on trees harvested from primary forests of old trees.
5. The current system for retaining old forest and managing their attributes has issues arising from incomplete implementation of previous strategies, social trade-offs and a changing landscape.
6. There are opportunities to create greater certainty for forest-dependent communities by formally zoning timber harvesting areas; generating more sustainable and longer-term non-timber economic benefits from old forests; and developing innovative silviculture systems.
7. Climate change will become an increasingly bigger factor in choices about forest management.
8. Information around the types, condition and current status of old forests and information provided to the public about old forests is highly variable across the province.
9. There is widespread support for the provincial government and Indigenous governments to collaboratively create updated strategies and policies for the management of old forests.

There is a near-unanimous agreement that managing the health of old ecosystems, especially those with old trees provides many benefits. We believe the fundamentals to success for the Province's forest management system are ecosystem health, effective forest management and public support. Our review identified weaknesses in each of these areas. To adequately manage and protect BC's old forest biodiversity, attributes, values and benefits for future generations, these weaknesses will have to be addressed. Our recommendations are shaped by that understanding, and the recognition that society is undergoing a paradigm shift in its relationship and interaction with the environment, and the way we manage our old forests needs to adapt accordingly.

## Recommendations

### On conditions required for change:

1. Engage the full involvement of Indigenous leaders and organizations to review this report and any subsequent policy or strategy development and implementation.
2. Declare conservation of ecosystem health and biodiversity of British Columbia's forests as an overarching priority and enact legislation that legally establishes this priority for all sectors.
3. Adopt a three-zone forest management framework to guide forest planning and decision-making.
4. Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.
5. Provide the public with timely and objective information about forest conditions and trends.

### For immediate response:

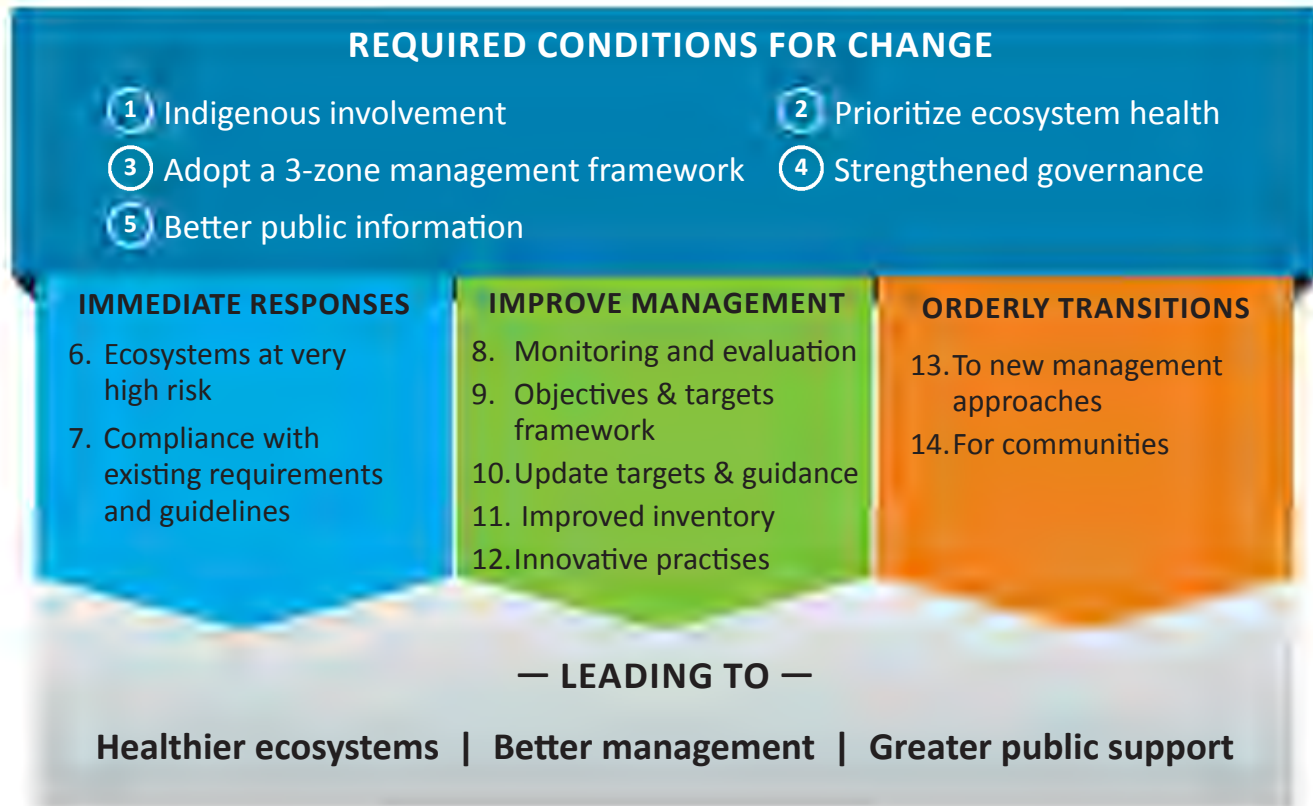
6. Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss.
7. Bring management of old forests into compliance with existing provincial targets and guidelines for maintaining biological diversity.

### For improving management:

8. Establish and fund a more robust monitoring and evaluation system for updating management of old forests.
9. Establish a standardized system and guidance that integrates provincial goals and priorities to local objectives and targets.
10. Update the targets for retention and management of old and ancient forest.
11. Improve the mapping and classification of old forests to recognize multiple values.
12. Create a silviculture innovation program aimed at developing harvesting alternatives to clearcutting that maintain old forest values.

## For orderly transitions:

13. Once developed, implement the new policies and strategies for for the management of old forests through mandatory provincial and local transition plans that define, schedule and monitor the process.
14. Support forest sector workers and communities as they adapt to changes resulting from a new forest management system.





A photograph of an old-growth hemlock forest. The scene is filled with tall, mature hemlock trees with thick, textured trunks. The forest floor is covered in lush green ferns, moss, and fallen branches. The lighting is soft and dappled, filtering through the dense canopy. In the upper right corner, there is a blue rectangular overlay containing the title.

# Introduction

Old-growth hemlock  
Photo by Deb MacKillop



## INTRODUCTION

Old forests, especially those with very large trees, are the product of ancient ecosystems, an icon of British Columbia's landscape, and a key aspect of the province's unique identity. In addition to their intrinsic value, the timber they provide is an economic mainstay, and was once the province's main economic driver. The same forests anchor ecosystems that are critical to the wellbeing of many species of plants and animals, including people, now and in the future.

In recent years, the government has been under pressure to protect old forests from degradation by industrial development. At the same time, there is pressure to maintain viable resource industries at a scale that can compete in global markets. This has led to increasing tension and uncertainty about what will happen to both the forest and the industry. There have been large-scale public demonstrations demanding an end to logging "old growth" and others demanding the government protect jobs by protecting "the working forest" in the face of diminishing timber supplies. The challenge for government is further complicated by the tremendous diversity of the province. Not only are forest types different, but the history of development and economic dependence of communities on forestry varies vastly from one part of the province to another.

The purpose of this report is to inform the development of provincial policies and strategies regarding old forests. In British Columbia the term "old growth" is officially defined by the age of trees in a forest using specific thresholds (often over 250 years on the coast and 140 years in the interior). However, we have not limited ourselves to that definition because it would not have adequately captured the many values, interests and circumstances surrounding the conservation and management of old forests.

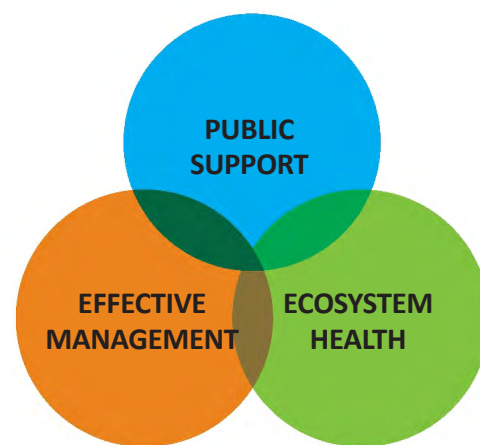
It is important to acknowledge that old forests do not exist in a vacuum. Effective management of old forests can only be properly addressed in the context of their role within the larger ecosystem, and as one component of the larger management system. While our review focussed on how we manage old forests, a significant number of people we heard from during our engagement process told us they have lost confidence in our broader forest management system. Many communities expressed strong concerns about the negative effects of current practices on their forests, ecosystems, water supplies, community safety and other forest-related businesses with little benefit in return. Others told us they are very frustrated because they think that too much harvestable timber is being set aside or made cost-prohibitive, leading to the loss of jobs and essential revenue to the community. Recognizing all these concerns, we feel that orientation of the broader forest management policy, as well as some specific interdependent components, also need to be addressed and we have identified them accordingly.

We received many submissions that identified threats to old forests and their values, and a sense of urgency was often expressed. We also received a number of submissions telling us that old forests are well managed and should be left to the professionals. While some of this is likely the result of different perspectives, interests and beliefs, it also depends a lot on location and scale. One notable observation is that very few groups or individuals fully trusted the information they see on forest management and the state of old forests, regardless of the source.

The panel believes that the fundamentals of success for the Province's forest management system are ecosystem health, effective forest management and public support. Not effectively addressing any one of these elements creates an almost certain risk of failure.

“If we take care of the land  
— the land will take care of us!”

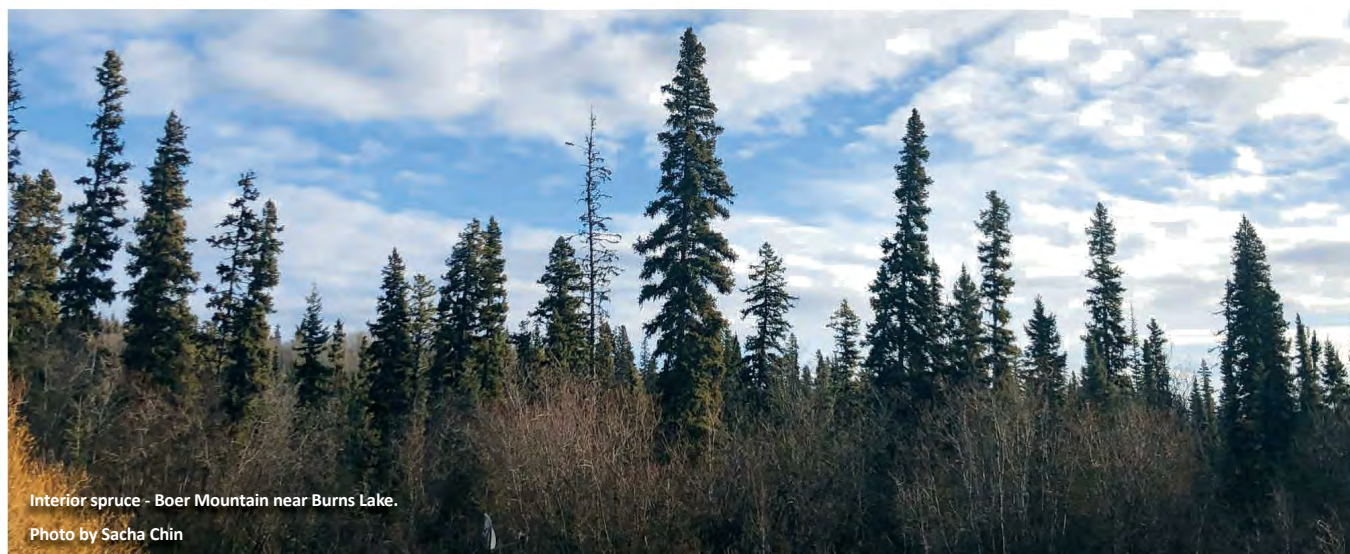
A comment made to the Panel many times  
throughout the engagement process



**Ecosystem Health:** Ecosystems provide a multitude of services essential to the health of all living things, including humans. Ecosystems are very complex and have many individual components which all have some interdependence at a local or landscape level. We will never fully understand ecosystems or how much they can be put under stress before they collapse. Science gives us some direction, but we need to continually improve our understanding and translate that understanding into practise while leaving room for error in the face of uncertainty.

**Effective Management:** An effective management system has clear and transparent publicly driven goals and objectives; programs and methods designed to achieve them; resources, authority, and management controls necessary to implement them; and monitoring of efficiency and effectiveness to adapt and improve over time.

**Public Support:** We believe that deep and meaningful public engagement and a highly informed public are important factors in gaining public support and associated forest management stability. The confidence and trust of the general public is the biggest determinant in how much freedom government and industry have to manage our forests. If the public feels that the system is not looking after their interests, the predictable response is increased mistrust and opposition to many activities carried out by that system, demands for increased participation and control over decision-making, along with large swings in support for political parties. These reactions are intensified when communities feel that values and conditions important to their survival are threatened — a theme that we heard from a wide range of individuals and groups.

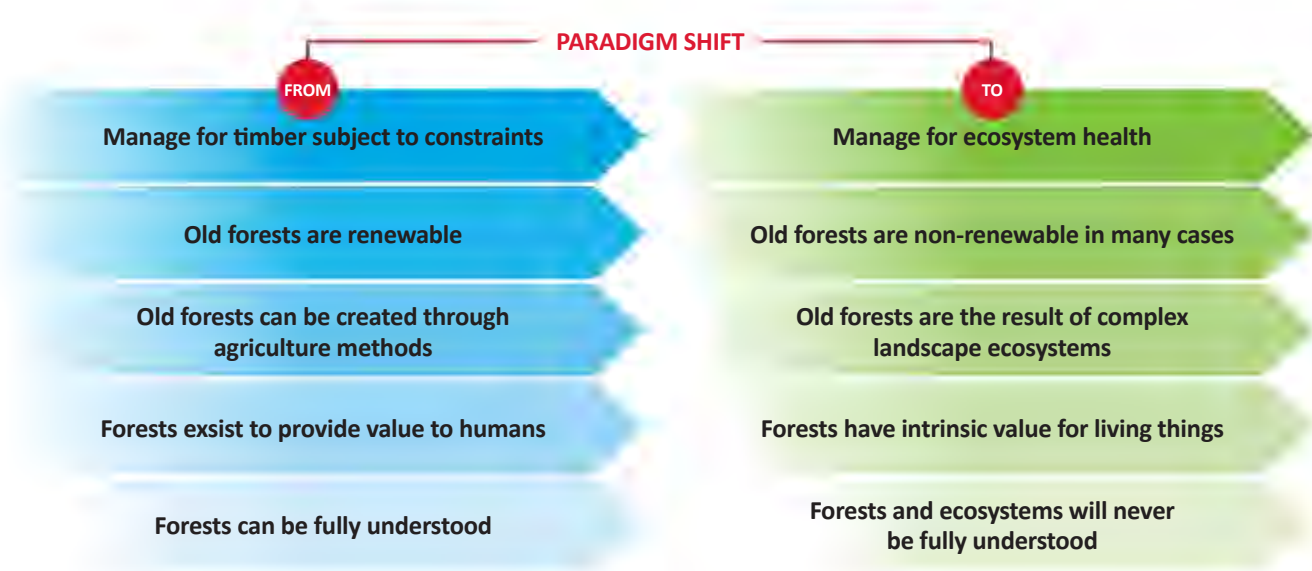


Interior spruce - Boer Mountain near Burns Lake.  
Photo by Sacha Chin

These fundamental requirements for success underly our conclusions and recommendations.

Many of the recommendations in this report are also shaped by our recognition that society is undergoing a paradigm shift, and public policy related to forest management will need to adapt accordingly:

1. BC's Indigenous communities will be key players as one of the most important participants in our future forest management system.
2. Moving to an effective management system for old forests will require a shift in its underlying assumptions. Many other countries are experiencing a similar shift, some proactively and some reactively, largely because of public pressure. Some aspects of this new paradigm are illustrated in the adjacent diagram.
3. There is no one-size-fits-all solution. A new system can establish updated standards, but the application of those standards will need to vary throughout the province depending on ecosystem type, existing and potential ecosystem impacts, local socio-economic conditions and other factors.
4. The full suite of proven scientific methods, e.g., reliable vetted information, targeted research, adaptive management, monitoring and effective technology transfer (research to practise), are essential foundational elements. Properly incorporated, these elements provide a known, reliable, and replicable foundations upon which to build.





An aerial photograph of a vast forest landscape. The foreground is dominated by a dense stand of young, vibrant green pine trees. Beyond this, a large expanse of forest shows a stark contrast, with many trees appearing as a dense, greyish-brown canopy, indicating they have been killed by beetles. Some taller, dark green trees are scattered throughout this area. In the far distance, rolling hills and more forested areas are visible under a clear sky. A solid blue rectangular box is overlaid in the upper right corner, containing the title text.

# Situation Description

Beetle killed Interior pine forest.  
Photo by Will MacKenzie

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## SITUATION DESCRIPTION

This section describes several of the major factors affecting management of old forests in British Columbia, as we have come to understand them. What we have written here cannot possibly reflect the full breadth and depth of the information provided to us, but we have attempted to capture the highlights. Additional detail can be found in our companion *What We Heard* document, and in the many written submissions and technical papers posted on the project [website](#). We encourage individuals desiring a more complete understanding of the situation to access that material.

### One of several interrelated government initiatives.

In undertaking this review, we quickly became aware of several other government initiatives that are in various stages of completion (See figure below). Many of these touch on some of the same general issues as our review, i.e., How do we create more effective systems to manage forest lands throughout the province, and how do we manage the social, economic and environmental transition to these new systems of land management? We attempted to gain a general familiarity with these and other related ongoing initiatives so as to avoid creating unnecessary confusion or inadvertently getting at cross purposes.

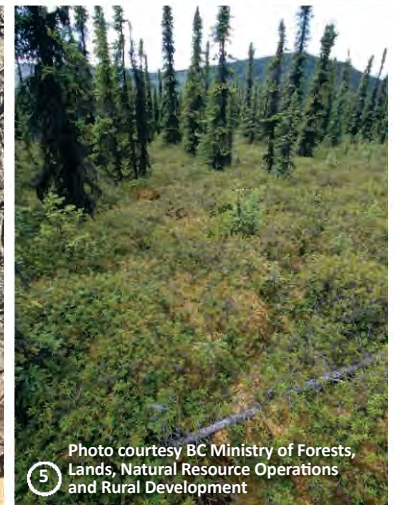


### “Old growth” means many things.

The definitions used for forest inventories and planning are based on the age of the dominant trees in a forest ecosystem (often over 250 years on the coast and 140 years in the Interior). However, those definitions were of little relevance to most people outside the forestry sector, and often seen as too narrow by those within it.



In many ways, old growth is in the eye of the beholder. If we mean old forest, then we need to recognize that nearly all of British Columbia’s forests (and a host of species and ecosystems services) have evolved within ecosystems that have been developing since glaciation, around 10,000 years ago, and although the trees die and regrow, most areas have continuously been occupied by forest. In other parts of the world, these would be called “ancient forests” regardless of the age of the trees. If we are talking simply about old trees, then a sub-alpine forest comprised of 200-year-old, 20-meter-tall hemlock or balsam is every bit as much old-growth as the giant spruce, cedar, and fir on coastal lowlands. The photos below illustrate a few types of old forests in British Columbia.



1. Southern Interior Ponderosa Pine  
2. Interior Lodgepole Pine

3. Mountain Hemlock  
4. Southern Interior Cottonwood

5. Northern White Spruce bog  
6. Coastal mixed age and species

7. Interior Engelmann Spruce, Sub-Alpine Fir



strategy for managing the risk to biological diversity from industrial development, particularly logging.

Although scientists and professionals have developed working definitions for old growth, often based on the relative age of the dominant tree species, or sometimes on physical characteristics and ecological function, no single approach has been universally applicable. For example, according to An Old Growth Strategy for British Columbia (B.C. Ministry of Forests, May 1992): “*Old growth forests are natural stands of old and young trees and their associated plants, animals, and ecological relationships which have remained essentially undisturbed by human activities*”. The authors of that strategy recognized their definition required considerable refinement to reflect the diversity of the province’s forests, a notion repeated by others in subsequent years. The issue may be best described by an article in the *Journal of Forestry* (2004), which said: “*An ecological understanding of old growth requires a multi-scale perspective, ranging from individual trees to regions. A consensus on a single general ecological definition of old growth will never be reached, but that should not preclude the development of specific definitions need by managers.*”

We heard from significant numbers of people who think of old growth as: exceptionally large trees worthy of travelling some distance to see; old or large trees near their home or school; accessible areas where they can enjoy a forest that doesn’t have obvious evidence of human disturbance; forests that feel old; areas of mostly older dead and dying trees; and forests with big trees that can be made into high-value products. Others didn’t differentiate by age or other characteristics specifically but were more interested in the ecosystem services mature forests provide, especially in relation to climate change, hydrology, and wildlife habitat. Many also made some reference to the value of old growth to conserving biological diversity. A common description was that it is original forest in its natural state, not altered by human activity. In our view, none of them are wrong. Through our recommendations we encourage more clarity in classifying and communicating about old forests, by being more specific about the management objectives and desirable attributes for a particular area of forest.

### The amount of forest with old trees.

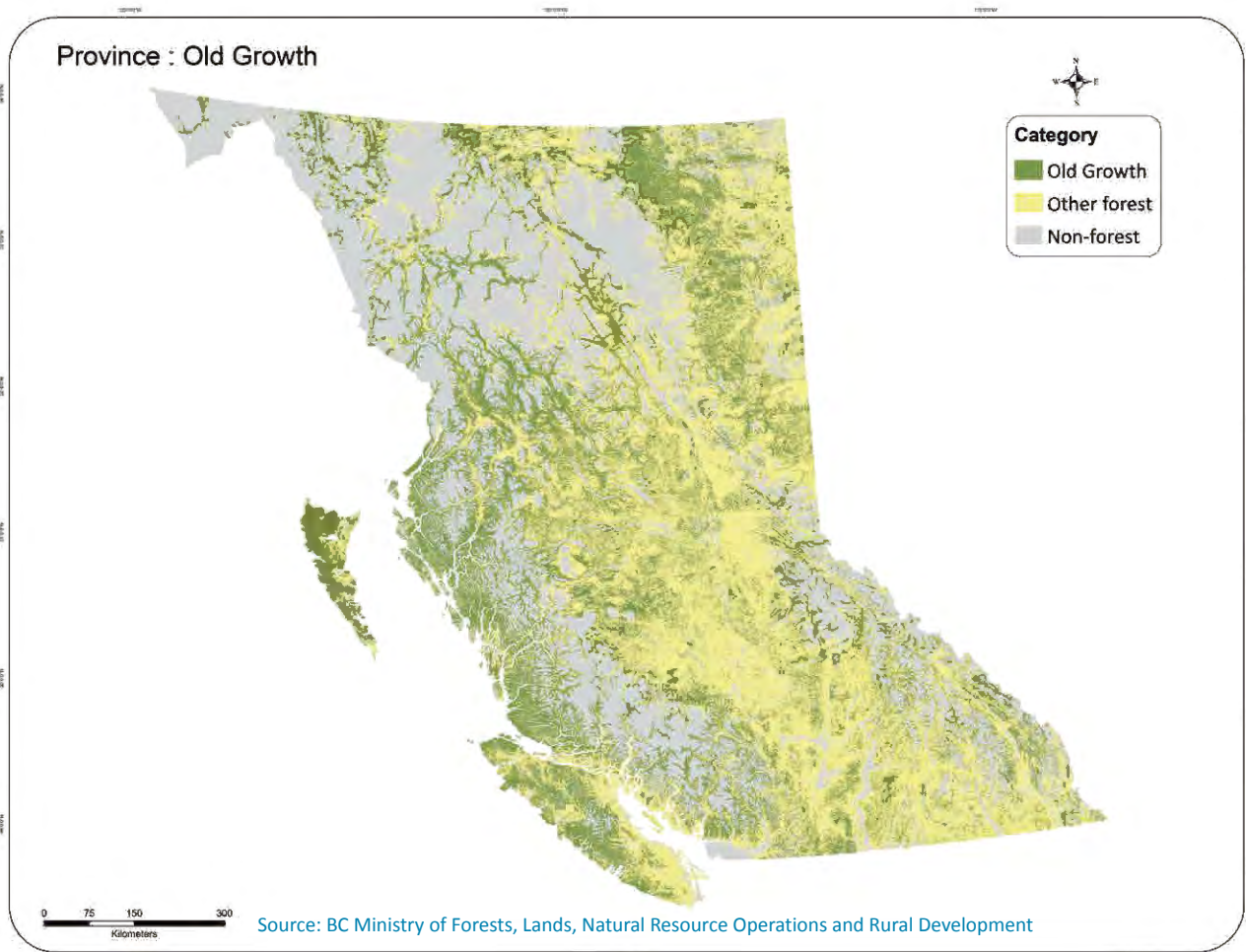
The total area of British Columbia is nearly 95 million hectares, of which 60% is forest. Based on the government’s forest inventory definitions, about 23%, or 13.2 million hectares is “old growth”.

The total area of British Columbia

- Not Forest
- Old Trees
- Mature Trees
- Young Trees



Forests with “mature” trees, but not classified as old growth constitute another 46% or 26 million hectares. Except at a very broad scale, the overall provincial statistics are of only limited value because there are vast differences in the amount and character of forest ecosystems with old trees across regions and on individual landscapes (naturally and because of human disturbance). And since the province is so biologically, ecologically and climatically diverse, with many different ecological zones, this means the distribution and representation of various types of forest is very uneven. The map below provides an overview of where old trees exist in the province.



We have not attempted to include specific information about the amount, distribution, and quality of old forest at the regional or local level in this report, but our recommendations will encourage the government to proactively make more information publicly available at relevant scales.

About 4.5 million hectares, or 5% of the province is private land. Of that, approximately 818,000 hectares are in the Managed Forest Land Program. Although only a small portion of the total land area, this is important regionally, and is concentrated in the Kootenay area and southeastern Vancouver Island. Our review focused on public lands; but we heard various concerns that practices on private lands do influence adjacent public forest conservation and management objectives and are not integrated with the overall forest management system.

An important consideration, especially for managing risk to biological diversity, is how much of an area has old trees now relative to what would occur naturally — a proportion that varies by ecosystem and historical natural disturbance. Not all old forest is the same, and old does not necessarily mean big trees.



As much as 80% of the area of old forests consists of relatively small trees growing on lower productivity sites, such as Black Spruce bogs in the North, high elevation sub-alpine forests, or Cedar-Hemlock forests on the outer coast. Those forests remain in relatively great abundance, and are important ecologically, but they are not what many people typically envision as “old growth”, and although they may be disturbed by some industrial activities such as mining or oil and gas development, many are not likely to be extensively logged in the foreseeable future. Less abundant are ecosystems that are more productive from a timber perspective and have not already been heavily logged.

Of the 13.2 million hectares of old forest, 33% (4.4 million ha) is protected and 67% (8.8million ha) is not. Protected means the old forest is in parks, ecological reserves, ungulate winter range no-harvest areas, private conservation lands, regional water supply, wildlife management areas, OGMAs (legal and non-legal) and retention VQOs. Of the old forest that is not protected, 38% is within the THLB, while 62% is not as it is assumed to be currently inoperable.

**Distribution of 13.2 million hectares of forest with old trees**

- Protected
- THLB
- Non THLB non protected



One of the challenges we found early in the engagement process was how information about these statistics is communicated. We consistently heard concerns about the information available to the public. The issues were not so much about data, which has become much more widely available in recent years, but about how it is interpreted and communicated, and by whom. We have seen numerous examples of information put into the public realm that is fact-based but lacking in context or explanation of assumptions or scale.

Many people said they felt the government is largely absent in the discussion about old forest management. This perception is a problem, because the void leads some to believe that the government is bending to corporate interests, while others fear the government will acquiesce to the demands of environmental advocacy groups. If there was unanimity in the comments we received, it was around the need for the provincial government to take a stronger leadership role in facilitating an informed discussion about what is in the best long-term interest of the public, with a strong emphasis on Indigenous communities. In the past, the Province published State of the Forest reports through the Chief Forester’s office. The last such report was in 2010. On its website, the government does provide reports on environmental indicators, but not on forest conditions or on old forests specifically. The Forest Practices Board investigates and reports publicly on specific forest practices, but not on forest conditions.

British Columbians expressed a strong desire to participate in informed decisions about how old forests are managed. This was especially the case for those who will be most directly affected by changes to forest management strategies. We believe the public is not only looking for factual information, but also for objective analysis and context that explains what the collective statistics, indicators and trends are telling us.

## Forests with old trees have many values

Forests with old and ancient trees contain unique combinations of attributes that grow from ecosystems that have formed over centuries or millennia. These attributes can rarely, if ever, be replicated in younger or compromised ecosystems, even if they contain old trees. It is also important to understand that the age and characteristics of old forests vary greatly between ecosystem types and therefore their descriptions and values are relative. In other words, a forest on the coast may have several species and many ages of trees, whereas drier Interior forests may have only one or two species and be relatively evenly aged. Of course, forest values go far beyond just the trees, as forests also contain other plants, insects and animals, many of which require old forest to survive.

Some of the many values found in forests with old and ancient trees are:

- Unique conditions and processes that are important to conservation of biodiversity;
- Unique species, many of which are still undiscovered;
- Banks of genetic material for future use or adaptation strategies;
- High value timber with qualities not found in younger forests;
- Resistance to fire;
- Interception and storage of water;
- High carbon storage and sequestration capacity;
- Botanical forest products, including medicinal, edible, decorative, and ceremonial plants;
- Fish and wildlife habitats, including essential attributes for nesting or denning, thermal protection and hiding from predators;
- Spiritual and cultural uses, including carvings, canoes, and ceremonial poles;
- Aesthetics such as resident viewing and tourism;
- Commercial and non-commercial recreation; and
- Knowing they are there for their own sake — intrinsic value.

Many of these values can be realized concurrently on the same landscape, or even in the same forest stand, but accessing them can also put them in conflict. The degree of risk depends on how much of the old forest is disturbed and what attributes remain and in what state.

Many people identified specific highly diverse and complex ecosystems that support very large, old trees, and have persisted in a relatively stable climax condition for centuries. These “ancient forests” are globally unique, rare, and contain species as yet undiscovered, and many of these ecosystems and old forests are simply non-renewable within any reasonable time frame. They promote protecting these areas from human disturbance to conserve a wide range of benefits, and particularly for their intrinsic value.

## Economic Benefits.

Note that while we have provided examples of statistical information for the forestry and tourism sectors, we caution against direct comparisons as the information sources and their assumptions may vary. We also acknowledge that not all economic benefits are captured here, such as trapping, mushroom collecting, decorative plants, and others that are important sources of income for some individuals.

### 1. Timber harvesting

For over 100 years, the timber industry has been a central part of the provincial economy, exporting large quantities of lumber, pulp and other wood products to world markets, providing jobs in communities throughout British Columbia, and generating government revenue through stumpage fees and taxes. The industry depends heavily on cutting trees in old primary forests, and although its relative contribution to the overall provincial economy has declined in recent years, many communities, including an increasing number of Indigenous communities rely heavily on the jobs and revenue it generates.

According to statistics compiled in 2016 [report](#) for the Council of Forest Industries, harvesting of timber in British Columbia generates over 100,000 direct and indirect jobs, contributes \$12.9 billion to provincial GDP, and generates over \$2.5 billion to provincial tax revenues. Many of the jobs are spread across 140 forestry-dependent communities and urban centres, including Vancouver and the lower mainland.

According to Statistics Canada, forest product exports have made up 30% to 36% of B.C.'s commodity export value since the recession in 2009, and in 2018 was 32%. While service exports have been growing, commodities still make up the bulk of exports, making the forest sector an important source of foreign currency.

In BC, most of the industry is configured to harvest and manufacture existing primary old forest. There is a substantial interdependency between sub-sectors of the industry: harvesting; primary, secondary and tertiary manufacturing; transportation; and services. There are also regional interdependencies, with fibre moving between geographic locations at different stages of processing. For example, logs may be harvested in one area, sawn into lumber in another, with the byproduct chips being shipped to a pulp mill somewhere else. Some of the lumber may be shipped to a different region altogether for further manufacture.

According to [provincial government data](#), the non-lumber sector made up 46% of wood product manufacturing sales and more than 47% of wood manufacturing employment in 2018. The non-lumber industries include shingles and shakes, wood preservation, veneer, plywood and engineered wood products, millwork, container and pallet manufacturing, and other activities. The majority of non-lumber goods are consumed domestically, whereas the majority of lumber is exported (82% in 2018).

Concerns around log export and fibre utilization were raised in a number of outreach sessions. Several groups expressed frustration about logs being exported rather than used locally, valuable waste being left in the woods and the amount of old forest residue that is being burned because it is cheaper to burn it than use it. Some licensees and contractors told us that being forced to take poor quality timber, especially in isolated locations, would make their business uneconomical and cause them to shut down. We also heard from a few businesspeople that they could support a viable business if they could get access to these materials but are restricted by either the license holder or government regulations. We did not address this directly in this report however do note that it is an important matter with respect to continued social license.

## 2. Tourism and recreation

According to a [report in 2017](#) by Destination British Columbia, tourism employs 137,000 people and contributes \$9 billion to provincial GDP. Export revenue is reported to be \$5.4 billion and provincial tax revenue \$1.2 billion. The BC tourism industry is largely anchored in the “Super, Natural British Columbia” brand which invites visitors to enjoy activities in our wild and remote landscapes. While we have not seen province-wide data that states what portion of the economic impact of tourism and recreation is attributable to old forests, and perhaps it isn’t possible to know, we know old forests play a key role in tourism. Some individual tourism businesses have done studies on the economic value of old forests for tourism compared to timber in their specific area of operation. We are also aware of a recent (unpublished) study done in the area near Port Renfrew that found the net economic benefit is projected to be higher when the trees are left standing for tourism, than if they are logged.

Information provided by the Adventure Tourism Coalition states that adventure tourism directly or indirectly supports 32,000 families and generated \$3.2 billion in visitor spending in 2018. A 2014 analysis of coastal tourism opportunities provides some insight to the dependence of the sector on forests; 78% of surveyed marine tourism operators indicated that their business is “somewhat or very dependent on the natural environment,” and 37% cited views as the primary motivator for nearly all their clients.

There are many other examples of economic interdependence between tourism activities and old or mature forests, including:

- Hunting, fishing, and guiding
- Wildlife viewing
- Mountain biking
- Backcountry hiking, skiing, and snowmobiling
- Canoeing, camping, and horseback tours
- Touring

Perhaps the most obvious examples of tourism dependence on old forests are those activities centred around unusually large trees reasonably close to public access. The best known of these on the coast is probably Cathedral Grove in McMillan Provincial Park near Port Alberni, or in the Interior, the Ancient Forest Recreation Trail east of Prince George. Public and visitor interest in seeing and experiencing these and other big-tree forests is increasing and is being promoted.

## 3. Natural infrastructure.

Not an entirely new concept to many communities, this is an emerging area of economics and we feel it bears mention, particularly because of climate change. According to the [World Resources Institute](#): *“Natural ecosystems like forests and wetlands provide essential services to water utilities, businesses, and communities — from water flow regulation and flood control to water purification and water temperature regulation. To ensure these ecosystem functions and associated benefits continue, communities can strategically secure networks of natural lands, working landscapes, and other open spaces as ‘natural infrastructure.’ While concrete-and-steel built infrastructure will continue to play a critical role in water storage and treatment, investing in natural infrastructure can reduce or avoid costs and enhance water services and security as part of an integrated system to cost-effectively deliver safe drinking water.”* Some communities are already starting to incorporate the concept of natural infrastructure in community plans.



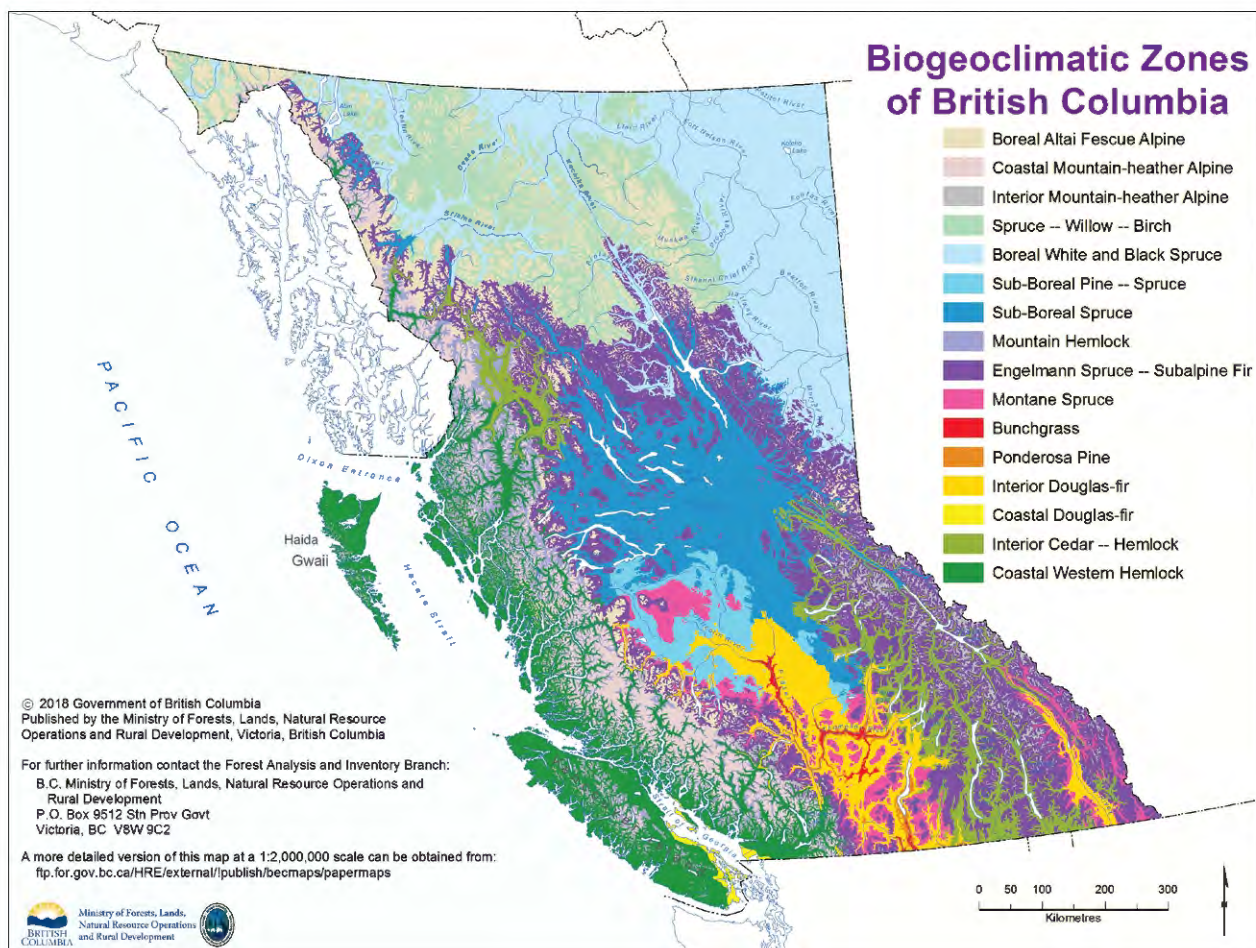
## Biological Diversity

Old forest conservation in BC has focused mainly on maintaining biological diversity. A key assumption guiding our current forest management system is that, if biological diversity is maintained, other values will often be accommodated concurrently. This assumption is imperfect, however, since the preferred wildlife habitat, tourism site, or other old forest value being considered is often not physically located where the biodiversity representation is needed.

To describe our diverse ecosystems, British Columbia uses the Biogeoclimatic Ecosystem Classification (BEC) system to stratify the province into zones based on climax vegetation communities that reflect the combined ecological effects of climate and soil.

This is a hierarchical system, with each of the province's 16 major zones divided into climatically distinct sub-zones, some of which are further divided according to climatic variations within the sub-zone. The variety of growing sites that occur in each sub-zone or variant are described using site classification, based on soil moisture and nutrients (site series).

In addition to the variety of ecosystems (as defined by BEC), forests exist in various stages of succession (seral stages) as the trees advance from young to middle age, mature and eventually climax community stages. In some cases, a climax community has persisted without any widespread disturbance for many centuries, resulting in unique, ancient forests. Each site classification may host a different mix of plants, animals, and insects, at each seral stage. Science tells us that if we want to have the greatest chance of conserving our natural biological diversity, we need to keep enough old forest to have a viable, representative sample of every BEC zone at the site-series level.

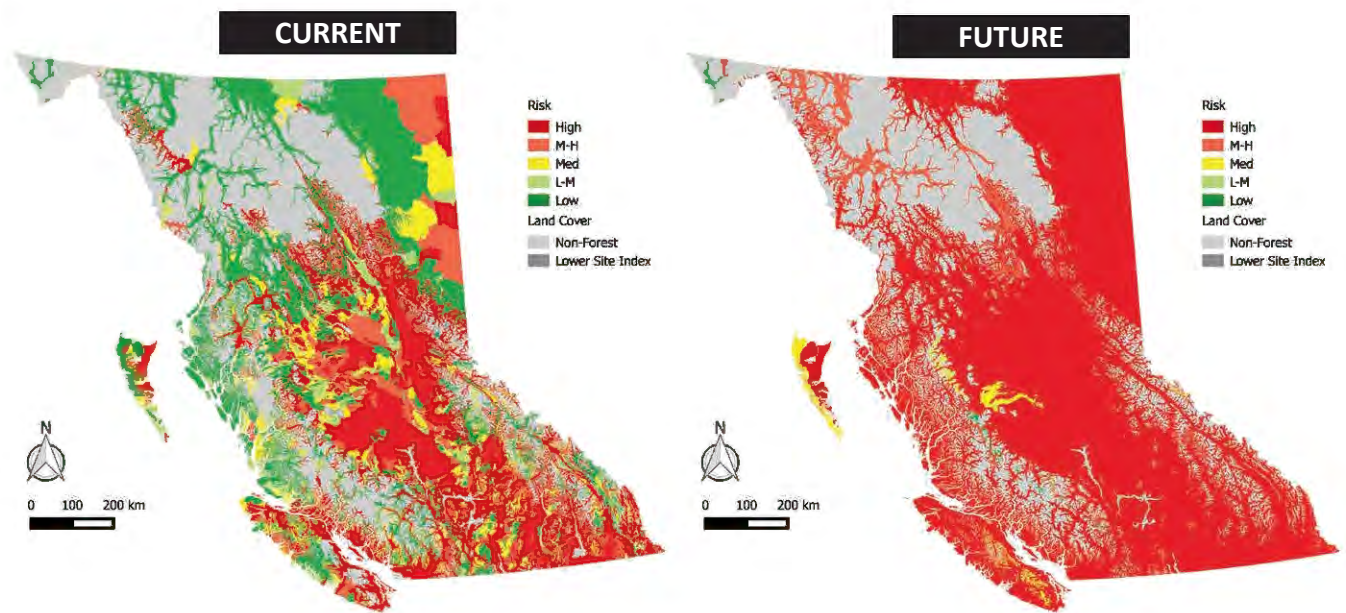


Source: BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development

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Knowing how much to maintain as forest with old trees is guided by the notion that mimicking nature is the approach that presents the least risk to biodiversity. The concept used to measure this is called “natural range of variability” (NRV). This is typically based on a description of ecosystems as they existed before major changes brought about by extensive industrial or agricultural activity. Conservation science provides us with a general risk rating, telling us that if we retain 70% or more of the natural abundance of forest with old trees the risk of species loss, compromised ecosystem services, and losing ecosystem resilience is low. If we retain below 30%, the risk is high. At between 30% and 70%, the risk varies by ecosystem.

Consistent with what we heard from several provincial government staff, a recent report submitted to the panel by a group of independent scientists illustrates that we are in situations of high risk to biodiversity in many areas in the province, particularly in high-productivity, low elevation ecosystems. More troubling is the future projection where almost all of the province will be in high biodiversity risk once our current management approach harvests most of the available old forest. The time to complete this transition depends on the available old forest and various industry and economic factors in each region.



Source: Price, K., R.F. Holt and D. Daust. 2020. BC’s Old Growth Forest: A Last Stand for Biodiversity

Their research also provided the following list of BEC zones that contain less than 10% of their original old forests - CDFmm (all CDF), CWHxm1,2, dm,CHxw, mk3,4, mw1,2,3,4,IDFxc, xh1,2,4, xk, xm, xs, xx2, dc, dk1,2,3,4,5, dm1,2, mw1,2, PPxh1,2,3 (all PP), SBPSmk, SBSwk1,2,3a, and possibly: ESSFvx2, dc1, mh, mv1,2,3,4, wc3,4, wh3, wk1 and wm1,2,3,4. They note that there is some uncertainty because of potential misclassification of age in some of these units, and also recommend that these areas be deferred from further development until we have brought them back enough to meet current legislated targets.

Several practitioners also raised the issue of our current management system combining old forests and using their aggregated data when making assessments for managing biodiversity risk and planning for old forest retention. One example was parks and protected areas, where an initial net down estimate is removed at the landscape level and then netted out again at the detailed operations level, resulting in double counting. A related concern is that many parks and protected areas contain low-productivity old forests, which are deducted from total old growth aggregate targets without identifying which ecosystem they represent. These types of aggregation calculations overlook distribution and spatial considerations that are crucial in managing for effective ecosystem health.

## Managing for forests with old trees

On public lands, which comprise about 95% of the province, Land Use Plans (LUPs) provide the basic framework for management of forest lands, of which old forest is only one component. While LUPs vary by area and when they were completed, most use some sort of system of land-use priorities to guide management. This includes parks and protected areas which, while often not specifically designed for the purpose of managing forests, do include significant areas of forest with old trees.

Three distinct areas (Clayoquot Sound, Haida Gwaii and the Great Bear Rainforest) are managed under ecosystem-based management regimes, and although we heard about implementation challenges in those areas, the required level of conservation in ecosystems with forests of old trees is much higher than in other areas of the province. Therefore, we have focused our discussion on management outside of those areas.

Most public forested areas outside parks and protected areas are available for logging through various types of licences issued by the Province. Most licences make the holder responsible for planning where to log within the license area, subject to constraints set out under the *Forest and Range Practices Act* (FRPA). Other activities such as oil and gas development, mining, or tourism development are subject to different legislation and requirements.

Under current regulations governing forest licensees, the objective set by government for wildlife and biodiversity at the landscape level is, to the extent practicable, design areas on which timber harvesting is to be carried out that resemble, both spatially and temporally, the patterns of natural disturbance that occur within the landscape “without unduly reducing the supply of timber from British Columbia’s forests”. The objective set by government for wildlife and biodiversity at the stand level is to retain wildlife trees, “without unduly reducing the supply of timber from British Columbia’s forests”. We note potential changes to FRPA are being considered by the Province, which should remove this overall constraint.

Forest licensees are required to submit a Forest Stewardship Plan (FSP) describing how they will meet these and other objectives. Once an FSP is approved by government, timber harvesting can be authorized provided it is consistent with the plan. We heard consistent concerns about a lack of monitoring to see whether these guidelines are being met, and if they are effective. We also heard that where monitoring has occurred, the commitments approved in the FSPs are too vague to enforce.

The [Biodiversity Guidebook](#) was completed in 1995 as part of implementing the *Forest Practices Code Act*. The guidebook was developed using the best available science at the time, with an expectation that it would be refined as new knowledge was obtained. The original team of senior ecologists drafted the Guidebook using what they felt were the minimum requirements considered to have a good probability of maintaining biodiversity within a landscape unit. Many of the scientists we talked with during our engagement process told us that the original guidance provided by the Guidebook is still sound. However, the [Landscape Unit Planning Guide](#) (1999), introduced the concept of biodiversity emphasis options (different levels of risk). This resulted in a deduction from old forest retention targets to account for old forest presumed to already be protected in parks and it limited targets for representation to the BEC variant, rather than the finer site series level. We heard that, from the outset, implementation has fallen so far short of the original guidance that it could not be expected to meet the goals established at that time.

Since 1995, the policy direction has been to limit the impact of biodiversity conservation on timber supply to approximately 4% across the province, and to locate old forest retention areas preferentially in areas with a low priority for harvest. While this seems logical from a timber supply perspective, it weakens the original intent, by biasing representation to lower productivity ecosystems, often at higher elevations.



This trade-off between risk to biological diversity and protecting timber supply is an example of government policy attempting to balancing competing interests. Although old growth targets are a compromise, there was a clear expectation and commitment by government that the risks would be reviewed and future adjustments would occur, if required. We are not aware of a review and adjustment happening, but we believe the circumstances are sufficiently changed, that it needs to be done now.

Old forest retention in BC is administered in one of three ways:

1. Legal, spatially-defined Old Growth Management Areas (OGMAs).
2. Non-legal, spatially-defined OGMAs.
3. Aspatial old forest management.

During our engagement process, we heard a great deal of concern about how these approaches are being implemented. In some ways, the details about the size and condition of OGMAs, how they are located, and rules for incursions and amendments have diverted attention from their original purpose, as a tool in the broader biological diversity conservation strategy. Several forest managers expressed the opinion that the term OGMA is misleading because they are actually used to retain intact areas rather than for proactive management.

Although these retention mechanisms may be working in some areas, examples of the complaints we heard are illustrated in the figure below.

### OGMA Concerns

- Poor or unjustifiable location (e.g., doesn't contain old trees, fire hazard)
- Too small
- Not flexible enough to accommodate forest dynamics
- Flexibility abused for roads or development
- Should all be spatial and legally delineated
- Should all be aspatial
- Should all be spatial but not legally delineated
- Unclear objectives
- Inconsistent or unclear rules regarding implementation, or retaining/replacing OGMAs destroyed by wildfire or bark beetles
- poor mapping or inadequate detail in the forest inventory to identify key areas.
- inadequate change reporting

One notable concern was from recent research on edge effect in OGMAs that were established to maintain intact old forests. It showed that old forest dependent species had disappeared, and many old forest functions were often compromised, on average, up to 100 meters from the edge of the adjacent opening (logging, roads, etc.) depending on the OGMA shape, topography and the nature of adjacent openings or other features. When this edge effect was applied to sample local areas, soon to be published research submitted to the panel found that there were almost no intact old forests that retained their original function in those areas.

We also found that, despite having been already reduced to protect timber supply, old growth targets are not being met in some areas. It's difficult know how widespread the problem is because only a few areas have been monitored to determine if targets are being met. In some of these areas, forest licensees said they are challenged to find enough unconstrained timber to harvest their allowable cut. Something clearly isn't working when neither objective is being met.



What was committed/planned/assumed/recommended...	What we have now...
Adaptive management through continuous monitoring and regular updates	No substantial monitoring or updates since implementation in 1995
Periodic reviews of the entire old growth and biodiversity management system	None to date
Maintain old forest (both the mature and overmature age classes) at acceptable targets	OGMAs focus primarily on overmature in most of the province (mature is not included)
Tracking implementation and achievement of mature and overmature targets	No consistent system to track compliance with targets except in areas of the province where government staff have led special projects
Biodiversity targets for retention of old forests was set at various levels above the minimum threshold of 30%	Some areas were lowered by subsequent political decisions — some lower than the minimum threshold
Old growth would contain old forests, and preferably some of the best.	Many OGMAs do not contain old forests and some contain forests less than 40 years old

Despite commitments made to formally evaluate their effectiveness as a policy tool on an ongoing basis, no review of the OGMA system has taken place since it was implemented more than 20 years ago. Furthermore, there has been no formal, consistent monitoring program to determine whether there is compliance with the current targets, or if they are achieving the intended results. That makes it impossible for the public to know if it is getting good value. The government has small pockets of work underway that may help to alleviate some of these problems. For example, over the last decade, effort has been put into developing methods to assess cumulative effects, including for old growth and biodiversity values. Also, following a special investigation by the Forest Practices Board in 2012 the government formed a working group to address the Board’s recommendations. Our impression is that, while these initiatives could lead to some improvements, they have not been a high priority for government and are not presently well enough resourced to have any meaningful impact on management of old forests, at least in the near future.

While the foremost goal of science and practices to conserve and manage forests with old trees is maintaining biodiversity, there are many other objectives that can also be achieved. Managing for most values is quite site-specific. The amount of forest with old trees and the conditions we require depend on the objective. For example, if we’re protecting the character of a spiritual or historical site, it may only be necessary to delineate a small area, but it has to be at a very particular location. If the objective is protecting mule deer winter range, we may be able to distribute areas in several suitable places on the landscape. If our objective is preserving visual quality, our actions will be based on attributes as they appear from certain viewpoints or travel corridors.

It is often possible to manage the same area for a multitude of old forest values, provided the objectives are clear and compromises are not so great that critical values (e.g., biological diversity or water quality) are put at high risk in order to accommodate values where we have more discretion (e.g., timber or tourism). This suggests the need for the Province to have clear priorities and objectives for managing old forest values at all scales.

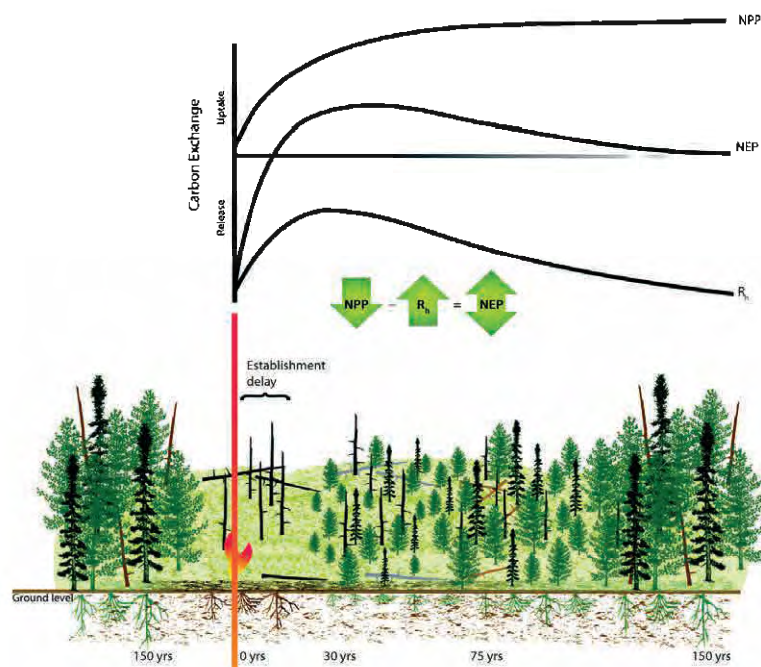
## Carbon balance and climate

Many people we heard from linked forests with old trees to climate change, often with conflicting perceptions about its value for absorbing and storing carbon.

The impact of the forest on net atmospheric carbon is complicated. We heard evidence for and against old forests as carbon sinks (taking up more carbon than they release). The answer can vary considerably depending on the circumstances and the timeframe. Forests accumulate carbon in new plant material when they are green and growing. The carbon is returned to the atmosphere when plant material decomposes and combusts (whether it burns in the forest or as wood products).

Carbon can be stored in trees, soil, and long-lived wood products for decades, or even centuries. This storage is considered an important factor in the effort to curb climate change. Of course, we need to keep in mind that not all old forest is the same: in coastal Douglas Fir or cedar-hemlock forests, trees are very long lived and have a relatively low risk of natural disturbances, while many interior forests have shorter lived tree species, and more frequent large natural disturbances (e.g., fire). In other areas, such as the Interior NDT4 Douglas Fir forests can be maintained in a relatively stable old-forest condition through frequent low-intensity fires that burn the understory and keep the forest spaced.

The ability of a forest to absorb and store carbon is age dependent.



**NPP** net amount of carbon that enters the ecosystem.  
**Rh** respiration from decay  
**NEP** net ecosystem production – total amount of organic carbon

Source: Kurz et al, Carbon in Canada's boreal forest – A synthesis, Environmental Reviews Vol. 21, 2013 (Courtesy NRC Research Press)

- Immediately after disturbance it is a carbon source because post-disturbance organic materials are decaying more quickly, and very young trees are not accumulating high biomass volumes.
- Young forests that begin to accumulate high biomass volumes are strong carbon sinks because they are quickly accumulating biomass.
- The amount of carbon sequestered declines with old age but the amount of carbon stored is very high.
- The timing of maximum amount that is stored and the maximum sink differs.

Timber harvesting causes short-term emissions from the activity itself (e.g., from equipment to harvest, transport and manufacture), and when forest debris (e.g., slash) is burned. We can expect harvested stands to be net carbon sources for several years, until the capacity of new trees to capture carbon overtakes the emissions from the forest floor, soil, and decay of woody debris. The relative carbon impact of harvesting the primary forest depends upon a number of factors, including:

1. Condition of the primary forest at the time of harvest (storing, sequestering, or emitting carbon);
2. The method of harvesting, level of wood utilization, and method of slash disposal;
3. Longevity of the products the wood is used for (e.g., pellets or paper compared to lumber or timbers);
4. How quickly and completely new trees occupy the site and grow;
5. How long the new trees are allowed to grow before being harvested again (rotation age); and
6. The substitution value of using wood over an alternative (e.g., concrete, steel, or plastic).

A report prepared in 2019 entitled [Forestry and Carbon in BC](#) suggests that a managed secondary forest could-in principle-recapture the lost forest carbon if allowed to regrow long enough to fully recover its carbon stock, which could be achieved more quickly and easily in most interior forests than in coastal or interior wetbelt forests. It also emphasized that underlying carbon budget calculations are complex and depend on assumptions about a future with much uncertainty.

Another team of BC researchers recently [wrote](#), *“Every old-growth forest is made up of a unique history of management choices and disturbances. Furthermore, their carbon storage value is dependent on future climatic changes specific to the region in question. There seems to be sufficient evidence indicating that many old-growth forests already protected in BC are likely carbon sinks.”* And *“more research is needed into which old growth forests are carbon sinks and which are sources, and under what conditions.”*



Many of the old trees in the forest on the left are dead or dying and it would likely be better from a carbon management perspective to recover the salvageable wood and establish a crop of young trees. The old trees in the forest on the right, on the other hand, are relatively healthy, and are still absorbing and storing significant quantities of carbon.



In addition to the function of forests with old trees in the carbon cycle, old trees also play a role in mitigating the impacts of climate change on ecosystems, human communities and infrastructure. For example:

- Regulation of air temperatures (cooler in summer, warmer in winter) and local climate that can be critical to the health of other plant communities, wildlife, and humans.
- Regulation of water temperature, evaporation, cleanliness, flow volume and timing.
- Resistance to fire due to cooler, moister internal forest conditions.

These mitigation functions require having enough mature and old trees in a forest to carry out the hydrological functions and provide canopy. How much primary forest needs to be retained in an older-tree state to influence micro-climates will depend on the local circumstances and objectives.

## History of forest conversion

Until the early 1900s, BC's old forests were so extensive that few people would likely have anticipated the circumstances we are in today. The early years of industrial timber harvesting were limited by access — there were few roads, so cutting took place in areas where timber could be manufactured close-by or economically moved by water. Most of the forest was left alone. The scope and scale of harvesting increased considerably through the middle of the 20<sup>th</sup> century, reaching nearly every region of the province. This led to public concern that the timber supply was exhaustible, and the encouragement of “tree farming”.

The result was a policy of “sustained yield”, the idea being, that over a period of about 80-120 years, subject to economics, the natural (primary) forest would be logged and converted to managed (farmed) forest, mostly by clearcutting. The subsequent crops of timber would be harvested at their economic culmination age (depending on species, usually 60 – 100 years), thus creating an even, perpetual supply of timber. It is important to note that this is not a typical agrarian model. The intent has always been to conduct forestry with indigenous species on the sites where they would naturally occur.

Under this model of conversion to managed forest, we would expect to transition over a period of time from harvestable primary forest to areas that have another crop ready after harvesting. However, many regions will have a decline in harvest for several decades because of a disproportional amount of young forest. In some regions of the province, mainly on the South Coast, conversion has been underway long enough, and trees grow fast enough that some of the timber being harvested now is from previously converted areas, or “second growth”. In some of these, the transition from harvesting old primary forest to second growth will likely be complete within 20 to 30 years. However, in other areas it will be several decades before previously harvested areas are ready to cut again. This means that the situation is highly variable across the province. (We note that some of the areas where harvesting only began at a large scale in the late 1960s or early 1970s have accelerated conversion due to salvaging Mountain Pine Beetle-killed timber and some of these areas have neither an abundance of remaining old forest nor second growth approaching harvestable age).

Areas with the best timber and typically closest to access were often the first to be converted, and few remain in their natural state. These are not only the best timber growing sites, they are also high in biological diversity, often critical to water and fish, and many other values. A [recent study](#) tells us: “*Sites with the potential to grow very large trees (Site Index >25) cover less than 3% of the province. Old forests on these sites have dwindled considerably due to intense harvest so that only 2.7% of this 3% is currently old.*” We found near unanimous agreement for conserving more of these areas.

Many things have changed since the inception of sustained yield, but it remains the underlying premise for most of our forest management system, except perhaps in the areas under ecosystem-based management regimes. Beginning sometime in the 1980s and following global trends, the public became more aware of the importance of forests for a wide range of ecological values. This led to the creation of more parks and other conservation areas through the Protected Areas Strategy and various forms of land use plans, thus reducing the areas available for conversion to managed forest. It also gave rise to new constraints on forest practices to protect a variety of “non-timber” values, such as water, wildlife, visual quality, and biological diversity — including old forest, within the areas still open to harvesting.

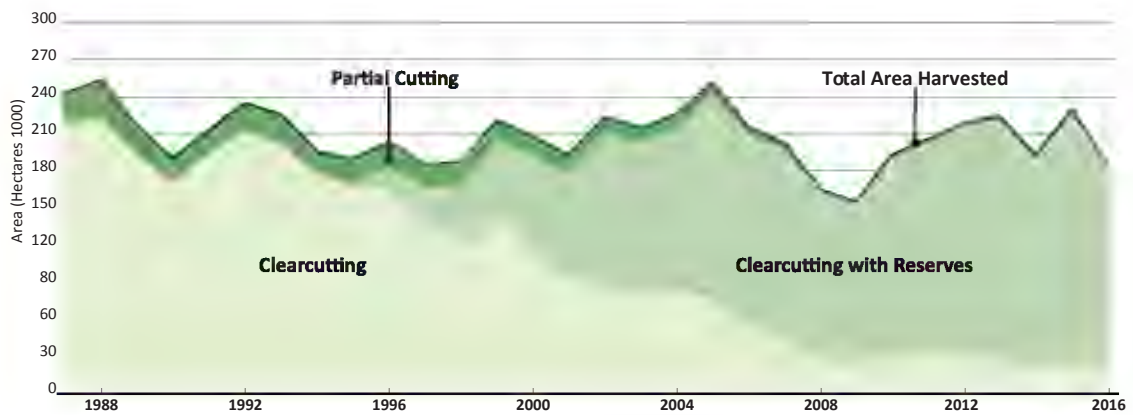
## Harvesting methods

Traditionally, most forest harvesting in BC was done by clearcutting, which is the most efficient and least expensive method. Generally speaking, clearcutting removes all trees from an area of one hectare or more, and greater than two tree heights in width, in a single harvesting operation. A new even-aged stand is obtained by planting, natural or advanced regeneration, or by direct seeding. It is most appropriate in forest ecosystems where tree species require an abundance of sunlight or naturally grow in large, even-age stands. Social concerns about large clearcuts have led to a decrease in their average size from 45 hectares on public lands in 1989 to 30 hectares in 2006. We were told that, in some areas, the average size is now 2-3 hectares, but we are also aware of extensive clearcuts carried out in salvage areas during the last several years, and of cutting adjacent to recently harvested areas before they reach the full green-up (continuous clearcut).

Clearcutting with reserves began in the early 1990s and is a variation of the conventional clearcutting silvicultural system in which trees are retained, either uniformly or in small groups. The trees retained may be combinations of small and large trees. They may be chosen to provide wildlife habitat, nesting and den trees, future sources of snags or coarse woody debris, or some level of visual quality.

In 1995, a system of variable retention was adopted for some coastal harvesting as an alternative to conventional clearcutting. This system has two approaches: distributed, where retained individual trees are distributed relatively evenly across the area; or aggregate, where groups of trees are retained to maintain structural diversity over the cutblock. The generally accepted parameters for variable retention are that the retained trees distributed throughout the cutblock, must remain for at least one rotation and be configured to leave more than half the total cutblock area within one tree height from the base of a tree or group of trees including the edge of the cutblock. Note that many scientists and industry advocates of variable retention argue that clearcut with reserves generally does not meet the parameters for variable retention.

Partial cutting is a general term for silvicultural systems (which includes variable retention) in which some trees are left standing after logging. Compared to other systems, the distribution of remaining trees will typically be fairly even across the cut area. Depending on the management objectives, the selection of trees to be retained may be based on their value to a future timber crop, mimicking natural processes to maintain biodiversity, wildlife habitat, aesthetics, or some other purpose.



Source: Trends in Silviculture in B.C. (1987-2016). Ministry of Forests, Lands, Natural Resource Operations and Rural Development, 2018

Until the mid-1990s, most harvesting on public lands in British Columbia involved conventional clearcutting. Government reports show that from 1970 to 1998, clearcutting systems were applied on 87% of the area harvested on public lands. By 2015-2016, harvesting on public lands was by clearcutting with reserves (85%), clearcutting (11%), retention cutting (3%) and other cutting methods (1%). One of the challenges for the public is often to differentiate between conventional clearcutting and clearcutting with reserves, especially in some of the salvage areas in the Interior, where very large contiguous areas have been logged and reserves constitute only small forest remnants.

More use of systems that emulate natural ecological processes may allow us to continue harvesting timber from forests with old trees without converting them to unnaturally uniform managed stands. However, that approach is influenced by a complex combination of numerous factors, such as: government leadership and support, timber value, operating costs, stumpage rates, desired profitability, terrain, technology, blowdown risk, stand condition, forest health, worker safety, expertise, and other land use objectives for the area.

**Scientists and professionals use a broad system of natural disturbance types (NDT) to differentiate these processes:**

- NDT1:** Ecosystems with rare stand-initiating events
- NDT2:** Ecosystems with infrequent stand-initiating events
- NDT3:** Ecosystems with frequent stand-initiating events
- NDT4:** Ecosystems with frequent stand-maintaining fires
- NDT5:** Alpine tundra and subalpine parkland

We heard from several forest managers who said they would like to change their harvest systems to better reflect natural processes but are constrained by these factors, or by the Province’s forest practices and timber pricing policies. We also heard about various partial cutting silviculture systems having been applied in the past, but many have been discontinued, except in the case of a few select companies. The results of these experiments need to be better understood.

Generally speaking, under the present system, an area is either reserved from harvesting or available to be converted to managed forest. We heard from many people who are frustrated that the managed forest lacks many of the previously existing natural attributes and they oppose further conversion. We also heard from many forest managers about the costs of uncertainty due to incremental reductions in area available for harvesting. Concerns about this have led many forest-dependent communities to repeatedly call for the designation of a “working forest” to provide greater certainty for on-going access to timber.



The 1992 Old Growth Strategy proposed a conservation framework with:

- A system of reserves to conserve old growth values;
- Commodity emphasis areas supporting sustainable economic activity;
- Special management areas where forest practices maintain old growth attributes.

The current management system has gone part way to this three-zone conservation framework by assigning biodiversity emphasis areas for the setting of old growth targets, but there is no definitive, legally established zoning as was originally envisioned. We believe there is an opportunity to bring greater certainty to the management system, achieve a more optimal mix of public benefits, and encourage innovation, by formalizing this three-zone concept.

## The role of the provincial government

We heard a lot of dissatisfaction with government from people on all sides of the issues. While some of that is inevitable in an exercise like ours, this was largely non-partisan, focused on policy and priorities, and had a lot of commonality. We observed widespread concern that the government lacks an “on the ground” presence and needs to have a more active role in ensuring the public’s interests are met. The views were not always specific to management of old forests but were offered in that context.

We frequently heard:

1. We need a clear and legally supported long-term vision and set of priorities for our forests.
2. The vision and priorities need to be supported by a principles-based management framework that will meet the needs of the province and provide the flexibility to accommodate the diversity of ecosystems and communities. The principle of proximity, (those who are most directly affected by a decision should have a proportional say) should be embedded in the framework.
3. Government policies for forestry tenures, stumpage, and forest practices discourage the innovation necessary to meet the optimum mix of public values.
4. The management framework needs to be supported by efficient and adequate policies and resources (capacity) to enable implementation.
5. The province has to take a much more active role at all levels to ensure the public’s interests are being met. This includes oversight, monitoring, enforcement, and objectively and regularly informing the public about forest conditions and trends.
6. Where the government has direct control (e.g., BC Timber Sales) it should show leadership in developing and demonstrating best practices for sustainably managing forest values.
7. The government’s rules for regulating the industry should not oscillate between “command and control” and “hands off” based on the ideology of the government of the day.
8. The government should facilitate a planned and orderly transition from harvesting primary forests to second growth, on timelines suited to specific areas.

## Indigenous involvement

Support for Indigenous involvement was heard from every sector and the majority of people who submitted input to the panel. This is obviously top of mind for a variety of legal, social, and environmental reasons: legal with the Crown’s duty of consultation and accommodation plus the recent passing of the province’s Declaration of the Rights of Indigenous Peoples Act; social with the Province’s commitment to a New Relationship; and environmental where many are looking to Indigenous communities for guidance on how to establish land management that achieves a higher standard of land care.

The panel heard a mix of Indigenous perspectives, ranging from calls for increased involvement of Indigenous communities in the timber industry and continued access to old forests for harvesting, through to increased protection for the range of other values from the forest. One common theme was the necessity for increased involvement of local Indigenous communities in the planning and oversight of forest use in their local areas.

Many of the Indigenous groups that were interviewed are actively involved in planning in their own forest management areas and many have developed very innovative, practical, and effective approaches to the management of old forests. These approaches were developed and are continually monitored with close involvement of the local Indigenous community, particularly the Elders in those communities. However, at a provincial level, the capacity of Indigenous communities to do this is very uneven and in some areas underdeveloped. We believe supporting the development of capacity and extending learning amongst Indigenous communities presents an opportunity to support effective forest management and advance reconciliation.

## Public and community involvement

Just as we heard almost universal support for government collaboration with Indigenous communities, we also heard from local governments and stakeholders who said that they want more meaningful roles in forest planning and decision-making. We believe their current level of involvement contributes to a significant amount of uncertainty and discontent.

In previous sections, we touched on concerns about a lack of trusted information and process for the public to engage in a meaningful dialogue about forest management, including for forests with old trees. We did encounter a small number of areas in the province where community and stakeholder groups are engaged with government and industry on an ongoing basis, however this was the exception. Yet almost every local government, community organization, and often individuals, expressed a need for a place to learn, exchange ideas and perspectives, and develop useful input to forest management.

In several areas, we heard about the positive experiences with land use planning committees, and the benefits of bringing together experts and civil society with a variety of interests in a collaborative forum where provincial and local priorities could be addressed. Despite an expressed intent, when plans were completed (most during the 1990s), to maintain monitoring committees and have a periodic plan updates, government support declined, and most were disbanded. In some cases, government-facilitated groups were replaced by public advisory groups struck under the auspices of various market certification programs. Convened by forest licensees, these groups helped fill the gap, but many of them ceased operating when companies changed certification systems.

## Lessons from other jurisdictions

The panel explored experience from other areas in the world to see if there were any lessons that could be learned around the management of old forests from those areas. Some of the main points were:

- Every jurisdiction's reasons for moving towards the management of old forests were different but most of the areas that adopted a system of significant old forest protection did so as a response to overwhelming public pressure that included either civil disobedience or legal actions;
- Many of the jurisdictions that responded to public pressure went through public policy swings that alternated between favoring the timber industry and favoring protection groups before landing on protection;

- Well-organized ENGOs were deeply involved in almost every jurisdiction’s shifts to greater protection;
- The term “old growth” is relatively recent term used primarily in North America: Other jurisdictions use a variety of terms such as old forest, primeval forest, primary forest, virgin forest, ancient forest, wildwood, etc.;
- The trend towards greater protection for old forests had less to do with the age of the timber industry and the associated forest management system in each country and more to do with increased public understanding of issues related to biodiversity, ecosystems and climate change, the use of civil disobedience and legal tactics, and increased public involvement in forest management (generally within with the last few decades);
- Some jurisdictions went to protection measures applied only to old forests while others went to a more comprehensive zoning system to identify measures for lands are protected, managed for ecosystem health or intensively managed for timber production;
- Some countries that have gone through multiple rotations under intensive management are dealing with significant biodiversity loss and associated forest health issues; and
- Many jurisdictions have committed to detailed forest monitoring although in practise many defaulted on those requirements.

Compared to much of the world, our situation in BC is somewhat unique in that:

1. Large-scale commercial cutting of primary forests in BC began less than 100 years ago in southern and coastal regions, and 50 years ago or less in much of the central and northern interior;
2. The vast majority of cutting has been done with the expectation of managing the area for a perpetual crop of timber, rather than forest removal;
3. We have maintained a policy of reforestation with native species that are ecologically suited to the area logged.

This means that although much of the forest is altered from its natural condition, most of the original components still exist somewhere on the landscape. We can’t go back and replace the primary forest, but we do have the opportunity to maintain viable examples of the remaining ecological attributes, and possibly restore others.

## Summary of key points

### 1. Ecosystems with large, old trees are important to British Columbians for many different reasons.

- The term “old growth” has become a generic label for forests or trees that hold a variety of different values beyond the definitions used in timber management. OG means different things to many people and has a diverse array of sometimes conflicting values, all of which warrant consideration.
- Old forest values and objectives need to be clearly articulated, with less emphasis on the generic “Old Growth” label.

### 2. Retaining and managing forests of old trees is a key strategy for maintaining biological diversity and cannot be done in isolation.

- The ability of ecosystems to support species, including humans, and adapt to change is dependent upon their resilience, which comes largely from the natural diversity they harbour.
- Old forests are part of complex multi-scaled, interdependent ecosystems, and are also impacted by complex interdependent forest management policies.

- The total amount of old forest in the province is not as important as the distribution and ecosystem representativeness.
- There are many impacts to old forest arising from various activities in almost every resource sector.

### **3. The extent and condition of ecosystems with old trees, relative to natural condition, is highly variable across the province.**

- The risk to biodiversity is extremely high in some ecosystems and there is a wide-spread call to protect them.
- The forests' ecological conditions, history of natural and human disturbances, and social, cultural, and economic importance are too variable to suggest a single sweeping approach, although there is strong support for a common management framework.
- In many areas, we are not meeting the intent of the biodiversity conservation strategy adopted 25 years ago.
- The approaches to managing old forest have to be adaptable to the ecosystem and natural disturbance regimes.

### **4. The economy is heavily dependent on trees harvested from primary forests of old trees.**

- The degree of economic reliance differs amongst regions and individual communities. For example, some have undergone a transition to greater reliance on tourism, or other sectors, while many others have not.
- In some areas, a transition to second-growth forests is well underway, while in most of the province that transition will require decades of forest growth.
- There is widespread support for assisting workers and communities negatively affected by reduced access to timber supplies, for whatever reason.

### **5. The current system for retaining old forest and managing their attributes has issues.**

- The original intent of the science-based guidance has not been fully implemented.
- The approaches to managing, tracking, and reporting on old forest retention and management requirements are inconsistent and, in some cases, absent.
- Old Growth Management Areas (OGMAs) are applied inconsistently and sometimes ineffectively.
- The use of clearcutting silviculture systems limits the ability to manage for old forest attributes and conserve biological diversity, especially in ecosystems that don't naturally experience large stand-replacing disturbances.

### **6. Opportunities have been identified to provide greater economic certainty about the blend of benefits from old forests:**

- Formalizing designation of forest areas outside reserves to be either managed primarily for commercial production (conversion) or managed for key ecosystem attributes with compatible forestry practices.
- Analysis and pursuit of an optimal blend of public benefits from a wide range of uses (timber, tourism, natural infrastructure, botanical forest products, recreation, etc.).
- Transition to silviculture systems that more closely emulate natural process on remaining unconverted forest.

### **7. Climate change will become an increasingly bigger factor in choices about forest management.**

- The role of old forests in climate change is complex.
- Mitigating climate change through carbon sequestration and storage needs to be fully analyzed and integrated into forest management decision-making.



## 8. Information around the types, condition and current status of old forests is highly variable across the province.

- There is no regular, objective public reporting about forest condition and trends.
- Classification based on timber inventory criteria, which does not necessarily reflect other old forest values.
- The existing inventory is not well suited to stand-level identification of many old forest attributes.

## 9. There is widespread support for the provincial government and Indigenous governments to collaboratively create updated strategies and policies for the management of old forests that include:

- Transparent expressions of the public's long-term interests, priorities, and policies;
- Ongoing public involvement in planning and strategic decisions, supported by objective and comprehensive information regarding related issues, risks and opportunities;
- Economic analysis tools to inform public discussion and choices;
- Clear and measurable objectives at meaningful scales, supported by well-resourced enforcement and evaluation of long-term effectiveness;
- Oversight that ensures public interests are considered and incorporated in forest planning and practices, monitoring, compliance and enforcement;
- Ongoing research, innovation and information sharing to foster continual learning and expand the province's collective forest management expertise;
- Adequate monitoring and objective reporting of forest conditions and trends, including the cumulative effects on all values and transparent communication of risks and benefits; and
- The means and authority to address risks to critical values.



Old coastal forest.

Photo courtesy BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development

## KEY FINDINGS

Based on the situation overview and key points above we find that, while there may be debate about how much old forest we have and where, there is a near-unanimous agreement that managing and protecting ecosystems for forests with old trees provides many benefits. However, there are serious concerns about the ability of our current management policies and implementation of old forest strategies to achieve that in the long-term. We observed what we believe to be fundamental weaknesses in the system relating to the core foundations for forest management success identified earlier in this report: ecosystem health; public support; and effective management.

**1. Ecosystem Health:** The priorities that currently drive our forest management system are backwards. Rather than determine what must be done to maintain ecosystem health and resilience, and then what social and economic benefits we can derive within that guidance, we often do the opposite. We consistently refer to measures required to protect ecosystem values as “constraints” on timber. An example is the policy for implementation of biodiversity conservation, which has a fixed ceiling on timber supply impact, reinforced by the objectives in the *Forest and Range Practices Act*. Many members of the public and government staff expressed concerns about this bias in the current system.

**2. Effective Management:** Many aspects of the system are seriously lacking and are not anchored in sound management theory. In particular, our system does not measure the performance of policy implementation relative to clear and measurable objectives and then adapt accordingly. The panel is also not convinced that government has demonstrated a serious, and sustained commitment to applying science-based methods to implementing management policies for conserving and managing old forest.

Significant recent examples of this are: in 2012, the Forest Practices Board conducted a special investigation resulting in six recommendations about tracking, monitoring, enforcing, and evaluating implementation of old growth management areas, and in 2013, the Auditor General conducted an audit to assess the effectiveness of key tools for managing biodiversity in BC. Although these investigations concluded there was a lack of adequate measuring and reporting within our current forest management system, little has changed as a result of those reports.

**3. Public Support:** Much of the public is not well informed or engaged regarding old forests and forest management. This appears to be contributing to a pervasive lack of supportive for the current system. We frequently heard from individuals, organizations and communities that they have no reliable source of information about the condition and trends in local forests, and little influence over decisions that directly affect them. Over the past several years, direct ongoing involvement of communities in forest management has declined. A lack of confidence in the system was also reflected in concerns about a lack of clear long-term priorities, inconsistent policies for land users, and a lack of government oversight.



# Recommendations

Old Interior spruce forest.  
Photo by Al Gorley

GP – 160



# RECOMMENDATIONS

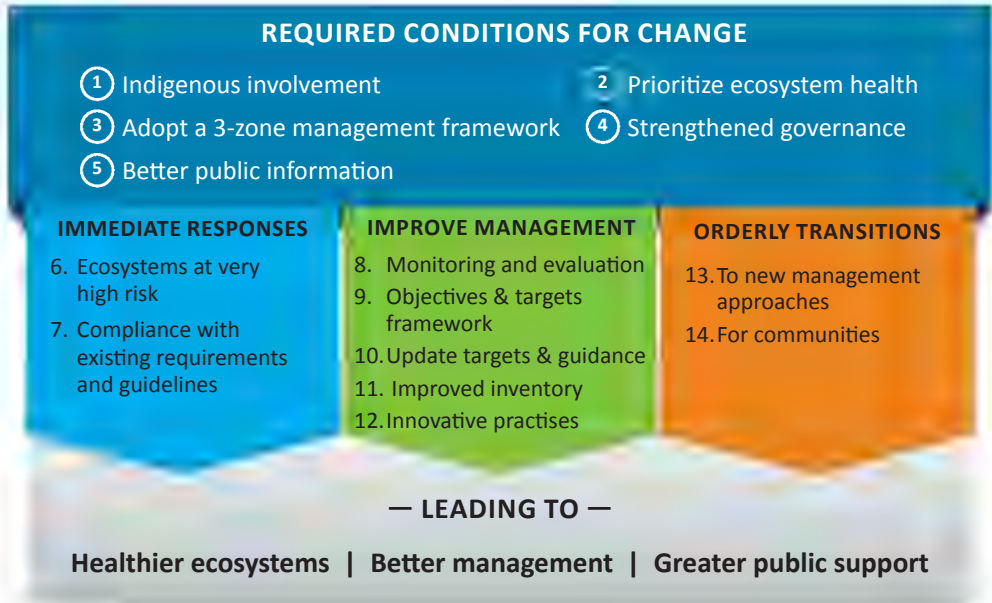
Our recommendations address the conditions we believe are needed for successful long-term management of old forests, the actions needed now to prevent irreversible loss of biodiversity, improvements to the management processes, and transition requirements to ensure change happens. The implementation advice supporting each recommendation is offered as a starting point for the government to consider, with the understanding that other approaches will likely emerge through dialogue with Indigenous leaders, input from stakeholders, and analysis by government staff.

Old forests do not exist in isolation. They are part of a complex ecosystem that has evolved over thousands of years. Similarly, our forest management system has also evolved over the long term, often in response to changing economic conditions and community needs. While we recognize that it is sometimes necessary to deal with a specific management component such as old forests, this must be done with the whole system in mind. To do otherwise would be a fundamental error. Therefore, our recommendations, although developed with a focus on old forests, by necessity extend to the broader forest management system in order to support healthy ecosystems, and by extension, healthy people, as well as old forests.

In our introduction, we identified a paradigm shift in the way we approach managing forests. We found widespread support for a new way of thinking during the engagement phase of our review. We believe that if our recommendations are implemented with this new paradigm in mind, they will be more likely to succeed, and will contribute to facilitating the desired paradigm shift over time.

As illustrated in the figure below, we have structured these recommendations to start with those that we believe are necessary to create the proper conditions for management of old forests in the future and important to ensuring the subsequent recommendations achieve their intended results for the long-term. The remaining recommendations focus on responding immediately to curbing biodiversity loss, improving the management system, and transition requirements. We believe that implementing these recommendations will lead to healthier ecosystems, better long-term land management and greater public support for forest management.

We recognize that these recommendations will be refined and adjusted through engagement with Indigenous communities and stakeholders, and with additional technical and scientific input.



# Required conditions for change

## 1. Indigenous Involvement

Engage the full involvement of Indigenous leaders and organizations to review this report and any subsequent policy or strategy development and implementation.

FROM

Little historical Indigenous involvement

TO

Entire system grounded within a Provincial-Indigenous government-to-government framework

### Rationale:

The panel understands that Indigenous involvement is built into almost every provincial land-based activity, especially a policy review of this scale, however we feel it is worth reinforcing because it is essential to creating conditions for successful and sustainable implementation of both the shorter- and longer-term actions proposed.

- 1. Widespread support and expectation:** The panel heard support or acknowledgement of this priority from every sector and the majority of those who provided input to the panel.
- 2. Legal imperative:** BC has legal consultation and accommodation obligations with respect to possible infringements on Indigenous rights, which is now even more strongly affirmed with the BC government's recent passing of the *Declaration on the Rights of Indigenous Peoples Act*.
- 3. Social Imperative:** The Province has committed to a New Relationship where the Indigenous population has the opportunity to achieve the same economic, environmental and social societal goals as the rest of the population in the province.
- 4. Environmental Imperative:** Recognizing Indigenous commitment to environmental stewardship, which has extended for millennia, many are looking to Indigenous communities for guidance on how to establish a land management regime that achieves a higher standard of land care.
- 5. Address the Gap:** Indigenous peoples were not involved creating most of the higher-level plans and orders that dominate the management of old forests. This is a significant source of frustration among Indigenous communities and could also mean that most of these historic plans and orders do not conform to the Province's current legal consultation and accommodation requirements or DRIPA legislation.
- 6. Sustenance Dependence:** Many Indigenous communities still depend on the natural resources of their traditional territories for a significant portion of their sustenance and livelihood.
- 7. Practical Working Models:** Indigenous communities are becoming more active in most economic and management aspects of the forest sector and are leading many interesting and potentially valuable on-the-ground approaches to land stewardship and management of old forests.
- 8. Develop Readiness:** Many Indigenous communities need support to develop their internal readiness to accept a leadership position in forest management and the Province also needs to build its internal readiness so that it can effectively participate in these new government-to-government relationships.

### Implementation Advice:

1. As soon as practicable, engage provincial Indigenous governments in developing a policy response to these recommendations.
2. In collaboration with Indigenous leadership, develop provincial guidelines for implementation:
  - a. Develop criteria for establishing government-to-government planning relationships between the Province and Indigenous groups, including appropriate involvement and associated criteria for third-party participation in these planning relationships;
  - b. Establish planning units that conform to local Indigenous group's territories while still adhering to ecologically and administratively practical planning units; and
  - c. Establish mechanisms for local Indigenous groups to meet provincial targets and standards for biodiversity protection, and ecosystem representation, etc.
3. Establish support programs for Indigenous groups to build their land/forest management expertise and capacity including:
  - a. Direct support to establish G2G land management relationships in accordance with point 2.a above;
  - b. Programs to support the development of internal management capacity; and
  - c. Opportunities to share experiences among Indigenous groups.
4. Develop focused training for government staff to support the establishment of appropriate G2G relationships and develop provincial government capacity to meet its responsibilities under these relationships.

## 2. Prioritizing Ecosystem Health and Resilience

**Declare the conservation and management of ecosystem health and biodiversity of British Columbia's forests as an overarching priority and enact legislation that legally establishes this priority for all sectors.**

FROM

A timber-based focus with ecological health as a constraint

TO

An ecologically-based focus with timber as one of many benefits

### Rationale:

Conserving and managing old forests is a cornerstone of the Province's biodiversity conservation strategy. We believe that strategy has underperformed in several areas due to competing pressures.

- 1. Outdated Thinking:** An overriding theme heard throughout our engagement phase was that we need to change the way that we think about our forests and that we need to preserve the integrity of our natural systems as much as possible, particularly the old forests component. Individuals with international experience and our own research on other jurisdictions indicate that this sentiment is consistent with global trends.
- 2. Focus on the right priorities:** Managing forests in a way that does not unduly compromise timber supply puts our focus on the wrong thing. This treats ecosystem resilience and reducing biodiversity risk as constraints, which, over time, are constantly being eroded by compromises. Making choices about risk to biodiversity in return for another defined benefit might be a necessity but those choices need to be made with the overarching goal of maintaining ecosystem health in mind.

- 3. Ecosystem Risk:** Several scientists project that under our current management strategy, much of the province, especially the areas covered with productive forest, will be in a high biodiversity risk situation in the near future. It is time to reorient and integrate the system towards an overarching priority that applies to all incursions in the forest, i.e., to maintain ecosystem health by managing biodiversity risk. Without this reorientation, we are losing old forests and possibly ecosystems that are non-renewable.
- 4. Complete Implementation:** The original old forest management strategy contemplated a number of components that were never fully implemented or were addressed ad hoc, e.g., seral stage distribution, site series representation, landscape connectivity, and adaptive management, which has compromised the effectiveness of that strategy.
- 5. Multiple Sectors:** There is only one land and every land-based sector has some potential to compromise that land, some to the point of undermining provincial ecosystem health goals, if they do not adhere to a common standard. Aligning all sectors towards an overarching goal improves our chances of achieving our ecosystem health goals, reduces conflict between sectors and fosters a common target for everyone involved.

### Implementation Advice:

1. The province should declare that managing for ecosystem health and minimizing biodiversity risk are key priorities of its provincial land management framework.
2. This priority should be reinforced through overarching legislation that:
  - a. Formalizes this priority and sets a broad framework to work towards that commitment (similar to the DRIPA construct);
  - b. Includes principles that will guide the overall shift to this new framework, e.g.:
    - i. Province-Indigenous government-to-government foundation;
    - ii. Science-based;
    - iii. Monitoring, evaluation and regular updates;
    - iv. Planning and oversight involving a range of interests; and
    - v. Accountability, particularly to the public; and
  - c. Establishes a commitment to align all other land-related provincial legislation, management systems and processes to this overarching goal.

## 3. A Formalized Three-Zone Forest Management Framework

Adopt a three-zone forest management framework to guide forest planning and decision-making.

FROM

Difficult to simultaneously address land use and biodiversity management

TO

Clearly defined 3-zone classification system with zone-specific protocols

### Rationale:

We believe that the Province can better focus its management efforts if it partitions the forest into three overarching and distinct management zones. The concept is already partially used to apply biodiversity emphasis zones for setting old forest targets but needs to be formalized and communicated. Other jurisdictions have moved in this direction to try and create greater certainty for both conservation and economic activities.

We suggest the following categories (the names can change but we feel their substance should remain relatively the same.)

- 1. Protected:** These are forests that will be largely left alone, although there may be some management activities within them to maintain ecosystem health and manage risk from fire, disease or insects (depending on their designation and associated jurisdiction). One example of a Protected area that might allow some management activities are fire-maintained forests, where fire regularly removes the understory while maintaining the overstory. If fire is excluded from these areas and no other intervention is allowed, then they tend to become dense pockets of unhealthy forests that support the development of pest or pathogens or have increased susceptibility to catastrophic wildfire.
- 2. Converted:** Converted forests are those that we have already or intend to change from their natural state to intensive management areas as industrial timberlands. Although these lands do not provide all the same services as old and ancient primary forests, they can still provide a number of important ecosystem services in addition to timber, such as water, recreation, carbon sequestration, wildlife, tourism, etc.), especially since many are close to communities. Conversion areas may have multiple objectives compatible with industrial timber production.
- 3. Consistent:** These are forests and forest landscapes that are managed for ecosystem health and biodiversity risk by using planning and practises that result in forest landscapes that are reasonably consistent with the attributes of the original forests and forest landscapes. We recognize that we can never fully replicate what nature creates over time, but with careful management we can plan and use practises at a forest or forest landscape level that are reasonably consistent to what the original forest or forest ecosystem would have created.

The following are reasons that we feel that we need to move in this direction.

- 1. Reduced confusion:** Despite the existence of land use plans, there is significant confusion or misperception about which forests should be managed for which goals, particularly outside parks and protected areas. Partitioning the forest, focussing on goals for each partition and having clear rules about if and when partitions can contribute to another partition's goals (e.g., protected areas contributing to ecosystem health) or when an area can move from one partition to another can significantly reduce this confusion.
- 2. Reduced conflict:** Our current system also entrenches the idea that we need to either completely protect or allow use of an area. This all-or-nothing mentality oversimplifies management, does not allow us to focus on the right thing for the right area, fosters an "us versus them" behavior and ultimately narrows our focus as land stewards. To paraphrase an Indigenous Elder's perspective, "The reason that we create parks is because we don't trust ourselves to look after land." Many people expressed frustration about second growth forests that are managed like plantations because they think these forests should be more like their iconic undisturbed counterparts. Having them zoned as "Converted" provides clear direction on the goals for these areas and transparency for the public.
- 3. More focused management:** We have forests that are already in the Converted category but we still try to manage them as part of an ecosystem to reduce biodiversity risk, we have forests that are protected for ecosystem biodiversity reasons but are promoting landscape ecosystem health problems because of our no-touch policy, and we have mixed biodiversity targets across the province which in many cases may not be able to achieve their intended ecosystem resilience goals because of their location and ongoing levels of disturbance.



### Implementation Advice:

1. Use a collaborative process under the umbrella of a Provincial-Indigenous government-to-government framework to support ongoing designation of these areas.
2. Develop criteria for:
  - a. Slotting parcels of land into each of the three management zones (e.g., Areas that are already under intensive management and in close proximity to population centers are high candidates for Converted Forests);
  - b. How Protected Forests or Converted Forests might contribute to Consistent Forest objectives; and
  - c. Moving areas from one zone to another.
3. Prioritize the designation process in management units (e.g., TSAs and TFLs) that have already logged a high percentage of their operable land and are facing the greatest risk to ecological and economic values. Areas with existing plans and legal orders like Clayoquot Sound, Haida Gwaii, and the Great Bear Rain Forest may be deferred from this process for now.
4. Where possible, coordinate the designation of forest areas with active land use planning, but do not wait for the renewal of land use planning to designate zones in high priority management units.
5. Where applicable, consider the implications to public safety and infrastructure (e.g., wildfire, floods).
6. In addition to the any other information required, support the collaborative decision-making process and stakeholder input by:
  - a. Conducting objective, government-led multi-value assessments in remaining areas of primary old and ancient forest;
  - b. Identifying special features (e.g., large, and unique trees or stands, unique ecosystems) that are close to communities and presently or foreseeably provide important recreational, cultural, spiritual, or educational opportunities; and
  - c. Developing and analyzing various risk-benefit scenarios and options, including the probabilities.
7. Establish the zones formally through legislation.
8. Establish mandatory transition plans to implement changes on a scheduled basis, specific to the management unit(s) involved.

## 4. A More Inclusive and Stabilizing Approach to Governance

**Adopt a more inclusive and stable governance model that gives local communities and stakeholders a greater role in forest management decisions that affect them.**

FROM

Short-term, affected by politics,  
insufficient input

TO

Stable, long-term, collaborative

### Rationale:

British Columbia needs a forest management governance system that is more inclusive and grounded in the long-term vision of local communities in order to create strategies that are more consistent with long-term ecosystem timeframes. This is needed for the following reasons:

- 1. Stability:** We are managing ecosystems that often take thousands of years to form with policies that can change based on election cycles. We have seen how frequent changes in priorities due to the ideologies of different governing parties can cause uncertainty and loss of continuity. Frequent changes in management direction and emphasis do not align well with most forest management activities. While changes will be inevitable, they should be based more on science-based adaptive management than short-term pressures. We believe the combination of collaborative management with Indigenous communities and formal ongoing participation of local communities, within a provincial science-based framework, can provide a stabilizing effect on policy by ensuring the local and provincial impacts of change are thoroughly considered and understood before decisions are made.
- 2. Accumulation of Wisdom:** There is often high turn-over amongst forest managers, especially in government, and frequently the professionals working in a forest do not reside in local communities. This results in varying levels of knowledge about local forests and community interests and can put communities and forest managers at cross purposes.  
  
Managing forests to achieve a spectrum of community and provincial interests requires an understanding that benefits from local knowledge, continuity, and accumulated wisdom. Involving more people in the process of informing and making decisions increases the opportunity to retain and pass on knowledge.
- 3. Proper Link to Public Policy:** Forest management has less to do with forests and more to do with translating public expectations around forests into policy that drives how we manage those forests. A governance system that more effectively integrates public knowledge and priorities also integrates a much closer link to support developing effective and timely policy.
- 4. Public Trust:** The panel heard consistently from across the province that local communities do not have confidence that the government or large corporations will manage their forests properly, and that they want to better understand what's happening in their forests and be more involved in managing them. This was particularly true among Indigenous communities, many of whom are already assuming that role in their respective territories.

### Implementation Advice:

1. The governance system should exist under the umbrella of Provincial–Indigenous government-to-government relationships.
2. Redefine planning areas considering:
  - a. Existing administrative boundaries, e.g., TSAs, LUs;
  - b. Indigenous territories (likely multiple Indigenous groups in one planning area);
  - c. Biogeoclimatic Ecosystem Classification (BEC) / ecosystem boundaries;
  - d. Administrative practicality; and
  - e. Other factors.
3. Establish local forest boards/planning tables that may be formalized through the overarching legislation described earlier (Recommendation 2).
4. Local forest boards for each planning area could include a range of groups, potentially including:
  - a. Scientific experts;
  - b. Land planners;
  - c. General public;
  - d. Resource professionals (foresters, biologists, ecologists, hydrologists); and
  - e. All land-based sectors (e.g., mining, oil & gas, tourism, highways, etc.).
5. Responsibilities of local forest boards may include:
  - a. Tailoring provincial goals and priorities to their planning area;

- b. Monitoring adherence to and reporting on their region’s status and progress towards provincial goals and priorities;
  - c. Overseeing transition to an updated management system;
  - d. Participating in and possibly overseeing implementation of regional land use planning processes;
  - e. Establishing and monitoring (possibly involved with approving changes) in regional partitions, e.g., Protected, Converted, Consistent; and
  - f. Supporting public reporting.
6. Provide local forest board with appropriate support to meet their responsibilities including:
    - a. Mapping;
    - b. Scenario development;
    - c. Training & education of participants;
    - d. Scientific methods; and
    - e. Others?
  7. Adopt formal Terms of Reference for each local forest board that conform the overarching legislation and provincial guidelines.
  8. Although this recommendation has much broader application, it could be used as a mechanism to help implement other aspects of this report.

## 5. Public Information

**Provide the public with timely and objective information about forest conditions and trends.**

**FROM**

Variable, biased, often inaccurate

**TO**

Vetted, trustworthy, accurate, shared

### Rationale:

As we indicated earlier in this report, we frequently found local governments, organizations, and individuals that wanted to be better informed about the condition of old forests but were not sure where to go for accurate and objective information.

- 1. Build Trust & Reduce Bias:** As stated before, very few people we heard from said they trust information regarding the condition of BC’s forests. Many feel the information provided to the public around BC’s forests is biased, regardless of its source.
- 2. Reduce Polarization:** There are very strongly held views regarding how best to manage BC’s forests and those views are largely based on where people are getting their information. Although opposing viewpoints may never be fully reconciled, we can reduce the level of conflict and improve the quality of dialogue with greater access to unbiased science-based information.
- 3. Foster Engagement & Wisdom:** Having an informed public can foster increased public engagement and hopefully bring more wisdom and stability to the forest management process.

### Implementation Advice:

1. Provide the public with proactive reporting on forest condition through an objective, professional voice, free from political influence. Options for this may include:

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- a. Formally expanding the role of the Forest Practices Board;
  - b. Creating a statutory provision for independent reporting by a senior public servant with an ombudsperson-type role;
  - c. Reporting through an independent scientific panel; or
  - d. Establishing a new office.
2. Significantly enhance public reporting on forest conditions by producing regularly scheduled updates, including:
    - a. Local scale reports, perhaps building on the Multiple Resource Values Assessment (MRVA) approach;
    - b. Regional scale or value-themed reports (e.g., biodiversity), possibly by expanding the work already underway through the Cumulative Effects Assessment initiative; and
    - c. Periodic Provincial Forest Condition reports (e.g., every five years).
  3. Where available, utilize existing internal data gathering and analysis processes to inform reporting that is specifically aimed at the public.
  4. Ensure reports provide context and relevant commentary to make them meaningful to the public. (Answer the contextual “so what?” question).
  5. Have this new public reporting function provide an annual report on its activities and how it achieved its goals during that year.

## Immediate Responses

### 6. Immediate Response to Ecosystems at Very High Risk

**Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss.**

**FROM**

High risk of permanent biodiversity loss

**TO**

Old forests protected/deferred from development

#### Rationale:

There are some areas of the province where failure to act now could lead to the permanent loss of rare or unique ecosystem components contained in old and ancient forests. Many of these areas are the primary subject of a public call for protection of old forests. They tend to be iconic stands in relatively close proximity to public access or population centers and have a number of other economic, ecosystem services and intrinsic values that are important to a wide range of the general public. A system of new, more sustainable, and effective approaches to managing biodiversity and other old-forest values will take some time to fully develop and implement. In the meantime, any of these stands that are intended for harvesting or other significant disturbance should be deferred from development.

## Implementation Advice:

1. Act on this recommendation as quickly as possible.
2. Use the information already compiled by FLNRORD staff, supplemented by other information available in the scientific community, to identify the ecosystems at highest risk to permanent biodiversity loss.
3. Consider the following old forest areas (and possibly others) for short-term deferrals:
  - a. Any BEC variant with less than 10% old forest remaining today;
  - b. Old forest in any BEC – Landscape Unit combination that has less than 10% old forest today;
  - c. Ancient forests (e.g., forests >500 years on the coast and wet ICH) and forests > 300 years in ecosystems with higher disturbance intervals);
  - d. Areas with a high potential to contribute towards larger ecosystem resilience; and
  - e. Areas with a Site Index of >20m.
4. Determine which of those areas are subject to harvesting or other significant disturbances within the next two years. We would expect the FLNRORD staff to have this information or be able to collect it from licensees.
5. Establish a prioritized and spatialized list of potential deferral areas and verify them on the ground and with recognized experts.
6. Use various mechanisms as needed for deferrals, for example:
  - a. Instruct BCTS to cease development and defer selling timber in the areas;
  - b. Request authorized tenure holders to voluntarily defer development;
  - c. Decline to authorize new permits or licences in deferral areas; and
  - d. If necessary, establish regulatory provisions and incentives to enable deferrals.
7. Carry out an economic impact analysis of deferrals.
8. Establish a fair and equitable process to mitigate economic impacts to holders of small area-based timber tenures (e.g., replacement area or compensation).
9. Provide a public progress report on how these priority areas have been addressed at the end of the first year after this report.
10. After two years, confirm which temporary deferral areas will be subject to protection or further management measures.
  - a. For each identified area, determine whether biodiversity conservation requires full exclusion from development or special management.
  - b. Establish legal protection for areas confirmed to be critical for biodiversity conservation.

## 7. Compliance with Existing Requirements

**Bring management of old forests into compliance with existing provincial targets and guidelines for maintaining biological diversity.**

FROM

Inconsistent and largely unknown

TO

Clear tracking and compliance with existing guidelines

### Rationale:

The existing targets for retention of old forest reflect policy decisions that balanced risk to biodiversity with economic considerations more than two decades ago. While we feel these should be revisited



and updated to reflect current circumstances (see recommendation 10), we have been shown by government staff and scientists that some regions are below the approved targets, and at higher biodiversity risk than current policy allows. We also learned that some of the existing provisions are not enforceable because legal commitments are vague and an approved FSP takes precedence over discretionary decision-making.

- 1. Reputation:** The province's reputation as a forest land steward is at risk if it has failed to comply with or enforce its own legal orders and targets, even if this is largely because it didn't implement an adequate system to track those targets. This is not about effectiveness or changing management approaches – it is simply about knowing what is happening and taking corrective actions.
- 2. Unknown Compliance:** Although there are existing guidelines and legal orders and targets for protection of old forest, we don't have an adequate system of tracking compliance with, and enforcing those requirements.
- 3. Urgency:** Many of the existing targets already reflect a negotiated compromise, where a high risk to biodiversity was accepted in favour of economic benefits. These targets are already below scientifically accepted minimums and failure to achieve them increases the risk of moving into critical biodiversity risk situations and possible irreversible losses.
- 4. Setting a Base:** An accurate assessment of where we are at with respect to our targets and how we are managing OGMA's now is essential to future decision-making.

### Implementation Advice:

1. Determine a schedule for completing this work starting with priority areas, e.g., Kootenay, Vancouver Island and Central Interior regions, moving towards less urgent areas over time, e.g., Muskwa-Kechika, Haida Gwaii, Clayoquot and the Great Bear Rain Forest.
2. Using the current work occurring under the auspices of the Cumulative Effects Assessment initiative (e.g., October 2018 Biodiversity Analysis for Arrow and Kootenay) as an example or template, complete an evaluation for all priority regions of the province by the end of 2020 and the entire province by the end of 2021 to answer the questions:
  - a. Are legal targets being met with the OGMA layer?
  - b. Is there enough old forest to meet aspatial old seral targets?
3. Where the analysis shows non-compliance, take the necessary steps to bring the area into compliance as soon as practicable, including:
  - a. Deferring development in any BEC variant/Landscape Unit/Site series old forests that are below targets (including existing development permits);
  - b. Amending OGMA's where necessary to ensure that they contain old forest, have enough area to meet both mature and old targets, and are adequate (functional shape, size and level of incursions);
  - c. Clarifying, strengthening, and standardizing the OGMA amendment requirements and procedures;
  - d. Ensuring the provincial government has the necessary tools (tracking and regulatory) and capacity to enforce the requirements.

# Improve Management

## 8. Monitoring and Evaluation

**Establish and fund a more robust monitoring and evaluation system for updating management of old forests.**

FROM

Limited and sporadic

TO

Integrated and mandated for all parts

### Rationale:

There is little value in setting objectives and targets if they are not monitored. Without monitoring we cannot know if they are being complied with or if they are effective. We heard from nearly every region of the province that there has been no formal monitoring plan for old growth management, even though the guidelines have been in place for more than two decades.

Sound, science-based management requires monitoring and evaluation of results. It also establishes the basis for adapting to what is learned, and to changing circumstances, which is especially important in view of the current pace of environmental change. Public confidence requires reporting and acting on those results.

This is a significant and relatively straightforward opportunity to improve management and demonstrate excellence.

### Implementation Advice:

1. Adopt a formal management discipline, such as adaptive management or continuous improvement, as the underpinning to monitoring, evaluation and update, but do not stall implementation of this objective choosing and adopting a discipline (note that scientists are generally more familiar with the adaptive management methodology).
2. Ensure that this system includes the core elements required for success, i.e.:
  - a. dedicated research function;
  - b. dedicated monitoring function;
  - c. link to operations;
  - d. regular updates; and
  - e. objectivity.
3. Publicly report on activities undertaken in response to previous recommendation to update the monitoring and evaluation of old forests such as the FPB (2012) report and the assessments underway through the Cumulative Effects Framework, as soon as practicable.
4. Establish a dedicated organization, possibly building on the existing FREP program by expanding its mandate and resources to:
  - a. Monitor implementation of and adherence to old forest orders, targets, and guidelines on an ongoing (scheduled periodic) basis across the province;
  - b. Evaluate the effectiveness of old forest (and seral stage) management at all scales; and
  - c. Update the management system for old forests based on the latest research and effectiveness audits on a periodic basis, e.g., minor updates every two years, major updates every six years.

5. Integrate government and external scientists, operations specialists, management experts and other specialists into this system to support information gathering and analysis, evaluation and providing options for updating the system.
6. Continue to develop and utilize standardize protocols for monitoring and evaluation of both compliance and effectiveness at achieving objectives (which may be multiple, including socio-economic).
7. Establish and maintain strong linkages between monitoring and evaluation results, research and inventory priorities, innovative practices trials (discussed elsewhere), periodic updates to practise guidelines and public reporting. This can be achieved through:
  - a. Information protocols;
  - b. Clear decision processes, authorities, and timelines; and
  - c. Others means.
8. Use the information collected from this system to enhance public reporting of results and management responses (also see recommendation on forest condition reporting).
9. Ensure that regional planning tables drive regional reporting.

## 9. Setting and Managing Objectives and Targets

**Establish a standardized system and guidance that integrates provincial goals and priorities to local objectives and targets.**

FROM

Confusing provincial objectives, inconsistent with local realities

TO

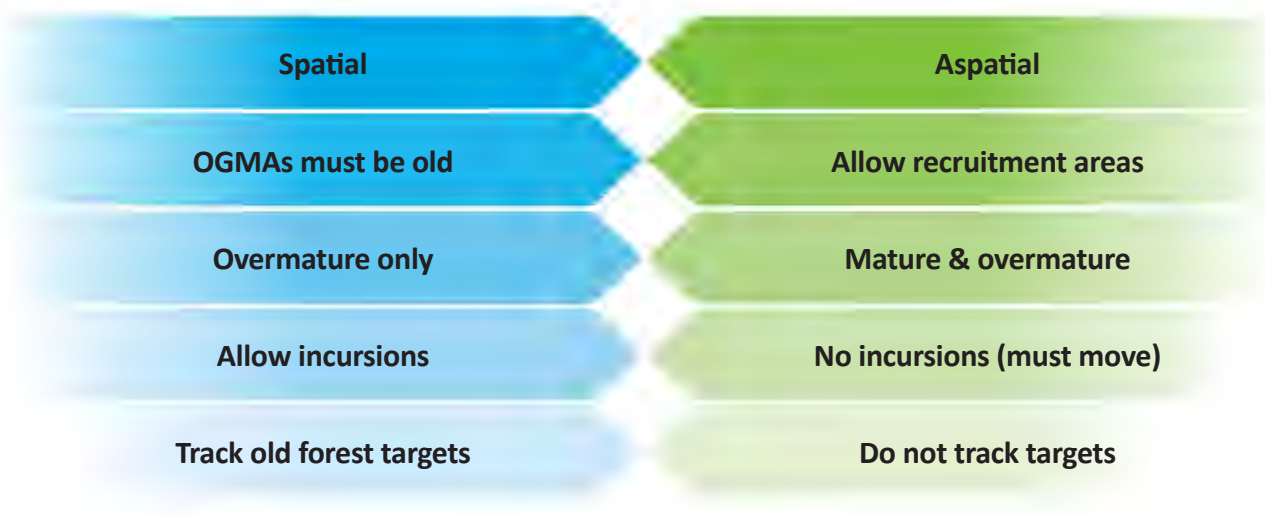
Clear, rationalized provincial objectives with consistent local implementation

### Rationale:

- 1. Local flexibility within a clearly defined framework:** The current management system for old forests is applied inconsistently and often ineffectively across the province and is not achieving its original intent. Many areas have different methodologies, often arising from a higher-level plan, e.g., CORE, LRMP, or when they were applied. The figure below illustrates some aspects of the variation across the province. Local areas want flexibility and feel that the current system often sets inflexible rules that do not work in their local situation. However, almost all local areas did recognize (and support) that their local management strategies had to conform to some larger objectives and in a manner that allows the Province to track how each area was conforming and contributing to these larger objectives.
- 2. Changed circumstances:** The original guidance for the management of old forests set out in the Biodiversity Guidebook and the Landscape Planning Unit Guide two decades ago were not fully and consistently implemented. Since that time, some ecosystems have been heavily disturbed, circumstances have changed due to climate change, and risk to biodiversity has increased. The introduction of FRPA in 2002 reduced the ability of government managers to directly control and coordinate activities on the landscape, and many current managers and professionals were not involved in the creation of the current guidance and likely don't fully understand its intent.

**3. Incorporate what has been learned:** Many managers expressed frustration because they feel the OGMA approach is not working and that many OGMAs are ineffective and sometimes managed inconsistently with natural forest processes (e.g., Interior Douglas Fir NDT 4, where lack of management is resulting in a considerable increase in the risk for insects, disease and catastrophic wildfire). These managers need support to have an informed voice in the system, which will in turn make the overall system more effective. We have also seen modified approaches taken in some regions, such as the Great Bear Rain Forest and Haida Gwaii, which can inform update provincial approaches.

**4. Consistent Implementation:** A new government policy that prioritizes conservation and management of forest biodiversity will require the existing guidelines to be adjusted, and implementation of some of the original intent to be reinforced. Having an operational framework that regularly provides the latest guidance to front-line workers and effectively engages those workers in developing this new guidance, helps to ensure that the management of old forests is implemented consistently across the province on an ongoing basis. The following illustrates a sampling of the range of OGMA approaches.



#### Implementation Advice:

1. Clearly define and communicate the government’s overarching objective(s) and priorities for the management of old forests in guidance or standards that provide:
  - a. clear direction on the intent; and
  - b. provide flexibility for local adaptation.
2. Establish a scientific and technical panel to provide oversight and advice to developing updated guidance, including government and external experts, and incorporating operational knowledge and experience.
3. Establish a scheduled review and update process for guidance.
4. Review the Biodiversity Guidebook (1995) and the Landscape Unit Planning Guide (1999) and determine whether it would be better to update or replace them. In doing so, decide where and how to place:
  - a. Biological diversity: Should be addressed for the whole landscape, including seral stage distribution and grasslands; and
  - b. Old forest: Focus on categories of old, ancient, and rare forests and the various values and objectives assigned to them.
5. Provide for consistent processes and administrative requirements across the province, while accommodating the diversity of ecosystems, disturbance history (natural and anthropogenic), and community values, e.g.:

- a. Reporting requirements, i.e., content, geographic unit, timing;
  - b. How to buffer for unplanned events, e.g., wildfire, disease pests, slides, etc.;
  - c. Assign clear objectives to every OGMA);
  - d. Consistent, rigorous, objective and transparent processes for assessing options, including risk to ecological values and economic costs and benefits; and
  - e. Adopt a standardized, responsive process for amending (moving) spatial designations.
6. Incorporate an extension and education component tailored to practitioners, managers, and decision-makers.

## 10. Update Biodiversity Targets and Guidance

Update the targets for retention and management of old and ancient forest.

FROM

Inconsistent and ineffective for operational application

TO

Acceptable ecosystem risk levels and consistent operational guidelines

### Rationale:

Implementation of the aforementioned recommendations will ensure we are meeting current targets, establishing a more inclusive and informed governance process and providing updated guidance to managers. Establishing the recommended overarching commitment to ecosystem health will also require us to update our retention targets and improve our guidance for retention and management of old forests.

- 1. Ecosystem Health:** Scientific research provided to the panel projects that almost all of the province's most productive forest ecosystems are, or very shortly will be, in a high biodiversity risk scenario and the rest of the ecosystems will move into a similar situation under the current old forest policies and practices. This will result in lower ecosystem resilience, loss of species and compromised ecosystem services in many areas.
- 2. Use Best Science:** Developing new guidance is of little value if it is not incorporated into both our targets and practices. Current targets have been in place for up to 25 years and no longer reflect today's reality. It is time to reset them to incorporate the latest research and practises and recognize the impacts to old forests that have occurred in the intervening time.
- 3. Shifting Paradigm:** The survey conducted as part of our review and the panel's outreach process suggests there is widespread support for conserving and maintaining biodiversity and other old forest values. Many argue that increased retention of old forest is necessary to achieve this, and to provide a buffer against uncertainty. We heard concurrently the sentiment that families and communities that depend on harvesting and manufacturing timber from old forests need to be considered in any change.
- 4. Conserve Future Options/Choices:** Very old and ancient primary forests have evolved over a long time, including some that have not experienced significant stand-replacing events. As a result, these forests are repositories of biota and process we may not even know or understand. This makes them an extremely important buffer against species extinction, climate change, and lost future opportunities. Many of these irreplaceable forests are in the THLB and are subject to harvesting. Harvesting them would mean their inherent value and future options will also be lost.



## Implementation Advice:

1. Re-evaluate the assignment of biodiversity risk in light of overarching commitments to ecosystem health and managing biodiversity risk.
  - a. Develop a schedule that prioritizes areas where we have the greatest risk to biological diversity under the current targets and management regime.
  - b. Utilize information and advice from evaluation work and updated guidance to inform implementation.
  - c. Formally incorporate the importance of very old or ancient forests and ecosystems by adding new classifications and specific management targets and guidelines.
  - d. Be specific about whether the objectives of each area identified are required to be left undisturbed or managed to maintain attributes.
  - e. Address connectivity and multiple-scale objectives.
2. Where there is a deficit of old forest necessary to meet the updated targets, incorporate a formal recruitment strategy.
  - a. Conduct analysis of the expected socio-economic benefits and costs, both short and long term.
  - b. Involve local communities in making decisions and choosing options.
3. Verify that OGMA have the intended attributes through LIDAR, ground-truthing, or other means.
4. Adopt a standard set of provincial guidelines for OGMA in each OGMA category as illustrated in the figure below.

### OGMA GUIDELINE CONSIDERATIONS

1. What is an old forest (OGMA), i.e., must be old, must be big, etc.
2. Guidelines for the size and shape for old forest areas to achieve the objectives of that area.
3. Types of management activities that are allowed in those areas, e.g., stand treatments to maintain NDT properties.
4. Incursions — when allowed, what type of incursion.
5. Requirements for unavoidable incursions (e.g., need replacement areas).
6. How to move an OGMA.

5. Eliminate generalizing, including ensuring that Protected and Conversion zones (see recommendation 3) are allocated to the proper BEC/LU/SI category.

## 11. Inventory and Old Forest Classification

Improve the mapping and classification of old forests to recognize multiple values.

FROM

Inadequate and ineffective for old forests

TO

Updated, accurate, directly applicable classification system

### Rationale:

1. **Refine Guidance:** The current system uses age class as a proxy for old forest — over 140 years in the interior and over 250 years on the coast. Only using age class does not recognize the inherent complexity in old forests and the range of values that they contain. We cannot separate whether an area was categorized as an OGMA because of its biodiversity, spiritual, recreation or other values and

it is very difficult if not impossible to set parameters on how to manage the area to protect its values. Even full protection can fail if the value being protected requires some level of intervention, e.g., maintaining structure in old fire-maintained ecosystems.

- 2. Recognize Variation:** The mature and over-mature age classes were created from a timber perspective and are valuable from that perspective, however, these age classes need to be further refined when managing for genetic or biological diversity. A 250-year-old Douglas Fir stand that has regrown after a disturbance is completely different than a 250-year-old Douglas Fir stand in a 3,000-year-old undisturbed ecosystem in terms of genetic, scientific, ecological, ecosystem function and intrinsic values.
- 3. Protect Values:** Our current classification does not allow us to identify important values that we may all want to protect. It is impossible to differentiate between an area that has old big trees that has value for recreation and some minor habitat from another area that contains ancient genetic material that may help save landscapes or contain cures for diseases that help save mankind, or have critical habitat necessary for the survival of an important species.
- 4. Improve Management:** The quality and even existence of forest and BEC mapping in the province is highly variable ranging from very good (not excellent) to poor or non-existent. While this mapping has improved over time, most OGMA's and strategies for the management of old forests were implemented 25 years ago when much of this information was of a much poorer standard. Numerous errors have been found where old forests that were incorrectly labeled or mapped or in some cases don't even have old trees. Some regions have undergone adjustments, but many areas still have poor information or haven't updated their old forest strategies to the new information.

### Implementation Advice:

1. Refine the Province's Natural Disturbance Types (NDTs) to a finer classification system. For example, one submission said that there could be as many as 8 refinements to fire regime NDTs.
2. Work with a team of inventory and habitat mapping specialists and scientific experts in the management of old forests and classification to develop a new classification system for old forests.
  - a. It might be something like habitat mapping, i.e., considers a number of factors to assign a classification.
  - b. Refine the OGMA name to reflect the objective, e.g., biodiversity, iconic, ancient, recreation, spiritual, etc.
3. Add new age classes to the current inventory system.
  - a. Recommend 250-500 years, 500-1,000 years and 1,000 years plus (confirm these new age class definitions with old forest experts).
4. Refine mapping of all old forest in the province:
  - a. 100+ years for the interior, 140+ years for the coast;
  - b. Do at a relatively detailed level;
  - c. Ideally this would adopt the use of LIDAR for these areas; and
  - d. Continually verifying that OGMA's have the intended attributes through LIDAR, ground-truthing, or other means.
5. Establish a program with industry to acquire their inventory information for public use.

## 12. Innovative Silviculture Systems

Create a silviculture innovation program aimed at developing harvesting alternatives to clearcutting that maintain old forest values.

FROM

Predominately clearcut, focused on economic efficiency

TO

Multiple silviculture systems managing for multiple values

### Rationale:

- 1. Improve Acceptance:** The clearcut (including clearcut with reserves) silviculture system is the mainstay of the BC forest industry because, as numerous industry representatives told the panel, it is the most cost-effective. However, this system is also the most contentious because it often significantly compromises many other values on the land (e.g., biodiversity, tourism, Indigenous sustenance use) and many ecosystem services. Most of the communities, local governments, local organizations and citizens we interviewed from across the province told us they were frustrated that their landscapes were being cleared, their local values were being compromised (particularly water supply) and they were getting little or no local return or compensation for these impacts. Areas that used gentler silviculture systems to mimic NDT patterns or enhance ecosystem services (e.g., water retention, visual, and habitat), were generally deemed more acceptable.
- 2. Ecosystem Health:** Managing for ecosystem health and low biodiversity risk requires maintaining a percentage of the ecosystem in as close to its original state as possible, but very few of BC's NDTs yield stands look or function like clearcut systems. Even the fire-dominated northern NDT 3 areas (frequent stand replacing events) yield landscapes that are a mixture of species, standing dead and live trees and varying structure. Managing for attributes that mimic the NDT type can support ecosystem health at a stand and a landscape level plus preserve the integrity of many ecosystem services.
- 3. Increase Access:** Using silviculture systems that are more gentle and manage for multiple values are generally more acceptable to the wider public because they tend to be gentler on the land, have a higher chance of protecting important community ecosystem services and result in forests that are more appealing because they look more like the pre-harvest forests. As the public gains trust with these systems, they should generally become more amendable to timber harvesting thus increasing access to the forest land base.
- 4. Reduce Conflict:** In much of British Columbia, the forest industry has played out as clearcut or no-cut, often with little attempt to manage for multiple values. This tends to foster an all or nothing approach, i.e., allow or don't allow industrial activity, which leads to tensions and compromises that may not be necessary if more balanced options were available. The variable retention system used on parts of the Coast starts to move away from this hard distinction, as do selective systems in the Interior Douglas Fir zone. While conventional clearcut harvesting (with appropriate measures to protect water, soil, and critical habitat) may still be appropriate in a few areas (e.g., second growth plantations), other approaches are needed to achieve additional public objectives across the land base.
- 5. Operational Efficiency:** There are pockets that use, and there have been sporadic attempts at creating, silviculture systems that manage for multiple values and are more acceptable to the public, but they generally didn't get the appropriate support, have a longer-term program framework and/or become adopted a wider scale. Having a dedicated program that designs, operationally tests,

measures, and reports on silviculture systems aimed at optimizing a suite of ecological and socio-economic objectives at an operational level increases options available to forest managers.

**6. Increase Overall Returns:** The current clearcut systems preserve relatively few valuable ecosystem services. There are examples of alternate systems such as Interior Douglas Fir on dry sites, where continuous shelterwood systems are needed because clearcut sites are generally too hot for seedling survival. Due to climate change, this same condition may also be true of Cedar-Hemlock sites in the near future. Alternate silviculture systems tend to preserve more of the inherent ecosystem services (e.g., Shelter for seedlings, filtered water, cooler streams for fish, carbon storage, habitat), make the area more conducive for other forest sector businesses, and reduce mitigation costs for other sectors, all of which in turn tend to increase overall net returns from those areas.

### Implementation Advice:

1. Implement a program that supports a collaboration of industry, operations practitioners and scientists to develop and implement a set of silviculture systems that are cost-effective and maintain or enhance other values, e.g., maintain each NDTs old forests as close as possible to their inherent states, water retention, habitat, etc.
2. Develop partnerships with:
  - a. Other governments (e.g., Forestry Canada and Indigenous);
  - b. Existing research organizations (e.g., FP Innovations, universities, non-profits);
  - c. Forest licensees (especially community forests and other area-based licensees);
  - d. BC Timber Sales program;
  - e. Local governments and water purveyors;
  - f. Wildlife management programs;
  - g. BC Climate Action Secretariat; and
  - h. Other potential public and private sector collaborators.
3. Test a series of silviculture systems and variations to achieve the previous goals, i.e., manage old forests to effectively achieve a defined suite of values and objectives, recruit and encourage old forest attributes where required to meet long-term objectives; and demonstrate and encourage new practises.
4. Once tested, make these proven silviculture systems the default requirement for each NDT and/ or ecosystem type and provide clear guidance on when these systems might be varied because of local operational constraints.
5. Ensure that there is support for operations to effectively utilize these systems, such as:
  - a. Facilitate communication and collaboration across jurisdictions and disciplines;
  - b. Facilitate knowledge transfer to practitioners;
  - c. Involve local residents and stakeholders; and
  - d. Ensure that the stumpage system provides appropriate offsets to cover extra costs.

# Orderly Transition

## 13. Transition Planning at the Provincial and Local Levels

Once developed, implement the new policies and strategies for the management of old forests through mandatory provincial and local transition plans that define, schedule and monitor the process.

### Rationale:

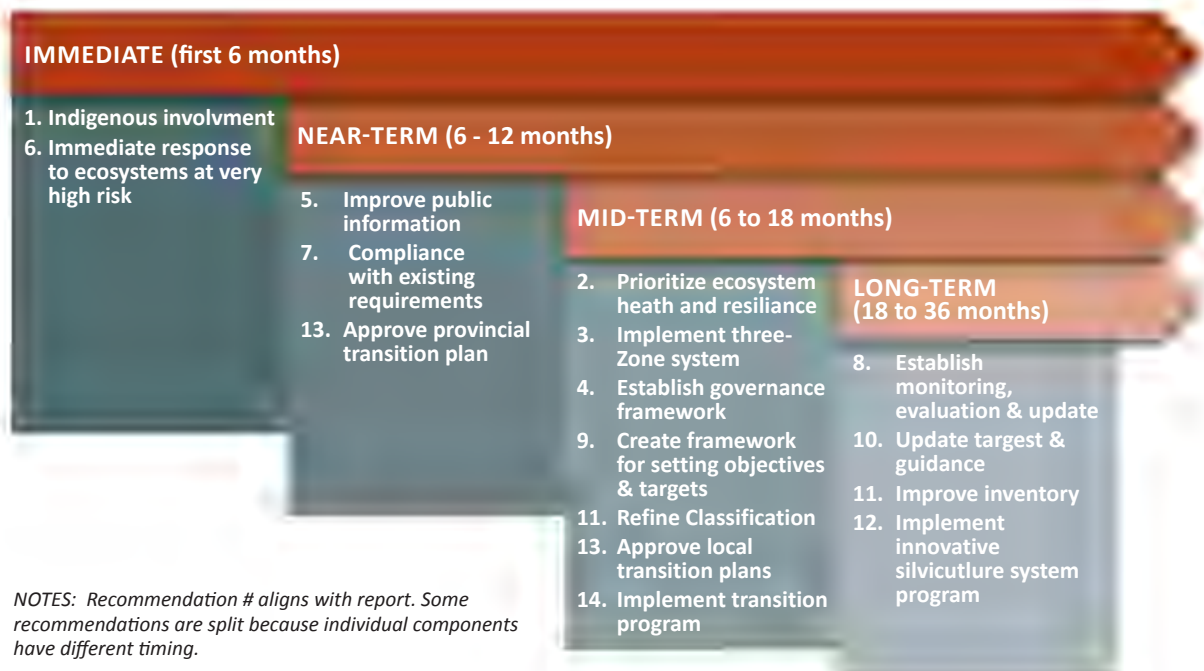
- 1. Credibility:** Past attempts at changing the management system for old forests have not been as effective as they could have been because they lacked formal implementation plans, comprehensive implementation, appropriate resourcing and effective public accountability mechanisms. In light of this history, there is significant skepticism about this current Old Growth Management review process. This can be mitigated to some degree by planning for results with mandatory, publicly accountable transition plans.
- 2. Avoid Unnecessary Harm:** In the absence of mandatory, publicly accountable transition plans, history has shown us that we tend to fall back to old habits, further compromise ecosystem health, continue to impact other forest values and create more negative socio-economic impacts.
- 3. Proactive:** The primary forest is finite and diminishing, and each area's transition requirements vary depending on how much primary forest currently exists, economic conditions (expansion or contraction of the THLB) and land-use decisions. Areas that proactively plan for this transition generally have more options than areas that only react to the situation when they run out of available timber.
- 4. Stability:** At a larger scale, these transitions are attempting to address destabilizing events, but it is possible to provide some level of stability by proactively planning ahead, being accountable for achieving targets in mutually supported mandatory plans and having the ability to adjust those plans as circumstances evolve. These parameters improve an area's ability to adjust their trajectory and work their way through inevitable economic cycles.

### Implementation Advice:

1. Recognize that transitions will occur at:
  - a. The provincial level from the resultant old forest policy and strategy that will arise from these recommendations; and at
  - b. The local level from:
    - i. Deferrals and long-term strategies to address immediate threats to ecosystems;
    - ii. Moving to compliance with current biodiversity targets; and
    - iii. adopting updated biodiversity targets, OGMA guidelines and practices.
2. Immediately engage Indigenous leadership at the appropriate level (provincial and/or local) in each of these transitions (this includes developing a quick response plan to recommendation #6).
3. Review the government's internal organization to ensure that the strategies and priorities for management of old forests will be successfully implemented:
  - a. Inter-ministry accountabilities, authorities, and coordination;
  - b. Clear cross-government priorities and direction to staff;



- c. Adequate staffing and resources;
  - d. Support for the new planning systems; and
  - e. Effective multi-disciplinary processes.
4. Develop and formally approve an overall implementation plan that will accompany the provincial old forest policy and strategy that will result from this report's recommendations. Implementation recommendations include:
- a. Done under a Province-Indigenous government-to-government umbrella;
  - b. Needs to engage various government, scientific, operational and planning experts; and
  - c. Should include a clear schedule (the following provides an overview of the panel's view on prioritization and broad scheduling of the recommendations in this report).



- 5. Provide for local transition plans in legislation (perhaps initially in FRPA and the Old & Gas Activities Act, but eventually in the new proposed overarching legislation).
  - a. Make transition plans a mandatory consideration in AAC determinations by including a new clause in the *Forest Act* Section 8(8)(a).
  - b. Provide direction and authority to statutory decision makers to consider the impact of authorizations on the objectives of a transition plan.
- 6. Develop government-led local transition plans on a scheduled, prioritized basis.
  - a. Begin immediately in management units with the:
    - i. Highest risk to biodiversity;
    - ii. Most constrained timber supply (hard to find the AAC); or
    - iii. High public values in the primary forest that are not compatible with conventional timber harvesting.
  - b. Complete remaining plans in conjunction with scheduled TSRs.
- 7. Recognize the unique ecological, social, economic, and timber supply circumstances of each management unit and its dependent communities and develop a plan specific to its needs.
  - a. Develop implementation plans collaboratively with the most directly affected communities.
  - b. Recognize and address the potentially disproportional impact on small area-based tenures.
  - c. Conduct a realistic assessment of economic diversification opportunities and options, including the time required to realize them, and the probability of success (could be value-added manufacture of wood products, botanical forest products, tourism, and commercial recreation, etc.). Ensure they are viable options — not just ideas.

- d. Assess the opportunities/suitability of the forest to alternative silviculture systems outside the Converted zone.
  - e. Assess timber operations' dependence on old forests for economic viability and possible transition to second growth.
8. Review the stumpage system to evaluate: the true direct and indirect costs and effects of silviculture systems that are carried out; its effect on the Province's ability to meet biodiversity targets and other established old forest objectives; and its effect on potential silviculture innovation.
  9. Explore the potential of a land acquisition fund to enable the purchase of land or covenants to retain or recruit old forest in ecosystems at high biodiversity risk, or otherwise of high public interest.
  10. Report publicly on implementation of transition plans.

## 14. Transition Support for Communities

**Support forest sector workers and communities as they adapt to changes resulting from a new forest management system.**

### Rationale:

- 1. Proactive versus Reactive:** There are already a number of areas in the province that are facing significant economic restructuring because they are at or near the point of diminished timber supply. It is much better to be proactive and manage this transition when we still have options versus reacting to a crisis when it is upon us, e.g., a mill shutdown.
- 2. Local Dependence:** The importance of the forest sector to the economy and social well-being of the province as a whole is diminishing but still important. This broader picture belies the fact that there are still a significant number of local areas that are highly dependent on this sector and any transition away from a timber-based economy will drive deep into the core and possibly even the economic survival of those areas. Those communities will need support to reform themselves now and develop other options while they still have choices.
- 3. Fairness:** We live in a society where the generally accepted convention is to support communities that bear a disproportional share of the negative consequences from broader societal decisions. The support we provide them should be sufficiently substantive to meaningfully mitigate the effects of those consequences.
- 4. Foster Confidence:** There is a tremendous amount of local uncertainty and lack of confidence within the timber sector, and it is too late to pretend that things are fine or to try to avoid the inevitable shortages of timber. Areas that are facing economic changes are generally aware that negative changes are coming, and they need support in planning a scheduled change. This will help foster confidence and support for the larger system in those areas.
- 5. Improve Local Economies:** There are still forest-based economic options that can be realized in many areas. On their own, these options may not offer the same level of local employment or economic spin-offs as the timber sector in the short-term, however they may be much more sustainable in the long-term. There are still probably significant opportunities for continued local timber sector benefits if new innovative systems can be used.



### Implementation Advice:

1. Require a socio-economic transition plan for every area where the forest transition plan may result in a higher negative impact than a defined threshold to local, regional or provincial social and economic values.
2. Provide adequate funding for plan implementation, including:
  - a. Capacity to investigate and facilitate local and regional economic opportunities;
  - b. Bridge financing assistance for businesses;
  - c. Workforce adjustment; and
  - d. Conservation funding (e.g., carbon, biodiversity).
3. Develop and implement policies and programs aimed directly at promoting local manufacture, especially for value-added specialty and high-value products.
4. Develop and implement policies and programs aimed directly at generating sustainable economic benefits from forest-focused tourism, e.g., Improved access, facilities and interpretation for visiting big trees and unique ecosystems (e.g., Similar to Cathedral Grove, Ancient Forest Recreation site etc.) and other non-timber forest businesses.
5. Review existing administrative practices, including the stumpage system, to ensure they do not inhibit local economies.



Spruce –Lady fern-Oak fern ecosystem.

Photo courtesy Deb MacKillop





# In Closing...

High-elevation old forest in Babine Mountains near Smithers.

Photo by Al Gorley

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## IN CLOSING...

Our strategic review of the management of old forests led us to conclude that despite the good intentions and efforts of many people, including government personnel associated with forest management development and implementation, the overall system of forest management has not supported effective implementation or achievement of the stated public objectives for old forests. This has not come about because of any one group or decision, but by a pattern of many choices made over several decades, within an outdated paradigm.

Our current system of forest management emerged in the middle of the 20th century, when the provincial policy was focused on generating economic wealth and “building the province” by monetizing the vast natural supplies of timber and converting them to tree farms. Only later, especially through the 1990s, did conservation and management for ecological values across the landscape receive serious attention. Since that time, a great deal of effort has gone into creating protected areas, planning for multiple uses of forest lands, and designing systems to manage forest practices that respect a range of values including biological diversity. The underlying timber policy remained oriented toward a sustained yield of timber but was now somewhat constrained by these new policies and practices.

Our ever-expanding understanding of forest behavior and management, as well as the effects of climate change, have made it clear that we can no longer continue to harvest timber and manage forests using the approaches we have in the past while also conserving the forest values we cherish. We therefore have to be honest with ourselves and collectively and transparently make the difficult choices necessary to ensure future generations of British Columbians can enjoy and benefit from our magnificent forests, as we have done.



Recently planted woodlot near Port Hardy.  
Photo by Trevor Pancoust





Old dry pine forest in the Interior.  
Photo by Al Gorley



November 26, 2020

Honourable Katrine Conroy  
Minister of Forests, Lands, Natural Resource  
Operations and Rural Development  
Parliament Buildings  
Victoria, British Columbia V8V 1X4

Dear Minister Conroy:

Thank you for agreeing to serve British Columbians as Minister of Forests, Lands, Natural Resource Operations and Rural Development and Minister responsible for the Columbia Basin Trust, Columbia Power Corporation and the Columbia River Treaty. You are taking on this responsibility at a time when people in our province face significant challenges as a result of the global COVID-19 pandemic.

COVID-19 has turned the lives of British Columbians upside down. None of us expected to face the challenges of the past number of months, yet British Columbians have demonstrated incredible resilience, time and time again. We will get through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: fighting the COVID-19 pandemic, providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.

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- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.
- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to

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incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

Over the course of our mandate, I expect you will make progress on the following items:

- Support people and businesses, with a focus on rural communities, in our government's COVID-19 response and recovery.
- Support the Minister of State for Lands and Natural Resource Operations to create a new Ministry for Lands and Natural Resource Operations that will develop and implement land use policies that support B.C.'s goals for economic activity, environmental sustainability, and reconciliation with Indigenous peoples.
- Continue work to update and modernize forest policy and legislation to ensure a competitive, sustainable future for forest communities, Indigenous peoples, workers, and companies.
- Lead the transition of our forestry sector from high-volume to high-value production, increasing the value-added initiatives of our forest economy, including by making mass timber a priority in public buildings moving forward.
- Support the Minister of Jobs, Economic Recovery and Innovation to advance the mass timber action plan.
- Working with industry and labour, dedicate a specific portion of the annual allowable cut toward higher value producers who can demonstrate their ability to create new jobs for workers in B.C.
- Continue collaborating with the forest industry and stakeholders to implement the Interior Forest Sector Renewal process and the Coast Forest Sector Revitalization Initiative.
- Implement the recommendations of the Old Growth Strategic Review in collaboration with Indigenous leaders, labour, industry, and environmental groups to protect more old-growth stands – in addition to the 353,000 hectares protected in September 2020.
- With support from the Parliamentary Secretary for Emergency Preparedness, lead work with local governments to reduce wildfire risk and better prepare and support communities for future wildfires.
- Plant more trees for a healthy industry and province and continue to make significant investments in forest health, wildfire protection, silviculture, and revitalizing our forests.
- Protect and create jobs by fighting for a fair deal for B.C. wood products in softwood lumber negotiations with the United States.
- Champion innovation in our forestry sector that aligns with CleanBC objectives and improves sector efficiency.

- With support from the Parliamentary Secretary for Environment, lead work with neighbouring jurisdictions to cooperatively develop and invest in new strategies aimed at better protecting our shared wildlife and habitat corridors, including work to implement the Together for Wildlife Strategy.
- Assume responsibility for the Columbia Basin Trust and Columbia Power Corporation, and lead negotiations regarding the Columbia River Treaty.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for Rural Development. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the following priorities, outlined in the mandate letter issued to them:

- Support the Minister of Citizens' Services to deliver high-speed connectivity throughout the province with a goal of connecting all regions to the high-speed network.
- Work with the Minister of Labour to guide the establishment of a new Worker Training and Job Opportunity Office to maximize the impact of our economic recovery plan for workers and communities during COVID-19 and beyond – with a focus on retraining workers, supporting resource communities facing job loss, developing higher value goods, and accessing new global markets and opportunities for B.C. products.
- Continue stakeholder engagement in hard-hit forest sector communities needing to diversify their local economies.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

All cabinet members are expected to review, understand, and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you but on cabinet and our government. You are responsible for providing strong, professional and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your deputy minister and the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer and more affordable. I believe the challenges we face can and will be overcome by

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working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in blue ink that reads "John J. Horgan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Horgan  
Premier





For the first time in decades however, there may finally be a path toward protection. In the fall of 2019, an independent panel was commissioned by the BC government to determine how to best manage the province's dwindling old-growth forests. Their report, entitled *A New Future for Old Forests*, provided 14 recommendations that, if implemented in their totality, would result in a paradigm shift in the way

forests are managed in BC. Under intense public and political pressure, the BC NDP committed to implementing all 14 recommendations during their 2020 election campaign, giving us the greatest opportunity in BC's history to protect the province's remaining endangered old-growth forests while ensuring a sustainable, value-added, second-growth forest industry—should they act.





percent of BC's productive, "big tree" old-growth forests have now already been logged. Old-growth forests, with magnificent trees up to 2,000 years old, are a non-renewable resource under BC's system of forestry, where the ensuing second-growth tree plantations are re-logged on average every 50 to 60 years, never to become old-growth again. Remember: it's not a tree issue we face here but an ecosystem issue.

Old-growth forests play a critical role in ensuring the survival of endangered species, mitigating runaway climate change, providing clean water for communities and wild life, supporting the multi-billion-dollar tourism industry and are fundamental to many First Nations cultures. Despite this, more than 10,000 football fields of old-growth are still logged on Vancouver Island alone each year.





**THIS IS NOT** a series I'd ever hoped to complete. These are before and after images of giant, old-growth western redcedar trees cut down in the Caycuse River watershed in Ditidaht First Nation territory on southern Vancouver Island.

In April 2020, I explored and photographed this amazing grove, which, tragically, was only days away from being cut down. I returned again in the fall and gone were the vibrant

flourishes of red, green and gold, and the sounds of birds and bears amongst the forest. Instead, a grey graveyard of massive stumps and broken debris lay before me. It was gut-wrenching to retrace my steps and photograph the remains of those same ancient trees I once knew, but necessary to expose the destruction these forests still face.

The latest scientific research shows that more than 97





**A BEFORE AND AFTER LOOK AT THE CAYCUSE  
RIVER WATERSHED ON VANCOUVER ISLAND**



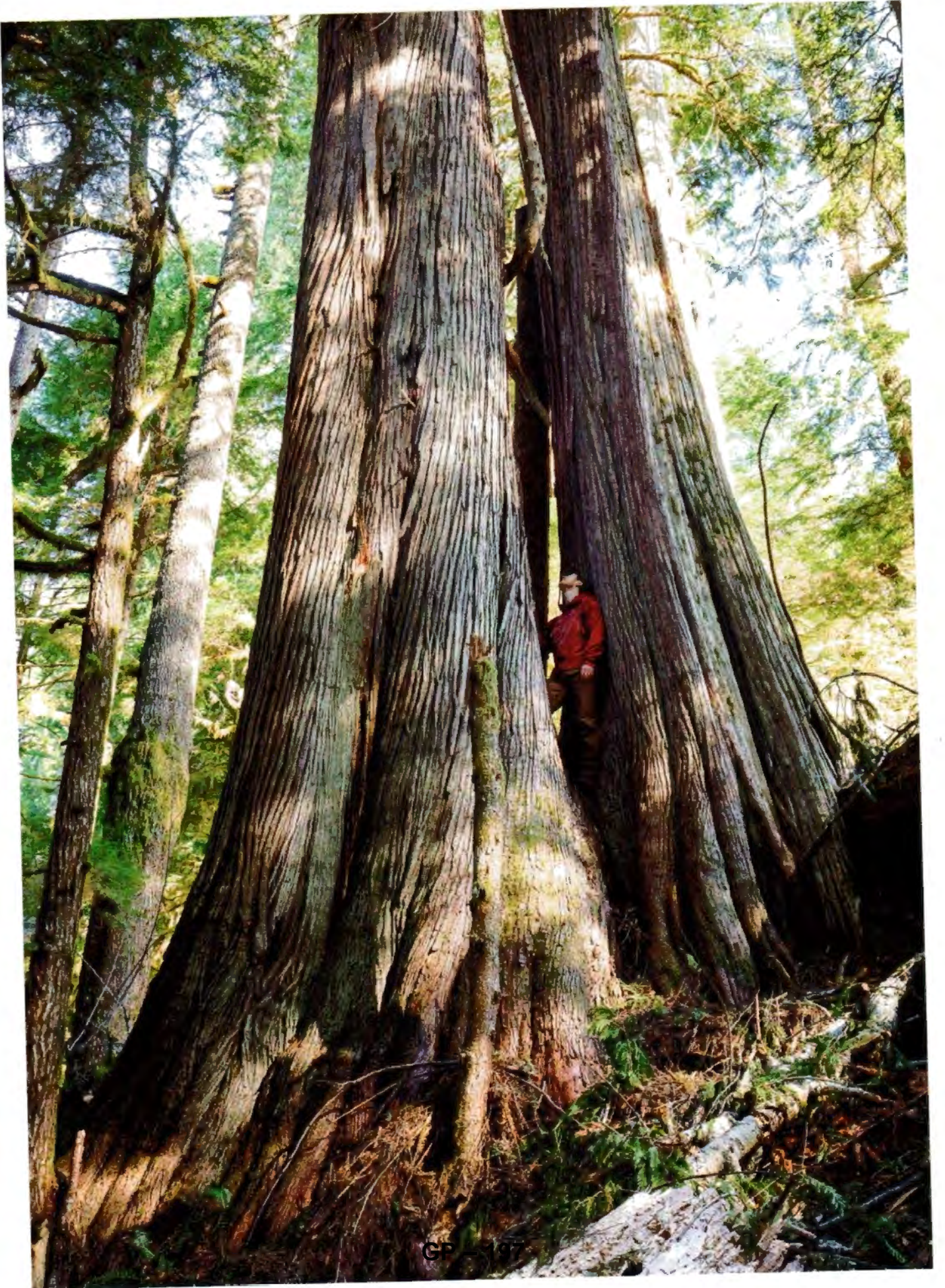


olving the old-growth crisis requires several solutions, including deferrals in the province's most endangered ancient forests, new policies and legislation to protect old-growth forests based on science, financing for First Nations' sustainable economic development as an alternative to old-growth logging and the creation of Indigenous Protected Areas and support for workers and communities in

transitioning away from status quo old-growth logging.

Though the ancient trees pictured here are gone forever, my hope is that these images will live on and act as a catalyst for public action and help shine a global spotlight on this urgent issue. We must hold the provincial government to their promise. There's no time to waste. Visit the Ancient Forest Alliance website for more information: [ancientforestalliance.org](http://ancientforestalliance.org). 🐻









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