



PRIVATE  
MANAGED  
FOREST LAND  
COUNCIL

**2004/05 ANNUAL REPORT**

PO Box 31059  
301- 3980 Shelbourne Street  
Victoria, BC V8N 6J3



PO Box 31059  
301-3980 Shelbourne Street  
Victoria, BC V8N 6J3

---

September 30, 2005

Honourable Pat Bell  
Ministry of Agriculture and Lands  
PO Box 9043, Stn Prov Govt.  
Victoria, BC V8W 9E2

Dear Minister:

With pleasure, I submit the first Annual Report of the Private Managed Forest Land Council. The report contains information regarding the Council's functions and activities for the period April 1, 2004 to March 31, 2005. Submission of this Annual Report fulfills the requirements of Section 10(2) of the *Private Managed Forest Land Act*.

Yours sincerely,

Trevor Swan  
Chair

Attachment



## TABLE OF CONTENTS

INTRODUCTION.....	1
COUNCIL OVERVIEW .....	2
COUNCIL FUNCTIONS AND ACTIVITIES .....	3
ACTIVITIES INFORMATION .....	5
SUMMARY OF INQUIRIES AND INVESTIGATIONS .....	6
SUMMARY OF SITE VISITS .....	6
SUMMARY OF ANNUAL DECLARATIONS.....	7

## INTRODUCTION

The Private Managed Forest Land Council (Council) is an independent agency established under the *Private Managed Forest Land Act* (Act). The Act, Bill 88, was passed in November 2003 by the BC Legislature. The Act and associated regulations were fully implemented by August 2004. The legislation had a number of implications for owners of forest land throughout the province. Namely:

- The *Forest Land Reserve Act* was repealed and the Forest Land Reserve ceased to exist
- The managed forest property assessment classification (Class 7) was continued
- Owners of forest property within the former Forest Land Reserve were given the choice to voluntarily enter or exit the Managed Forest program, which offers incentives for the long-term management of land for forestry
- The Private Land Forest Practices Regulation was replaced with the following regulations under the new Act that set similar standards:
  - Private Managed Forest Land Regulation;
  - Private Managed Forest Land Council Matters Regulation;
  - Private Managed Forest Land Council Regulation.
- The new Private Managed Forest Land Council assumed the role of the Agricultural Land Commission with respect to administration of the private managed forest land legislation.

The Private Managed Forest Land Council was established in May 2004 to administer the forest practices component of the Managed Forest Program, which includes the protection of key public environmental values on private managed forest land.

Key public environmental values are:

fish habitat  
water quality  
critical wildlife habitat  
soil conservation

This is the first annual report period of the Council. Although the reporting period is April 1, 2004 to March 31, 2005, the Council did not assume full operational functions until August 2004. This report contains information the Council considers relevant to the fulfillment of its objective and the exercise of its powers and performance of its functions and duties under the Act.



## COUNCIL OVERVIEW

The Private Managed Forest Land Council (Council) is a partnership comprised of representatives from government and managed forest landowners:

- a chair who is jointly appointed by the four members of Council for a three year term;
- two members were appointed for a two year term by the Minister responsible for the administration of the Act;
- two members elected for a two year term by the private managed forest landowners.

### Current Council

Trevor Swan, *Chair*. Mr. Swan is both a lawyer and a registered professional forester. He has extensive experience with forest resource legislation. He operates his consulting firm, Common Ground Forestry, from Mill Bay on Vancouver Island.

Don Avis, *Owner Representative*. Mr. Avis is a registered professional forester. He had a long career with Pacific Forest Logging Ltd before becoming a self-employed consultant. He owns private forest land at Quatsino, Bella Coola and Ladysmith. He resides at Saltair on Vancouver Island. Mr. Avis is currently Vice-chair of the Council.

Rod Davis, *Minister's Appointee*. Mr. Davis is the Director, Ecosystem Branch, Ministry of Environment. A registered professional agrologist, during his 32 year career with the provincial government he has gained extensive experience in forest management, land use planning and environmental protection. He resides in Victoria.

Will Pryhitko, *Owners' Representative*. Mr. Pryhitko is CEO of Beaumont Timber Co. He has been involved extensively with local government, provincial and federal government on a broad range of issues related to private forest land. He lives and works in Fruitvale in BC's southern interior.

Garth Webber Atkins, *Minister's Appointee*. Ms. Webber Atkins is Manager, Strategic Policy in the Ministry of Agriculture & Lands, and is a registered professional forester. During her career in the provincial government she has held positions related to land use planning, watershed policy, forest practices and was a policy analyst for the Forest Land Reserve Commission. She resides in Victoria.

The Council's objective is to encourage forest management practices on private managed forest land, taking into account the social, environmental and economic benefits of those practices.

The Council is accountable to the government, managed forest landowners, and the public. It is a new business model for a government agency established by legislation and operated in partnership with the managed forest owners. In its first year of operation the transition to this new governance approach has progressed smoothly. The owners have embraced the new relationship with government by cooperating with Council during the course of its administrative functions.

## COUNCIL FUNCTIONS AND ACTIVITIES

In keeping with its objective the Council is responsible for the administration of private managed forest land legislation. This includes four broad functions:

1. Strategic planning, reporting, program administration
2. Set and monitor forest practices standards for managed forest class land
3. Enforce standards, and perform audits
4. Review landowner applications to enter managed forest class

During its first year of operation, Council's attention has focussed on activities within these functional areas. For the first six months of the year the Council consisted solely of Kirk Miller, who was also chair of the Agriculture Land Reserve Commission. Mr. Miller presided over the transition to the current Council.

Highlights from the activities undertaken are summarised with respect to the four broad functions in the table below.

Function	Related Activities
1. Strategic planning, reporting, program administration	<ul style="list-style-type: none"> <li>• Assumed responsibility for all administrative functions respecting the forest practices component of the managed forest program from the Land Commission.</li> <li>• Developed a Governance Policy and associated by-laws.</li> <li>• Held nine formal Council meetings during the year.</li> <li>• Established a business plan and operating budget, and assessed \$243,668 annual administration fee on managed forest owners.</li> <li>• Engaged an audit of the 2003/4 financial statements. Declared an operating surplus of \$115,208.</li> <li>• Prepared a Communications Plan.</li> <li>• Developed an Inquiry/Complaint process based on the principles of administrative law.</li> <li>• Prepared program administrative policies and procedures.</li> <li>• Established and maintained a website.</li> <li>• Established and maintained communications with the provincial government and with local governments.</li> </ul>
2. Set and monitor forest practices standards for managed forest class land	<ul style="list-style-type: none"> <li>• Monitored the implementation of forest practice standards through the tracking of inquiries, complaints, and investigations and through communication with the Private Forest Landowners Association.</li> <li>• Performed site inspections in response to owner requests and to verify management commitment documents. (see further detail on following page)</li> </ul>

Function	Related Activities
3. Enforce standards, and perform audits	<ul style="list-style-type: none"> <li>• Responded to inquiries and complaints, and conducted associated inspections and investigations where warranted. (More information is provided in the sections following)</li> <li>• Established framework for an audit program to be undertaken during 2005/6.</li> </ul>
4. Review landowner applications to enter managed forest class	<ul style="list-style-type: none"> <li>• Reviewed over 60 management commitment applications and amendments, and provided assistance to landowners in facilitating their applications.</li> <li>• Processed and accepted 42 new management commitments.</li> <li>• Administered withdrawal of managed forest land from the managed forest program.</li> </ul>



## ACTIVITIES INFORMATION

The following information is provided in accordance with the requirements of section 10(2) of the Act.

Section	Description	Status	Comment
a)	Number of owners subject to the Act	161	As of April 1, 2004
		195	As of March 31, 2005
b)	Number of hectares subject to the Act	856,762	As of April 1, 2004
		861,152	As of March 31, 2005
c)	Number of management commitments withdrawn	9	
d)	Number and nature of inspections performed	15	See next section for details
e)	Number and nature of consent agreements	None	
f)	Amount of penalties collected and owing	None	
g)	Number and nature of remediation orders made	None	
h)	Number and nature of stop work orders made	None	
i)	New regulations enacted by Council	Private Managed Forest Land Council Regulation	Effective August 3, 2004

Note that as of March 31, 2005, there were a further 63 managed forests totalling 47,185 hectares that are Schedule A land associated with tree farm licences and woodlot licences. These are regulated by the *Forest and Range Practices Act* and are administered by the Ministry of Forests.





## SUMMARY OF INQUIRIES AND INVESTIGATIONS

The public may contact the Council with inquiries concerning forest practices. The process for filing an inquiry or complaint is available on the Council website. Owners are required to report environmental events concerning slope stability. They are also encouraged to self-report other issues concerning aspects of their operations to Council.

During the 2004/05 reporting period, 22 issues or inquiries were received by the Council. These fall into three broad categories: inquiries, complaints and owner self-reports. Inquiries were dealt with through direct contact with the inquirer. Complaints and self-reports were addressed through the inquiry /complaint process.

The outcomes are summarised as follows:

- 15 inquiries from the public. These primarily were questions concerning interpretation of legislation, program administration and owners' regulatory obligations.
- Four complaints from the public. These were concerns with harvesting near streams or lakes. Two of these complaints were reviewed by the Council and subsequently addressed by the owner. Two were investigated and harvest activities were found to be in compliance with the applicable regulations.
- Three self-report notifications of slide events by owners. On-site reviews were carried out of each of these events. In each instance, it was found that the owner's activities were in compliance with the applicable regulations.

None of the investigations resulted in a determination by the Council that there had been a contravention with regulation.

## SUMMARY OF SITE VISITS

10 site inspections were made. Inspections are made of private managed forest land

- at the owner's request, to discuss particular concerns onsite, or
- to acquire knowledge of an owner's activities.

Site inspections are conducted to verify the information provided in a management commitment or to inspect the progress an owner is making with respect to managing the property. The inspections are all made within the context of managed forest program monitoring.

Next year the Council will focus inspections on land that has recently become private managed forest land.

## SUMMARY OF ANNUAL DECLARATIONS

By May 1 of each year, owners of private managed forest land are required to submit to the Council, a declaration of the operations completed in the previous reporting period. The reporting period is January 1 to December 31 for owners on the Coast, and April 1 to March 31 for owners in the Interior. The following table provides a summary of information provided in the owners' annual declarations for 2004.

	Total# Owners	No Activity	Harvest Activity	Destroyed Timber	Road Construction	Reforestation	
						Restocked	Successfully Regenerated
<b>Coast</b>	121	80 owners	31 owners 9274 ha 3,961,240 m <sup>3</sup>	3 owners 36 ha	23 owners 539.5 km	20 owners 11,373 ha	5 owners 2853 ha
<b>Interior</b>	74	51 owners	20 owners 2687 ha 515,490 m <sup>3</sup>	1 owner 0.3 ha	9 owners 54.1 km	9 owners 1,379 ha	4 owners 884 ha
<b>Total</b>	195	131 owners	51 owners 11,961 ha 4,476,730 m <sup>3</sup>	4 owners 36.3 ha	32 owners 593.6 km	29 owners 12,752 ha	9 owners 3,737 ha

- Total number of owners does not equal the sum of no activity owners and owners reporting activity due to differing combinations of activities by some owners

The volume of 4.4 million m<sup>3</sup> was harvested by approximately 35% of all owners. It is important to note that the specific areas reported as being subject to timber harvesting activity (11,961 hectares) are not the same specific areas reported as being restocked (12,752 hectares). The regulations generally provide the owner a period of five years to restock areas that have been harvested. However, the fact that the area restocked is in relative balance with area harvested does demonstrate the owners' long term commitment to maintaining the productivity of their forest lands.

