

Sunshine Coast Conservation Association

## **A Few Comments About the Report of the BC Species At Risk Task Force**

August 31, 2011

Dear SAR Task Force Chair and Members,

Please accept our congratulations on the publication of your report. We appreciate the enormous effort it must have required and have a great deal of respect for its conclusions and recommendations. It is in fact an important document for society, one that will help everyone engage more effectively in the urgent task of maintaining biological diversity and ecosystem services in the province British Columbia.

*Introduction.* Please allow me to introduce our organization, the Sunshine Coast Conservation Association (SCCA). We are a federally registered charity whose mission is to seek protection for biodiversity and ecologically significant lands and waters within the greater Sunshine Coast region. About 300 individuals and 30 citizens' groups belong to our association. We pursue our mandate through public education and liaison with First Nations, local governments, other conservation organizations and the general public. We also occasionally use the courts and various quasi-judicial venues and often participate in public process where biodiversity issues arise. A major part of our work is to help address the issues brought to us by the public and various citizens' groups. In addressing your report today, I am speaking from the perspective of having worked extensively with public bodies, stakeholders, resource professionals and the general public over the last 25 years on issues related to biodiversity and environmental protection.

### *Strongly Supported Recommendations.*

Our organization very strongly supports the main recommendations of the Task Force. Here is a brief list of approaches of the Task Force that we particularly agree with and want to emphasize.

- Ecosystem- based focus
- A principled approach to engagement with First Nations
- Recognition of the growing human footprint and the consequences of climate change
- Implementation of the Wildlife Act 2004
- Increased use of and reliance on the Conservation Data Center
- Expansion of the role of the Forest Practices Board
- New legislation and increased use of existing legislative opportunities
- Expanded use of the Biogeoclimatic Ecosystem Classification scheme.

Here are some additional comments.

### *Ecosystem Focus.*

Our organization prefers to address biodiversity issues at the scale of landscapes, watersheds, biogeoclimatic sub-zones and ecosystems and we are pleased to see that the Task Force Report has properly placed a strong emphasis on these larger scale levels.

### *Legislation.*

Perhaps the report's most controversial stance, as far as the province's community of environmental advocates is concerned, relates to opposition to a stand-alone species-at-risk act for British Columbia. Our organization supports the need for such an Act. However, we are not under any illusions that this Act would resolve all the biodiversity related issues now emerging in British Columbia. In fact a major part of the problems emerging now relate to a failure to adequately manage and maintain intact ecosystems and is not limited to individual at-risk species issues. That said, it is abundantly clear that genuine progress cannot be made without new legislation, substantial changes to existing legislation and a major revision of policies directing resource use and land use planning in British Columbia. On this point, it appears that we are in agreement with the Task Force report.

### *Education.*

Your report properly recognizes the need for extensive public education such that people will understand why changes are being implemented. We agree; public education has been an important strategic priority for us throughout the history of our organization. However the report mentions very little about the need for professional education. In our experience, we typically find in the course of promoting and defending ecological assets and ecosystem services that professionally credentialed people oppose us with arguments that are often antiquated and/or not reflective of currently available scientific information. Examples include statements to the effect that; trees don't regulate flows in watersheds, species-at-risk are not really important because government hasn't made protection mandatory, endangered ecological communities can't be identified in second growth forests, fish in small (class 4) streams don't require forest cover, climate change is not relevant to contemporary forest practices, etc., etc. If the protection of biological diversity and ecosystem services is to be a priority in our society, professional education on this subject will have to be substantially updated.

### *Biogeoclimatic Ecological Classification.*

Your report properly recognizes the value of the Biogeoclimatic Ecological Classification (BEC) system and proposes the use of the BEC system as the basis of ecosystem identification. In our organization, we use BEC derived inventory information to determine what is rare, what is common, what is sensitive to disturbance and also where to focus strategic priorities. The BEC system is widely used by forest professionals in BC, but our opinion is that far too many other resource professionals do not use or understand the BEC system. In the field of applied biology (which is a very broad field) Registered Professional Biologists (RPBio) are often involved as key consultants during development approval processes and in the course of making land use decisions. There is no requirement through the College of Applied Biology for members to be proficient in the use of the BEC system. We suggest that for any registered professionals (RPBio,

RPF, PEng, etc.), consulting on land use or development issues, certified proficiency with the BEC system should be a requirement through their accrediting professional body.

On a historical note; in the early 1980s the Ministry of Forests initiated a certification program for anyone (including foresters, forest technicians, biologists, etc.) making stand management recommendations based on silviculture surveys. Proficiency in using the BEC system was a mandatory part of this process. In my view, the certification process was very successful in elevating skills, standardizing practices and making data collected in the field significantly more useful. I am very confident that a similar certification program for resource professions, especially biologists, dealing with land use issues would elevate their ability to apply scientific principles related to the need for protection of biological diversity in British Columbia.

#### *Defining ecosystems at risk.*

There are approximately 8,000 professionals working in BC that have expertise sufficient to identify BEC sub-zones (units) and site series in the field. The Conservation Data Center (CDC) recognizes and lists ecological communities (plant communities) that are at-risk with reference to BEC units and site series. Comparatively few professionals can identify the at-risk plant communities within the site series and also determine whether or not a plant community can meet the occurrence criteria and be recorded. In our experience, qualified professionals will typically disagree with each other on these determinations. Although we refer to “ecosystems at risk” we don’t actually have a listing scheme for ecosystems aside from that of plant communities. Why not task the CDC with the job of developing a red and blue list for BEC units and their associated site series? We can also easily consider the distribution of age classes in each BEC unit and each Landscape Unit, which will make the CDC’s job of determining the extent of conservation risk relatively easy. Such an approach would allow our 8,000 professionals to reliably assess ecosystem risks in the field.

#### *Professional Ethics and Practices.*

The subject of professional ethics and practices is not addressed in the Task Force Report but very clearly does impact a host of issues related to adequate management and conservation of species and ecosystems at-risk. It is difficult to imagine that our society could re-orient itself toward a greater functional respect for ecosystem services without the assistance of the professional bodies that regulate ethical obligations and standards of practice. Of course, most professional bodies have language that indicates this is already the case. For example, the College of Applied Biology recognizes a responsibility to “...provide sound management and conservation of biological resources.” As well, the Association of BC Forest Professionals (ABC FP) states that members are obligated “...to advocate and practice good stewardship of forest land based on sound ecological principles...” and claims that it ensures that “BC’s forests are in good hands”. Is this really the case and if so, how did it happen that so many species and ecosystems are currently at risk in the BC’s forested landscapes?

Our association has considerable experience in dealing with the ethics of registered professionals. In July 2003 the SCCA made a formal complaint to the ABCFP against a

Registered Professional Forester. The complaint concerned extensive damages to Marbled Murrelet nesting habitat, mountain goat winter ranges and old growth deficit areas and was based on documentation from FPB complaint findings, an Administrative Review process and certification audits. It took three years and two successful cases in the BC Supreme Court to move this complaint from the ABCFP's administrative level to an investigating committee of foresters which eventually found no fault whatsoever with the forester's conduct. During the ABCFP's formal investigation of our complaint, the FPB was working on a project not related to our court cases with the ABCFP; a special report on species at risk and the new *Forest and Range Practices Act*. As part of this project the FPB interviewed the ABCFP on the subject of species at risk; the ABCFP stated that they refuse to hold foresters accountable for damages to the habitat of species at risk. Their explanation was that the issue of species at risk is a "land use issue", which is the responsibility of government, not foresters.

We hope Task Force members can appreciate our point of view that the largest group of resource professionals in BC refuses to enforce its mandate as it relates to species at risk and the need for protection of ecological services and, in effect, protects the short-term interests of its members' clients against the broader interests of the public. If society is going to successfully deal with the issues outlined in the Task Force Report, our accredited professionals and their governing associations will need to substantially overhaul their enforcement of standards of professional conduct, accountability and transparency.

#### *Landscape Unit Plans (LUPs).*

Landscape Unit planning is a sound concept that could be compatible with the recommendations of your report. The Sunshine Coast Forest District has established (or draft) LUPs for about half of its landscapes. We have a fair amount of experience examining these plans. We have found that the language describing the goals and objectives of the LUPs is often very scientifically correct and well intentioned. However, the land base that is actually selected for Old Growth Management Area (OGMA) designation is a very small. Typically, OGMA's are widely scattered usually small fragments of the non-contributing and inoperable forested land base. These OGMA selections are biased towards the least productive ecosystems and lack connectivity. In other words, the concept is strong but the standards of application serve to protect vested interests in harvesting to such an extent as to border on the absurd. That said, our view is that expansion of the concept of LU planning is advisable and consistent with the Task Force recommendations.

#### *Mountain Hemlock Zone; a special case.*

Our highest elevation coastal forests are in the Mountain Hemlock Biogeoclimatic Zone (MH). These typically ancient forests are stunningly beautiful and provide highly significant ecosystem services related to water source areas, wildlife nesting habitat, spiritual values and superb recreational opportunities. MH stands are highly sensitive to disturbance. LUPs protect about 30% of the MH land base. Significant timber volume and carbon storage has accumulated slowly over very long periods of time at these high elevations. We have no special management regimes or resource objectives for this zone

and a very low probability of harvesting an economically viable second rotation in the future. As with any other kind of harvesting, road and drainage infrastructure must be developed which in turn requires maintenance over long periods of time. Realistically, MH harvesting is entirely unsustainable and is essentially timber mining. In our view, these forests should be left entirely alone, to provide ecosystem benefits for our communities and for future generations to enjoy.

*Fisheries and fish habitat.*

In regard to the task recommendation to utilize existing but under-implemented processes. We note that the *Forest and Range Practices Act* (FRPA) allows for designation of Fisheries Sensitive Watersheds yet none have actually been designated. Just to broadly indicate the scale of ecosystem benefits that have been lost, the major rivers of the greater Sunshine Coast region (Bute Inlet to Howe Sound) once supported escapements of roughly 6 million fish and a landed harvest of probably 18 million fish representing a product of about 50 million pounds. Remnants of these salmon runs still exist today but the economy of the fisheries has almost entirely disappeared. Suffice to say, there are substantial economic, social and environmental benefits that can be realized through effective management and conservation of our landscapes and watersheds.

*Drinking water resources.*

In our experience, the most publicly recognized ecosystem service in British Columbia is the provision of drinking water. Responsibility for drinking water is spread over numerous ministries and agencies. Government's approach has been to obligate water purveyors to achieve very high levels of safety and accountability while ensuring that resource licensees (primarily logging companies) are protected against environmental liabilities of watershed harvesting. The goal and object of Government for management of crown land community drinking watersheds under FRPA is to "protect human health... unless unduly restricting the flow of timber". The term "unduly" is not defined in FRPA and the clause itself is a frank admission that vested interests take precedence in law over the public interest in drinking water. The Task Force correctly noted that government needs to "encourage public trust" and we entirely agree. A good place to begin cultivating public trust would be to recognize in law that the public interest in the ecosystem service of safe drinking water supercedes the narrow rights of licensed resource users.

*Environmental Assessment.*

If society is to succeed in protecting species and ecosystems at risk and also in limiting growth of our footprint and responding appropriately to climate change emergencies, we will need to have an effective reliable environment assessment tool. Unfortunately, government stripped the *BC Environmental Assessment Act* of its scientific independence in 2003. As well, the BC Environmental Assessment Office (BCEAO) was turned into an agency whose function is primarily to support and implement provincial government policy. Auditor General John Doyle's recent audit of the BCEAO and its "Environment Certificates" was scathing. The public has also been exposed to a comparison between the Canadian EA Act and the BCEA Act in regard to the proposed Prosperity mine in the Caribou region, with equally scathing results. It is fair to say that the public has entirely

lost trust in the capacity of environmental assessment in BC. In order to achieve the results the Task Force correctly sees as necessary, we need to have a capable scientifically independent environmental assessment process in BC, one that can provide appropriate information that decision makers and the public can trust.

*Closing comments.*

The Task Force proceeded wisely by first establishing a positive vision for addressing the major issues of our growing environmental foot print, emerging climate change problems and the increasing number of ecosystems and species at risk in British Columbia. The Task Force declined to focus on government's environment intransigence over the last 10 years, which is also wise because it leaves open the possibility that government, (or some future government) will listen and respond appropriately. Others will focus on the many barriers to conservation that the government has established, and well they should. Our Association is very pleased (and encouraged) to have your report.

Thank you very much for taking the time to consider our perspectives. If we have raised any points that you would like to discuss further, feel free to contact me.

Sincerely,

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