



Sunshine Coast
Conservation
Association

Briefing Note

October 26, 2005

Community Forest

The District of Sechelt's Application for a
Probationary Community Forest Agreement

Introduction

On March 12, 2005 the District of Sechelt submitted a draft application to the Ministry of Forests for a Probationary Community Forest Agreement (PCFA). A final draft was submitted on May 18, 2005. These events are highly controversial for many reasons, especially that the proposed land base of the community forest includes both the Chapman and Gray community watersheds. Although the District of Sechelt's initial application was rejected, a new application was submitted on October 18. It is important that community and watershed advocates understand what has happened and have documented sources of information.

The purpose of this note is to provide community leaders and the general public, with information and perspective about the "community forest" through reference to publicly available sources and documents obtained through Freedom of Information requests.

Information Sources

District of Sechelt website: www.district.sechelt.bc.ca Click on Community Forest icon. Hard copy is available at the District of Sechelt town hall; Community Forest Folder at the front desk.

Freedom of Information (FOI) requests from the Sunshine Coast Conservation Association (SCCA) to the District of Sechelt and four Ministry of Forests offices are available on the SCCA website: www.thescca.ca

Two SCCA Newsletters (available on the website) detail the efforts of the association to communicate to the District of Sechelt about the Community Forest Initiative; *"The Sechelt Community Forest: Off on the Wrong Foot?"* (January 2005) and *"Getting the Sechelt Community Forest Back on Track"* (June 2005).

Supporting documentation not available from referenced websites can be obtained upon request. Phone Brad Benson, Chair at 604-886-0069, or Dan Bouman, Executive Director at 604-886-8325

The submission of the SCCA to the Minister of Forests' *Community Forest Advisory Committee* (CFAC) is on the SCCA website along with various letters about the Sechelt PCFA. This submission summarizes public responses to the District and Provincial government that should have been but were not included in the application.

A critique of the timber supply situation in the proposed community forest land base (B. Benson, D. Bouman and L. Williams) is available on the SCCA website.

Relevant correspondence and letters received through FOI requests are foot noted in the text of this note and attached as an appendix.

The Coast Reporter's coverage of the District of Sechelt's Community Forest Initiative is available at www.coastreporter.net

A Short History of the District of Sechelt's Community Forest Initiative

- **Letter of Intent.** May 2003. The District of Sechelt sends a letter of intent to apply for a PCFA to the Minister of Forests. Of note; in this letter the District identifies "watershed restoration" as a priority of the application.¹
- **Preliminary Proposal.** December 22, 2003. The District of Sechelt in partnership with the Sechelt Indian Government submits a preliminary proposal to the Minister of Forests.²
- **Public Meeting.** January 29, 2005. The first public meeting about the Community Forest Initiative takes place at the Sechelt Legion. The District maintained that it did not know what lands would be made available for the community forest. Members of the public objected strenuously to inclusion of the watersheds in the application.
- **Meeting.** January 31, 2005. A second meeting (unadvertised) with Mayor Cam Reid and concerned individuals took place at District offices. Again, objection to inclusion of the watersheds was made known.
- **Meeting.** February 2, 7, 14 and 21, 2005. Four more meetings (unadvertised) were held with proponents and concerned individuals at council offices (the Tuesday meetings). Strenuous objections were made in all these meetings to inclusion of the watersheds in the land base of the community forest.³
- **Letter.** On March 2, 2005 a letter from the SCR D to MoF Minister Mike de Jong requests the Minister to grant a 60-day delay in the application process to allow for public response (the Application had not been disclosed to the public or the SCR D).
- **Presentation.** March 9, 2005. District of Sechelt forestry consultant Kevin Davie makes a presentation to the Elphinstone Electors Association. Members were

¹ The letter of intent is attached to the District of Sechelt's meeting agenda package for May 23, 2003

² Hard copy available from the author on request

³ Heavily edited notes from the 2 January meetings and the February "Tuesday" meetings are on the District of Sechelt website. These notes do not, in my opinion, fairly represent the issues raised at these meetings

outraged that the DoS would apply for a logging license in the community watershed without consulting with water system subscribers outside the DoS.

- **Letter.** March 11, 2005. Sunshine Coast Forest Coalition sends a letter to the District of Sechelt supporting the community forest application.⁴
- **Letter.** March 11, 2005. The SCR D again writes to the Province expressing objection to the District's application, requesting disclosure of the application contents and asking government to require full compliance with application guidelines.⁵
- **Letter.** March 11, 2005. In the cover letter to the District of Sechelt's application to the Minister of Forests, the claim is made that the consultation process has been prejudiced by members of the environmental community and that these individuals have unduly influenced the board of the Sunshine Coast Regional District.⁶
- **Letter.** March 15, 2005. The Sechelt Indian Government (SIG) writes to the District of Sechelt stating "We are writing to inform you that the Shishalh Nation can not, at this time, offer our support for the Sunshine Coast community forest plan." Among the concerns cited; "logging in the community's watershed".⁷
- **Motion.** March 15, 2005. The Town of Gibsons requests by formal motion that the District be asked to provide a copy of the complete application to the Town before submitting to it to the Ministry of Forests.⁸
- **Letter Campaign.** During the week following the District's application submission on March 12, community associations, citizen's groups and individuals appeal to the Minister of Forests to delay consideration of the application.⁹
- **Letter.** March 17, 2005. MoF Deputy Minister Doug Konkin responds to the SCR D letters of March 2 and 11 and advises the SCR D to support and assist with the District of Sechelt's application.¹⁰
- **Public Meeting.** April 19, 2005. The District of Sechelt holds a second advertised public meeting at the Seaside Center. Over 100 people object strenuously to the District's application.¹¹
- **Application Submitted.** May 18, 2005. The District submits the final Application.
- **Letter.** June 23, 2005. the District of Sechelt sends a letter to the Minister of Forests appealing for support. The District complains that *'The Sunshine Coast Regional District and the Sechelt Indian Band are finalizing a 'watershed accord' to give these parties control of the Chapman/Gray Creek watersheds including the prohibition of industrial and commercial activity.'*¹²

⁴ hard copy available on request

⁵ Copies of the SCR D letters of March 2 and 11 are appended.

⁶ Attached in appendix

⁷ Appended

⁸ Appended. The motion is stated in a letter to Daniel Bouman from James Gordon, Town of Gibsons of March 16, 2005.

⁹ The SCCA letter to CFAC contains a list 11 community associations and groups that objected to the lack of public consultation, available at www.thescca.ca

¹⁰ Appended

¹¹ Covered in the April 23 edition of the Coast Reporter; Community forest draws criticism, Nancy Moote.

¹² Appended

- **Same Letter.** The District states that \$180,000 has been spent on the application and that "four previous attempts to establish a community forest on the Sunshine Coast have failed because of the intervention of environmental interests". The District further claims to have undertaken "an extensive program of consultation with the public, industry stakeholders, business and community groups."
- **Letter to CFAC.** July 5, 2005 The SCCA makes submission to the Minister's *Community Forest Advisory Committee* outlining documentation of opposition to the District's application.¹³
- **In Camera Meeting.** July 7, 2005. An in-camera meeting (closed to the public) is held between the Town of Gibsons and the District of Sechelt to discuss the District's Community Forest application. A motion to support the Application is passed.¹⁴
- **Motion of the Gibsons Town Council.** July 19, 2005. The Town of Gibsons withdraws support for the District of Sechelt's application.¹⁵
- **Timber Supply.** August 10, 2005. The SCCA publishes a timber supply critique of the community forest land base. Nearly half of the land base is in the Chapman/Gray Community Watershed. Timber supply outside the watershed can not be confirmed beyond the first 5-year period. The condition of the proposed land base is highly degraded with 68% of the operable land logged in the last 60 years and 30% logged in the last 20 years.¹⁶
- **FOI Request.** September 20, 2005. The Ministry of Forests Privacy and Information Officer in Victoria releases 160 pages of documentation related to the District of Sechelt's community forest application.
- **Letter.** September 13, 2005. The SC Forest Coalition sends a letter to the Town of Gibsons stating that District of Sechelt forestry consultant Kevin Davie was relieved of any duty to the SCFC related to the application in January 2005. In other words, Davie was the President of the SCFC and a paid consultant to the DoS for the 2 years during which the application was being developed.¹⁷
- **Email.** September 23, 2005. In an email to Kate Monks, DoS Municipal Clerk J. Hienrich outlines community forest cash expenditures to date; \$83,125 from district taxpayers, \$49,770 from a federal grant plus an undisclosed value for staff time which equals a total investment of \$180,000 as of June 2005.¹⁸
- **Application Rejected.** The deliberations and recommendations of Community Forest Advisory Committee (CFAC) are not available to the public. However, by mid September it was obvious that the application had been rejected.¹⁹ According to

¹³ SCCA website

¹⁴ Town of Gibsons Agenda package for July 19, 2005, available on the Town's website.

¹⁵ Appended

¹⁶ SCCA website; Timber Supply Analysis Critique provides an extensive outline of the condition of the lands proposed for the community forest. The obvious implication is that the District of Sechelt will need to log in the Gray Creek watershed, in order to satisfy the terms of the license, soon after the 5-year probationary period is over

¹⁷ Appended

¹⁸ Appended. I assume that the difference between acting-Mayor Poole's figure of \$180,000 and the Municipal Clerks figure \$134,000 is the value of staff time.

¹⁹ Reliable sources

Mayor Reid, speaking at the October 19, 2005 meeting of council, the District has re-submitted its application with minor changes.

Discussion

First Nations Liaison. The Community Forest initiative was originally proposed in May 2003 as partnership between the District of Sechelt and the Sechelt Indian Government (SIG). By March 15, 2005, the partnership had dissolved and the SIG had sent a letter to the District stating that it could not support the application. Concerns with the inclusion of the public drinking watershed in the land base of "community forest" were clearly stated. The opposition of the SIG to the application was also obvious at the Sunshine Coast Regional District board meetings of March 2 and 11, 2005 when directors passed motions in opposition to the District's application (with the support of Director Stan Dixon, Sechelt Indian Government Chief).

Despite these obvious indications of unresolved issues, the District of Sechelt continued to insist in public meetings and letters to the provincial government that its application enjoyed the support of the SIG.

Also of note, negotiations between the SCRD and the SIG related to the Watershed Management Agreement culminated in the release of a draft agreement dated January 25, 2005. As a member of the SCRD, the District of Sechelt was a party to these negotiations and never raised objections to the agreement before or after publication of the draft. The District of Sechelt became a signatory to the agreement at a public ceremony on October 1, 2005.

Incredibly, in a letter to the Minister of Forests on June 23, 2005, the District of Sechelt complains that the SCRD and the SIG "are finalizing a 'watershed accord' to give these parties control of the Chapman/Gray Creek watersheds including the prohibition of industrial and commercial activity."

Citizens rightfully expect elected representatives and local governments to maintain honorable respectful liaisons with First Nations. This appears not to have been the case in regard to the District of Sechelt's pursuit of a community forest license.

Public Process. The District of Sechelt's Probationary Community Agreement application was under development for at least 3 years prior to the public meeting of January 29, 2005 and was submitted to government prior to public disclosure. In fact, the contents of the application were not even disclosed to the SCRD or the Town of Gibsons prior to submission. This prompted the SCRD to write the letters to the Minister of Forests of March 2 and 11, 2005, complaining about the lack of public disclosure and consultation. The provincial government responded by imposing a 60-day delay on consideration of the Application.

In an article in the Coast Reporter of April 22, 2005 Forest District Manager Greg Hemphill clearly implied that public opinion about the application would be ignored by government decision-makers. Quoting the article²⁰;

And Hemphill suggested the public opposition to the community forest might not hurt Sechelt's chances of having its application approved. "There was a direct invitation to the District of Sechelt. The minister has already tipped his hand that he would like the District of Sechelt to get a community forest," said Hemphill in an interview after the meeting. "They're well aware of the history down here. The divided opinions won't be a shock to anybody."

The Deputy Minister of Forests (Doug Konkin) responded to SCRD concerns in a letter dated March 17, 2005. Again, a senior government official appears to indicate that the application will be approved despite public opinion and advises that the SCRD should support and assist the District of Sechelt.

It is noteworthy that the District of Sechelt used the pretext of an in-camera meeting with the Town of Gibsons on July 7, 2005 to solicit the support of the Town for its application. A motion to support the application was passed by the Town at this meeting. At the Town of Gibsons' next regular council meeting, this motion was again discussed, this time in full view of the public. The Town revoked its earlier motion of support.

Good public process is open and transparent and is not conducted behind closed doors. The appearance is that the District of Sechelt has tried to establish a "community" forest without meaningful disclosure to the public using closed meetings and private negotiations with Ministers and high level provincial bureaucrats. Nothing of lasting value to the public is likely to result from such dubious processes.

Representation of Public Support. The District did hold several public meetings about community forestry and made presentations to the Town of Gibsons, the SCRD, Elphinstone Electors Association and the Sechelt Chamber of Commerce (only this body specifically supported the application). However, these efforts came at the very end of a two-year process that was conducted almost entirely in private. The application was never made available to the public prior to submission on March 12. A public outcry from individuals and citizen's groups followed and the Minister of Forests responded by imposing a 60-day delay in the approval process. A "final draft" was submitted on May 18.

In the application, the District claimed widespread public support as well as support from the SIG, the Town of Gibsons and the business community. In reality, the "public" had

²⁰ Community Forest draws criticism, Nancy Moote, Coast Reporter, April 22, 2005. The full text of this article is available in the Coast Reporter's on line archive

objected to a large variety of particulars in the application and raised substantial issues related to the watershed, license governance, revenue sharing, etc. The Town of Gibsons had endorsed the concept of 'community forest' but pointedly refrained from endorsing the specific application and eventually revoked all support for the Application. Eleven community associations also objected to the Application in writing.

In the cover letter to the May 18 submission, the District of Sechelt claimed that the consultation process had been prejudiced by environmentalists. The District also explained that it did not have the support of regional government because these environmentalists "had unduly influenced the Board of the SCR D". These statements effectively disenfranchise the many individuals and groups that had exercised a democratic right by smearing them as "environmentalists".

One of the most fundamental responsibilities of elected government is to implement the will of the people and truthfully represent the interests of the public. Governments are an instrument of the public trust. In the "community" forest application, the District of Sechelt repeatedly dismissed, ignored and misrepresented the expressed opinions of citizens and other local governments while attempting to impose an industrial vision on drinking watershed users inside and outside the District of Sechelt. In regard to representation of public input to the application process, the council of the District of Sechelt has, in this lay-person's opinion, violated a public trust.

Financial Accountability. In the District of Sechelt's letter to the Minister of Forests on June 23, 2005, the statement is made that \$180,000 had been spent on the Community Forest Initiative. In the Municipal Clerk's email to Kate Monks of September 23, 2005 figures provided by the District's accountant show that District taxpayers contributed \$83,125 to the community forest initiative and that a federal grant contributed an additional \$49,770. District taxpayers also funded the work on the initiative from District staff, which must have a value of at least \$47,000 as of June 23, 2005 (this figure has may have grown substantially since then). In any case, the funds expended to date are very substantial. The District employed a "forestry consultant" for the community forest initiative and also contracted out some technical tasks. Initial public documentation indicates that he "forestry consultant" may have been paid approximately \$100,000 for his services between May 2003 and the present.

The forestry consultant is Kevin Davie who is well known as the President of the Sunshine Coast Forest Coalition (SCFC). In fact Mr. Davie was the President of the SCFC at least until January of 2005. According to a letter from the SCFC to the Town of Gibsons on September 9, 2005, "Mr. Davie was relieved in early January 2005 of any responsibility in the SCFC which could relate to the Application"²¹. In other words, Mr. Davie served as the President of the SCFC and may have had responsibilities to the

²¹ appended.

SCFC for 2 years while he was the District's "forestry consultant". Interestingly, the SCFC letter does not say that Mr. Davie resigned from any office in the SCFC.

It was appropriate for the District to consider the views of the SCFC on a community forest (whether that group represents 2 people or 200 people). However it appears that the District accepted the vision of the SCFC while systematically excluding consideration of the views of other governments, citizens groups and the general public.

This is not to say that there is necessarily a conflict of interest. However, the judgment of the District of Sechelt in selecting Mr. Davie as its "forestry consultant" is questionable given that he is not a Registered Professional Forester and has been an outspoken advocate of watershed logging and opponent of the creation of the Tetrahedron Provincial Park.²² There are several questions of interest to taxpayers;

- What are the credentials of the "forestry consultant"?
- Was this position put up for public tender?
- What has the influence of the SCFC been on the development of the community forest application?

Considering that one of only three letters received by the District of Sechelt that specifically supported the original application, is from the SCFC, there are more questions that need to be answered:

- Who are the members of the SCFC?
- Who are the officers of the SCFC?
- What is the mission of the SCFC?
- Where does funding for the SCFC come from?
- How is the public to know that this organization is legitimate and accountable to its membership?

Citizens rightfully expect that municipal government policy and direction affecting their welfare and assets is developed through fair, open and transparent public process and not through hidden negotiations with special interest groups. The conduct of the District of Sechelt in regard to recognition of public submission and consultation with parties affected by the Community Forest Initiative seems incongruent with basic principles of administrative fairness.

A Summary of Concerns About the District of Sechelt's Probationary Community Forest Agreement Application

1. The District of Sechelt's Probationary Community Forest Agreement application does not account for the expressed written concerns of the public and other stakeholders.

²² The Tetrahedron Provincial Park contains the high elevation catchment basin of the Chapman/Gray Community Watershed and was established in part to protect the watershed.

2. The PCFA will establish a new logging license over the Chapman/Gray Community Watershed.
3. It is the Sunshine Coast Regional District, not the District of Sechelt, that is the legal purveyor of water from the Chapman/Gray Community Watershed, and the democratically elected body representing the full suite of Sunshine Coast residents drawing water from these watersheds. The SCRCD does not support the Application
4. The consent of regional water system subscribers outside the District of Sechelt has not been demonstrated.
5. The business plan of the application is flawed in that an economically and environmentally sustainable timber supply, beyond the first 5-year window, has not been demonstrated.
6. The position of the District of Sechelt that this logging license will create authority to protect land and resources appears to be a fantasy. A *Forest License* leaves administrative authority with the Ministry of Forests and a license holder does not have authority to withdraw land from or prohibit logging within in Provincial Crown Forest.
7. The creation of the District's Community Forest License is in conflict with the Watershed Management Agreement between the SCRCD and the Sechelt Indian Government.
8. The District of Sechelt's Probationary Community Forest Agreement application is the vision of the "forest coalition" and the Ministry of Forests, not the people of the Sunshine Coast.

The idea of creating a community forest is sound and a worthwhile pursuit. Unfortunately, the District of Sechelt's Probationary Community Forest Agreement application appears to be a tool to circumvent the expressed will of the public that the Chapman/Gray Community Watershed be managed for water values without obligation to industrial interests.

Thank you for your attention to this critical public interest issue.

Daniel Bouman, Executive Director, Sunshine Coast Conservation Association

October 26, 2005