

# B. C. TAP WATER ALLIANCE

Caring for, Monitoring, and Protecting  
British Columbia's Community Water Supply Sources

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November 18, 2002

Hon. Michael De Jong,  
Minister of Forests,  
Legislative Buildings,  
Victoria, B.C.

## **Re: The significant diminishment of public scrutiny over harvesting plans under *Bill 74***

Dear Minister,

We are extremely concerned about the government's introduction of *Bill 74*, the *Forest and Range Practices Act* (1st reading November 4; 2nd reading, November 7). In particular, we are concerned about the significant diminishment of opportunities for public scrutiny of forest harvesting activities on "Crown", or "public" lands including unsettled treaties with First Nations.

Prior to revisions in the 1978 *Forest Act*, Dr. Peter Pearse, in his lengthy 1976 Royal Commission report on Forest Resources, identified that public involvement, or scrutiny, over its lands was fundamental to Crown land planning processes. Dr. Pearse came to this conclusion after reviewing Crown land policy and 205 written submissions:

The public, as landowner, has an obvious interest in the management of its resources, an interest which touches on the manner and timing of harvests, the use of the land for purposes other than timber production, resource development, and so on. (Page 89)

The Forest Service should expand its facilities for making its forest resource plans accessible to the public.... it is important and proper that the public should have ready access to plans for resource development and use. (Page 272)

Dr. Pearse also advised against the Ministry of Forests holding all of the cards in regional forest resource planning issues. He concluded that they should be allocated to Regional Districts with their Technical Planning Committees in order to facilitate meaningful public involvement processes:

My proposal involves representative, non-governmental advisory committees established by the Regional Districts ... the members to be appointed or elected by whatever procedures appear most appropriate to the area.

These committees would provide a regular channel for the Forest Service (and other agencies) to communicate their plans to the public and to receive external commentaries on them. They

should be invited to comment on regional objectives, unit plans, and operational plans on a regular basis; to consider special problems brought to them by the Forest Service or other agencies; and to solicit advice from local interest groups. (page 273)

Twenty-six years later, the Forest Practices Board, which is an independent government body overseeing forest harvesting and range use practices in British Columbia, recently notified government of its concerns about the shortcomings of the public involvement process related to the Results Based Code discussion paper:

Public consultation is an important means of identifying important resources and community values, and addressing them during the planning stages. In addition to recognizing the democratic rights of citizens to participate in public decision-making processes, effective public consultation in forest management helps to ensure that the diversity of ecological, economic and social views related to forests, are considered by decision-makers.

The Board's work has found that the existing process for review and comment on forest development plans is not working effectively, so the Board supports efforts to find a more effective way to involve the public.... The discussion paper does not propose an effective way to engage the public, and it does not provide a goal or result against which to evaluate whether public involvement is effective or adequate. (Forest Practices Board submission to the Results Based Code Review Panel, June 2002, Public Involvement, pages 11-14.)

More recently, West Coast Environmental Law Association has reported similar concerns about *Bill 74*:

There will be fewer opportunities for public input due to the new five-year term of plans, which is extendable to ten years (e.g. opportunities could be reduced to once every five or ten years instead of annually or biannually). Due to the more general nature of the new forest stewardship plans, it appears that the public will not have as much information to comment on (including where cutblocks and roads will be), so review and comment opportunities on these plans may be less meaningful. (West Coast Environmental Law, Deregulation Backgrounder, *Bill 74, The Forest and Range Practices Act: Key Environmental Concerns.*)

Public access to information and review and comment opportunities for all forest harvesting or development plans on Crown land are fundamental rights extended to all British Columbians. By decreasing, hindering or restricting public access, review, and comments about these activities, government is significantly reducing the public's rights and freedoms.

The fact that government is abrogating its long-held responsibility to oversee development plans on Crown land is shocking. To put the matter into historical context, this is the first occasion in over 90 years (since the first Royal Commission on Forest Resources in 1910) that government has contemplated legislating significant supervisory control and decision-making authority on Crown land over to the private sector. This is in line with similar and extremely controversial initiatives in Alberta and Ontario for deregulation, privatization, and self-policing by industry. The consequences of removing regulations will probably result in a corresponding increase in litigation - the American

style approach to dispute resolution. By removing one cost, government is simply replacing it with another; in effect creating a new era of litigation.

When we issued our press release on May 22, 2002, *Campbell Government Cuts Drinking Water "Watchdog" with Bill 35 - Calling it Red Tape*, we had no idea of the wide-sweeping changes that government obviously had in mind at that time. Though government made promises to the public about the administration of drinking water sources with the introduction of Bill 35, it appears that government actually intends to deregulate resource development and do away with the public's right and even ability to scrutinize strategic and operational plans, instead.

We are completely opposed to industry self-regulation on Crown land. We therefore urge government to immediately table Bill 74 until necessary changes are made that provide the public with the ability to participate fully and provide comments with regard to all planning and amendment stages of resource development plans. We, further, urge government to reassume its responsibilities to the public and to reinstate government oversight of activities affecting all British Columbians' natural heritage.

Sincerely, Will Koop, Coordinator.

cc. Hon. Premier Gordon Campbell

Hon. Joyce Murray, Minister of Water, Land and Air Protection

Hon. Colin Hansen, Minister of Health Services

Hon. Stan Hagen, Minister of Sustainable Resource Management

Hon. George Abbott, Minister of Community, Aboriginal, and Womens' Services

Hon. Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations

Hon. Joy MacPhail, Leader of the Opposition

Adrienne Carr, Leader of the Green Party

Union of B.C. Indian Chiefs

First Nations Summit

Forest Practices Board

Union of B.C. Municipalities

B.C. Environmental Network

Western Canada Wilderness Committee

Sierra Legal Defence Fund

West Coast Environmental Law Association

B.C. Civil Liberties Association

B.C. Government Employees Union

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