



May 12, 2012

Submission to Law Amendments Committee

Re: Bill No. 87 – the Good Forestry Management on Crown Land Act

The Ecology Action Centre supports the proposed amendments to the Crown lands Act presented in Bill 87. We support the switch away from long term leases to shorter term license agreements and the inclusion of sub-license agreements for the more effective administration of Crown land. We also support the empowering the Minister to set terms and conditions of operation for Crown Land licences. We presume these will include important environmental performance benchmarks.

However, in the context of the overwhelming calls for change in the management of natural resources expressed during the Natural Resources Strategy process, any bill with the title “Good Forestry Management on Crown Land Act” must certainly have much more substance than the minor tweaks proposed in this bill. This bill should more properly be called “The Crown Land License Adjustment Act” as that is all it deals with. There is certainly no specific prescriptions for “good forestry management” in it.

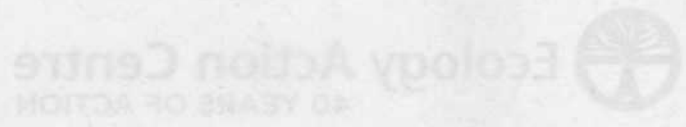
In its new Natural Resources Strategy (August 2011) the government has committed to be guided by the public values of Transparency, Collaboration and informed decision making with respect to natural resources and especially Crown land management. The Phase One report of the Natural Resources Citizen Engagement Committee stated that the public “*made it clear they want to continue to be part of the decision-making process*” and that “*the public should have a larger voice in the management of Crown lands*” (from *Our Common Ground – The Future of Nova Scotia’s Natural Resource*, March, 2009).

Citizen and Stakeholder Engagement was a key strategic priority identified during Phase Two of the strategy. The Expert Steering Panel advised that “*providing the opportunity for thousands of citizens and stakeholders to take part can only benefit Nova Scotia’s management of its natural resources. The task now is to carry forward this commitment to collaboration through Phase III and beyond.*” (from *A Natural Balance – Working Toward Nova Scotia’s Natural Resources Strategy*, Report of the Steering Panel, April 2010).

The Path We Share – A Natural Resources Strategy for Nova Scotia 2011-2020 (Final Phase - August, 2011) commits the government to a vision where “*individuals and groups interested in our natural resources work with government to manage these resources wisely*” and to “*a culture of shared stewardship and mutual accountability*”. The stated goal is to “*work together to maintain healthy forests*”.

Any bill which claims to enable good forestry management on publicly-owned Crown land and that it is somehow fulfilling the commitments of the Natural Resources Strategy to the principals of transparency, collaboration and informed decision-making, must include a mechanism for public engagement in the management of the people’s Crown lands and should include greater assurances for environmental protection then the possibility of as yet undefined terms and conditions.

We therefore recommend the following amendment to Bill 87:



Add to section 3, an additional subsection (5):

(5) Before approving operational management plans on Licensed Crown lands the Minister shall provide the public with:

- a) at least sixty days notice of the intended action(s)
- b) an opportunity for consultation on the intended action(s)

also

Add to Explanatory Notes under clause 3 an additional subsection (d):

(d) provides opportunities for public consultation in the management of Crown lands

Respectfully submitted,

Matt Miller, Forestry Coordinator

Raymond Plourde, Wilderness Coordinator

Wilderness Areas Protection Act

CHAPTER 27

OF THE

ACTS OF 1998

amended 2005, c. 56, s. 18; 2009, c. 30

An Act to Protect Wilderness Areas in Nova Scotia

Purposes of Act

2 The purpose of this Act is to provide for the establishment, management, protection and use of wilderness areas, in perpetuity, for present and future generations, in order to achieve the following primary objectives:

(f) promote public consultation and community stewardship in the establishment and management of wilderness areas,

Duties and powers of Minister

10 (1) For the purpose of the administration and enforcement of this Act and the regulations and after engaging in such public consultation as the Minister considers appropriate, the Minister shall establish and administer such policies, programs, standards, guidelines, objectives, plans, codes of practice, directives and approval processes as are necessary for the establishment, protection, management and use of wilderness areas.

10 (2) The Minister may

(a) establish advisory and ad hoc committees and retain experts to report to the Minister with respect to

(b) specify the functions that the committees and experts are to perform, including the seeking of input from the public and the manner and time period within which those functions are to be performed;

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Wilderness areas

(3) Subject to subsections (6), (7) and (8), and only in order to achieve the purpose of this Act, the Minister, with the approval of the Governor in Council, may

(a) designate, as a wilderness area, an area of Crown land in addition to those designated pursuant to this Act;

(b) add an additional area of Crown land to a wilderness area;

(c) with the written consent of the owner and subject to the term of consent, if any, and any other conditions included in the consent, designate privately owned land as, or add privately owned land to, a wilderness area;

(d) alter the boundaries of a wilderness area in a manner that is consistent with an applicable management plan and that provides for more effective management and increased protection for the wilderness area,

(6) Before taking any action pursuant to clause (3)(a), (b) or (d) or subsection (4) (alteration of a WA boundary), the Minister shall provide the public with

(a) at least sixty days notice of the intended action; and

(b) an opportunity for consultation on the intended action.

(7) The Minister shall cause the notice required pursuant to subsection (6) to be published in

(a) a newspaper circulating in the Province; and

(b) a local newspaper circulating in the area in which the land is located,

advising of the intended action and the timing of, and manner in which, the public consultation will occur.

2. A New Approach to Natural Resource Management

The vision

This strategy entails a new approach to natural resource management for Nova Scotia, inspired by a vision for a sustainable and prosperous future.

In 2020 and beyond

- Nova Scotia is rich in natural resources—including biodiversity, forests, geological resources, and provincial parks.
- Individuals and groups interested in our natural resources work with government to manage these resources wisely.
- All Nova Scotians benefit from the natural health and wealth of the province.

The strategy sets 23 goals for achieving long-term economic gains while ensuring a healthy natural environment, now and for future generations. Each goal is supported by specific actions. The goals and actions commit government to an integrated ecosystem approach that involves everyone in the shared stewardship of Nova Scotia's natural resources.

The overarching goals

Collaborative leadership. Build a culture of collaboration, innovation, and mutual accountability that equips government to implement the natural resources strategy.

Sustainable resource development. Manage Nova Scotia's natural resources to achieve a sustainable balance of economic, environmental, and social benefits for current and future generations of Nova Scotians.

Research and knowledge sharing. Strengthen research capacity and knowledge sharing so that government and interested groups are well informed about issues affecting our natural resources.

Good governance. Ensure that laws and policies are clear and effective.

The context

The new approach to natural resource management is collaborative, far-sighted, and holistic. Contributors to the strategy development process made clear that the status quo is not acceptable. Government must work collaboratively with stakeholders to set priorities and ensure good governance. Government departments must coordinate their programs, services, and planning. And the Department of Natural Resources must equip people to understand our natural environment and weigh the benefits and costs of natural resource development.

The Department of Natural Resources will lead by example, using an ecosystem approach in the management of Crown land.

Goal: Collaborative leadership

Build a culture of collaboration, innovation, and mutual accountability that equips government to implement the natural resources strategy.

Actions:

- Identify and develop leaders and other contributors to work on resource management priorities.
- Include interested groups in planning and decision making about natural resources.
- Develop and share best practices to engage citizens and interested groups in meaningful ways.

This strategy commits the Department of Natural Resources to a culture of shared stewardship and mutual accountability. The term *stewardship* refers to the responsible use and conservation of natural resources in a way that takes full and balanced account of the interests of society, future generations, and other species. The term *shared stewardship* describes the work ethic necessary to achieve the vision of a province rich in natural resources, where government and interested groups work together and all Nova Scotians benefit. In a culture of shared stewardship, people do more than advocate for their own interests; they collaborate to find common ground

4. Forests

The goals

Ecosystem approach. Work together to maintain healthy forests.

Research and knowledge sharing. Increase knowledge to help governments and other interested groups make better decisions about forest management.

Shared stewardship. Involve many in the shared stewardship of Nova Scotia's forests.

Sustainable resource development. Support the sustainable development of the province's forest resources in order to attract investment, create high-value jobs, and grow the economy.

Good governance. Provide clear and effective laws and policies to ensure that forestry is economically, environmentally, and socially sustainable.

The context

Forests dominate much of Nova Scotia's landscape. Over three-quarters of the total area of the province (approximately 4.3 million hectares)¹³ is forested. Our forests include many species of trees growing in a broad range of soil and climatic conditions, from shallow, acidic moist soils at high elevations to deep, well-drained rich valleys.

Forests provide more than timber and jobs. They draw carbon dioxide from the atmosphere and give us much of the oxygen we breathe. Their dense root systems hold water and prevent soil erosion, flooding, and drought. A healthy forest supports biodiversity by sheltering many species of animals, birds, insects, and plants—priceless biological resources that provide food and medicine, each with its own place in the web of life. These benefits are hard to quantify and impossible to replace.

The costs and benefits of forest use and forest protection are complex and often in conflict with one another. We need good jobs to support mostly rural communities and valued ways of life. At the same time, much of that which we value is derived from the natural beauty, enjoyment, and health benefits provided by our environment.

13 Nova Scotia Department of Natural Resources (2008).

Balancing social and economic costs and benefits, while not always easy, will ensure our forests are both economically and environmentally sustainable. This requires improvements in our forest management practices, to build an ecologically wise culture for the 21st century.

Nova Scotians called for changes in forest management, and the government listened. The Department of Natural Resources is moving forward with new policy and legislation to ensure that forest harvesting practices are sustainable, and to balance economic, environmental, and social values.

Government affirms the existing aboriginal and treaty rights in section 35 of the Constitution Act (1982). We will continue to consult with First Nations, using the Mi'kmaq–Nova Scotia–Canada Consultation Terms of Reference, whenever decisions being considered might affect these rights.

The Policy Framework for the Future of Nova Scotia's Forestry, announced in December 2010, signaled change, including changes to forest harvesting practices, notably clearcutting, and changes to the extent that forest biomass would be used for energy. These steps move the province toward a true ecosystem approach to managing its forests. Implementing the policy framework will require intense collaboration across many interest groups.

Goal: Ecosystem approach

Work together to maintain healthy forests.

Actions:

- Fully implement an ecosystem approach to forest management.
- Apply the Code of Forest Practice on publicly and privately owned woodlands.
- Help private land owners understand and use an ecosystem approach to manage their woodlands.
- Develop comprehensive risk management strategies to support healthy forests.
- Align Nova Scotia's forest principles and actions with national strategies.
- Report regularly on the state of Nova Scotia's forests.

An ecosystem approach to forest management begins by understanding the complexity of forest ecosystems. It addresses questions like, What is the nature of the soil, the air quality, the changing climate, and the vegetation? How did the present forest get there? What is its carbon potential? How is the forest evolving? What might it become? What varieties of vegetation could this ecosystem support? Understanding forest ecosystems sets the context for exploring forestry options and addresses questions such as, How will the forest respond to treatment? What are the risks and opportunities of management? What timber and non-timber uses are possible? An ecological approach also considers the ecosystems in the surrounding landscapes. What types of forest are in short supply? Is there enough old growth? What are the wildlife habitats? Is there enough timber available for harvesting?

The Code of Forest Practice presents an ecosystem-based approach. The Forest Ecosystem Classification of Nova Scotia provides the site, soil, and vegetation descriptions necessary to assess options for forests. The Nova Scotia Ecological Land Classification provides the ecosystem mapping required for landscape-level (large-scale) planning. Integrated resource management provides a systematic way to consult with interested groups about multiple uses of the same site, and to assign values to those uses.

Healthy and diverse forests are less susceptible to natural and human-caused disturbances. They can store more carbon for longer periods than diseased and dying forests. An ecosystem approach to forest management provides the science to better understand natural processes and decide when, or if, intervention is necessary. Managing the risks of wildfires, insects, and diseases has always been a cornerstone of forest management. An ecosystem approach reinforces and extends this essential work, and better equips us to address other complex risks, such as climate change and acid rain.

What's happening already?

Old-Growth Forests Throughout the Province

Nova Scotia's policy concerning old forests was developed to identify and protect the best old forests on Crown lands and to support the long-term restoration of old-growth forests in the province. The target of eight-per-cent representation in each of the province's 39 ecodistricts has been achieved or exceeded in all but eight districts. Work continues in those districts to identify and select the best sites.