Doug Hopwood RPF (ret)
603 Hemlock Street, Qualicum Beach BC V9K 1H8
Email: dhopwood@island.net, Phone: 250-594-8876
March 3, 2021

TO:

- Premier John Horgan
- Honourable Katrine Conroy, Minster of Forests, Lands, Natural Resource Operations and Rural Development
- Honourable George Heyman, Minister of Environment and Climate Change Strategy
- Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation
- Honourable Selina Robinson, Minister of Finance

Re: Reconciliation on Southeastern Vancouver Island and the Gulf Islands

Dear Premier Horgan and Ministers Conroy, Heyman, Rankin and Robinson:

I understand that the Snaw-naw-as First Nation has been invited to apply for a First Nations Woodland Licence (FNWL) that includes 323 ha of Provincial Crown land on Lasqueti Island. In a letter notifying the Lasqueti Island Trust Committee about the proposed FNWL, District Manager Rhonda Morris states that the FNWL would support an Allowable Annual Cut (AAC) of up to 5000 cubic meters per year, and that the invitation to apply for this FNWL is "an important step forward for long term reconciliation between the Province and the Snaw-naw-as First Nation."

Reconciliation between Indigenous Peoples and other residents of British Columbia is an urgent moral imperative. I strongly support the Snaw-naw-as and other First Nations having increased access to and stewardship over land within their traditional territory on Lasqueti Island and elsewhere, through a land tenure or other means.

However, I believe that the proposed FNWL will not substantially advance the goals of reconciliation and will in fact set back certain aspects of reconciliation. Moreover, the offer of this tenure, and the process that led up to it, are inconsistent with several other important goals at Provincial and local scales. Please take the time to consider the following discussion of why I think this is so. I have summarized these reasons briefly below, and provide detailed documentation and analysis in Appendix 1 attached to this letter.

- According to the Truth and Reconciliation Commission of Canada, "reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour."
- The BC Government has adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as a step towards reconciliation. Article 21 of UNDRIP requires

government to work for continuing improvement of First Nations' economic and social conditions. Approximately half of all First Nations children in BC live in poverty. A meaningful reconciliation strategy in BC must provide economic benefits and opportunities for First Nations that are sufficient to end the endemic poverty that is a result of more than a hundred years of dispossession and discrimination.

- The proposed FNWL may allow for an AAC of up to 5000 m^3/year. The employment and revenue opportunities from this level of harvest are nowhere near enough to constitute a significant step towards reconciliation. As a reconciliation measure, the proposed FNWL is shamefully inadequate.
- Article 28 of UNDRIP says that Indigenous Peoples have the right to lands equal to those taken from them, or else compensation of equal value. On south-eastern Vancouver Island, more than 800,000 ha of land were privatized by the Government of Canada without the consent of First Nations, in a land grant ostensibly to pay for building the Esquimalt and Nanaimo (E&N) railway. Only a tiny fraction of the total area was allocated to First Nations' use. This land transfer was an act of theft, accompanied by violence, including the abduction of children into the residential school systems in order to destroy their cultural connections to the land. The justification for this theft was a belief that Europeans were racially and culturally superior to Indigenous people. Most Canadians now repudiate such beliefs as scientifically baseless and morally repugnant, but the legacy of those beliefs continues in the pattern of land ownership and land uses that it created. One consequence of this history is that there is not enough Crown land left on southeastern Vancouver Island to satisfy UNDRIP Articles 21 or 28. We cannot undo the past, but we can make an honest and sincere effort at restitution. The Provincial and Federal governments must work to return a significant portion of the E&N land grant area to First Nations.
- Crown land forests on Lasqueti Island are environmentally sensitive and have high conservation values. Almost all of the harvestable forest within the Lasqueti Island Crown lands proposed for the FNWL is within critically imperilled Coastal Douglas-fir (CDF) ecosystems. It is impossible to harvest any significant volume of timber from Crown land on Lasqueti Island and at the same time protect rare or endangered ecosystems.
- Over the past 30 years, the Province has repeatedly ignored the advice of its own experts and failed to undertake land use planning or make land use decisions that account for the endangered status of CDF ecosystems in the Gulf Islands.
- It seems inevitable that the FNLW as proposed will result in strained relations between Snaw-naw-as First Nation and the residents of Lasqueti Island. Snaw-naw-as will quite reasonably want to realize badly needed revenue from the tenure while Lasqueti Islanders, equally reasonably, will be deeply distressed to see harvesting of the rare CDF zone forests they are committed to stewarding. Lasqueti Islanders who do not support logging on Lasqueti Crown lands are not motivated by "NIMBYism". The desire to conserve ecosystems

on Lasqueti Island Crown land stems from a principled and science-informed commitment to conserving key elements of the biodiversity that is the foundation of human well-being.

- Potential tensions between Snaw-naw-as First Nation and the Lasqueti community will not come from either party acting unreasonably, but from the BC Government having forced them into a position of conflicting interests in the land by failing to provide economic opportunities for Snaw-naw-as on lands where timber harvesting is a suitable use.
- Lasqueti Island residents will also have legitimate safety concerns about logging trucks operating on the island's narrow loose-surfaced roads, which must be shared with children and adults on foot and bicycle as well as in vehicles.
- The Provincial Government and its agencies should strive to act as role models, demonstrating by actions, not just words, what a respectful relationship looks like. However, the BC Government has modeled the opposite of respectful behavior towards the Lasqueti Island community through its complete failure to consult with residents of Lasqueti Island and the Islands Trust in its process of developing the proposed FNWL.

Like many non-Indigenous residents of BC, I come to the discussion about reconciliation and land use from a place of privilege. I have not experienced the discrimination, dispossession and oppression that generations of Indigenous people have been subjected to. I strongly support Snaw-naw-as and other First Nations having increased access to and stewardship over land within their traditional territory on Lasqueti Island or elsewhere through a land tenure or other means. But none of that changes my assessment that the proposed FNWL tenure does not constitute a meaningful step towards reconciliation, and that endangered forest ecosystems in the CDF zone should not be logged.

I have enclosed a cheque made out to the BC Minister of Finance for $10,000.00 with a hard copy of this letter sent to the Minister of Finance. I wish this money to be used to acquire land within the traditional territory of the Snaw-naw-as and other First Nations that is currently privately owned, to be returned to First Nations as a partial measure of reconciliation. This money is not offered as an act of charity; it is a partial payment of a debt. The land I live on was taken from Indigenous people without their consent. The fact that the taking of the land was accompanied by other forms of abuse (for example, in the residential school system) further increases the urgency of restitution. I believe that every person and every corporation who has benefited, directly or indirectly, from use or ownership of land and resources in BC that were wrongfully taken from First Nations owes a similar debt, in proportion to how much they benefited and their level of wealth and income. My reason for sending a substantial sum of money is to demonstrate that I am willing—in fact eager—to pay taxes as necessary to support reconciliation as long as such taxes are equitably levied and dispersed. I believe many people in British Columbia feel the same way.

I urge the Government of BC to:

- Implement a land use order or other measure to protect endangered CDF forests and other ecosystems on Crown land on Lasqueti Island prior to issuing any tenure on those lands. (I support the Lasqueti parcels being in the FNWL as long as they are used for purposes consistent with ecosystem conservation.)
- Include additional Crown land that is not within a rare ecosystem in the area for the Snaw-naw-as FNWL. This additional land should be sufficient in productive capacity to at least offset the reduction in potential Allowable Annual Cut (AAC) due to removing the Lasqueti portion of the proposed FNWL from the Timber Harvesting Land Base (THLB).
- In the event that no such additional Crown land is available, provide an annual payment to Snaw-naw-as First Nation sufficient to offset the reduction in annual revenue resulting from removing the Lasqueti portion of the FNWL from the THLB, until suitable additional land can be made available.
- Commit to acquiring, by 2030, a minimum of 100,000 ha of land within the E&N land grant area to be returned to First Nations as step towards reconciliation. (This would be less than 1/8 of the area that was stolen.)
- Provide secure and sufficient government funding for the above-mentioned program of land acquisition, derived in substantial measure from taxation of economic gains that have accrued to private owners of the E&N land grant lands.
- Use the $10,000.00 I have enclosed as the first deposit into the above-mentioned fund.

Thank you for taking the time to consider the information I have presented. Please let me know what measures the Government of BC will take to ensure protection of CDF ecosystems, to make restitution for the E&N land theft, and to provide substantial economic benefits and access to traditional lands for First Nations in order to further reconciliation in BC.

Sincerely,

Copies to:

- Chief Gordon Edwards, Snaw-naw-as (Nanoose) First Nation
- Adam Walker, MLA, Parksville-Qualicum
- Lasqueti Island Local Trust Committee, Islands Trust
- Andrew Fall, Area Director, Electoral Area E, qathet Regional District
- Rhonda Morris, District Manager, South Island Natural Resource District, MFLNRORD
- Prime Minister Justin Trudeau
- Carolyn Bennett, Minister of Crown-Indigenous Relations
- Gord Johns, MP, Courtenay-Alberni
- Paul Manly, MP, Nanaimo-Ladysmith

APPENDIX 1: Detailed Documentation and Analysis

Reconciliation

According to the Truth and Reconciliation Commission of Canada, "reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour." [1]

In 2019, the BC Government adopted Bill 41, the Declaration on the Rights of Indigenous Peoples Act,[2] which affirms the application of the United Nations Declaration on Rights of Indigenous People (UNDRIP) as a step towards reconciliation in British Columbia. Articles 21 of UNDRIP states that:

> 1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
>
> 2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

As of 2019, approximately half of all First Nations children in BC were living in poverty.[3] It is clear that a meaningful reconciliation strategy in BC must provide tangible economic benefits and opportunities for First Nations that are sufficient to substantially alleviate the chronic endemic poverty that is a direct result of more than a hundred years of dispossession and discrimination. How well does the proposed FNWL address this aspect of reconciliation?

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) District Manager Rhonda Morris states that the FNWL will have an Allowable Annual Cut (AAC) of up to 5,000 cubic meters per year, and that it will "provide economic opportunities for the Snaw-naw-as First Nation". Economic opportunities in forestry come in two forms: jobs and revenue. I work with a First Nations forest company on Vancouver Island that over the past five years has harvested around 50,000 m^3/year. Even with this level of cut, we have had very limited success in creating jobs for First Nation members. Road-building, logging, and reforestation crews are typically active for less than six months per year to

[1] Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

[2] https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1

[3] Poverty or Prosperity: Indigenous Children in Canada. Canadian Centre for Policy Alternatives and Save the Children. https://www.policyalternatives.ca/publications/reports/poverty-or-prosperity

complete all aspects of a 50,000 m^3 harvest. The reality is that an AAC of 5000 m^3/yr will not provide a significant opportunity for steady employment.

The company I work with sold harvested timber for an average price of $87 per cubic metre. The costs of road-building, logging, transportation, reforestation, stumpage, etc. added up to over $67/$m^3$, leaving a profit margin of under $20/$m^3$. Given that the area proposed for the Snaw-naw-as FNWL is generally low in productivity and poses significant challenges related to terrain and access, it is unlikely to be much more profitable than that in the long run. But even if the proposed 5000 m^3/year FNWL were to realize a net profit of $50/$m^3$ (which is unlikely) it would provide no more than $250,000 per year in revenue. According to Te'mexw Treaty Association, Snaw-naw-as First Nation has 269 members. [4] Two hundred and fifty thousand dollars divided by 269 people works out to $929.36 per person per year ($2.54 per day).

Given the severe economic challenges facing First Nations communities in BC as a result of more than a century of discrimination and dispossession, I do not see how the Province can call such a small source of revenue an "important step forward" for reconciliation. Please understand, I am not saying that one or two hundred thousand dollars a year would be insignificant to Snaw-naw-as First Nation. I'm sure it could make a contribution to providing urgently needed services or infrastructure. But it is nowhere near enough to constitute a significant step towards reconciliation. On the contrary, it is shamefully inadequate.

To put it another way, a 5000 m^3/year AAC is roughly equivalent to two typical Woodlot Licences on Vancouver Island. Many Woodlot Licences are held by a single individual or family who manage the tenure on a part-time basis in addition to other employment. How can a tenure that would be considered a nice income supplement for two non-Indigenous families make a significant contribution to ending poverty in a community of 269 people? The BC Government appears to working from a belief that economic expectations should be different for Indigenous people than for other Canadians; that it is somehow "normal" for Indigenous people to live in or near poverty, and that Indigenous people should be satisfied with a very small share of the wealth that is derived from their ancestral lands.

E&N Land

A key piece of guidance for reconciliation is contained in UNDRIP Article 28:

> 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
>
> 2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

[4] https://temexw.org/about/who-we-are/snaw-naw-as/

In brief, Article 28 says that Indigenous Peoples have the right to lands equal to those taken from them or else compensation of equal value. This principle is critically important in thinking about how reconciliation will unfold on south-eastern Vancouver Island, where a vast tract of land was privatized as part of a railway land grant.

Between 1884 and 1925, more than 800,000 ha of land on eastern Vancouver Island was transferred by federal Crown grant into private ownership, ostensibly as compensation for construction of the Esquimalt and Nanaimo (E&N) Railway, which in turn was intended to facilitate European settlement of the lands between Victoria and the Comox Valley. This area contained some of the most valuable old growth forests in BC and some of the most productive sites for forest growth in Canada, as well as much fertile land for agriculture. This transfer was completed without regard to the wishes or even survival needs of First Nations. Only a tiny fraction of the total area was allocated to their use, and even this was in the form of "Indian Reserves" (IR) under the paternalistic and oppressive control of the Government of Canada.

This land transfer was an act of theft. As legal scholar John Borrows has argued, "The Crown did not constitutionally possess a legal interest which allowed it to grant un-surrendered Aboriginal land to non-Aboriginal peoples in the first instance. . . The Crown cannot give to others what it does not itself possess." [5]

For over a hundred years, the Government of Canada waged a campaign of cultural genocide against Indigenous Peoples.[6] A key element of that campaign was the Indian Residential School (IRS) system, in which Indigenous children were abducted from their families for the purpose of destroying their cultural connection to their parents and communities.

The truth about the residential school system is somewhat known to most Canadians now, thanks in part to the work of the Truth and Reconciliation Commission. However, the residential school system was only one element of Canada's assault on Indigenous Peoples, their cultures, and their very existence. Moreover, the abduction of thousands of Indigenous children and the attack on their family and cultural connections was not a goal in itself, but primarily a means to an end.

In 1938, Reverend Alfred Caldwell, principal of a residential school in coastal British Columbia, wrote, "The problem with the Indians is one of morality and religion. They lack the basic fundamentals of civilized thought. At our school we strive to turn them into mature Christians

---

[5] Borrows, J. 2015. Aboriginal Title and Private Property. The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference Volume 71 (2015) Article 5. https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1307&context=sclr

[6] Truth and Reconciliation Commission of Canada. 2015. Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

who will learn how to behave in the world and surrender their barbaric way of life and their treaty rights, which keep them trapped on their land." [7]

As this quote makes clear, beyond simple ignorance and bigotry, one of the primary motives for attacking Indigenous culture in the residential schools was to break Indigenous Peoples' connections to their lands, in order to facilitate the theft of those lands for the benefit of the colonial society. The justification for this theft was a belief that the Europeans to whom the lands were given were racially and culturally superior to the Indigenous people from whom the lands were taken.[8]

Now, in 2021, the vast majority of Canadians repudiate such beliefs as scientifically baseless and morally repugnant. But the legacy of those beliefs lives on, because the pattern of land ownership and land uses that it created is still in place. We cannot undo what happened in the past, but we can make an honest and sincere effort at restitution. We must acknowledge that the seizing of the E&N lands was an unscrupulous act of theft and a heartless act of racism. We must ask, what was the impact of this theft? The Hul'qumi'num Treaty Group provide this glimpse into some of the effects:

> The E&N land grant removed vast areas of land from our control. In economic terms, we lost access to and influence over resources that had fed us for countless generations. As these private lands became 'developed,' fences and locked gates went up to block our entry to places where we'd always hunted, harvested plant foods and gathered other resources to meet our material needs. For over a century we've seen the natural wealth — timber, coal, minerals — leave our territory, making others wealthy at our expense.
>
> The loss of these lands also affected our cultural life. We are prevented from using areas of great cultural importance, including bathing areas, burial grounds and other special places. Many of these sites have been destroyed by development, lost to us forever.
>
> We've also lost access to many of the areas where we collected medicinal plants. All the best timber is now gone, making it difficult to carry on important traditions such as canoe-building and carving. Even finding wood to renovate and heat our longhouses is difficult.[9]

What can be done in restitution? UNDRIP Article 28 indicates that reconciliation must include a significant return of land to First Nations. But along the entire east coast of Vancouver Island from Sooke to Courtenay, and as far inland as Lake Cowichan and Port Alberni, there is very little Crown land, and almost none that is not already subject to some form of tenure. There is only one way enough land can be made available to First Nations on Southeastern Vancouver Island to satisfy the principle laid out in UNDRIP Article 28: the Federal and Provincial

---

[7] Quoted in Stolen Lives - The Indigenous Peoples of Canada and the Indian Residential Schools. https://www.facinghistory.org/sites/default/files/publications/Stolen_Lives_1.pdf.

[8] Truth and Reconciliation Commission of Canada. 2015. Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

[9] Hul'qumi'num Treaty Group. The Great Land Grab in Hul'qumi'num Territory. http://hulquminum.bc.ca/pubs/HTGRailwayBookSpreads.pdf?lbisphpreq=1

governments must re-acquire significant areas of private land to return to First Nations. This is not a new idea. The BC Treaty Commission states that in urban areas of the Province where Crown land is limited, private property will be critical to achieving final treaties.[10] The Snaw-naw-as First Nation's Traditional Territory may not meet everyone's definition of an "urban area" but it has so little available Crown land that reconciliation will be impossible unless a significant area of private land is acquired and returned to Snaw-naw-as control.

Federal and Provincial Responsibility

Both the Provincial and Federal governments have responsibilities to redress the wrongs of the E&N land grant/theft. As the Supreme Court made clear in *Guerin v. The Queen, 1984*, [11] the Federal government has a general "fiduciary responsibility" to "safeguard the interests" of Indigenous Peoples in Canada. The Federal government also has a specific responsibility due to having alienated a vast area from the control of Indigenous Peoples in the E&N land grant.

The Provincial government has a responsibility to redress the wrongs of the E&N land grant/theft due to a long series of legislative and policy actions it has taken to undermine Indigenous rights and title within the E&N lands to the financial benefit of private holders of those lands. More than 500,000 ha of the original E&N grant is now held by large forestry corporations which have been the recipients of enormous munificence of the Provincial government.

Consider, for example, the position the Province took in a court case brought by Hupačasath First Nation challenging the Province's decision in 2004 to allow Brookfield Asset Management to remove 70,000 ha of private forest land from Tree Farm Licence (TFL) 44 within Hupačasath traditional territory on Vancouver Island.[12] Among the effects of this removal was a shift in forest practices from those required under the *Forest Act* and the *Forest and Range Practices Act* (FRPA) to regulation under the *Private Managed Forest Land Act* (PMFLA) which required much lower standards of consultation and environmental safeguards and removed all requirements to regulate the volume of timber harvested to levels that could be sustained in the long term.

> In 2005, the Hupačasath launched a legal challenge against Minister of Forests, the Chief Forester, and Brookfield, arguing that a breach occurred in the "constitutional duty of the Provincial Crown to consult with them regarding the Crown's decisions to permit removal of the land from TFL 44" (Hupačasath First Nation v British Columbia 2005, para 5). However, the Crown and Brookfield argued that consultation and accommodations were not required for decisions and forestry operations on private land. . . Brookfield and the government effectively argued that the E&N land grants "extinguished" Indigenous rights and title to private land and therefore the Hupačasath were not entitled to consultation or accommodation regarding the removal decisions which accelerated logging activities on private land under the *PMFLA*.

[10] BC Treaty Commission, http://www.bctreaty.ca/land-and-resources

[11] *Guerin v. The Queen 1984*, summarized by Indigenous Corporate Training Inc. https://www.ictinc.ca/blog/guerin-v.-the-queen-1984

[12] *Hupačasath First Nation v British Columbia 2005*. https://www.bccourts.ca/jdb-txt/sc/05/17/2005bcsc1712.htm

In this court case, the Province joined with a multi-national resource corporation in arguing that Hupačasath title had been extinguished by the E&N land grant and that Hupačasath therefore had no right to be consulted in the regulation and management of the land that was taken from them without their consent as part of the E&N land grant. As the Truth and Reconciliation Commission (TRC) have explained, the basis for arguing that Aboriginal title can be unilaterally extinguished by the Crown rests on the "Doctrine of Discovery", the proposition that European colonial powers are entitled to claim ownership of lands they "discover" even if said lands are occupied by Indigenous people, because of a presumed inherent defect of Indigenous cultures and legal systems, whereby Indigenous people simply occupied, rather than owned, the land. The Doctrine of Discovery was condemned by the TRC as one of the foundations of cultural genocide. [13] Yet, as recently as 2005, the Government of BC relied on this centuries-old racist argument in seeking to further erode the already decimated rights of First Nations within the E&N land grant area.

In summary, the Governments of both Canada and British Columbia are under an urgent ethical obligation to re-acquire a significant area of the E&N lands and return them to the First Nations from whom they were stolen.

Conservation of Rare Ecosystems

A key factor in thinking about land use on Lasqueti Island Crown lands is the issue of conservation of mature and old forest ecosystems in the Coastal Douglas-fir (CDF) biogeoclimatic zone.

The CDF zone is the smallest and most at-risk ecological zone in BC.[14] The CDF zone contains the highest diversity of plant species in BC, the highest diversity of over-wintering bird species in Canada, and more species at risk than any other ecological zone in BC. Ninety-eight percent the ecological communities in the CDF are at risk. Eighty percent of land in the CDF is privately owned. Less than 1% of old-growth CDF forests remain. Within this context, any significant areas of forested Crown land in the CDF represent a rare and precious opportunity to conserve CDF forests and related ecosystems, such as wetlands and rocky outcrops.

History

It will be helpful to review some key events in the history of land use in the CDF in the past hundred years. Beginning early in the 20th century, timber was logged on various parcels of Crown land under various forms of temporary tenures. These tenures did not require any significant planning or management for values other than timber and expired soon after harvesting was completed. Reforestation was not required, although natural regeneration did occur to varying degrees in many areas. The last commercial logging of Crown land on Lasqueti

[13] Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada. http://www.trc.ca/assets/pdf/Executive_Summary_English_Web.pdf

[14] https://www.cdfcp.ca/index.php/about-the-cdfcp/conservation-strategy

occurred around 1972.[15] By that point, most of the easily accessible timber on Crown land on Lasqueti had been logged, but significant areas of old forest remained on less accessible sites or more challenging terrain. The predominant logging methods were "high-grading" as opposed to true clear-cutting. Large numbers of very old "veteran" trees were left standing in many areas.

Since the early 1970s, only small amounts of timber have been cut on Crown land, mainly to facilitate development of infrastructure such as water storage ponds, the sanitary landfill, the Lasqueti Island Community Hall, etc.

In 1974, the BC Government created the Islands Trust, a unique form of local government in the Gulf Islands. Under the Islands Trust Act, the object of the Islands Trust is to "preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

As this legislation made clear, it is not merely a local objective, but a Provincial objective, to preserve and protect the trust area's amenities and environment, and the Provincial government intends that its agencies should cooperate with the Islands Trust to achieve that objective.

In the late 1980s, several individuals contacted the Ministry of Forests (as it was called then) expressing interest in obtaining a Woodlot Licence on Crown land on Lasqueti Island. District staff (I believe Lasqueti was in Sunshine Coast Forest District at that time) contacted the Lasqueti Island Local Trust Committee (LTC) to ask which Crown Land parcels the LTC would consider suitable for that use. The LTC appointed a Lasqueti Island Crown Land Task Force (LICLTF) which collected information, surveyed the Lasqueti Island community, and considered options. The LICLTF recommended that ecosystem conservation was the best use of the Lasqueti Islands Crown land, because they constituted some of the largest blocks of contiguous CDF zone forest in existence. The LICLTF recommended that a Woodlot Licence or other tenure that included timber harvesting should not be issued, and that conservation designations should be applied instead.[16] These recommendations were communicated by the Lasqueti Island Trust Committee to MOF, and MOF did not proceed with offering a Woodlot License on Lasqueti. However, no action was taken to formalize a conservation status for these lands or undertake a planning process that might lead to a conservation designation.

Starting in 1992, the Commission on Resources and Environment (CORE) appointed by the BC Government undertook a comprehensive, consultative land use planning process for Vancouver Island. One of the Province's important goals was to work towards representation of 12% of major types of ecosystems in protected areas. At the outset of the Vancouver Island CORE

[15] Ferris, C and D. Hopwood. 1990 . An Ecological Description of the Crown Land of Lasqueti Island. Report to BC Ministry of Forests and Lasqueti Island Trust Committee.
[16] Lasqueti Island Crown Land Task Force Report. 1991.Prepared for Lasqueti Island Trust Committee.

process, there was consideration of whether the planning area should encompass the Gulf Islands. It was recognized that there were high conversation values present in the islands; but there was also concern that the broad-scale approach appropriate to Vancouver Island would be too coarse for effective planning in the islands. Accordingly, the Gulf Islands were not included in the Vancouver Islands process, and government agencies recognized at the time that there was a need to create a separate higher level planning process tailored to the unique conditions in the Gulf Islands. And yet, that never happened. The Vancouver Island Land Use Plan (VILUP) was completed in 2000, and increased the amount of protected area on Vancouver Island from 6 to 13%. No comparable strategic planning process was undertaken in the Gulf Islands.

In 1999, the BC Ministry of Environment, Lands and Parks published a brochure on Ecosystems in British Columbia at Risk: Coastal Douglas-fir Ecosystems, which noted that the representation of old Coastal Douglas-fir forests in protected areas was "far below what scientists consider to be the minimum area required for the continued survival of these forest types." [17] The brochure stated that:

> Even if efforts to protect all remaining old-growth stands are successful, additional areas of older second-growth forest will have to be protected and allowed to recover to an old-growth state in order to ensure adequate representation of these forest types in the future.

Also in 1999, the BC Ministry of Forests published a brochure, The Ecology of the Coastal-Douglas-fir Zone, which stated that the CDF zone has "some of the province's rarest vegetation, which is seriously threatened by growing human settlement".[18] The brochure noted that old forest in the CDF zone has important habitat values for wildlife, but that "very little old forest remains, having been mostly converted to farms, residences or second-growth forests".

Also in 1999, the Ministry of Forests and Islands Trust mutually agreed to a Letter of Understanding (LOU) concerning the establishment of Woodlots in the Islands Trust Area.[19] The LOU stated that "Islands Trust will be provided the opportunity for input into the criteria for evaluating applications for woodlot licences within the Islands Trust Area", and that "proposals for the creation of woodlot licences will be circulated to Islands Trust for comment."

In 2003, the BC Forest Practice Board (FPB) advised the BC Government that:

> Effective public consultation requires providing an opportunity for public input at the appropriate planning level. Concerns about land use, such as permitting logging rather than creating a protected area, need to be addressed in strategic land and resource management

[17] BC Ministry of Environment, Lands and Parks. 1999. Ecosystems in British Columbia at Risk: Coastal Douglas-fir Ecosystems. https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/species-ecosystems-at-risk/brochures/coastal_douglas_fir_ecosystems.pdf

[18] BC Ministry of Forests. 1999. The Ecology of the Coastal-Douglas-fir Zone. https://www.for.gov.bc.ca/hfd/pubs/docs/bro/bro30.pdf

[19] http://www.islandstrust.bc.ca/trust-council/cooperation-agreements/provincial/

> plans. Concerns about landscape-level issues, such as protecting habitat for species like caribou or grizzly bears, need to be addressed in landscape-level plans. Finally, concerns about proposed roads and cutblock locations need to be addressed in operational or site plans. If concerns are directed to the wrong planning level, they cannot be properly addressed and the result will be dissatisfaction for all parties.
>
> The Board's view is that the public must have an opportunity to access and provide input at all planning levels, from strategic through to operational, depending on their specific interests and how they are affected by forest operations.[20]

Despite this advice, and the well understood need to make decisions about the future of Crown lands in the CDF zone and the Gulf islands, the BC Government did not implement a strategic land use planning process for the Gulf Islands.

In 2005, the Lasqueti Island Local Trust Committee adopted Bylaw No. 77 Lasqueti Island Official Community Plan (OCP) containing the following information and objectives with regards to Crown land on Lasqueti Island.[21]

> The Lasqueti Island Local Trust Area has significant areas of Crown land, including some of the largest undeveloped and unroaded blocks of land remaining in the CDF. Some areas have never been logged and others, with mature second growth, have good potential to develop into old growth. The Crown lands on Lasqueti Island have very high conservation value because they can contribute to conservation of provincially significant rare and uncommon ecosystems including Douglas-fir old growth forests; Douglas-fir/Arbutus forests and other ecosystems that are under-represented in British Columbia's protected area system.
>
> The Lasqueti community believes that the public of British Columbia realizes the greatest benefit from these Crown lands as large parcels with low density and minimal development. Among other strongly expressed reports and forums, the Crown Land Task Force presented a report in 1991 to the Lasqueti Island Local Trust Committee containing recommendations for the use of Crown lands in the Lasqueti Local Trust Area. The Local Trust Committee refers to this report as an indication of the community's desires concerning the use of Crown land before making any recommendations to the Ministry responsible for Crown lands.
>
> **Objectives**
>
> - preserve Crown lands for public enjoyment and community use.
> - take into account the conservation values on Crown Lands as the primary consideration in decision making.

In 2007, the BC Government adopted a "New direction for strategic land use planning in BC.[22] Contrary to the advice of the FPB, and despite the many documented benefits of strategic land

[20] Board Bulletin, Volume 3 – Opportunity for Public Consultation under the *Forest and Range Practices Act.* (2003). https://www.bcfpb.ca/wp-content/uploads/2016/04/003-Volume-3-Information-Bulletin.pdf

[21] http://islandstrust.bc.ca/media/342714/labylbaseocp0077.pdf

[22] A New Direction for Strategic Land Use Planning in BC: Synopsis. Integrated Land Management Bureau, Ministry of Agriculture and Lands, December, 2006. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/policies-guides/new_direction_synopsis.pdf

use planning, the new direction called for strict limits on the use of strategic land use planning and a strictly limited role for public participation in planning processes that did occur. Under this new direction, it was not clear whether a participatory strategic planning process would be contemplated to address conservation of CDF ecosystems in the Gulf Islands and elsewhere.

In 2007, the BC Forest Practices Board (FPB) investigated a complaint about woodlot harvesting in the Coastal Douglas-fir ecosystem. The FPB found that:

> Red-listed plant communities are imperilled in the CDF and are at some risk of harm from forest harvesting (and other land development). The limited amount of Crown land available within the CDF, and the history of use on those lands, presents a special challenge to stewardship of the ecosystem. This investigation and previous Board work indicates that an overall stewardship strategy is needed—one that encompasses the full range of red-listed plant communities and the habitats and species they support.[23]

The FPB recommended that "government promptly finalize and implement an overall stewardship strategy for the CDF ecosystem." This recommendation was not followed.

In June, 2010, the FPB investigated a second complaint about forest harvesting in the CDF ecosystem, and found that "harvesting mature or old forest in the CDF. . . is not consistent with a vision of overall ecosystem integrity".[24]

In July, 2010, the BC Government informed the FPB that government had issued a land use objectives order to protect 1600 ha of CDF forest.[25] Most of the additional protected lands were on Vancouver Island; none were on Lasqueti Island. This order was not developed through a strategic land use planning process, and seems to confirm that Government does not intend to undertake participatory strategic planning for the Gulf Islands or CDF ecosystems.

In 2011, the FPB investigated yet another complaint about forest harvesting in the CDF ecosystem. The FPB report stated that:

> Government has undertaken some measures, including protection of some additional land; however, the result to date is that ecosystem viability remains at high risk. In the Board's view, it will remain so until the amount of older forest stands within the ecosystem is substantially increased.[26]

---

[23] Woodlot Harvesting and Red-listed Plant Communities in the Coastal Douglas-fir Ecosystem of Vancouver Island Complaint Investigation: 060733 FPB/IRC/127 September 2007. https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC127-Woodlot-Harvesting-Red-Listed-Plant-Communities.pdf

[24] Conservation of Imperilled Coastal Douglas-fir Ecosystem. FPB/IRC/168. June 2010. https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC168-Nanoose.pdf

[25] Letter from Heather MacKnight to Al Gorley, dated July 30, 2010. https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC168-CDF-Order_0-1.pdf

[26] Logging on District Lot 33 within the Coastal Douglas-fir Ecosystem *Complaint Investigation 100950* FPB/IRC/173 January 2011. https://www.bcfpb.ca/wp-content/uploads/2016/04/IRC173-Logging-on-DL-33-within-the-Coastal-Douglas-fir-Ecosystem-WEB.pdf

In 2012, the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) was launched, with membership including the BC Ministry of Environment and Climate Change Strategy and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (South Coast and West Coast Regions), and with the following Terms of Reference:

> The CDFCP is intended to be a forum for communication and collaboration regarding the maintenance and restoration of healthy Coastal Douglas-fir and Associated Ecosystems (CDFAE) (see map in Appendix A). The CDFCP recognizes the need for shared stewardship of CDFAE and will strive to focus resources collaboratively, strategically and transparently so as not to duplicate existing conservation efforts and to maximize conservation gains.
>
> The CDFCP will strive to strategically address ongoing threats to CDFAE conservation due to growing human populations, development, and resource use through collaborative engagement of parties with the goal of raising awareness of conservation issues and promoting conservation objectives in a respectful manner.
>
> The CDFCP will endeavour to support and explore synergies with its partners and will recognize existing conservation planning and initiatives and will endeavor to build upon, promote and support those initiatives whenever possible and incorporate existing plans into CDFCP outcomes. The Partnership will strive to not negatively impact a partner's ability to carry out their mandate.
>
> The CDFCP recognizes the importance of basing decisions on the best available science and will provide an information sharing forum to disseminate information such as mapping resources and provide advice to support conservation initiatives occurring throughout the CDF and CWHxm1. [27]

The CDFCP produced a brochure on Coastal Douglas-fir Ecosystems which noted that CDF ecosystems are "rare and highly endangered" [28] and that 98% of CDF zone ecological communities are at risk of being lost.

In 2015, the CDFCP published a Conservation Strategy, which noted that "the extent of disturbance, combined with the low level of protection, places the ecological integrity of the CDF zone at high risk."[29]

In 2018, the Provincial Government added 980 ha of CDF land to the 2016 land use objectives order.[30] The additional lands were mostly on Vancouver Island. None were on Lasqueti Island.

---

[27] https://www.cdfcp.ca/index.php/get-involved/terms-of-reference

[28] Coastal Douglas-fir Coastal Douglas-fir and Associated Ecosystems Conservation Partnership. Coastal Douglas-fir Ecosystems. https://www.cdfcp.ca/index.php/about/cdf-brochure-for-landowners

[29] Coastal Douglas-fir Coastal Douglas-fir and Associated Ecosystems Conservation Partnership. 2015 Conservation Strategy. Https://www.cdfcp.ca/attachments/CDFCP_CS_2015.pdf

[30] Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Ministerial Order. Coastal Douglas-fir moist maritime (CDFmm). Biogeoclimatic Subzone

In 2018, the Chief Forester completed a new Allowable Annual Cut (AAC) determination for the Arrowsmith Timber Supply Area (TSA). In her Rationale report for the AAC, the Chief Forester discussed the role of Gulf Islands Crown land forests in the Timber Harvesting Land Base (THLB):

> As described under 'Gulf Islands', there is currently no land use decision made by government excluding the 810 hectares of Crown forest on the Gulf Islands. Despite this area being legislatively defined as part of the THLB, little or no harvesting has occurred on many of the Gulf Islands for the past 20 years. This is due to increasing pressure to manage these islands for non-timber values such as the conservation of the Coastal Douglas-fir biogeoclimatic zone (CDFmm).
>
> Although I recognize the harvesting challenges of operating here, this area is still legally part of the THLB. Therefore, until there is a land use decision made by government, I will account for half of the potential THLB (208 hectares) contributing to the timber supply of this TSA.[31]

In this statement, the Chief Forester is not expressing an opinion as to whether Crown Lands on the Gulf Islands should be used for timber harvesting. Rather, she is saying that it is the role of government, not the Chief Forester, to make land use decisions. Her point is that until or unless there is a land use decision made by government, she finds it necessary to consider Crown lands in the Gulf Islands as contributing at least partially to the THLB, and that this in turn will make it imperative to eventually harvest timber on these lands. This was a clear message from a senior advisor to the Minister that unless the government's intent was to see mature CDF forests logged rather than protected, there was a pressing need for government to make a land use decision, rather than continuing to ignore the increasingly problematic contradiction between the unprotected status of these lands and Provincial and local government objectives for the Gulf Islands and the CDF zone. No land use decision was made.

Crown lands on the Gulf Islands have been considered part of the THLB since at least 1986, when the Arrowsmith TSA was formed from portions of the former Nootka and Quadra TSAs, and most likely since 1979, when the Forest Act was amended to introduce the current system of AAC determination.

As this short history makes clear, over a thirty-year period, the Government of BC has been advised by the Islands Trust, by the Commission on Resources and Environment, by the Forest Practices Board, and by the Chief Forester, of the need to address the future of the CDF zone and Gulf Island forests by making a land use decision.

Consolidated Version1. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/westcoast-region/southisland-lu/southisland_cdfmm_luor_27jun2018consolidated.pdf

[31] British Columbia Ministry of Forests, Lands Natural Resource Operations and Rural Development. Arrowsmith Timber Supply Area Rationale for Allowable Annual Cut (AAC) Determination, February 9, 2018 Diane Nicholls, RPF, Chief Forester. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/stewardship/forest-analysis-inventory/tsr-annual-allowable-cut/arrowsmith_tsa_rationale_2018.pdf

The fact that Lasqueti Island Crown lands are considered part of the THLB is not the result of any planning process or land use decision whatsoever. On the contrary, it is a default status from forty years ago that is still in place due to a protracted failure on the part of the BC Government to undertake land use planning and/or make land use decisions. In failing to do so, the Government has chronically ignored established principles of sound forest management with regards to land use planning, and repeatedly ignored the specific counsel of its own most informed and most senior advisors with regards to CDF ecosystems.

CDF Harvesting Cannot be Reconciled with Conservation

The Provincial government has acknowledged the importance of conservation in the CDF zone in words. For example the preamble to 2018 South Coast CDF land use order states that the Province is "committed to managing Crown land within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone in a manner that provides protection for rare or endangered plant communities." However, this statement cannot be reconciled with the proposal to issue a forest harvesting tenure on Crown land on Lasqueti Island. Virtually all of the harvestable forest within the Lasqueti Crown lands proposed for the FNWL belongs to one of the following four ecological communities:[32]

- Douglas-fir / dull Oregon-grape,
- Douglas-fir - arbutus,
- grand fir / dull Oregon-grape,
- grand fir / three-leaved foamflower.

According to the BC Government's online Species and Ecosystems Explorer[33] all four of these ecological communities are provincially red-listed, which means they are at risk of being lost (extirpated, endangered or threatened).[34] Three of the four have a Provincial Conservation Status Rank of S1, meaning "critically imperilled" while one (Douglas-fir – arbutus) has a rank of S2, meaning "imperilled". Conservation of these ecosystems cannot be accomplished by using modified or special harvesting practices. It is simply impossible to harvest any significant volume of timber from Crown land on Lasqueti Island and at the same time provide protection for these rare and endangered ecological communities.

Potential for Strained Relations

In addition to the economic inadequacy of the proposed FNWL, I am concerned that timber harvesting operations on the Lasqueti Island lands within the proposed FNWL will likely lead to strained relations between members of the Snaw-naw-as First Nation and members of the Lasqueti Island community. The proposed FNWL contains 323 ha of Crown land on Lasqueti

[32] Ferris, C. and D. Hopwood. 1990. An Ecological Description of the Crown Land of Lasqueti Island. Report to the BC Ministry of Forests and Lasqueti Island Trust Committee.
[33] https://a100.gov.bc.ca/pub/eswp/
[34] https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists

Island, all of which is within the Coastal Douglas-fir (CDF) biogeoclimatic zone. Crown land forests on Lasqueti Island are environmentally sensitive and have high conservation values.

The Lasqueti Island community has a long history of working to conserve forests and ecosystems on Lasqueti and the nearby islands. Lasqueti community members played a key role in donating and raising funds to purchase private land that became Squitty Bay Provincial Park in 1988 and Jedediah Island Provincial Park in 1994.[35] More recently, substantial funds were raised locally to purchase additional land for Squitty Bay Provincial Park. There are also four Islands Trust Conservancy nature reserves on Lasqueti Island that were created through local donations of land and/or money. A high proportion of Lasqueti residents believe that forest harvesting is not an appropriate use for Crown Lands on Lasqueti. This belief cannot be dismissed as a case of "NIMBYism". It stems from a principled and science-informed commitment to conserving some key elements of the biodiversity that is the foundation of all human well-being. As I have documented BC residents, especially those in the Gulf Islands, have been told over and over by Provincial government agencies and other respected sources that CDF ecosystems are rare and highly endangered, and that conservation of these ecosystems is an important Provincial objective.

It seems sadly inevitable that the proposed FNLW will result in strained relations between Snaw-naw-as First Nation and the residents of Lasqueti Island. Snaw-naw-as will quite reasonably want to realize badly needed revenue from the tenure. Lasqueti Islanders, equally reasonably, will be deeply distressed to see harvesting of the rare CDF zone forests they are committed to stewarding. Residents will also have safety concerns about logging trucks operating on the island's narrow loose-surfaced roads, which must be shared with children and adults on foot and bicycle as well as in vehicles. The tension will not come from either party acting unreasonably, but from the BC Government having forced them into a position of conflicting interests in the land by failing to provide adequate economic opportunities for Snaw-naw-as on lands where timber harvesting is a suitable use. It is manifestly unfair for the Province to put Snaw-naw-as First Nation in the position of having to choose between badly needed revenue and responsible stewardship of imperilled ecosystems.

It is also unfair to members of the Lasqueti island community, many of whom are passionately committed to the principles of reconciliation and to conservation of endangered ecosystems.

To repeat the words of the Truth and Reconciliation Commission, "reconciliation is about establishing and maintaining a <u>mutually</u> respectful relationship between Aboriginal and non-Aboriginal peoples". The FNWL as proposed will make it harder for all parties—Snaw-naw-as, the Lasqueti community, and the Province—to achieve that goal.

[35] https://bcparks.ca/planning/mgmtplns/jedediah/jedmp/jed001.html

Province's Failure to Plan or Consult

It also seems to me that the Provincial Government and its agencies should strive to act as role models, demonstrating by actions, not just words, what a respectful relationship looks like. However, the BC Government has modeled the opposite of respectful behavior towards the Lasqueti Island community in its process of developing the proposed FNWL.

Over the past 30 years, the Province has repeatedly failed to undertake land use planning or make land use decisions that account for the views of the Lasqueti community concerning the Crown lands. More recently, the BC Government failed to consult the Lasqueti Island community concerning the proposed FNWL which would allow significant timber harvesting on Lasqueti Island Crown lands. MFLNRORD's failure to consult with the Lasqueti Island Trust Committee prior to offering the FNWL was directly contrary to the intent and spirit of:

- *Islands Trust Act*,
- *Letter of Understanding between the Ministry of Forests and Islands Trust Concerning the establishment of Woodlots in the Islands Trust Area*,
- Coastal Douglas-fir and Associated Ecosystems Conservation Partnership *Terms of Reference*,
- Forest Practices Board Bulletin, Volume 3 - Opportunity for Public Consultation under the *Forest and Range Practices Act.*

This failure cannot have been a result of mere negligence. On September 4, 2020, MFLNRORD invited comments from "stakeholders within the Lasqueti area" on proposed changes to Visual Quality Objectives (VQOs) for Lasqueti Island. It is clear now that the new VQOs were developed as part of the process for developing the FNWL. And yet, MFLNRORD staff made no mention of the proposed FNWL even to members of the public (including myself) who questioned why new VQO s were being developed for Lasqueti at this time. This was secrecy carried to the point of deceit. (Note that I am not alleging misconduct on the part of any individual. I do not know who made the decision that MFLNRORD employees were not to share information about the proposed FNWL when communicating with the public about the VQOs.)

Recent years have seen a shift towards greater emphasis on consultation with First Nations on matters of land use and management of Crown lands. That is as it should be, and indeed I spent much of my professional forestry career working to bring about exactly that change.[36] But that does not mean that consultation with the non-Indigenous public has become irrelevant or unnecessary. In the process of developing a tenure opportunity for Snaw-naw-as First Nation, the BC Government has acted disrespectfully towards the community of Lasqueti Island, and has thus acted contrary to the most basic principle of reconciliation: the need to build mutually respectful relationships.

[36] For example, see Hopwood, D. 2002. *What Lies Beneath: Responding to Forest Development Plans, A Guide for First Nations.* Ecotrust Canada. http://archive.ecotrust.org/publications/what_lies_beneath.html