Tenure Reform in British Columbia? Model, Trust and Charter Forests

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By retaining 91% of the forests in public ownership, British Columbia (BC) holds one of the world's highest proportion of forest land under a public-sector model for the development and management of the province's increasingly valuable forest resource. Public ownership implies that critical linkages between the natural forest resource endowment, public-sector management policies and the standard of living of the people of the province are to be forged. Yet, the emerging changes in fundamental public perception of the appropriate use of forests suggests that some of these policies, especially as they relate to forest tenure, are failing to respond to the needs of people in the 21st century. Some of those linkages require retooling. Although somewhat constrained by past forest activities and policies, the provincial government possesses broad authority across the entire public and private forest system to regulate forest practices and determine rate of cut, stumpage, royalties and rents. It can change the way it does business. It can also devolve responsibility and decision-making to local institutions and create innovative ways of moving toward sustainable forestry. This paper argues that a tenure option developing in the United States – charter forests – may have application in BC and explores briefly how five types of pilots could be tested in the province.

Key words: tenure reform, charter forests, state trust lands, Canadian model forest network, sustainable forest management

INTRODUCTION

Over the last 130 years, various British Columbia provincial governments have struggled with the development of forest policies for public lands. They have had special problems in generating policies that could anticipate or adequately respond to requirements brought on by social, economic and environmental transformations. In the last decade or so, the pace and magnitude of change have almost overwhelmed the provincial government's ability to cope. Commenting on political inertia Wilson (1988, p. 32) observed, 'The collective political imagination was not very fertile; consciousness of costs, benefits, risks and alternatives have remained rather low'. The lack alternatives in public forest governance have generated unexpected results. The crosscurrent in messages from various publics and the inability of government to generate acceptable alternatives is causing partial policy

paralysis. The inability of the public sector to guide the forest sector effectively through the complex maze of forest issues being confronted at the onset of the 21st century is undermining the idea of public forest ownership.

A similar situation is occurring in the United States as federal natural resource agencies, and particularly the USDA Forest Service (USFS), struggle to manage that Nation's federal lands and resources in the face of many different and competing interests. In recent years, public groups and land management agencies have become mired in costly litigation and emotional discourse over public land management decisions. Since 1983, nearly 1,200 appeals of forest plans occurred that have prevented the USFS from implementing forest plans as projected (Steelman 1999). This legal gridlock suggests that the USFS is also bound in a legal and regulatory framework that could be substantially improved by changes in its traditional decision-making practices by turning back some of the responsibility to locally-based institutions.

It is not surprising that BC and the USA are experiencing correspondent problems in the administration of public forests. The BC and US Forest Services evolved in a remarkably similar fashion. When British Columbia's Land Act of 1896 carefully defined Crown timberland and reserved more than 91% of such lands from sale, the Noble-Bowers Amendment that repealed the Timber and Stone Act and authorised the creation of the federal Forest Reserves had been law in the USA for five years. Both the USA and BC use a similar cast of characters in idea development.

Bernhard Fernow, later to be the first chair of the Faculty of Forestry at the University of Toronto in Canada, was a professional forester and Chief of the Division of Forestry in the Department of Agriculture when President Harrison under this 1891 legislation set aside the Yellowstone Park Timberland Reserve of over 0.5 ha, the first of the forest reserves in the USA. His successor, Gifford Pinchot, lobbied and eventually saw the federal forest reserves transferred to the Department of Agriculture's fledgling forest service in 1905 for their administration (Clepper 1961).

In both countries, predominately in the west, where timbered land could be dedicated to forestry, public-sector models emerged for the conservation of an increasingly valuable forest resource. In North America, public ownership implied that critical linkages were to be forged between the natural forest resource endowment, public-sector management policies and the standard of living of the people were to be forged. For after all, 'the purpose of forestry is to make the forest produce the largest possible amount of whatever crop or service will be most useful, and keep on producing it for generation after generation of men and trees.' (Pinchot 1972, p. 32).

The profession of forestry and the USFS and BC's Ministry of Forests are direct descendents of a set of ideas emanating from the North American Progressive Conservation Movement of the late 19th and early 20th centuries and its maxim of 'scientific management' (Roach 1984, Nelson 1999,Thomas and Burchfield 1999). Pinchot chaired the first meeting of the Society of American Foresters in November 1900. One of its attendees, Overton Price, was to play a central role in defining the structure of the BC Forest Service (Pinchot 1972). In March 1903, President T. Roosevelt addressed the Society and advised:

> Your attention must be directed to the preservation of the forests, not as an end in itself, but as a means of preserving and increasing the prosperity of the nation. 'Forestry is the preservation of forests by wise use', to quote a phrase I used in my first message to Congress. Keep before your minds that definition. (Roosevelt 1905, p. 5).

The Pendleton Act of 1883 established the merit system for the US civil service. Three years later Dr. Fernow took over the Division of Forestry. His ideas of professionalism and of the forester's role probably came from his Prussian education and he apparently began modelling the Service's organisation after the teachings of Max Weber and the Prussian civil service. Weber saw that officialdom functioned according to principles that involved management adhering to a set of rules.

Gifford Pinchot as the first Chief of the new USFS was, like Fernow, concerned about rules. He abhorred political appointments because they often resulted in selection of people for reasons other than ability to do the job and they often perverted the employee's loyalty (Pinchot 1972). Pinchot tried to eliminate political appointments and dismissals in USFS and established a powerful bureaucratic culture built on a simple mission and high esprit de corps—the USFS in the Department of Agriculture.

> Every member of the Service realised that it was engaged in a great and necessary undertaking in which the whole future of their country was at stake. The Service had a clear understanding of where it was going, it was determined to get there, and it was never afraid to fight for what was right (Pinchot 1972, p. 285).

Pinchot advised the BC Royal Commission inquiring into all matters connected with the timber resources to obtain the testimony of Overton Price. Later, Pinchot advised William Ross, Minister of Lands, to use Price in planning the organisation of the new BC forestry organisation (Roach 1984). Price was a former student of Pinchot and worked for Pinchot as a USFS employee. Price also worked with Pinchot as the vice-president of the US National Conservation Association,

Because ideas shape institutions and give them social legitimacy, it is not surprising that the profession of forestry, the USFS and the BC Ministry of Forests today all share a declining constituency and a growing level of public distrust (Thomas 1999, BC Professional Foresters 2002). Social values have changed. The USA and Canada are not agricultural nations dominated by rural communities living directly from the land as they were at the turn of the century. At root are issues surrounding the administration and use of public lands, the role of the private sector in the management of the public forested estate and the new maturing environmental movement.

The purpose of this paper is to add depth to the discussion of alternative development in land tenure reform. After developing the historic background and defining the issues, the paper argues that a model that evolved in the United States – state trust lands – may have application in BC, and explores briefly how five types of pilots, already in place in Idaho, are related to the emerging idea of charter forests.

'ANALYSIS PARALYSIS' IN THE USFS

The future of the USFS is now in doubt and it is an open question whether the Forest Service will survive to its first centennial in 2005 (Nelson 2000, FOG 2002). Yet, a little over 50 years ago this was not the case. A 1952 copy of Newsweek credited the phenomenal efficiency of the USFS to two policies: decentralisation and cooperation. In the 1960s, management of the public forests began to be questioned in an emerging national debate over the role of public lands in the United States. Predictably, the Service reacted to the debate in a Prussian manner – it 'closed ranks'. By the 1980s, the Service had become increasingly centralised with regional foresters making decisions once delegated to district rangers and the Chief making decisions that used to be made by the region.

Top-down, centralised management combined with a poorly designed and implemented public dialogue in the decision-making process led to ever-increasing conflict and even violence over the issues in national forests (Behan 1964). Coinciding with centralisation of decision-making authority in the USFS was the accumulation of laws, regulations and legal interpretations of those laws. Under the stresses required to comply with the large number of often-conflicting laws along with changing demand and perceptions of an increasingly active general public, the Service became confused about its mission and the ideas underlying its social legitimacy (Nelson, 1999). This has led to the situation described by Forest Service Chief Emeritus Jack Ward Thomas as 'analysis paralysis' or a situation where ongoing processes lead to little or no management action (Thomas 2001).

Both the US federal and the BC provincial governments have long thought of forests as the economic engine driving growth and providing financial and material benefits to the community. Yet, other and often competing forest uses and values have emerged. A variety of forest values that have little to do with the generation of economic or material wealth are being recognised as fundamental in sustainable forest management. Biodiversity, ecological health, old growth, protected areas, and wilderness are ideas that often conflict with traditional resource values that functioned as the framework for the historic development of public forest management institutions and institutional arrangements.

In BC, the existing timber tenure system is the fruition of the old utilitarian approach of Pinchot and Roosevelt. It is a complex mix of licensing agreements developed since 1876. The main ideas driving the evolution of the tenure system – and never seriously challenged until recently – are the private exploitation of public resources to generate and sustain both economic wealth and employment. The ideas embedded in this policy are in conflict with emerging values that are viewed as important by many environmental groups. As these new concerns were ignored or marginalised by resource management professionals, industry and politicians, various publics responded by organizing and intensifying their influence (Wilson 1998).

In the USA, the Northwest Plan was grounded in conflicts associated with pressures to protect old-growth forests and their associated species (Stankey *et. al* 2003). In BC, resource decisions have been forced by environmental conflict. Clayoquot Sound, site of the largest case of civil disobedience in recent Canadian history, and the 'Great Bear Rain Forest', subject of an international marketing

campaign by Greenpeace International, are two of the more publicised cases of environmental conflict.

Thomas alludes to citizens concerned about the environment as fodder for the 'conflict industry.' He suggested that this 'industry' has had a severe negative impact on federal public lands decision-making in the USA. In dealing with this 'industry', he suggests that foresters and forest decision-makers in Canada have two choices. They can 'try to ignore the environmentalists, or, at least, marginalise their impact through political machination or accept the legitimacy of their concerns and their rights to be concerned and politically active' (Thomas 2002, p. 384). Wilson (1998) made a strong argument that the BC government had embarked on the former path through the 1990s.

While gridlock is not yet a pervasive characteristic of the institutional arrangements for public resource management in the province as it is in the US, the elements for its expression are all present. They just need a catalyst. The 2001 Census confirms that the population of the province is predominantly metropolitan, with 2 million people or 51% of the population living in the Vancouver Census Metropolitan Area. Another 8% live in the Victoria Census Metropolitan Area (Baxter and Ramlo 2002). Many of these people are beginning to perceive that they are the real owners of the public forest estate. They are only indirectly economically dependent on the forest. They tend to think that non-economic values have primacy over financial considerations in managing the assets of public estate.

THE BC TENURE SITUATION

It is clear that the existing tenure system in BC did provide a stable and reliable supply of timber, permitting licensees to make long-term plans for integrated processing investments. By 1974, the system had resulted in 'an integrated and diversified industry' as well as other improved characteristics of a sustained-yield timber economy over those of the unregulated era prior to the Second World War (Ainscough 1976).

Unfortunately, the amalgam of industry, government politicians, administrators and regulators has been hard pressed to modify adequately the tenure model to balance the newly emerged public demands on the forest resource. In examining the non-competitive timber sales policy of the province, A. Milton Moore (1976, p. 91.) in an examination of competitive versus non-competitive timber sales proposed ' the government establishing a large number of crown corporations to manage its forests, harvesting the trees and selling logs' as an alternative to the Crown selling off its timberlands. While he did not think his idea was practical, his identification of the monopsony power of the state and the inefficiencies of divided jurisdictions were important limitations to his crown corporation model. He gave these basic reasons for apparent institutional failure:

- Licensees possess property rights to the lands under lease,
- The industry has adapted to the existing system and there would be substantial costs of converting to another system, and most critically,
- The forestry department does not accept the economist's criteria for optimal investment decisions

The wisdom of holding forestland, especially such a large proportion, in the provincial public domain is now being questioned in British Columbia (Zhang 1996, Binkley 1997, Stephens 1998). Binkley (1997) argued that government has not used economic efficiency criteria in resource allocation. Binkley concluded that by concentrating timber management efforts on the best accessible areas and sites, the provincial government could increase simultaneously the volume of timber and other outputs such as amenity values and biodiversity. One implication of such a 'zonation' model is that the public and the tenure-holder remain linked but neither 'partner' can maximise its objectives. Moore (1976, p. 93) notes:

> In the final analysis, the lessee must live with uncertainty that the owner of the timberlands may act imprudently. And the Crown has no alternative but to allow the mills a share of the economic rents of the timberlands to compensate them for assuming that risk. Unavoidably, the Crown and the private corporations are in partnership.

Because of the strength of this partnership, most industrial and community groups argue that reform in tenure and pricing arrangements is more critical than reform in ownership (COFI 1999, Cathro and Walsh 2000, PWC 2000).

Basic underlying assumptions in the timber tenure system along with emerging issues in public values require resolution. Can the tenure system be modified to protect or enhance competing forestland values? Is natural forest resource wealth being lost and dissipated because of the lack of application of economic efficiency criteria in resource allocation and use? Are public forest policies resulting in income distributions permitting some areas to grow and prosper at the expense of other more resource-dependent areas? If so, what alternatives exist to mitigate the loss of the resource asset and 'policy-dependent' income distributions?

Recognising BC's Need for a Change in Tenure Relationships

While not directly addressing the questions noted above, the BC government over the last two decades, with added pressure from the USA, has increasingly recognised the need for tenure and pricing reform in its public forestlands. There have been a number of forest policy reviews in the province. Besides the four Royal Commissions earlier in the 20th century, three general provincial policy enquiries have occurred in the last 20 years with one general policy review reported in March 2000 and another reported upon in 2002, with follow-up legislation initiated in April 2003. These policy enquiries were limited in scope or severely hampered by pre-review assumptions and agendas. For example: to facilitate the 2000 enquiry the Minister of Forests proposed a set of common principles to start discussions (MOF 1999, p. 4). These were:

- British Columbia will manage its forests in a variety of ways based on a system of Crown lands and tenures.
- Forests will be biologically, socially and economically sustainable in order to enhance the quality of life for all British Columbians.
- Forest heritage will be preserved, ensuring parks and protected areas to maintain British Columbia's Biodiversity.

- A globally competitive, dynamic and diverse forest industry will be encouraged, that recognises the needs of other commercial users of the land such as the growing tourism sector.
- By recognizing the full range of forest values, forests will provide stable jobs and communities.
- The value of every tree we cut and plant will be maximised.
- BC will continue to develop an effective and efficient system of forest regulation.
- Forest policies will respect aboriginal rights and encourage an increased role for aboriginal peoples in the working forest.

The ideas behind the 'principles' suggested the continued reliance on the basic and possibly flawed assumptions associated with timber tenures in BC. The continued reliance on public ownership, with licensees possessing property rights and the lack of use of economic criteria in allocating tenures and investment decisions, lead the list (Wagner 2001). Also, these principles indicated that there was a predetermined agenda for the policy review. It appeared that there would be a continued emphasis on centrally dominated planning and regulation for timber extraction in current pricing and timber tenure arrangements under the administration of the Ministry of Forests or, in other words, a continued emphasis on the status quo.

The final product of this review – Shaping Our Future or the 'Wouters Report' – was the product of an extensive consultation process in which more than 1,400 provincial residents participated. The report, released in March 2000, made many specific recommendations, centred on four themes, namely: certainty on the land; a globally competitive, dynamic and diverse industry; workers and communities; and government.

Wouters (2000, p. 11) observed, 'Many agencies are involved in managing our forest resource. We need to streamline government, cut unnecessary costs and reduce regulator confusion'. An action plan was proposed to implement his recommendations. For the land, Wouters recommended that land-use plans be completed within three years and the government designate areas for parks and working forests. For industry, he advocated the creation of a 'New Market Model' based in the creation of log markets both in the Interior and on the Coast and a refinement of the timber tenure system by shifting from volume to area tenures. New tenure-holders would be encouraged to strengthen or establish strategic alliances with communities and First Nations. For communities, he recommended the creation of a $30 M Community Diversification Fund and allocation of more decision-making power to local communities. For the government, he recommended 'a comprehensive redefinition of the statutes, regulations, ministries, and agencies responsible for forest activities' (Wouters 2000, p. 72).

Wouters' study had been commissioned and completed prior to a change in government. While it is interesting to note that the Report recommendations were contrary to the direction the New Democratic Party (NDP) government had been moving the forest sector during the previous decade, it is not surprising that most of Wouters' important recommendations were not implemented (MOF 2000). The government was not listening; the public had not told the government what it wanted to hear.

In the spring of 2001, the BC Liberals were elected in an extraordinary landslide. In forestry, their New Era campaign contained a 12-point plan designed to restore competitiveness to the sector. These points are:

- Establish a working forestland base to provide greater stability for working families and to enhance long-term forestry management and planning.
- Streamline the Forest Practices Code to establish a workable, results-based Code.
- Apply 1% of all direct forest revenues, not including 'super stumpage,' to global marketing of BC's forest practices and products.
- Create a market-based stumpage system that reflects global market realities and local harvesting costs.
- Either fix or scrap Forest Renewal BC and remove political appointees from the Board.
- Invest in research to promote forest stewardship.
- Cut the forestry regulatory burden by one-third within three years without compromising environmental standards.
- Protect private property rights in treaty negotiations.
- Work to expedite interim measures agreements with First Nations to provide greater certainty during treaty talks.
- Increase the Allowable Annual Cut over time through scientific forest management, proper planning and incentives to promote enhanced silviculture.
- Eliminate 'waterbedding' or subsidies leading to over production.
- Scrap the 'HCL' (Highway Contractors Ltd.) silviculture hiring policy that discriminates against non-unionised silviculture workers.

There are causal assumptions associated with these forestry policies. One of the most basic is that the previous government caused the current crisis in BC forests (Hoberg 2001). Still, many of the ideas are familiar and date back to the 'principles' establishing the framework for the Wouters' Report.

The new government's Minister of Forests commissioned Dr. Peter Pearse to study and make recommendations concerning the economic condition of British Columbia's coastal forest industry. Pearse (2001) reported a comprehensive story of the coastal industry in crisis. He suggested that:

> [T]he distraction of immediate problems has made it difficult [for decision-makers] to plan for the future, to think about where they would like to be a decade from now, and to plan strategically how to get there. Nor has the government provided clear policy direction. As a result the coast forest industry, despite its potential, has been adrift and sinking (Pearse 2001, p. 35).

Pearse agreed with Wouters' recognition of the requirement for a major institutional adjustment in British Columbia. He stated that there is almost unanimous agreement in 'a need for a thorough review and overhaul of the way the coast forest industry operates and how the government regulates it' (Pearse 2001, p. 35). Neither the NDP nor the Liberal government has embarked on tenure reform. The Liberals, instead, pursued a more moderate course called 'Defined Forest Area Management.'

Licensees in Timber Supply Areas (the administrative units for volume-based licensees) would now be required to cooperate in delivering several management functions currently performed by Tree Farm License holders, most importantly strategic planning, timber supply analysis and public consultation as part of the allowable annual cut determination along with forest health responsibilities (Hoberg 2002).

More striking is the government's proposed working forest designation. The working forest is not a new form of right or license. It is an administrative system for maintaining a land base for forest and other resource dependent sectors. It does not convey management or harvesting rights, which is the function of public forest tenures granted by the Minister of Forests. The public owns 95% of the forestland in BC. There are really only two jurisdictions left in the world that believe in centralised planning and control — North Korea and BC. One has to ask whether the public interest is better served by having a centrally planned ownership model for the forests, a free enterprise ownership model or something else.

Marchak and Allen (2003, pp. 38-39) summed up the current situation in BC in their appraisal of the recent government policies:

> There is nothing in these proposals or the legislation that begins to acknowledge that forests are ecosystems, that regulations are not merely ways of prettying up the landscape: they need to be situated in the ecosystem framework if they are intended to actually conserve a living forest. It is the ecosystems that need to be conserved, and volume-based tenures in particular, but tree farm licenses as well are not built around ecosystem principles.
> The main issue is the forest itself, its capacity for renewal, and the difference between treating it as merely a timber estate versus treating it as a living landscape from which generations well into the future may benefit not only economically but also socially, culturally, aesthetically and spiritually.

BC Federal Experiments at Forest Reform

By 1990, with almost all forestland devolved to the provinces, the federal government of Canada began experimenting with alternative forms of forest governance. Cognisant of the need to shift forest management to a more sustainable basis, in December 1990 Canada's federal government announced the development of a programme called 'Partners in Sustainable Development of Forests'[1]. A major component of the program was an initiative to establish a network of Model Forests in Canada. The federal government, in cooperation with partners across Canada including many of the provinces, would support the establishment of working models of sustainable forestry in most of the major forest regions across the country. The government recognised that 'the route to sustainable forest management would vary depending on the history, social and community base, economic development and ecological context of the area concerned' (Brand *et al.* 1996, p. 74).

The Canadian Model Forest program is now in its 12th year. The International Model Forest program is not as old. Both programs are experimenting with ways for a community or region to deliver portions rather than the complete package of resource management in a sustainable manner. Most model forests were built using

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[1] Model forests were just one element of an evolving National Forest Strategy. The Canadian federal government, unlike the US government, retained very little forestland and divested ownership to the provinces.

communities as basic building blocks. Thus, this essential ingredient of sustainability – the community of place along with local application of the most current science and science-based technology are imbedded in the approach. Model forests work at the landscape level tending to use a partnership approach and make or recommend decisions concerning appropriate forest uses in the landscape of consideration using collaborative processes. All the model forests are now non-profit organisations designed to facilitate sustainable forest management in their area. All the model forests suffer from the lack of any real control of the resources in their area and often are relegated to the role of an expensive public advisory committee (Beyers 2001). Control stays in the hands of the provincial government and corporate timber tenure holder.

In BC, the route to sustainability has been barricaded by the polarisation of natural resource conflicts, and the provincial government showed little interest in the idea. BC's Long Beach Model Forest originated in the Clayoquot Sound region, an area of extreme environmental polarity (Haythornthwaite 1999). The model forest was not able to find enough common ground to determine a path to sustainable forest management. It was not asked to continue its affiliation with the Canadian Model Forest Network in 2002.

Another BC Model Forest, the McGregor, has been more successful but north-eastern BC is not as polarised as the coast. Still the model forest idea in its present state offers little potential to resolve some of the major issues at the heart of sustainable forestry and the wellbeing of resource-dependent communities in BC (Beyers 2001). By themselves, model forests do not represent a radically different approach to public forestry in Canada. They just hint at what is possible.

The former NDP provincial government began experimenting with a number of 'enhanced management' pilots to reduce pressure on timber supply and reflect changing public expectations in 1995. It also began examining 'innovative forest practices' pilots project in various administrative units in 1996. Both pilot programs are continuing under the current government and have been expanded (MOF 2003). The NDP government even created the land tenure termed the Community Forest License. The License includes timber and other resources that include ferns and salal, herbs, mushrooms and possibly fish and wildlife. With the Liberal government, a new results-based Forest Practices Code Act came into effect on December 17, 2002. It is intended to streamline the Forest Practices Code Act and give licensees immediate relief from regulatory burden through a two-year transition period until the new Forest and Range Practices Act is fully implemented in April 2005.

Also in 2002, a new Coast Sustainability Trust was established to help workers and communities deal with the results of forestland use planning on the mid-coast. This coastal area is also known as 'the Great Bear Rainforest' and is a large expanse of intact coastal temperate rainforest. The aim of an international environmental campaign was to stop the fragmentation and destruction perceived to be associated with logging and economic development of this 5 M ha region. The area is an example of a shift from highly polarised conflict to common ground where industry and environmental groups have brought resolution to many of the key issues. The Coast Sustainability Trust was not intended to steward the natural assets of the area. Thus, none of the ideas revolving around the establishment of the Trust seriously threaten power relationships that make up the timber tenure system of the province.

US APPROACHES TO FEDERAL FOREST REFORM

In the USA, it is becoming clear that the Forest Service's governance structure is not working and is resulting in uncertain decision making, destabilisation of resource dependent communities and deterioration in environmental quality on federal lands (Sedjo 2000, Thomas 2001, Kemmis 2001, Baden and Geddes 2002, Bosworth 2002, O'Laughlin 2002). The USFS began to experiment with model forests in 1995. Three were formed in the west: Cispus in Washington, Applegate in Oregon and Hayfork in California. For some reason that may be associated with the lack of an institutional sponsor, the model forest idea has not been as popular as in Canada or throughout the developing world.

In the late 1990's a number of groups across the western US began working to determine alternatives to the Forest Service for managing public forests. The groups included a balanced combination of commodity interests, policy analysts, environmentalists and agency officials. Instead of wholesale reform, groups that included the Society of American Foresters, urged that alternative stewardship models be developed and tested as pilot projects on selected national forests, national parks, Bureau of Land Management (BLM) districts and other federal land units. In Idaho, a number of experiments began to take place on federal forests.

Pilot Reform Projects of the Idaho Federal Land Task Force

Attempts to establish pilot projects on federal lands in Idaho commenced in 1996 with the establishment of a Federal Lands Task Force by the State Board of Land Commissioners. Idaho Code 58-104(10) [1996] mandated the Land Commission Board to examine ways to forge a closer co-operative relationship between the state and the US Forest Service. (Federal Lands Task Force Working Group 2000a). In 1998, the Task Force recommended pilot project tests based on three different models – co-operative, collaborative and trust land management of federal lands -- and set up a working group to report on these tests. In December 2000 the Task Force Working Group suggested that 'gridlock' and related problems persist - then described and recommended five specific pilot projects for consideration to test the alternative approaches in the management of federal lands. (Federal Lands Task Force Working Group December 2000b). These were:

- Central Idaho Ecosystem Trust (2.4 M ha). A 'trust law' management framework would be used to restore vegetation to desired ecological conditions while taking into account social needs.
- Clearwater Basin Stewardship Collaboration (1.1 M ha). This project uses a 'collaborative group' of stakeholders to restore elk habitat along with other indicator species consistent with historical conditions and social needs.
- Priest Lake Basin Co-operative (110,000 ha). This project would operate under a Memorandum of Agreement between the USFS and the Idaho Departments of Lands, Parks and Recreation to restore and enhance ecological conditions and to improve resource management.
- St. Joe Ecosystem Stewardship Project (300,000 ha). This project proposes to use the stewardship contract approach to restore and enhance ecological conditions.

- Twin Falls/Cassia Resource Enhancement Trust (0.5 M ha). Federal lands would be involved in a 'trust management' approach aimed at sustainable economic activity and enhancing ecological conditions.

All the proposed projects change the federal management operating rules.

Charter Forests: A Collaborative Approach to Forestry
In April 2002, Jay O'Laughlin, Director of the Idaho Forest, Wildlife and Range Policy Analysis Group, testified for the Society of American Foresters before the US Congress' House of Representatives Committee on Resources on the concept of a different kind of forest governance, namely charter forests. He also discussed the projects above in which he had been participating in Idaho. He outlined some of the problems with the USFS and stated:

> The Society of American Foresters' members would like the opportunity to share the science, concepts and experience we bring as professionals to a group of citizens interested in working on a Charter Forest, to help define the possible range of future conditions and identify the ways to get from here to there.
> Public trust in the Forest Service has eroded. … To earn trust back at the national level, the place to start is at the local level, with effective monitoring of conditions by local and national interests. Experiments with alternative models could begin to restore trust little by little, and build the basis for system-wide reform. We hope this is the vision for Charter Forests. (O'Laughlin 2002, p.2).

O'Laughlin explained that to the Society of American Foresters the Charter Forests were an evolving concept and he outlined a set of 8 essential elements:

- Location. A limited number of Charter Forests from different regions across the National Forest System would be desirable.
- Initiation. There should be a National Environmental Policy Act notice and comment period for each Charter Forest.
- Public Involvement. Charter Forest pilot projects should be collaborative in nature and involve people from a variety of philosophical perspectives in their implementation.
- Environmental laws. Existing environmental laws should apply to all Charter Forests. However, there should be provisions for streamlining implementation process requirements of statutes, rules and regulations as long as the fundamental objectives of the stature are met.
- Long-range plans. The management of Charter Forests must be based on long-range plans.
- Appeals. The Forest Service administrative appeals process needs creative streamlining. People are accustomed to administrative review before seeking judicial review, but there are improvements to the process that could be tried, such as limiting who can appeal and specifying time periods for review.
- Funding. A sustained source of funding is essential for effective long-term resource management. The sources of funding for Charter Forests should be separate from the rest of the National Forest System Budget.

- Outcome assessment and re-evaluation. Charter Forest projects should include a process for monitoring and assessing the effectiveness and accountability of all projects (O'Laughlin 2002, p. 7).

Clearly these elements would have to be redefined in the BC case. A charter forest in BC would start with a choice of governance models and the definition of purpose. There would have to be a clear understanding of the beneficiaries. Superficially, there appears little difference between the co-operative and collaborative pilots in Idaho and Enhanced Forest Management Pilot Projects (EFMPP) in BC. Yet, the EFMPP is a partnership between industry, government, labour and academia and its major idea is to inform rather than involve the public. A case in point is the Robson Valley EFMPP where the general public was not asked to participate in the activities of the Pilot Project Working Group but a Community Advisory Group was established where the general public and communities are able to provide input (RVFD 1999). There is no redistribution of wealth, so the beneficiaries of the EFMPP continue to be industry and government. Ignoring scale and thinking in terms of beneficiaries, the co-operative or collaborative pilots in Idaho closely resemble some of the BC community forest pilots. .

Although model forests were never intended to administer natural resources, when the model forest idea is linked to actual resource management decision-making, management ability and wealth allocation, the weaknesses of the Canadian approach disappear. If trust concepts are adapted and applied to land management in this expanded version of the model forest, a powerful vehicle for conservation and management could be created. Because the concept is based on the trust principles, it is clearly capable of attaining sustainable forest resource management (Fairfax 1999, O'Laughlin 2000, Fairfax and Guenzler 2001).

For the success of a charter forest, careful consideration has to be given to the building of the partnership and the creation of its constituency. Wondolleck and Yaffee, studying more than 200 collaborative initiatives in natural resources management in the United States, identified eight key factors leading to the success of these initiatives:

- Build on common ground established by a sense of place or mutual goals or fears, or a shared vision;
- Create new opportunities for interaction among diverse groups;
- Employ meaningful, effective, and enduring collaborative processes;
- Focus on the problem in a new and different way by fostering a more open, flexible, and holistic mind-set;
- Foster a sense of responsibility, ownership, and commitment;
- Recognise that partnerships are made up of people not institutions;
- Move forward through proactive and entrepreneurial behaviour; and
- Mobilise support and resources from number sources (Wondolleck and Yaffee 2000, pp. 20-21).

In this different vision of a sub-regional approach to sustainable forestry, centralised decision-making in Victoria, the capitol of BC, is abandoned and a partnership is built in a resource-based community or area. These are not new ideas in BC. The Local Resource Use Planning Process (LRUP) creates a planning team that makes

recommendation to the district manager who is ultimately responsible to the province for the decision. The difference is that the partnership is empowered through the creation of a trust to visualise and determine its own sustainability path. O'Laughlin (2000, p. 1) observed that 'Because the trust concept is based on the principles of clarity, accountability, enforceability, perpetuity and prudence trust land management is capable of attaining sustainable resource management on the public lands.'

CONCLUDING REMARKS

In British Columbia, human institutions, forest-dependent communities, forests and the land are trapped in increasingly swift crosscurrents of change. Although somewhat constrained by past forest activities and policies, the provincial government possesses broad authority across the entire public and private forest system to regulate forest practices and determine rate of cut, stumpage, royalties and rents. It can change the way it does business.

Legislation, introduced as part of The Forests Statutes Amendment Act, 1998, established a new form of forest tenure, the community forest agreement. Specifically, the legislation:

1) Sets out the content of the new community forest agreement;
2) Links the new agreement to key provisions in the Forest Act and Forest Practices Code of British Columbia Act;
3) Enables the development of regulations related to the agreement;
4) Establishes provisions to award and evaluate agreements; and
5) Includes provisions for the possible replacement of the pilot agreements with long-term community forest agreements.

Specific sections of the legislation came into force on 30 July l998 to allow the new tenure to be tested through community forest pilot agreements and are now in Division 7.1 of the Forest Act (consolidated to December 17, 2002).

While there is some precedent setting here, this is not tenure reform but just an interesting form of new tenure under the old tenure system. Further, the Coast Sustainability Trust announced in May 2002 was devised to mitigate the adverse impacts from land-use plan decisions for the Central Coast, North Coast and Queen Charlotte Islands. It deals solely with human resources and does not form the basis of natural resource stewardship like the US trust land management model used in 22 states. The Central Coast LRU Planning participants are working to complete the preliminary agreement reached in spring 2001. Planning participants are scheduled to release draft final land use recommendations for the region in 2003.

It is time to examine the idea of Charter Forests in BC. Incorporating the various governance models – co-operative and collaborative land management of provincial forestlands could be used in creating pilots much like ones being developed in Idaho. Further within charter forests, the trust model of land management appears to offer exceptional potential for application on the BC coast, especially in the area of the Coast Sustainability Trust. The McGregor Model Forest in the Prince George

Region offers another site in the interior where the trust concept could be tested if arrangements with current tenure owners can be negotiated.

Designers of a BC land management trust would confront interesting and difficult decisions in defining the purpose of the trust, designating not only the appropriate trustees responsible for management of trust land assets but also defining the beneficiaries of the trust. They also face problems in the development of funding mechanisms that promote the sustainable management of socially desired outcomes as well as revenue-producing assets of the trust at the same time. Through building the trust, the link between forest resources and the standard of living of people in resource-dependent areas would be strengthened. At the same time, the participation of all BC residents in the understanding, management and use of the public forests through the development of charter forests would be encouraged. The public could be expected to accept – possibly acclaim – changing forest practices and policies if these take place and a sustainable forest sector begins to emerge in the province.

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