

Limitations of the Community Forest Agreement as a Framework for Community Forestry in British Columbia

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Pamela Matute Arrieta

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ABSTRACT

Recent decades have seen a growing interest in community forestry as a way to bridge the transition from a sustained yield paradigm into sustainable forest management. In light of this, community forest agreements (CFAs) were created to offer a tenure option that facilitates the implementation of community forestry province-wide. While this is a step in the right direction and a more adequate arrangement than existing industrial forms of tenure, it is doubtful that this tenure in its current form can fully serve the objectives that it was originally meant to fulfill. CFA holders report a variety of challenges, many of which stem from the CFA tenure structure. Key shortcomings reported across the board include lack of control over non-timber resources, lack of strategic decision-making power and small economies of scale. Any sincere efforts to expand the community forest program require that these limitations be addressed through more appropriate tenure arrangements.

KEYWORDS: Community forestry, community-based management, community forest agreement, tenure reform, devolution, forest policy, forest management

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1. INTRODUCTION

Recent decades have seen the rise of public interest in community-based resource management as a strategy to solve the perceived failure of industrial forestry to sustainably manage British Columbia's public forests. The growing interest in community forestry stems from a long-coming convergence of factors: the poor state of the BC's forest industry, the need for tenure reform, the inevitable resource dependence of rural communities and the move towards sustainable forest management have set the stage for communities to demand greater involvement in the management of BC's Crown lands (Duinker, Matakala et al. 1994).

Community forestry is seen as a way to promote sustainable forest management by letting communities manage for a broad range of objectives other than sustained timber yield. While there are many definitions of community forestry, its fundamental characteristic is that decisions regarding the management of the forest and distribution of its benefits are made at the local level through community consensus (Beckley 1998). In order to materialize this concept in the British Columbian context, the provincial government designed a new tenure –the Community Forest Agreement (CFA) – to be awarded exclusively to entities representing community interests.

The degree to which this tenure arrangement has been successful in meeting its objectives depends on a myriad of factors, both internal and external (Gunter 2000, Bullock, Hanna et al. 2009, McIlveen, Bradshaw 2006). Most of the extensive research on these conditions for success focuses around internal conditions, such as level of leadership, participation and capacity within a community (McIlveen, Bradshaw 2009). However, there must be recognition that the institution itself is a key factor in whether community forestry expectations are satisfied or not.

To test whether or not the CFA is an adequate institutional framework for the successful implementation of community forestry in BC, I will compare the main program objectives to their outcome on the ground as reported by the numerous case studies and program reviews. By doing so, I hope to identify what obstacles to the success of community forests might stem from an incomplete tenure arrangement.

2. BACKGROUND

2.1. Need for tenure reform

Forest tenures are key forest policy instruments and as such, they play a major role in the way public forest land is managed. Tenures are legally binding contracts that grant tenure holders the exclusive rights to harvest timber resources and specify the responsibilities of the holder to the government. The tenure system as a whole is defined by The Ministry of

Forests, Land and Natural Resource Operations as the “*collection of legislation, regulations, contractual agreements, permits, and government policies that define and constrain the use of public forest resources, primarily timber.*” (British Columbia. Ministry of Forests 2012).

The tenure system was instituted in the mid-20th century to fulfill the needs of a growing industry and the over-arching objective of sustained yield (Dellert 1999, Haley 2002). Tenures were meant to provide secure access to the forest resource and thus attract investment capital into the forest sector. The sustained yield paradigm, symbol of an era of exceptional growth in the forest sector, served the public well when timber production was the main source of employment and profit in the province (Mitchell-Banks 1999, Luckert, Haley et al. 2011). Today, the continuous recruiting of ghost towns and struggling forest dependent communities remind us of the risks of single resource dependence (Mitchell-Banks 1999, Clarke 1998). It is becoming increasingly apparent that the current tenure system configuration no longer serves the diversified needs of the public and the economic realities of the present.

A static tenure system reliant on sustained timber production, coupled with the “*changing character of the timber resource, changing public attitudes towards and demands on crown forests, rising energy costs, and increasing global competitiveness in forest products’ markets*” (Haley, Nelson 2006) has taken its toll on the competitiveness of the BC forest industry to the extent that in 2005, The BC Competition Council declared the forest sector to be in a state of “near-crisis”, pointing at the anachronistic tenure system as an important factor and including tenure reform in its recommendations (BC Competition Council 2006).

But the outdated tenure system is not only contributing to the loss in economic competitiveness of the BC forest sector, it also fails to keep up with changing public perceptions towards forest management. Increasing environmental awareness and recognition of the multi-faceted objectives of sustainable forest management are not well represented in crown land management decisions due to the lack of venues for public input (Luckert, Haley et al. 2011). These decisions are instead made by a very small pool of tenure holders in a highly concentrated industry, and are perceived to misrepresent the interest of the communities in which they operate (Pearse 1976).

2.2. Decentralization and community-based management

The options for tenure reform in BC have been thoroughly documented (Haley, Nelson 2007). Nelson and Haley describe three options for restructuring the tenure system: corporatization, privatization and decentralization. They argue that corporatization and privatization are not viable options for British Columbia given current policy arrangements and public perception. However, they suggest that decentralization could be a potential solution to the problem facing the forestry industry. They argue that decentralization would:

“reduce the link between timber production and the manufacturing of forest products; establish more competitive regional markets for logs and standing timber; diversify control over public forest lands; reduce regulatory compliance costs for the private sector; and explicitly recognize regional economic development as a priority by empowering local people to design strategies that acknowledge regional differences in resource endowments, infrastructure and comparative advantage.”(Haley, Nelson 2007).

The idea of a decentralized forest tenure system where resource management decision-making power is devolved to the regional and local levels is not a new one. The first Sloan Royal Commission mentioned the possibility of establishing public working-circles under the management direction of municipalities (Sloan 1945). The subsequent Pearse Royal Commission of 1976 pushed the idea of community forestry as a way of addressing the *“increased centralization and consolidation of control over resource rights, as well as addressing public concern for resource conservation”* (Pearse 1976). Pearse noted that such small scale operation would also be more efficient in resource utilization, in making use of the full range of forest values, in meeting local needs and providing stable employment (Pearse 1976).

Devolution of control over forests at the local and regional levels could potentially provide opportunities to practice integrated forest management given the wide range of interests and priorities of community members (Mitchell-Banks 1999). Pearse stated that *“The sensitive balance between timber production, recreation, and other non-commercial forest uses that are particularly valuable close to centres of population can in these cases be struck locally, making resource management highly responsive to local demands.”* (Pearse 1976). In theory, communities that are granted control over their surrounding forested land have an interest in managing all values of the forest in an integrated and sustainable manner in perpetuity.

Such potential benefits have guided the global trend towards community-based resource management. Successful examples of community forestry, operating under diverse proprietary arrangements, exist both in developed and underdeveloped economies (Mitchell-Banks 1999, Duinker, Matakala et al. 1994). Community forestry can be defined as any forestry operation in which the management of the forest and distribution of its benefits are made at the local level through community consensus (Beckley 1998). Definitions of what a “community” is vary. In the context of community forestry in BC, “community” refers to a community of place, represented by a legal entity—a society, association, company or a combination (Duinker, Matakala et al. 1994).

2.3. Mechanisms for community forestry in British Columbia

The earliest instance of community forestry in BC is regarded to be the Mission community forest, where the municipality acquired Tree Farm Licence 26 in 1958 (District of Mission 2013). Following the Mission example, many other initiatives surfaced such as the case of Revelstoke, Princeton and 100 Mile House (Mitchell-Banks 1999). Like Mission, these municipalities held industrial forms of forest tenure —Tree Farm Licences (TFLs) and Forest Licences (FLs)—arrangements which operate within the sustained yield paradigm and fail to facilitate the establishment of true community forestry.

Paul Mitchell Banks argues that existing industrial tenures:

- *“fail to provide adequate incentives for optimal forest management to address community concerns;*
- *fail to provide, or at times even provide for, the adequate management of a suite of timber and non-timber values;*
- *do not allow for the development and pursuit of locally defined management objectives;*
- *centralized forest management decision making leads to alienation of local interests, a general discouragement of local initiatives, and lack of accountability.”*(Mitchell-Banks 1999)

The Ministry of Forests, Lands and Natural Resource Operations (MoFLNRO), recognizing the need for a new framework in tune with community-based management principles, created the Community Forest Pilot Program (CFPP) in 1998. The CFPP set the foundation for what became the Community Forest Agreement (CFA) tenure. Of the eighty eight communities that expressed interest in joining the program, seven were invited to apply for a 5-year Community Forest Pilot Agreement that year. By 2012, the CFA tenure had become fully operational and its membership had seen significant expansion, with a total of fifty seven communities involved in some stage of the tenure acquisition process and a combined annual allowable cut of 1.5 million cubic meters (British Columbia Community Forest Association 2012).

The CFA is a long-term replaceable area-based timber tenure awarded to an entity or partnership representing a community's interests. It has many similarities to other timber tenures: it grants the holder the exclusive right to harvest timber from a designated area; it requires that the holder abide by existing forest practices regulations; it sets out that the holder is responsible for forest planning duties; and, finally, it requires that stumpage and rent be paid to the provincial government (Forest Act Division 7.1). Unlike conventional timber tenures, CFAs grant the right to harvest, manage and sell non-timber forest

products (NTFPs). It also requires that mechanisms be put in place to harness public input in decision-making (Forest Act Division 7.1).

2.4. Community Forestry Agreement: Expectations

The CFA is the provincial government's answer to the demand for truly participatory forest management, which is not facilitated by industrial forms of forest tenure. It was part of the commitment to diversify the tenure system and increase small scale operation opportunities in the forest sector, a recommendation made by the Pearse Royal Commission as early as 1976 (Pearse 1976). The provincial government's specific objectives in the creation of this tenure were to:

- *“provide long-term opportunities for achieving a range of community objectives, values and priorities*
- *diversify the use of and benefits derived from the community forest agreement area*
- *provide social and economic benefits to British Columbia*
- *undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values*
- *promote community involvement and participation*
- *promote communication and strengthen relationships between Aboriginal and non-Aboriginal communities and persons*
- *foster innovation*
- *advocate forest worker safety” (British Columbia. Ministry of Forests 2011)*

But are the tenure characteristics of the CFA conducive to meeting these objectives? I will evaluate the main expectations of the community forest program in BC: that community forestry addresses community objectives and goals; that it diversifies the values and benefits derived from the forest; and, that it promotes innovative forest management practices. I will review multiple case studies on how established community forests address these main three objectives. I hope to narrow down the challenges faced by CFA holders and identify key institutional opportunities for change.

3. DISCUSSION

3.1. Community Forest Agreement: Outcomes

3.1.1. Objective: To provide long-term opportunities for achieving a range of community objectives, values and priorities.

The CFA is promoted as an unprecedented tenure arrangement that devolves power to the local level for the benefit of the community. The tenure grants planning authority by

requiring the development of a forest stewardship and a management plan for community forests. But to truly have the “*opportunities for achieving a range of community objectives*”, CFA holders not only need operational control that management plans provide, but also power to make the key tactical and strategic decisions that set a direction for forest management.

Strategic decision making authority includes control over land use planning, resource inventories, harvest levels, resource rights allocation, economic rent, standards of practice, and compliance and enforcement (Ambus, Hoberg 2011). Such higher-level decision making authority exists for non-timber forest product (NTFP) management thanks to the lack of provincial regulatory direction in this area (Meyers Norris Penny, Enfor Consultants 2006). This is not the case, however with timber and other overlapping non-timber uses. First, CFAs do not grant ownership over the entire suite of forest values, leaving communities with no power to inclusively manage for recreation, range and wildlife, among others, within their licence area (Meyers Norris Penny, Enfor Consultants 2006).

Second, while CFAs do grant exclusive rights to the timber resource, community forest managers report a low level of decision-making power regarding higher-level strategic timber planning (Usborne 2010, Ambus, Hoberg 2011). The Community Forestry Pilots awarded in the early years of the community forest program provided the opportunity to negotiate annual allowable cut (AAC) and cut controls with the provincial government. One particular community, the Harrop-Procter Community Forest, exercised this opportunity and, only after extensive negotiations and political pressure, managed to set a low AAC of 2,603 cubic meters, reflecting the community’s environmental awareness (Pinkerton, Heaslip et al. 2008, Ambus, Hoberg 2011). Since full implementation, however, the determination of minimum and maximum harvest levels for the community forests, along other strategic level decisions, are within the power of the provincial government and not influenced by community input (Usborne 2010, Ambus, Hoberg 2011).

3.1.2. Objective: To diversify the use of and benefits derived from the community forest agreement area

In theory, a community with the power to do so will seek to balance timber production with a host of non-timber values and uses, a balance which is not often found in forests managed under industrial forms of tenure (Duinker, Matakala et al. 1994). The CFA seeks to devolve power to the community to make decisions regarding use priorities of the forest within the licence area. It is expected that public involvement will result in the integrated management of timber and, non-timber forest products and non-timber values such as recreation, fish, wildlife, water and range.

In their “Final Recommendations on Attributes of a Community Forest Tenure”, the Community Forest Advisory Committee recommended that the tenure incorporates the

exclusive right to manage not only for timber and NTFPs like it does today, but also for a range of forest values and uses including recreation, range, gravel and firewood (Meyers Norris Penny, Enfor Consultants 2006). This would give the community the opportunity to perform highly integrated and coordinated planning and land management and, in so doing, maximize the total economic, social and environmental value of the forest (Mitchell-Banks 1999).

These recommendations were not integrated into the final form of the CFA tenure. They require significant changes to existing legislation regarding land and resource ownership (Mitchell-Banks 1999). Furthermore, such recommendations do not take into consideration aboriginal rights in traditional territories. In their 2006 Community Forest Program Review, MNP and Enfor recommend that changes to resource ownership of this magnitude not be made until First Nation traditional territory disputes have been settled (Meyers Norris Penny, Enfor Consultants 2006). Still, the potential opportunity for exclusive rights over a wide range of values, remains popular among CFA holders, who are faced with little control over conflicting public uses of the forest.

The CFA does include the right to manage, harvest and sell botanical forest products and other NTFPs (Forest Act Division 7.1). The inclusion of this clause has been lauded as steps in the right direction towards integrated forest management. There is, however, limited implementation of NTFP commercialization programs: of eleven surveyed community forests, only three implemented NTFP commercialization programs in 2008 (Burns Lake, Harrop Procter and the Cowichan Tribes) and at negligibly small economic gain (Ambus 2008).

This shortcoming does not stem from a lack of interest: many CFA holders have expressed their interest in managing for botanical products (Meyers Norris Penny, Enfor Consultants 2006). Poor implementation of NTFP programs stems from a the combination of two factors: the lack of exclusive control over a historically open access resource, and lack of clear legislation and direction regarding NTFP management (Mitchell-Banks 1999, Ambus 2008). Without the exclusive right to control access to NTFPs, communities will not be able to obtain the full extent of benefits. However, while granting communities exclusive rights to NTFPs would likely facilitate more integrated forest management and product diversification, legislative changes to resource ownership need to take into consideration current NTFP users and First Nations' indigenous intellectual knowledge and property rights.

Furthermore, the management of NTFPs for commercial purposes includes a host of responsibilities that CFA holders might not be capable of undertaking given their economies of scale, especially during the establishment phase (Gunter 2000). Non-existent provincial legislation on sustainable NTFP management leaves communities with the

added duties of planning, which include “*conducting inventories, devising management plans, determining sustainable rates of harvest and impacts on timber supply*” (Usborne 2010, Ambus 2008). While they appreciate the potential management flexibility, CFA holders would like to see increase direction on behalf of the provincial government to guide the creation of socially, ecologically and economically sound NTFP management plans (Meyers Norris Penny, Enfor Consultants 2006).

3.1.3. Objective: To foster innovation

Given the prevailing public perception that current forestry practices are unsustainable, it is often assumed that communities with the power to do so will seek out opportunities to manage their forests in innovative ways that deviate from the industrial form of forest management (Duinker, Matakala et al. 1994, Ambus, L., Davis-Case, D., Tyler, S. 2007). This may include the use or development of new alternative harvest and silvicultural systems in accord with community principles.

However, in a survey study that compared silvicultural systems of established community forests with those of tree farm licences, Lisa Ambus found no significant differences; the percentage of area harvested by clearcutting was similar for both community forests and industrial forests (Ambus 2008). Jennifer Gunter explains that in the case of the Kaslo Community Forest, “the demands of the licence along with cash flow problems make it very difficult for the KCFS to invest in alternative, perhaps more sustainable, logging practices.” (Gunter 2000). She is concerned that there is little room for innovation given the lack of incentive for intensive forest management and an ever present need to remain competitive in a commodity market.

The exception to the rule in the Ambus study was the case of the Harrop-Procter Community Forest, which employs selection harvest systems and has significantly reduced the AAC down to through extensive negotiations with the provincial government (Ambus 2008). Low harvest volumes and intensive forest management have, however, driven the Harrop-Procter Community Cooperative into debt, notwithstanding numerous philanthropic donations and a workforce largely comprised of volunteers (Ambus 2008).

A limitation in Ambus study is that she failed to take into consideration other forest management practices such as innovative retention design or silvicultural investments in activities such as site preparation, stand tending, thinning, etc. However, given the current information, it is doubtful that the CFA is conducive to innovation in forestry practices under present economic conditions. While the interest to employ alternative practices exists, it is often not a viable option given the small economies of scale of community forests and the lack of rewards and incentives on behalf of the provincial government.

3.2. Summary of identified disabling characteristics of the CFA

3.2.1. Low resource rights comprehensiveness

For a community to be able to manage for the entire suite of forest values, it must have exclusive control and power to enforce rules concerning access and use (Ambus 2008). In reality, CFA holders only have exclusive control over timber. The CFA offers no real mechanisms through which other uses of the forest can be balanced and diversified through direct community management. The British Columbia Community Forests Association has expressed interest in moving towards a land trust model in order for communities to be able to harness control and manage a wider range of non-timber resources (Meyers Norris Penny, Enfor Consultants 2006). A tenure change of this magnitude would likely have to operate outside of the current tenure system, and it would have to effectively address First Nations rights and claim to title. Manoeuvring through such complications is no easy feat, but if the province is willing to take a sincere and committed towards integrated community-based management there has to be more effort than the creation of a slightly tweaked tenure.

3.2.2. Limited devolution of power to make strategic planning decisions

Communities experience low control over strategic planning and so are often constrained in meeting community objectives for the forest. Like with industrial tenures, harvest level determinations and other land planning processes remain decisions made at the provincial government level and are thus heavily focused on timber production objectives (Ambus 2008, Ambus, Hoberg 2011).

Currently, the AAC for community forests is apportioned by the Chief Forester from a region's TSA. Each invitation to apply for a community forest is tied to a pre-determined AAC and cut control, set by taking into consideration economic and physical factors like characteristics of the forest (British Columbia. Ministry of Forests 2012). This determination, however, remains entirely outside of the authority of CFA holders and may not reflect the community's values.

Communities have expressed their need for flexibility in AAC determination (Mitchell-Banks 1999). The Harrop-Procter Community Forest's hard-fought reduced AAC is an example of how much can communities' priorities diverge from those of the province. A participatory community planning approach should be taken in order to determine an AAC that fits communities' capacity, as well as their and social, environmental and economic priorities.

3.2.1. Limited economic viability

The determination of AAC not only reflects the community's priorities in forest use, but also plays a major role in determining a community forest's size and profitability (Mitchell-

Banks 1999) in that it ultimately predetermines the economies of scale of the operation. For example, Parfitt suggests an AAC of at least 100,000 m³ in order for community forest to remain economically viable, while Pinkerton suggests a minimum of 25,000 m³ for the coast and 50,000 m³ for the interior region (Parfitt 2007, Pinkerton, Heaslip et al. 2008). With a median AAC for CFAs of 20,000 m³ (Ambus, Hoberg 2011), and the added costs of public participation processes and operational planning, it is doubtful that CFAs will have the economic means to meet their original objectives even past their establishment phase.

4. CONCLUSION

Community forestry is often regarded as an alternative to solve the problems of lack of diversity and flexibility in the forest industry, as well as to bridge the gap between forest management and need for public participation and input. But for community forestry to fulfill its expectations there must be appropriate institutional arrangements in place.

While the CFA is an improvement over conventional tenures in terms of community benefits, it is doubtful that the full spectrum of potential benefits derived from community forestry can be attained with this tenure structure. In fact, cases of established community forests operating under this tenure report operational challenges, many of which can be attributed to the tenure arrangement itself.

It seems to be the case that the failure to address the shortcomings of the CFA arrangement stems from the profound nature of the legislative changes required. For example, granting ownership over resources other than timber requires not only a re-structuring of regulation at the constitutional level, but would also need to consider outstanding issues like First Nations' rights and claims to title.

Another issue to be considered is the question of whether individual communities actually have the capacity to make sound strategic decisions, or whether any strategic decisions made by these communities reflect the values and needs of the public at large. While outside the scope of this document, the characteristics of the community itself remain an important factor in the establishment of community forestry. Even an improved community forestry tenure would not help a community that does not have the enabling characteristics required for sustainable participatory management.

Manoeuvring through such complications is no easy feat, but it will be necessary if the province is sincerely committed to addressing the inefficiencies of today's forest industry through the establishment of true participatory community-based management

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