

Checks and Balances in New Brunswick's Forest Management Regime

The centerpiece of forest management in New Brunswick is the Crown Lands and Forests Act (CLFA), which sets out the basic rules and responsibilities for the Department of Natural Resources (DNR) and the forestry companies. However, other tools help to ensure that forests are managed to provide the benefits that New Brunswickers expect – revenue, employment, water, wildlife habitat and recreation among others.

Forest management scientists often use the term “policy regime” to describe the overall set of rules, organisations and behaviour that determines how forests are managed.¹ Although forestry across Canada shares many similar characteristics, each province has its own regime, and these change from time to time.²

A SYSTEM OF CHECKS AND BALANCES

New Brunswick's forestry regime comprises the following key elements:

- The Crown lands and Forests Act, dates from 1982 although some parts have been modified;
- Private woodlots are important for wood supply, but harvests have fallen in recent years.³
- Four large companies hold licences that allow them to cut wood on Crown land in exchange for undertaking certain management activities.
- Industry operations are controlled by the DNR

using regulations and through an independent forest certification system.

- Environmental values are also protected through other Acts, by other government agencies and with Protected Areas.

ENSURING GOOD FORESTRY PRACTICES

All provinces use a combination of methods to ensure that forest practices are acceptable.² NB has three main methods, and a fourth is proposed.

1. REGULATIONS, are set by the government under the CLFA and enforced by the DNR. In 2009, full enforcement was replaced by an audit system, but the effectiveness of this has not been independently evaluated.
2. FOREST MANAGEMENT PLANS are prepared by the major companies

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Hall's Creek/ Ruisseau Hall
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to standards set by the DNR. The DNR ensures that actions in the plan are acceptable, and that plans are being followed.

3. FOREST CERTIFICATION is a voluntary system whereby companies agree to abide by requirements set by an independent organisation. All major companies in NB hold SFI certification and JDIrving has also sought certification by FSC. SFI is seen to be strong in maintaining forest productivity and economic values, while

FSC is strong in social and ecological issues.⁴ Certification is recognised as an important tool in forest governance, but not as a stand-alone way of ensuring good forestry practices.

4. PERFORMANCE-BASED MANAGEMENT (proposed) allows the manager to decide the best ways of meeting outcomes or objectives agreed with the DNR. Only British Columbia uses such a system, introduced in 2004 after consultations over several years and a new Act. Evaluations of the BC experience have shown difficulties associated with this, resulting in a move back towards regulations.⁵

Forest trail
Photo by B. Brown



PUBLIC AND PRIVATE FORESTS – BALANCING SUPPLY

Fifty-one percent of NB forests are on Crown land, with another 29% on private woodlots and 18% owned by major forestry companies. Both public and private forests are important in ensuring that the forest industry has sufficient supplies of wood.

Over the last 10 years, Crown forests have supplied between 4 and 5 million m³ of wood each year. Woodlots used to supply 2.5 to 3 million m³ each year, but since 2006 this has fallen to under 1 million m³, with woodlot owners blaming low prices offered for their wood.³ It is estimated that woodlots can sustainably supply about 2.5 million m³ per year.

Reports in 2008⁶ and 2011³ recommended improving the balance between Crown and public forests, but few changes have been made.

TRANSPARENCY AND PUBLIC PARTICIPATION

Public participation is increasingly recognised as an essential part of any forestry regime, and provincial MLAs recommended in 2004 that NB improve public consultation, noting that the

DNR can only accomplish its role with “meaningful input from the citizens of the Province.”⁷ Public views have been sought through a public opinion survey in 2007 and by task forces, but the public is not involved in preparation of forest management plans. In practice, NB lacks public participation mechanisms that are found in other provinces.

KEEPING A FORESTRY REGIME UP-TO-DATE

Society and forest industries change and so forestry regimes also need to change to stay effective. Provinces such as British Columbia, Ontario and Quebec all passed forestry laws similar to NB’s during the 1980s but have updated their regimes to reflect current expectations and challenges. Quebec passed a new Act in 2010; BC made major changes with a new Act in 2004; Ontario has made a series of changes since 2000², and Nova Scotia introduced a comprehensive natural resources policy 2012 after 2 years of consultations. Although the NB government has commissioned a number of reports and task forces over the last 14 years, no major changes have been made to the CLFA, or to the forestry regime.

CONCLUSION

In NB, different organisations and rules work to manage forests to provide the variety of benefits that citizens expect. The basic rules have been in place for nearly 35 years, but have not changed as fast as society or the forest industry. New rules are needed, but modifications need to consider the set of checks and balances that ensure that forests are effectively managed to meet the province’s needs.

THE NEW FORESTRY STRATEGY⁸

- The new Strategy focuses on increased soft wood timber allocations, but does not specify changes in other elements of the regime.
- The Strategy proposes a “results-based framework” while the agreement with JDI states that this is to be negotiated and implemented by September 1st. No mention is made of consultation or testing of this framework.
- The agreement between JDIrving and the DNR, appears to replace existing procedures and rules in the CLFA. It may also limit government ability to change rules in the future, or to modify the forestry regime to take account of NB’s needs.
- The agreement between JDIrving and the DNR, states that it is to be kept confidential.
- The Strategy states that government expenditure will decrease, suggesting that DNR’s role in forest management will be reduced.
- The Strategy does not propose improvements in private woodlot management or in public participation.

References

- 1 M. Howlett (2001) *Canadian Forest Policy*, University of Toronto Press
- 2 M. Luckert et al. (2011) *Policies for Sustainably Managing Canada’s Forests*, UBC Press
- 3 Private Forest Task Force Report, 2012, DNR NB
- 4 Clark et al. (2011) Comparing Sustainable Forest Management Certifications Standards: A Meta-analysis, *Ecology and Society*, 16.
- 5 Hoberg et al. (2013) Challenges in the design of performance-based forestry regulations. *Forest Policy & Economics* 26.
- 6 Auditor-general of NB, *Annual Report 2008*, Chapter 5 DNR Timber Royalties
- 7 Select Committee on Wood Supply, *Final Report, 2004*, Legislative Assembly of NB.
- 8 *A Strategy for Crown Lands Forest Management*, 2014, DNR NB