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To the Biodiversity and Ecosystem Health Framework team

Re: Draft Biodiversity and Ecosystem Health Framework

Sierra Club BC welcomes the opportunity to provide comments on the November 2023 draft Biodiversity and Ecosystem Health Framework, a preliminary milestone on the path implementing Recommendation 2 of the Old Growth Strategic Review (OGSR).

We are pleased that the draft Framework reflects the B.C. government's commitment to make biodiversity and ecosystem health a priority for all sectors through legislation, and hopeful that the final Framework will include an ambitious implementation plan and immediate interim measures.

The B.C. government's commitment to upholding and implementing the articles set out in UNDRIP and the requirements of B.C.'s 2019 Declaration Act will be paramount for its success and implementation. We are looking forward to seeing details on how the province will align the new legislation and current laws, policies, and practices with Indigenous-led conservation in the final Framework.

Following through on this commitment will allow British Columbia to accomplish both: respecting nature's limits and the rights of Indigenous Peoples, with new, clear standards and constraints for industrial activities that undermine either, or both.

At-risk species and ecosystems are under increasing pressure of ongoing habitat loss and climate changes impacts, and some are at the very brink of extinction. A paradigm shift in ecosystem management is critical for their protection and recovery and cannot happen soon enough.

It is reassuring to see the threats to biodiversity and ecosystems and the importance of sustaining them for long-term economic prosperity and resilience in the context of climate change so clearly acknowledged in the draft Framework.

This is backed up in the *Statement of Intent*, in which the B.C. government commits to the conservation of ecosystem health and biodiversity as an overarching priority and formalizing this priority through legislation for all sectors.

Recommendations

Our comments and recommendations focus on the following key points that must be prioritized, strengthened, or adequately addressed in the amended final Framework:

1. Develop a clear path to strong BEH legislation, codeveloped with First Nations;
2. Enact legislation that protects at-risk species habitat AND at-risk ecosystems;
3. Ensure immediate interim measures that safeguard high conservation values;
4. Establish binding Ecosystem-Based Management targets, without loopholes;
5. Give the Biodiversity and Ecosystem Health Office overarching authority;
6. Align BEH Framework, Nature Agreement, Conservation Financing and related commitments;
7. Outline an ambitious implementation plan and reporting details; and
8. Comprehensive integration of biodiversity and climate goals (mitigation and adaptation).

1. Develop a clear path to strong BEH legislation, codeveloped with First Nations

People in B.C. have called for strong new legislation to safeguard biodiversity, especially the last old-growth forests¹, and ecological integrity for a long time. Making it a reality will require accountability, demonstrated through a *timeline with milestone dates* as part of the implementation plan.

Specifically, milestone dates must be identified for enacting the new legislation as well as introducing the necessary legislative amendments to the *Forest Act*, *Mines Act*, *Wildlife Act* and other statutes governing land use and natural resource management.

The plan must include details on how the province will work with First Nations to codevelop the legislation consistent with UNDRIP/DRIPA and what steps along the way will look like. This should be in the form of a mutually agreed-to Consultation and Cooperation Plan for timely, sufficiently resourced co-development, announced when the Framework is finalized².

2. Enact legislation that protects at-risk species habitat AND at-risk ecosystems

The Framework follows an earlier effort by the B.C. government to enact Species-at-risk legislation which started in 2017. Unfortunately, the attempt was abandoned after two years and left a critical legislative gap, leaving over 1900 species, subspecies and ecosystems listed as at-risk in B.C. with an uncertain future.³ The Framework has the potential to close this gap.

The Framework language on page 5, however, could lead to some at-risk species falling through the cracks. The table on this page describes a shift from an approach focused on “*Individual species*” to “*Continue to advance holistic multi-species/ecosystems and threats-based approach*”. It also claims that this shift “can result in greater benefits across multiple species and reduce overall costs and effort on single species management.”

The Framework and the legislation need to protect *both*: ecosystems *and* individual species including their habitat. Examples like the Spotted Owl and Caribou show that we must act urgently to safeguard the habitat of at-risk species which in many cases has already been identified and could be immediately set aside from industrial activity using interim measures.

The Biodiversity and Ecosystem Health Framework should not be used to neglect action to protect the habitat of individual species. The Nature Agreement contains examples for specific actions and timelines looking at ecosystems (e.g. old growth forests) and individual species (more on this below). The final Framework should build on these examples.

3. Ensure immediate Interim measures that safeguard high conservation values

Implementing the Framework will result in a modernized approach to safeguarding biodiversity and ecological integrity, codeveloped with First Nations, building on both Western Science and Indigenous knowledges. This will take some time. To prevent further ecological losses while BEH Framework and legislation are implemented, there should be an immediate pause of harmful industrial activities that threaten critical species habitat and at-risk ecosystems.

The draft Framework points out that “B.C. will: As part of the implementation plan implement interim measures to ensure action is taken quickly and options are retained for long-term decisions.” (page 10) but does not include specific proposed Interim measures. This is a missed opportunity, because there is a wealth of mapping, data, protocols and other resources available to inform interim measures, both for at-risk ecosystems and critical habitat of at-risk species.

One crucial effort that must be reinvigorated as part of interim measures included in the Framework implementation plan is the swift expansion of logging deferrals recommended by the Technical Advisory Panel in 2021. Based on the latest 2023 update, more than half of the most at-risk old growth remained without deferrals.

This could change now, with the Conservation Financing and Nature Agreement announced in 2023. These included new major funding that can enable interim and long-term conservation solutions. The final Framework and implementation plan should explain how the new financing possibilities will be used to speed up specific interim measures (more on this below in the context of *alignment*).

And while recovery strategies and mapping of critical habitat for many endangered species remain delayed, there are opportunities to use mapping, data and other information on critical species habitat and other at-risk ecosystems (e.g. provincial biodiversity and aquatic biodiversity protocols that have not been applied yet)⁴, guidebooks and old-growth targets that can be used without delay and without loopholes (e.g. the harmful mechanism of allowing “drawdowns” below existing already weak old-growth targets), to inform immediate interim measures.

4. Establish binding Ecosystem-Based Management targets, without loopholes

Sierra Club BC welcomes that the draft highlights Ecosystem-based management (EBM) as an important approach to achieve ecological integrity and human well-being. EBM implementation has allowed for major conservation progress in the Great Bear Rainforest region, building on a combination of a network of protected areas and forest ecosystem targets.

But there are still local gaps for protection of certain big-tree old-growth forests in this region that must be addressed. This problem should be addressed in the Framework to ensure a sound approach to EBM across the province. Forest ecosystem targets by ecosystem need to be combined with additional targets to ensure that the landscapes set aside from industrial activity are representative both from an ecosystem perspective as well as considering site productivity (i.e. the potential of sites to grow trees of a certain size). Without this additional safeguard there is a risk of continued highgrading (i.e. logging companies targeting the biggest trees in the richest forest sites within a certain forest ecosystem).

The draft correctly refers to the fact that EBM would “look different across B.C.” given the diversity and continuum of change in ecosystems, local communities, and Indigenous cultures and stewardship practices. It will be crucial, however, to ensure minimum targets are met across landscapes.

A 2020 ELC report commissioned by Sierra Club BC summarizes EBM background pointing to a minimum protection target of 30 % for all forest ecosystems across landscapes.¹ Fully implemented, binding EBM standards would ensure that adequate amounts of forests are set aside in a representative manner, across landscapes and regional levels.

Additional policies are needed, however, to protect remaining primary forest ecosystems that may not fall under the old-growth definition and/or set aside under EBM targets. Some of these less productive ecologically intact forests with smaller trees are now under threat in parts of B.C. because mills have run out of almost all easily accessible forests to harvest² and the growing bioenergy industry is eyeing any forests it can find access to³.

Even without record-sized big trees, in many Interior regions these remaining primary forests have a critical function as a last defense against climate change impacts: They provide refuge for biodiversity and reduce climate risks like drought, flooding, heatwaves and fire. Once logged, many of these less productive sites will not recover, much less under climate stress.

The definition of Ecosystem-based management (EBM) in the Great Bear Rainforest Agreements highlights the goals of achieving ecological integrity (low ecological risk) and human well-being. The Framework refers to Ecological Health. We are concerned that some industry foresters may have a different interpretation of what ecological health means than ecologists, and agree with the recommendation shared by Conservation North to use a scientifically defensible definition of ecosystem health and incorporate this definition:

"A healthy ecosystem has the ability to sustain a living community having species composition, diversity, and functional organization comparable to natural (primary) habitats within a region. An ecological system has health/integrity when its dominant ecological characteristics occur within their natural ranges of variation (accommodating climate change responses) and can withstand and recover from most perturbations imposed by natural environmental events or human disruptions."⁴

5. Give the Biodiversity and Ecosystem Health Office overarching authority

The proposed Office of Biodiversity and Ecosystem Health has huge potential to speed up implementation of the paradigm shift. We hope that B.C. will make the establishment of this office with the right set of powers a priority during the Spring legislative session. To be effective, it will require overarching authority to implement the promised paradigm-shift across all sectors, as described in the Statement of Intent.

As we have seen with the Ministry of Water, Land and Resource Stewardship, a new government department without proper authority cannot lead to tangible, on-the-ground changes if other Ministries continue to permit extractive activities resulting in loss of high-risk ecosystems, without adequate legal checks and guardrails. Clarifying the authority of the Office to achieve its stated purpose and goals will be crucial.

We support the recommendation of West Coast Environmental Law to create this Office (or an associated structure) as a co-governed institution with the benefit of an independent Western and Indigenous science body(ies) to inform its work.⁵

¹ <https://sierraclub.bc.ca/university-of-victoria-environmental-law-centre-report-calls-for-a-minimum-of-thirty-per-cent-old-growth-protection-across-bc/>

² <https://thetyee.ca/Analysis/2023/01/18/Running-Empty-BC-Forestry-Crash/>

³ <https://www.cbc.ca/news/canada/wood-pellets-bc-forests-green-energy-1.6606921>

⁴ <https://conservationnorth.org/take-action/>

⁵ <https://www.wcel.org/blog/get-know-bcs-new-draft-biodiversity-and-ecosystem-health-framework>

6. Align the Framework, the Nature Agreement (30x30), Conservation financing and related commitments

Sierra Club BC welcomed the announcements⁶ about conservation financing, the Nature Agreement, and the draft Framework at the end of 2023. We are concerned, however, about the lack of alignment and cross references between them.

The Framework must show clearly how its implementation supports the Nature Agreement, namely the goal of protecting 30 percent of lands in BC by 2030. It should also show how the Framework will work with the Nature Agreement goals of an expanded and amended protected areas network, and other conservation mechanisms like implementation of Ecosystem-based Management with ecosystem targets, to achieve the stated goals for biodiversity and ecosystem health.

The international 30 x 30 goal requires meeting high protected areas standards. The Framework is the right place to describe these requirements and emphasize their importance. It also offers an opportunity to commit to strengthening and amending currently weak designations (like OGMAs and WHAs) so that they may contribute towards an expanded protected areas network in the future.⁷

We are particularly concerned about the absence of any reference to Indigenous Protected and Conserved Areas (“IPCAs”). Provincial support and timeline to integrate this new designation in provincial planning must be included in the final Framework. The commitment to achieve the goal of 30% protection of BC’s land base by 2030, “including Indigenous Protected and Conserved Areas” in Premier Eby’s December 2022 mandate letter⁸ gave our organization and our supporters new hope that the B.C. is committed to doing its part to establish IPCAs within B.C. legal system of protected areas designations. Speeding up the work with Nations that have already declared IPCAs and Nations that are interested in creating them will be indispensable to make progress towards the 30 by 30 goal.

The Framework could align several other elements as well to increase the likelihood of success and avoid silos and parallel efforts:⁹

- Connect funding from the Nature Agreement and conservation financing to specific elements of the Framework. For example, clarify funding pathways for First Nations to quickly enable logging deferrals for identified high-risk old-growth forests that remain open to logging.
- Include explicit guidance in the Framework to ensure that funding will be prioritized to conserve the most endangered ecosystems, avoiding the historic path of least resistance which has led to disproportionately setting aside ‘rock and ice’ in higher elevations.
- Similarly, explicitly prioritize funding for economic alternatives to resource extraction for First Nations seeking to protect high-risk ecosystems, instead of compensation for corporations.

⁶ <https://sierraclub.bc.ca/media-centre/>

⁷ We are very concerned about the CPAWS findings highlighting serious problems with OGMAs and support their recommendations to address them (included in the CPAWS media releases).

<https://cpawsbcc.org/active-cutblocks-the-size-of-68-stanley-parks-in-areas-bc-considers-protected/>

⁸ https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/wlrs_-_cullen_-_w_ps.pdf

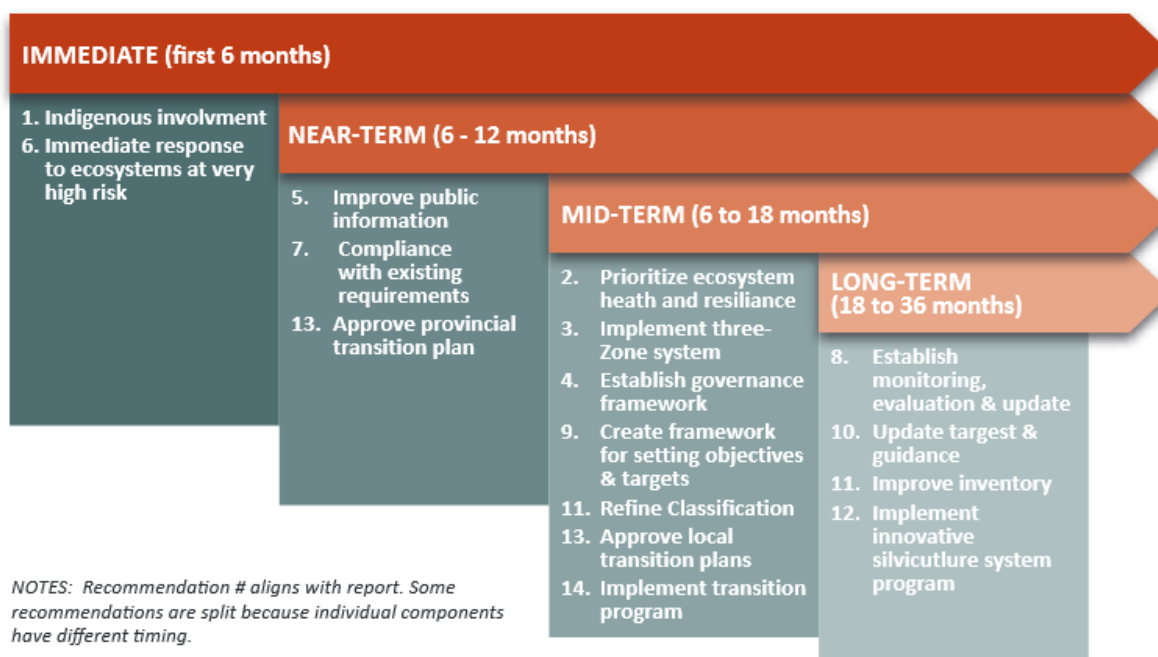
⁹ In contrast to the draft Framework, the Nature Agreement already contains specific milestones like hectare targets for certain at-risk old-growth forests that need permanent protection by 2025, and next steps for Spotted Owl and Caribou habitat. Referencing these commitments in the Framework and its implementation plan will improve alignment, likelihood of success and coordination.

Lastly, we are expecting the long anticipated Old-Growth Action Plan. We hope it will include updated timelines and milestones dates for all OGSR recommendations and show how the paradigm shift in forest stewardship will support the goals of the Framework and the Nature Agreement. We recommend that once the Old Growth Action Plan is finalized, it should be referenced in the final Framework to highlight the importance of following through on the OGSR recommendations as integral part of the efforts to achieve the intent of the B.C. government.

We have a helpful example of creating a framework of mechanisms to enable conservation in B.C. in the Great Bear Rainforest Agreements. These tied the creation of protected areas, EBM implementation, funding agreements and a new government-to-government relationship to a package, to ensure all strategies work hand in hand to create regional change. Making the paradigm shift across the province a reality, will require the Framework and related initiatives to form a similarly complementary package.

7. Outline an ambitious implementation plan and reporting details

The draft BEH Framework was developed in response to recommendation #2 from the 2020 OGSR. The 2020 OGSR included a three-year timeline for implementation of all 14 recommendations (page 67, copied below). In other words, an implementation plan for recommendation 2 (and the other 13 recommendations) already exists, though it needs updating. The Framework could use the existing stepwise implementation laid out in the OGSR (page 67) to ensure transparent, regular progress reporting as an essential part of implementation.



In addition to reporting on progress in implementation, B.C. needs better reporting on the state of ecosystem health and biodiversity, especially on forest ecosystems. More than half of B.C. is covered by forests and improved reporting on the state of the forest as well as continued implementation of the paradigm-shift in forest stewardship outlined in the OGSR will be particularly important to achieve the goals of the Framework.

Recommendation 5 of the 2020 OGSR called on B.C. to “Provide the public with timely and objective information about forest conditions and trends.” This is necessary to inform implementation of the Framework, for local land use plans and many other reasons. Existing reporting is not sufficient.¹⁰

Even some of the most sought-after information – how much old-growth is still getting logged every year and are we making progress protecting what’s left – is nearly impossible to locate.¹¹ The Framework should address this by outlining reporting requirements on the state of ecosystems and progress in safeguarding biodiversity.

Implementing the Framework will require information about the state of species habitat, ecosystem health and trends, and conservation progress, province-wide and by region. Without this information, governments and the public will not be able to assess whether we are successful in holding off and reversing current trends of irreplaceable loss and irreparable harm.

Protecting forests and reforming forest stewardship must play a central role in implementation of the Framework. We applaud the Framework’s focus on all ecosystems and all sectors, but we are concerned that the draft framework never mentions old-growth forests, even though it was developed in response to the OGSR and the urgency to protect the last old-growth forests in BC. We think the final framework should emphasize the ongoing importance to fully implement the OGSR as a key strategy to safeguard biodiversity and ecological health in B.C.

8. Comprehensive integration of biodiversity and climate goals (mitigation and adaptation)

Sierra Club BC appreciates that the draft Framework acknowledges the additional stress of climate change on biodiversity and the role of intact ecosystems reducing climate impacts. But it falls short on adequately considering their importance as natural carbon sinks and never mentions the industrial activities (e.g. logging/clearcutting) that are the biggest drivers in ecosystem degradation¹².

This gap should be addressed in the final Framework, because it is no longer possible to safeguard intact, carbon-storing ecosystems without stabilizing the climate, and we cannot stabilize the climate without preserving these remaining intact ecosystems (especially carbon rich old-growth forests). The biodiversity and climate crises are inseparably linked. One cannot be addressed without the other. The Framework must guide the integration of climate change in the paradigm-shift towards safeguarding biodiversity in B.C.

One factor needing more consideration is that, as climate change intensifies, more and more forests and other ecosystems suffer from climate impacts, particularly in landscapes already directly impacted by harmful activities. Continued industrial degradation combined with climate change exacerbates pressure on biodiversity.

Therefore, reporting on trends to inform how much needs to be protected must include both direct habitat loss (e.g. annual data on how much forest is being logged) and climate impacts (e.g. annual data on how much forest burned down). The additional pressure on biodiversity means that we must protect more land to protect biodiversity, and we must act faster, before we lose even more resiliency.

¹⁰ For example, the last year the BC government shared a State of the Forest report with information about ecosystems, conservation levels, age class, forestry practices and important trends like logging rates was in 2010 <https://www2.gov.bc.ca/gov/content/environment/research-monitoring-reporting/reporting/environmental-reporting-bc/previous-reports-indicators>

¹¹ <https://sierraclub.bc.ca/review-of-b-c-data-shows-annual-old-growth-logging-has-gone-up-not-down/>

¹² See for example Conservation North’s Seeing Red map: <https://www.focusonvictoria.ca/forests/41/>

Similarly, the Framework should offer background on the urgency to defend and restore the capacity of natural ecosystems to sequester carbon dioxide from the atmosphere. This capacity is now severely diminished because of the double whammy of industrial logging and worsening climate impacts.¹³ The latter are harder and harder to control but we can decide how much industrial logging is allowed and what practices permitted.

Ecosystems with the highest levels of ecological risk caused by habitat loss overlap in many cases with ecosystems that hold the highest levels of biomass per hectare. The best examples are big-tree old-growth ecosystems with record-high carbon storage per hectare. This context should be included in the final Framework, as an additional rationale to rapidly increase protection levels and enact stricter forestry regulations with the goal of ending - destructive logging practices like clearcutting and slash burning.

The draft Framework acknowledges that intact ecosystems are essential for communities in the context of climate risks but shies away from naming industrial logging as a key factor for this growing threat. We have seen the same issue in B.C.'s 2019 Strategic Climate Risk Assessment. It identified 15 climate risks the province must prepare for but ignored the relationship between industrial logging and severe climate impacts like heat waves, wildfires, droughts and flooding. This was a key finding in a report written by Dr. Peter Wood for Sierra Club B.C. in 2021, titled Intact Forests, Safe Communities¹⁴. The report showed that nine of the 15 climate risks identified the provincial assessment are significantly influenced by logging.

Dr. Wood's report highlighted the urgency of protecting intact forests and reforming forestry practices as one of the most useful tools we have to protect communities and biodiversity from worsening climate impacts. The report highlighted the importance of following through on the full set of recommendations from the 2020 Old Growth Strategic Review. The relationship between industrial logging and climate impacts should be reflected in the final framework and discussed as another reason to carry forward the commitment to fully implement the paradigm-shift in forest stewardship outlined in the OGSR.

Conclusion

In closing, Sierra Club BC notes that it is important to keep in mind that the Framework is tied to the exceptionally important recommendation #2 from the historic 2020 OGSR. As the authors pointed out in the OGSR introduction: *"Had previous old forest strategies and recommendations been fully implemented, we would likely not be facing the challenges around old growth to the extent we are today, i.e., high risk to loss of biodiversity in many ecosystems, risk to potential economic benefits due to uncertainty and conflict, and widespread lack of confidence in the system of managing forests."*

Finalizing the framework including an ambitious implementation plan with immediate interim measures will be paramount to reverse the ongoing decline in biodiversity and ecosystem health in B.C.

Sincerely

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¹³ It will play a huge role whether we can stabilize the climate. As the National Observer's Barry Saxifrage notes, B.C.'s GHG emissions data shows that "logging emissions have stayed fairly steady over the last three decades, averaging around 46 million tonnes of CO2 per year. That's a lot of CO2, roughly equal to the emissions from all fossil fuels burned in the province."

<https://www.nationalobserver.com/2022/03/04/analysis/how-bcs-forest-became-carbon-spewing-liability>

¹⁴ <https://sierraclub.bc.ca/intact-forests-safe-communities-sierra-club-bc-report/>