Great Bear Rainforest (Forest Management) Act Could Create Social Licence

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Twenty years ago, what is now called the Great Bear Rainforest, was on the front lines of environmental activism. A coalition of environmentalists, First Nations and locals took direct action to stop the logging of first growth temperate rainforest along British Columbia's west coast. That was the beginning of political and legal wrangling that has culminated in legislation to protect the region. Today, with British Columbia's Bill 28, *Great Bear Rainforest (Forest Management) Act*, it is on the cutting edge of building social licence between government, industry, First Nations and environmentalists. If passed, Bill 28 will permanently protect 85% (3.1 million hectares) of coastal rainforest and subject the remaining 15% (550,000 hectares) of the area covered by Bill 28 to one of the most stringent legal regimes for commercial logging in North America. In doing so, it enshrines a system of ecosystem-based management involving First Nations in decision making.

The Great Bear Rainforest stretches along the coast of BC from Vancouver Island to the Alaska panhandle. It is one the largest intact temperate coastal rainforests in the world and comprises 25% of the world's remaining coastal temperate rainforest. The area covered by the Bill 28 covers an area greater than Ireland. That area has been used by various First Nations for over 10,000 years and supports species such as the grizzly bear, mountain goat, tailed frog, marbled murrelet, northern goshawk, and of course the now iconic Kermode, or white, spirit bear. In the 1990s, local activists, environmentalists and First Nations believed that commercial logging was threatening the cultural, heritage, ecological and aesthetic values the area had allowed to flourish for millennia and formed blockades. The conflict is one that has come to typify disputes related to resource extraction: those wishing to harvest the resource commercially for its market value are opposed by those, sometimes acting outside, or on the fringes of the law, who want to protect its use value.

Historically, most legislation that enables resource extraction has favoured the market value of the natural resource with little consideration of its use value in the form of cultural, aesthetic or ecological uses. Bill 28 differs in this respect. It legislates mechanisms to balance the extraction of the resource's market value with measures to protect cultural and ecological values. Bill 28 builds on government-to-government agreements with local First Nations for shared decision making on how the Great Bear Rainforest will be managed and selectively logged. This helps protect heritage and spiritual values important to First Nations and provides First Nations with economic

opportunities for selective logging. It limits logging in the area to 2.5 million cubic metres per year for the first ten years and ensures a review of that number after ten years. Its ecosystem-based management regime will apply measures more stringent than BC's *Forest Act* which will continue to apply outside the region. Bill 28 also allows for partitions to forestry licences that would limit logging to particular geographic areas or particular species of timber.

Despite the accolades the legislation has received as a model for obtaining the consensus required between government, industry, environmentalists and First Nations necessary to obtain social licence, it has faced criticism on both sides. Some on the industry side complain that the ecological and cultural targets required will make compliance costly and so challenging that those logging in the area may find it difficult to obtain certification by international bodies for forestry stewardship that are more valuable in the global market place. On the other side of the fence, some argue that the 15% area that may be logged on Bill 28 is too much: none of the remaining old-growth forest should be logged and the areas where logging is allowed are in low-lying, sensitive watersheds. These types of criticism are inevitable when trying to achieve a system all sides can live with despite whatever perceived imperfections the regime may have.

Unlike most legislation designed to enable natural resource extraction, Bill 28 brings concerns that were previously not addressed to the satisfaction of local communities into law. It builds the protections for spiritual, heritage ecological uses right into the licensing regime. In this way, the 20 years leading up to Bill 28 provides a case study in the trajectory of social licence. Legislative regimes for harvesting natural resources which prioritise market value over use value are confronted by local communities unhappy with this lack of balance. That need for balance and for the protection of cultural, heritage and ecological values first gains local community recognition which is followed by industry and political recognition. In the case of the Great Bear Rainforest, BC has taken a last step not always seen: enshrining that recognition in law.

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