

Memorandum of Understanding

Between

**Ministry of Forests
South Island Forest District**

and

Pacific Rim National Park Reserve of Canada

In areas where Pacific Rim National Park Reserve (Pacific Rim) is adjacent to B.C. Provincial Forests, there is a duty of care on the part of land and resource managers and forestry practitioners to ensure that the sustainability of ecosystems, natural water quality and flow, and recreational values and socio-economic objectives are not compromised and that management activities are planned and co-ordinated with mutual respect for the mandates of both Parks Canada and the B.C. Ministry of Forests (MOF).

Parks Canada and MOF recognize that there is a need to co-ordinate their respective management decisions and actions when dealing with forest related and park management issues. This Memorandum of Understanding (MOU) provides an administrative framework for consultation necessary to achieve the mandates of both agencies. The MOU does not limit the scope of mutually acceptable co-operation; but rather, it defines a basic framework for co-operation.

Purpose and Scope

The purpose of this MOU is to ensure that the management of issues that result from the interface of the mandates of Parks Canada and MOF are carried out in a consistent, effective and efficient manner so both agencies can achieve their respective mandates.

This MOU focuses on the following;

1. An enhanced degree of co-operation (building upon the good relationships we now experience).
2. Ecological integrity and sustainable forest management.
3. Communications and exchange of information.
4. Planning activities with consideration for adjacent land use.

Basic Principles

This MOU has been developed jointly by Parks Canada and MOF using the following principles:

1. Effective communication and a spirit of cooperation between Parks Canada and MOF is essential for the successful management of values of mutual interest;
2. Management decisions and actions taken to address mutual values must be consistent with applicable legislation, and produce results that are in the public interest;
3. Ecological integrity, water resources and recreational values in Pacific Rim National Park Reserve will be protected;
4. Parks Canada and MOF will maximize reliance on the professional judgement of staff within each agency to encourage exchange of information and appropriate expertise to make good management decisions;
5. The forest and range resources of the province will be managed protected and conserved for the immediate and long term economic and social benefits they may confer on British Columbia

6. The MOU is designed, accepted and maintained as a dynamic document to facilitate improvements over time and shall be reviewed from time to time.

The Management of Timber Harvesting and Related Activities within Provincial Forests Adjacent to Pacific Rim.

Background

Pacific Rim was established to commemorate, protect and present a representative example of the coastal plain portion of the Pacific Coast Mountains Natural Region in ways that encourage public understanding, education and enjoyment of that heritage, while ensuring long-term ecological integrity. Trees within park areas are not available for commercial timber harvesting. However, Crown timber adjacent to Pacific Rim is available for harvesting, and represents part of the supply of wood fibre needed to maintain a healthy and competitive forest industry. Since timber harvesting and related operations can impact on the integrity of Pacific Rim, and park management practices can impact forest management activities, there is a need for Parks Canada and MOF to work together to ensure that the objectives of both agencies can be achieved. It follows that agreement, and in many cases joint actions, between Parks Canada and MOF are needed along common boundaries.

Within the area encompassed by this MOU, there are two types of forest management frameworks within land designated as provincial forest. The Clayoquot Sound Scientific Panel Recommendations make specific recommendations with respect to planning and land use within the area known as Clayoquot Sound. The Vancouver Island Land Use Plan provides guidance for planning on Vancouver Island outside of Clayoquot Sound. For each of the planning areas, broad landscape units have been proposed where specific direction and recommendations for land use will apply.

Roles and Responsibilities

The MOF - District Manager will ensure that the Superintendent, Pacific Rim National Park Reserve (Pacific Rim Superintendent) is aware of each case where a proposed Landscape Unit Plan or Watershed Plan has a potential of impacting Pacific Rim and, more specifically, will invite Parks Canada to take part in planning or consultation to allow for input where the landscape or watershed planning may impact on Pacific Rim.

The MOF - District Manager will ensure, via referral of specific forest development plans, that the Pacific Rim Superintendent is aware of each case where the planned harvesting of timber, silvicultural activities and/or construction of forest roads has a potential of negatively impacting Pacific Rim. More specifically, this applies to the following:

- Any cutblocks and/or roads within a watershed that is part of Pacific Rim.
- Cutblocks anticipated to create major viewscape impacts to a wilderness or recreation-oriented area within Pacific Rim.
- Roads that will create new access within 500 m. of previously remote areas.

The Pacific Rim Superintendent will inform the MOF - District Manager of any concerns about information provided. This may include requests to review more detailed operational plans, such as silviculture prescriptions. Any concerns with site level plans or silviculture prescriptions, the Pacific Rim Superintendent will direct their comments to the licensee for consideration. If the Pacific Rim Superintendent is not satisfied with the outcome of consultation with the licensee, then the Pacific Rim Superintendent will notify the MOF - District Manager of the concern.

Existing Operations

Where, at the commencement of this MOU, forestry operations are ongoing in an area which may impact Pacific Rim, the MOF - District Manager will ensure that the Pacific Rim Superintendent is aware of each case where there is an approved Forest Development Plan adjacent to Pacific Rim.

Consideration of Pacific Rim

The MOF - District Manager will take the adjacency issue and any concerns expressed by the Pacific Rim Superintendent into account when:

1. Completing Watershed Plans in Clayoquot Sound and Landscape Unit Plans outside of Clayoquot Sound for those units within or adjacent to Pacific Rim.
2. Planning, reviewing or approving timber harvesting and road construction adjacent to Pacific Rim, with particular attention to proposed road development directly along park boundaries;
3. Planning the frequency and intensity of field inspections of timber harvesting and road construction adjacent to Pacific Rim.

Boundary Management

1. When the MOF - District Manager, approves a Cutting Permit, Road Permit or Special Use Permit within 200 meters of the boundary of Pacific Rim it will include a reminder that the permit holder is responsible to conduct activities in a manner that ensures all operations are conducted within the permit area. The MOF - District Manager will also recommend that the licensee adequately mark the boundaries when operations are to occur within 200 meters of the Pacific Rim boundary
2. When there is a recommendation for marking of cut blocks, road locations or other permits within 200 m. of Pacific Rim, the MOF - District Manager will inform the licensee in writing [cc to the Pacific Rim Superintendent] of the adjacency issue and request the licensee to:
 - a) Contact Parks Canada prior to marking cutblock, road locations or permit area boundaries to obtain information and discuss the adjacency issue;
 - b) Ensure that, when marking cut block, road boundaries or permit areas, those boundaries do not encroach on Pacific Rim;
 - c) Ensure that timber harvesting and road construction activities remain within operating boundaries and that charges under the National Park Act and Regulations are possible if damage occurs to Pacific Rim;
 - d) Ensure that determination of boundaries conforms to the requirement of the Surveyor General of B.C.;
 - e) Prevent blowdown damage to Pacific Rim, with the use of proper management tools when necessary, such as, use of Windthrow Assessments and creating buffers or feathered edges.
3. The Pacific Rim Superintendent is responsible for providing to licensees, on request, the best information in its possession that may assist a licensee in accurately ascertaining the location of the boundaries of Pacific Rim. This may include a metes and bounds description and/or a map description; however, it does not absolve the licensee from the requirement for meeting the Surveyor General's (of B.C) standards for establishing the Pacific Rim boundary.

4. Where an approved forest operation is far removed from the nearest legal monument, and the unsurveyed protected area boundary follows mapped topographic features that turn out to be poorly defined on the ground, the Pacific Rim Superintendent and MOF - District Manager, in conjunction with the Surveyor General of BC, will work together to define a logical point of commencement from which a survey boundary can proceed. This allows for a surveyed Pacific Rim boundary without the requirement for a distant tie-in.
5. When issuing a timber mark to a person for cutting and removing timber on private land that is adjacent to Pacific Rim, the MOF - District Manager will inform that person of the adjacency situation, the requirements of Section 97 of the Forest Practices Code (Appendix 1) and recommend following points 2c to 2e outlined above.

The Management of Park Planning and Related Activities within Pacific Rim National Park Reserve Adjacent to Provincial Forests.

Background

Provincial Forests contribute to the social and economic welfare of British Columbia. The mandate of Ministry of Forests is to;

- (a) encourage maximum productivity of the forest and range resources in British Columbia;
- (b) manage, protect and conserve the forest and range resources of the government, having regard to the immediate and long term economic and social benefits they may confer on British Columbia;
- (c) plan the use of the forest and range resources of the government, so that the production of timber and forage, the harvesting of timber, the grazing of livestock and the realization of fisheries, wildlife, water, outdoor recreation and other natural resource values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the government and with the private sector;
- (d) encourage a vigorous, efficient and world competitive timber processing industry in British Columbia;
- (e) assert the financial interest of the government in its forest and range resources in a systematic and equitable manner.

Since park related planning, recreational use and related activities can impact on forest management activities, there is a need for Parks Canada and MOF to work together to ensure that the objectives of both agencies can be achieved. It follows that agreement and in many cases joint actions between Parks Canada and Forests are needed along common boundaries.

Roles and Responsibilities

The Pacific Rim Superintendent will ensure that the MOF - District Manager is aware of each case where a proposed Park Management Plan, proposed recreation use area and other related activities has a potential of impacting upon Provincial Forest. More specifically will invite the Ministry of Forests to take part in planning or consultation to allow for input where the activities of Parks Canada may affect Provincial Forest.

The Pacific Rim Superintendent will ensure, via referral of specific management or development plans, that the MOF - District Manager is aware of each case where the planned activity has a potential of negatively impacting on Provincial Forest. More specifically, this applies to any activity within a watershed that is part of Provincial Forest. Upon request by the MOF - District Manager, the Pacific Rim Superintendent will notify the MOF - District Manager of all management plans within Pacific Rim regardless of whether the above criteria is applicable.

The MOF - District Manager will inform the Pacific Rim Superintendent of any concerns about information provided. This will include requests to review plans that are more detailed.

Existing Operations

Where at the commencement of this MOU park plans are ongoing in an area which may impact Provincial Forest, the Pacific Rim Superintendent will ensure that the MOF - District Manager is aware of each case where plans are in place and adjacent to Provincial Forest (E.g. Park Management Plans and Area Plans).

Consideration of Provincial Forest

The Pacific Rim Superintendent will take the adjacency issue and any concerns expressed by the MOF - District Manager into account when:

1. Completing management plans in Pacific Rim adjacent to Provincial Forest, and
2. Planning recreational use adjacent to Provincial Forest,

Boundary Management

The following boundary identification requirements will be required when Parks Canada constructs any road or other development adjacent to Provincial Forest.

- a) Contact the MOF - District Manager prior to marking planned development locations to obtain information and discuss the adjacency issue;
- b) Ensure that, when marking National Park Boundaries, those boundaries do not encroach on Provincial Forest;
- c) Ensure that planned development activities remain within National Park Operating Boundaries and that charges under the Forest Act are possible if damage occurs to Provincial Forest;
- d) Ensure that determination of boundaries conforms to the requirement of the Surveyor General of B.C.;

The MOF - District Manager is responsible for providing to Parks Canada, on request, the best information in its possession that may assist a Parks Canada in accurately ascertaining the location of the boundaries of Provincial Forest. This may include a metes and bounds description and/or a map description; however, it does not absolve Parks Canada from the requirement for meeting the Surveyor General's (of B.C.) standards for establishing the Provincial Forest boundary.

Where an operation is far removed from the nearest legal monument, and the unsurveyed boundary follows mapped topographic features that turn out to be poorly defined on the ground, the Pacific Rim Superintendent and MOF - District Manager, in conjunction with the Surveyor General of BC, will work together to define a logical point of commencement from which a survey boundary can proceed. This allows for a surveyed Provincial Forest boundary without the requirement for a distant tie-in.

IMPLEMENTATION

1. This MOU takes effect when it has been signed by the designated representatives for both Parks Canada and the Ministry of Forests.
2. This MOU is not retroactive in that it will not require changes to decisions that have been negotiated between Parks Canada and Forests prior to the date it is signed (unless by mutual consent).
3. The District Manager of the South Island Forest District and the Superintendent for Pacific Rim National Park Reserve are the designated contacts for responding to questions on the interpretation of the MOU, for monitoring its effectiveness and for co-ordinating and processing required amendments.
4. Any amendments made to this MOU will be by mutual agreement between Parks Canada and the Ministry of Forests. They must be signed by the signatories of this agreement and be attached to and form part of this MOU. This MOU will be reviewed by the parties at least every 5 years.
5. In the case of a disagreement arising on the terms of this MOU, both parties agree to the appointment of an independent arbitrator, acceptable to both sides.
6. In addition to the day-to-day communication between the parties necessary to fulfill this MOU, a formal meeting of the two parties will occur at least annually to ensure that the opportunity exists to explore collaborative efforts in such mutually beneficial areas as research, monitoring, restoration, non-timber values and ecological integrity.

TERM

This MOU has no expiry date. However, either party can terminate it by giving 60 days notice in writing to the other party.

IN WITNESS WHEREOF the parties have executed this Agreement on:

April 19, 2001
(Date)

SIGNED, SEALED AND DELIVERED by)
District Manager)
South Island Forest District)
In the presence of:)

[Signature])

[Signature]
District Manager
South Island Forest District

SIGNED, SEALED AND DELIVERED by)
Superintendent)
Pacific Rim National Park Reserve)
In the presence of:)

[Signature])

[Signature]
Superintendent
Pacific Rim National Park Reserve