

BLOMIDON NATURALISTS SOCIETY

RESPONSE TO: AN OLD-GROWTH FOREST POLICY FOR NOVA SCOTIA (2021)

December 6th, 2021



The Blomidon Naturalists Society would like to submit our thoughts and recommendations on the Nova Scotian government's draft policy on old-growth forest. A long-standing naturalist group based in the eastern Annapolis Valley, the Blomidon Naturalist Society (BNS) represents over 150 memberships of individuals and families. Our mission is to develop understanding and appreciation of nature, and as such we are committed to environmental conservation and advocacy. The Acadian forest, and especially our old-growth forests, are of particular concern for the BNS and we call for strong measures to conserve and restore them.

The strong protection of and dedication for old-growth forest policy, and a shift to ecological forestry practices more broadly, are much needed in this province. Old-growth forests are indispensable. In this time of climate and biodiversity crises, old-growth forests are diverse and, although the species richness may be lower than for earlier succession stands, they harbour unique species not found anywhere else and thus hold very high biodiversity value. The clearcutting of this province through conventional forestry practices results in species that have nowhere to resettle as adjacent habitats are fully occupied, thus leading to wildlife refugees, severe degradation and loss of biodiversity. Old-growth forests are also valuable carbon sinks, and protecting these stands is an important contribution to our climate change goals. The protection of old-growth forests is imperative.

Indeed, we can applaud what is good in *An Old-Growth Forest Policy for Nova Scotia*. It is imperative to understand and acknowledge the value of old-growth forests. This policy states this in the introduction (1.0), which is necessary: "Scientific research has made it clear that old-growth forests are indispensable for supporting biodiversity as well as ecosystem services and functions at multiple levels." It is so valuable that we have a policy dedicated towards our old-growth.

However, *An Old-Growth Forest Policy for Nova Scotia* must be stronger. We would like to propose some amendments, comments and feedback.

We call for:

- stronger protection through legislation;
- stronger protection measures;
- a wider scope of inclusion for old-growth forests;
- external accountability and departmental restructuring within the Department of Natural Resources and Renewables;
- robust work with private landowners;
- active public engagement; and
- more details.

Protection Through Legislation

This policy acknowledges that there are not enough legally protected areas to sufficiently protect old-growth forest. This implies a need for increased protected areas, which is important. The policy notes (in section 1.0) that this can occur through protection in legally-protected areas and through a system of policy-protected conservation areas on Crown lands. Where then is the discussion, or direct pledge, for increased legally-protected areas of old-growth forest? Or rather, where is the discussion around creating a law to protect old growth forests instead of a handful of policy updates over the past 22 years, while our province's forests have continued to be clear-cut?

Indeed, this policy points to the dangers of relying on policy rather than law to protect forests. Old-growth forests are indispensable and need strong protection. Laws better allow for accountability through the justice system and are more difficult to renege on. Our old-growth forests deserve this level of protection and, thus **we recommend that an updated version of this document be made into law rather than policy.**

Stronger Protection Measures Needed

However, if this old-growth policy is to stay as policy, not law, it requires stronger wording and protection measures. As this policy stands, it does not strongly commit to protecting old growth forest. Section 5.3.1 is particularly worrisome: "Old-growth forest area that is protected under this Policy may be removed from such protection only if: (a) The Minister has declared the removal to be in the public interest, such as on account of a development project, or a large natural disturbance has killed most or all of the trees." A policy to protect forests is not strong enough if it can simply be revoked at a Minister's discretion. Having "public interest" and "development" in the same line does not sound encouraging for the conservation of our forests. It appears a slippery slope as to how and when protection can be revoked – this policy must be stronger. The secret delisting of Owls Head undermined public trust in the protected areas system in this province. This policy as it stands does not provide much encouragement that protected areas will actually be protected.

Moreover, a natural disturbance may affect the trees, but this ignores the fact that the other wildlife, vegetation, soil microbes and mycorrhizae that live in these forests may well survive and such diversity takes centuries to build up. Forests naturally undergo disturbances, as this is how succession works. In addition, with increased storms and invasive insects, there will soon be no forests untouched by significant natural disasters, so this forest policy must consider this reality and work to protect the biodiversity of these forests. If only "untouched" forests can be considered, we must reflect on what forests will soon be deemed worthy of protection. **We ask that section 5.3.1 be removed from the policy, such that protection cannot be removed for the sake of development or disturbance, and therefore such that this policy will preserve the whole biodiversity of these areas.**

Similarly, section 5.3.2 allows for old-growth forest restoration opportunities to be removed due to a development project or natural disturbance. We ask that if this policy is committed to protecting and preserving forests, including restoration opportunities, then ways to renege on

these commitments should not be included. **For the same reasons as above, we ask that this section 5.3.2., in particular, point (a) be removed.**

Furthermore, there is also nothing in the policy about repercussions for the government failing to protect old-growth forests. What incentives are there for the Department of Natural Resources and Renewables, that as part of its mandate promotes forest harvesting, to protect these Crown lands? Acknowledgement of the value of old growth forests must come hand in hand with a dedicated commitment to protect them. **We recommend an addition to include repercussions for failure to follow the policy.**

Wider Scope for Old-Growth Forest Protection

Next, the Blomidon Naturalists Society would like to see a more expansive scope of what forests can be protected. In particular, section 4.0 notes that “no forest areas that have received a silvicultural treatment or timber harvest within 30 years of the date of approval of this Policy will be designated to be protected, provided there is documentation of the treatment.” This will result in the exclusion of forests that have been lightly managed or affected by human activity yet may still have significant ecological value. Limiting the scope of what forests will be protected, as this policy does through this section, ignores the ecological value of these lightly managed forests and their importance for protection as well. If these areas are still scored as old-growth forests, they should be protected regardless of the recent human impact or presence. **We need a stronger commitment, and hence this section should be amended to allow for areas of old-growth that have been lightly or recently logged to be recognized as old-growth and protected.** At the very least, even if these areas continue as working forests under a method of ecological forestry, it is concerning the old-growth recognition, despite tree age, does not seem to expand to forests that have been touched recently by forestry practices.

Furthermore, the requirement that protected forests must be a minimum of 1.0 hectare (section 4.0) may mean that important areas are missed. The old-growth forest in this province has been destroyed, split up and harvested such that many remaining stands are patchy. This size requirement dismisses the ecological value of these small stands, and therefore **we recommend that this minimum be removed, and that the policy require buffers to be established around these small stands.**

Moreover, there is the need to ensure that old-growth forests are protected *now*, along with forested areas being protected as future old-growth stands. “This Policy assumes a stability of land use in the legally protected areas of the Province and that these restoration opportunities will become old-growth forest area in time” (section 1.1). The reliance on protected areas to capture old-growth forests is valuable, but this policy must ensure that sufficient areas are protected now. Therefore, we have concern over the raised age minimums for some species, which excludes some old-growth forests, while perhaps younger than in the past, from being protected.

External Accountability & Departmental Restructuring

Moreover, we recommend changes to the Department of Natural Resources and Renewables to allow for a more effective old-growth strategy and increased accountability.

In particular, this policy could benefit from third-party involvement to provide increased accountability and ensure more effective protection of old-growth forests. **A third-party organization could be used to identify and map old-growth forests and audit the outcomes of the protection.** The challenge of the Department of Natural Resources and Renewables is that it is attempting to advocate for the forestry industry *and* protect forests. This is a challenging and conflictual mandate, and bringing in an external auditor (most likely, in addition to Coordinator) for much of this policy could help. It would also help with transparency.

As well, we encourage a **re-evaluation of the structure of the Department of Natural Resources and Renewables.** This policy reveals the challenges of a department in charge of harvesting and of forest protection, where such a conflict of interest prevents a bold policy. Increased separation of these two facets – Forestry and Forest Protection, Wildlife & Biodiversity - could allow for more clear, focused, and effective policy.

Private Considerations

Moreover, we appreciate the consideration of the private ownership of much of this province's forested land. As the policy notes, private ownership accounts for 63% of forested land in the province, which is significantly more than forested public land held by the Crown. The problem then arises with properly protecting forests and old-growth forests when the Crown has so little. The mention in the policy (section 5.5) to work with private landowners to encourage and support them to protect and conserve old-growth forests on private land is important and worthy of more detailed attention and discussion. **We hope that resources will be committed to this work, and that a more detailed plan for this will be explored such that landowners are engaged and incentivized to protect their forests.**

Specifically, the Department of Natural Resources and Renewables should delineate incentives for landowners to conserve their forested lands, and provide more clarity in this policy as to how the department will actively ensure that a significant number of private owners will be engaged in this process. The department will “provide information on funding programs and legislation that helps to encourage landowners to participate” (5.5), but this is somewhat vague and we encourage a detailed plan in this policy to be developed that will include payments for protection such as easements.

Public Engagement

Furthermore, we like that this policy has as an objective to engage the public with our old-growth forests. In section 5.6 “Recreational and Learning Opportunities,” this policy states that the Old-Growth Forest Coordinator will “develop descriptive materials and interactive online tools for use by members of the public who might wish to visit such [accessible old-growth

forest] areas for recreational and learning opportunities” and will “develop educational learning materials for the public on old-growth forests.” This is good, and we heartily encourage a strong campaign on public awareness and engagement on our old-growth forests. Learning opportunities should not just happen in those “accessible” forested areas, but the Department could launch a widespread online and in-person public education campaign on our old-growth forests and biodiversity, perhaps in collaboration with other groups and organizations.

This public consultation on the draft is a good step in the right direction, and we welcome it. However, it is relatively short and inaccessible to many, and therefore **increased public education on forests would allow the public to be more empowered when responding to policy (or legislation) and to better articulate their desires around Nova Scotia’s forests.** Moreover, increased information sharing, reporting, and dialogue with the public would increase trust in the Department of Natural Resources and Renewables and support the long-term conservation of old-growth forests.

More Details Needed

This policy requires more details to clearly articulate how old-growth forests will be protected and to allow Nova Scotians to respond to this policy.

Under section 5.2.2, the policy alludes to old-growth restoration opportunities. However, there is no mention of how restoration will occur. We support restoration activities, but details on this process are missing. More so, while restoration is vital, we must protect enough old-growth areas now, not bank on restoration opportunities down the line.

Moreover, this policy places a lot of attention on identifying old-growth stands, but what protection of these stands actually looks like should be explained in more detail. What does protection look like and how do we move from identification to protection?

As well, other details, such as the old-growth forest scoring protocol, the pre-treatment assessment protocol, and the monitoring protocol are not included in the policy. These documents should be shared for public transparency and clearer feedback.

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Overall, we need swifter, stronger action now. The draft of *An Old-Growth Forest Policy for Nova Scotia* falls short of protecting old-growth forests.

Legislating the protection of Nova Scotia’s old-growth forest would be the most committed and important course of action in this time of climate and biodiversity crisis, where old-growth forests sequester massive amounts of carbon and are rich havens of biodiversity. Failing that, this policy must be more robust and detailed, specifically regarding the ease of revoking protection measures, the scope of forests included in the policy, external accountability, and private and public consultation.

We must remember that these forests are not just trees, they are intricate networks and relationships of a vast variety of organisms, many of which we do not even know yet, nor understand. When we talk about protecting old-growth forest, we must remember it is a call to protect the whole connected web of the forest ecosystem and its rich biodiversity of species. We do not even know what we are losing through forestry, development and other processes that lead to clearcutting.

We have had policy in 1999, 2012 and now. Meanwhile significant swaths of forest have been lost in this province. There is no time to delay in protecting old-growth forests. Their vital importance is clear, and policy cannot inch along while biodiversity is lost. *An Old-Growth Forest Policy for Nova Scotia* is an important document to have and must become even more important through amendments.



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