

The Modernized CVRD Official Community Plan (Bylaw 4373): A Threat to the Future of Forestry in the Cowichan Valley

To: The Honourable Ravi Parmar, Minister of Forests, Province of British Columbia
Ms. Makenzie Leine, Deputy Minister of Forests

From: Stephanie Harper

Chair, CVRD Area F & Vice Chair, CVRD Area I Advisory Planning Commissions
Member, Lake Cowichan Advisory Planning Commission
Private Managed Forest (PMF) Landowner
Member, Private Forest Landowners Association (PFLA)

Dear Minister Parmar and Deputy Minister, Leine,

I am writing to request your review and intervention regarding the Cowichan Valley Regional District's (CVRD) Modernized Official Community Plan (Bylaw 4373). This bylaw, intended to replace the Harmonized OCP adopted in 2022, has been in development for more than five years but has emerged as a deeply flawed policy framework. It threatens the future of forestry in the Cowichan Valley by introducing land-use restrictions and policy overreach that conflict with provincial legislation and undermine the balance between environmental stewardship and the working landscape economy that defines this region.

Forestry Context and Key Concerns

- 78% of the CVRD's land base is designated forestry, yet no consultation or referral occurred with either the Private Managed Forest Council (PMFC) or the Private Forest Landowners Association (PFLA).
- PFLA Executive Director Megan Hanacek formally wrote to the CVRD Board urging it to delay second reading and engage forestry stakeholders. She also spoke at the public hearing, warning that developing a regional plan without forestry input poses serious risks for wildfire planning, water quality, and forest management.
- Despite these warnings, the CVRD advanced the bylaw without modification.
- The OCP introduces numerous anti-forestry policies, including a directive to 'seek authority from the Province to establish a municipal-type tree cutting bylaw for protection of trees on private property' (Policy NA.18).

Such a bylaw would directly disqualify future private forest lands from eligibility under BC Assessment Class 07 (Private Managed Forest Land), as confirmed under the Private Managed Forest Land Council Regulation s. 4(2)(e), which prohibits classification if local bylaws restrict normal forest practices. This creates a direct conflict with both the Forestry Act (ss.16–18) and the Private Managed Forest Land Act, which reserve forest management authority exclusively to the Province.

Public Hearing Record and Lack of Representation

At the October 20 2025 public hearing:

- Approximately 40 in-person speakers — only 2 supportive
- Approximately 25 online participants — 0 supportive
- 75 written submissions — 5 supportive
- 800+ petition signatures — 0 supportive

In total, less than 1% of all recorded participants supported the bylaw. MP Jeff Kibble (Cowichan–Malahat–Langford) attended remotely from Ottawa and expressed concern that entire sectors—including forestry—had been excluded from the process.

Impact on the Forestry Investment

The Modernized OCP down-designates extensive privately owned forest lands—many of which are currently designated and zoned for residential development—back to *Forestry & Resources*. This reclassification confines those lands to restrictive use categories that remove flexibility for adaptive forest management, wildfire resilience, and investment in needed housing. The approach is inconsistent with the intent of Bill 44, which directs local governments to increase housing supply for British Columbia families. This inconsistency is particularly concerning given that the CVRD recorded only **84 housing starts in 2024**. Several forestry companies have already withdrawn parcels from the Private Managed Forest (PMF) program for legitimate residential or mixed-use purposes aligned with existing zoning. Under the proposed OCP, these lands would be effectively frozen under an inflexible and outdated forestry designation, undermining both sustainable land stewardship and the region’s ability to meet housing objectives.

Jurisdictional Conflicts

Policies such as NA.18 (tree cutting bylaw) and NAO.11 (advocating PMFL Act changes) intrude into provincial jurisdiction. The Forestry Act (ss.16–18) prohibits local governments from adopting bylaws that restrict forest management on private managed forest land. Similarly, the Private Managed Forest Land Council Regulations 4(2)(e) makes clear that land subject to local restrictions cannot qualify for PMFL status. Collectively, these policies represent ultra vires actions—local interference in matters reserved to the Province.

Request for Ministerial Action

We respectfully request that the Minister and Deputy Minister of Forests:

1. Review Bylaw 4373 for consistency with the Forestry Act and PMFL Act.
2. Advise the CVRD Board to suspend adoption pending meaningful engagement with forestry stakeholders.
3. Reaffirm provincial jurisdiction over forest management and wildfire resilience planning on private lands.
4. Encourage development of a collaborative Forestry & Working Lands Policy Framework for regional districts to ensure provincial alignment and local economic stability.

Conclusion

The Modernized OCP undermines the Cowichan Valley’s forestry economy, contradicts provincial forestry legislation, and erodes public confidence in local land-use planning. Forestry is not a problem to be managed—it is a cornerstone of Cowichan’s culture, economy, and environmental stewardship. A sustainable future for the valley depends on policy that strengthens, not dismantles, this vital sector.

Respectfully submitted,

Stephanie Harper

Chair, CVRD Area F & Vice Chair, CVRD Area I Advisory Planning Commissions

Member, Lake Cowichan Advisory Planning Commission

Private Managed Forest Landowner

Member, Private Forest Landowners Association (PFLA)

Technical Appendix: Forestry-Relevant Policies and Jurisdictional Conflicts – CVRD Modernized OCP (Bylaw 4373)

This appendix provides the full text of forestry-related policies and objectives extracted from the Cowichan Valley Regional District Modernized Official Community Plan (Bylaw 4373 – Schedule A). It highlights potential conflicts with the Forestry Act (ss.16–18) and the Private Managed Forest Land Council Regulation s.4(2)(e), which collectively reserve forest management authority to the Province and prohibit local bylaws from restricting normal forest practices.

1. Forestry & Resources Land-Use Designation

Purpose: Enable the extraction of natural resources, such as forestry, gravel, and mines, with consideration for ecological impacts on biodiversity, soil health, and watersheds. These uses are generally located in isolated areas far from villages and urban centers.

Density: One primary dwelling per parcel (plus permitted suites as per zoning).

Comment: While this recognizes forestry as a core land use, it imposes density and subdivision restrictions that limit diversification and long-term planning flexibility. Forestry lands can also serve as effective buffer zones between urban areas and active forests, supporting FireSmart and wildfire-resilient planning that aligns with best practices in regional land management

2. Forestry-Relevant Objectives and Policies

MI.22: Employ low-impact development practices for all land use designations, including protecting natural features such as wetlands, streams, and forest corridors.

MI.26: Work with privately managed forest landowners and the Province to manage water and water quality issues.

NA.10: Retain mature tree canopy and vegetated areas; preserve natural features in all development, especially in sensitive or steep-slope areas.

NA.11: Decrease the percentage of natural areas impacted by development and logging.

NA.12: Increase canopy cover; encourage planting of Western red cedar where appropriate.

NA.18: Seek authority from the province to establish a municipal-type tree cutting bylaw for protection of trees on private property.

NA.19: Discourage development immediately adjacent to wetlands, estuaries, and mudflats.

NA.22: Manage streambank erosion to maintain or enhance fish habitat and other natural resources.

NA.23: Create management plans for Cowichan and Shawnigan Lakes recognizing aquatic habitats and resources as sensitive sites to be protected and restored.

NA.27: Protect Cowichan Valley community watersheds as defined under the Forest & Range Practices Act, conserving water quality, quantity, and timing of flows and preventing cumulative hydrological effects.

NAO.8: Encourage ecosystem-based sustainable forestry practices that protect biodiversity and ecosystem integrity.

NAO.11: Advocate for changes to the Private Managed Forest Land Act to increase riparian protection, consider long-term water sustainability, maximize carbon sequestration, and minimize watershed damage.

3. Legislative Conflicts and Analysis

The following policies potentially conflict with provincial forestry legislation:

- NA.18 – Tree cutting bylaw: would directly interfere with normal forest practices, contrary to Forestry Act s.16–18 and PMFL Regulation s.4(2)(e).
- NAO.11 – Advocacy for changes to the PMFL Act: exceeds local jurisdiction and may influence land classification under a provincial statute.
- NA.11 & NA.12 – Canopy management objectives: may indirectly restrict harvest or replanting cycles.
- NA.27 – Watershed protection: duplicates and potentially conflicts with the Forest & Range Practices Act framework.

Under the Forestry Act, local governments cannot adopt bylaws or issue permits that restrict, directly or indirectly, a forest management activity on private managed forest land. Similarly, the PMFL Regulation s.4(2)(e) disqualifies land from Class 07 status if it is subject to local bylaws that restrict normal forest operations.

4. Economic and Land-Use Implications

The Modernized OCP down-designates lands previously zoned or designated for residential or mixed-use purposes back to 'Forestry & Resources'. This restricts legitimate transition or diversification efforts by private landowners. Several forest companies have already withdrawn land from the PMF program for residential development consistent with existing zoning. Such flexibility supports economic resilience, wildfire mitigation, and sustainable land use. The proposed OCP removes this flexibility, undermining both forestry investment and provincial housing objectives under Bill 44.

5. Public Hearing and Engagement Record

At the October 2025 public hearing, public opposition to Bylaw 4373 was overwhelming:

- ~40 in-person speakers — only 2 supportive
- ~25 online participants — 0 supportive
- 75 written submissions — 5 supportive
- 807 petition signatures — 0 supportive

Less than 1% of all participants expressed support for the bylaw. Forestry, PMFL landowners, and rural residents were notably excluded from the engagement process.

6. Summary Table of Forestry-Relevant Policies and Conflicts

| Policy | Description | Potential Conflict |
|--------|---|--|
| MI.22 | Employ low-impact development practices for all land use designations, including protecting natural | Potential restriction on forestry or PMFL eligibility. |

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| | features such as wetlands, streams, and forest corridors. | |
| MI.26 | Work with privately managed forest land owners and the Province to manage water and water quality issues. | Potential restriction on forestry or PMFL eligibility. |
| NA.10 | Retain mature tree canopy and vegetated areas; preserve natural features in all development, especially in sensitive or steep-slope areas. | Potential restriction on forestry or PMFL eligibility. |
| NA.11 | Decrease the percentage of natural areas impacted by development and logging. | Indirect constraint on forestry activity. |
| NA.12 | Increase canopy cover; encourage planting of Western red cedar where appropriate. | Indirect constraint on forestry activity. |
| NA.18 | Seek authority from the Province to establish a municipal-type tree cutting bylaw for protection of trees on private property. | Potential restriction on forestry or PMFL eligibility. |
| NA.19 | Discourage development immediately adjacent to wetlands, estuaries, and mudflats. | Indirect constraint on forestry activity. |
| NA.22 | Manage streambank erosion to maintain or enhance fish habitat and other natural resources. | Indirect constraint on forestry activity. |
| NA.23 | Create management plans for Cowichan and Shawnigan Lakes recognizing aquatic habitats and resources as | Indirect constraint on forestry activity. |

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| | sensitive sites to be protected and restored. | |
| NA.27 | Protect Cowichan Valley community watersheds as defined under the Forest & Range Practices Act, conserving water quality, quantity, and timing of flows and preventing cumulative hydrological effects. | Potential restriction on forestry or PMFL eligibility. |
| NAO.8 | Encourage ecosystem-based sustainable forestry practices that protect biodiversity and ecosystem integrity. | Potential restriction on forestry or PMFL eligibility. |
| NAO.11 | Advocate for changes to the Private Managed Forest Land Act to increase riparian protection, consider long-term water sustainability, maximize carbon sequestration, and minimize watershed damage. | Potential restriction on forestry or PMFL eligibility. |

7. Summary and Recommendations

The CVRD's Modernized OCP (Bylaw 4373) introduces policies inconsistent with provincial forestry legislation and the long-term economic sustainability of the Cowichan Valley's working forests. Policy measures such as the municipal-type tree cutting bylaw (NA.18) and expanded canopy restrictions are ultra vires, undermining both the PMFL framework and private forestry investment.

A revised, province-led review process is recommended to ensure OCP alignment with the Forestry Act, PMFL Act, and provincial economic objectives.