



File: 280-30
Reference: 237515

March 29, 2018

Dave Clarke, Executive Director
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Dave Clarke:

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), please accept this letter as government's response to the Forest Practices Board's recommendations in its special investigation: *Resource Road Construction in Steep Terrain (September 2017)*.

The ministry appreciates the Board's detailed review and recommendations in an effort to improve safety and the protection of the environment in British Columbia. Please be assured that the Board's report is actively being considered as we take steps to continuously improve the management of resource roads in British Columbia.

Before proceeding with my response, I wish to note, the investigation examined roads which were not being actively used by industrial users at the time of the field reviews. The report correctly identifies that a road not used for industrial purposes is considered a "wilderness road". The Board considered the roads "active" for the purposes of the investigation because they were recently built and used for industrial purposes during the investigation period (from date road was constructed to the date of the field visit).

For roads that are not active, the relevant legislation for forest roads and maintenance expectations are: Section 79(6) – Road Maintenance and Section 81 – Wilderness Roads, both under the Forest Planning and Practices Regulation. Section 81 reduces road maintenance requirements when the road is not being used by the industrial user, requiring maintenance "only to the extent necessary to ensure there is no material adverse effect on a forest resource". Section 81 repeals the requirement under sub-section 79(6)(c) to "ensure the road can be used safely by industrial users". These uncited provisions are critical in

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establishing the appropriate requirements for the road maintenance compliance and enforcement regime.

However, I understand the intent of the Board in highlighting this important issue of road construction on steep terrain and seeking opportunities to improve resource road safety and protect the environment.

We also appreciate the Board's recognition of the collective efforts of the BC Forest Safety Council, FP Innovations, forest and engineering professionals, other stakeholders and government in pursuing and promoting safe resource road practices, including roads on steep terrain. As an example, the Construction Initiated Slide Working Group has brought together industry, government and practitioners to focus on eliminating landslides initiated from forest road construction. The group has developed and is delivering training for equipment operators and practitioners, to educate and promote safe resource road building practices.

The following actions were undertaken by the ministry in relation to the Board's report:

- The safety issues identified by the Board were brought forward to local land managers and tenure holders for review;
- Board staff were invited and have presented their findings provincially to ministry staff via webinars;
- B.C. Timber Sales (BCTS) conducted a detailed review of the Board's report and were informed by the Board that all safety issues within their administrative areas have been addressed. BCTS recognizes the importance of planning, locating, and constructing roads on steep slopes that are safe and environmentally sound. BCTS has undertaken a number of actions which are consistent with the intent of the report's findings. This includes a requirement for all BCTS road construction contractors to participate in the Road Construction Initiated Slides Awareness training provided by the BC Forest Safety Council.
- Compliance and Enforcement (C&E) has identified road construction, and maintenance in steep terrain, as a provincial priority for the 2018 field season for Natural Resource Officers (NROs). C&E NROs are currently working to clearly define where they can provide enforcement activities. This will be a natural extension of their priority work discussions with regional operations to identify target areas;
- On-line training will be developed for NROs by C&E, in cooperation with Engineering Branch by March 2019, to prepare them for inspecting the critical features related to constructing roads in steep terrain;
- Engineering Branch and BCTS are collaborating with Engineers and Geoscientists BC (EGBC) and the Association of BC Forest Professionals (ABCFP) to develop guidance associated with professional reliance related to bridges and roads; and
- Work is being completed on amendments to the ministry Engineering Manual to integrate professional practice guidance for ministry staff. This work draws upon the Joint

Practices Board (of EGBC and ABCFP) professional practice guidelines for resource roads.

The following are responses to the two recommendations of the Board's report:

Recommendation 1.

The Board requests that, in view of the potential consequences and risks, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development review current legislation and regulations, and consider including legal requirements related to road construction if roads are located on terrain that is unstable or potentially unstable; on terrain with slopes greater than 60 percent; or on terrain where there are indicators of slope instability.

Government response:

In this recommendation, the Board draws on prescriptive wording from the *Forest Practices Code of British Columbia Act (1995)*. Government departed from this more prescriptive type of approach with the introduction of *Forest and Range Practices Act (FRPA)*, which is founded upon the principle of professional reliance and results based outcomes. As noted in your findings of your report, fewer problems arose when professionals were appropriately deployed.

The ministry has been reviewing resource road legislation for improvements, including consistency of administration, efficiencies and the safety of road users.

As the Board is aware, Government is in the midst of a broad review of Professional Reliance. Although the ministry has been evaluating options for improvement to road related legislation, it would be presumptive at this time to suggest specific legislative changes in advance of completion of the Professional Reliance Review.

Recommendation 2.

The Board requests that the Joint Practices Board of the Association of BC Forest Professionals and the Association of Professional Engineers and Geoscientists of British Columbia advise it of the steps, planned or taken, to address the professional practice issues identified in this report.

Government response:

Although this recommendation is directed to the Joint Practices Board, Government has met with EGBC and the ABCFP with the intent of providing a collaborative response to the Forest Practices Board's report. We continue to work with these associations on issues of appropriate professional practice relating to resource roads and bridges.

To that end, we are working with them to develop guidance for professional practice responsibilities. Our initial efforts were focused upon the responsibilities for the life-cycle of a forest bridge. It is anticipated that this approach will also be used in developing the guidance for steep slope construction practices for forest roads.

I understand that the associations will be providing their own response to the Forest Practices Board.

Summary:

The ministry will continue to consider the Board's investigation and recommendations as we move forward with improving resource road management in British Columbia. I very much appreciate your efforts in exploring this very important issue.

Please contact Lyle Knight, Acting Director, Engineering Branch, at lyle.knight@gov.bc.ca, if you would like to further discuss or have any questions regarding the foregoing.

Yours truly,



Jason Fisher
Associate Deputy Minister
On behalf of

Tim Sheldon
Deputy Minister

cc: Jason Fisher, Associate Deputy Minister – Forest Sector
Associate Deputy Minister's Office, Forest Sector
Chris Stagg, Assistant Deputy Minister, Timber Operations, Pricing and First Nations
Diane Nicholls, Assistant Deputy Minister/Chief Forester, Office of the Chief Forester
Andrew Calarco, Acting Assistant Deputy Minister, Integrated Resource Operations
Peter Wyatt, Acting Executive Director, Timber Operations, Pricing and First Nations
John Hawkings, Acting Executive Director, Integrated Resource Operations
Lyle Knight, Acting Director, Engineering Branch
Kevin Edquist, Director, Compliance and Enforcement Branch
Norah White, Manager, Sustainable Resource Management
Resource Practices Branch



File: 97150-20/2015-12

May 24, 2018

Tim Sheldon, Deputy Minister
Ministry of Forests, Lands, Natural Resource
Operations and Rural Development
PO Box 9352 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Tim Sheldon:

Re: Special Investigation of Road Construction in Steep Terrain

Thank you for your response to our recommendations in the special investigation *Resource Road Construction in Steep Terrain*. We appreciate the extent of collaboration and diversity of actions planned by FLNRO to help ensure roads are properly designed and constructed. We all share the common objectives of assuring safety for the people using the roads and minimizing impacts to the environment.

We will continue to monitor roads in steep terrain, through our audits and complaint investigations, and see if the issues identified in our special investigation improve.

Thank you for the response to our recommendations. We consider the response to be satisfactory and consider this recommendation responded to.

Yours sincerely,

A handwritten signature in purple ink, appearing to read "Bruce Larson", is written over a light blue horizontal line.

Bruce Larson
Vice-Chair

CC: Chris Stagg, Assistant Deputy Minister, Timber Operations, Pricing and First Nations
Diane Nicholls, Assistant Deputy Minister/Chief Forester, Office of the Chief Forester
Lyle Knight, Acting Director, Engineering Branch
Norah White, Manager, Sustainable Resource Management