

**Compliance and Enforcement Audit
and Special Report on Range Activity in
the Horsefly Forest District**

Board Reports on the Audit Results

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Reports from the Board

In 2001, the Forest Practices Board completed a comprehensive examination of range practices carried out under the *Forest Practices Code of British Columbia Act* and related regulations (the Code) in the Horsefly Forest District. The examination had three components: an audit of range agreement-holders' compliance with the Code; an audit of the appropriateness of government enforcement of the Code for range practices; and a survey to determine whether forest resource objectives established under range agreements were being achieved on the ground.

The following are the Board's comments on the audit results. The full report on this audit also contains the auditor's reports and results of the survey. The full report is available on the Board's Web site (<http://www.fpb.gov.bc.ca>), or by calling 1-800-994-5899. This is the Board's first detailed examination of range practices under the Code.

Board report on the compliance and enforcement audits

Compliance audit

The compliance audit examined range activities for the period between May 1, 2001, and September 10, 2001. Key range activities carried out during this period, and therefore subject to audit, were:

- range-use planning for 21 range-use plans;
- grazing of approximately 18,000 animal-unit months of forage; and
- hay cutting of approximately 50 tonnes of hay.

The audit found a high level of Code compliance by range agreement-holders in the district. The planning and practices of 18 range agreements were examined by the audit and only one situation of significant non-compliance was identified. Staff observed one range licence with stream bank impacts resulting from range practices. The stream impacts extended for approximately 200 metres along the stream, and were the result of grazing levels significantly greater than approved in the range-use plan for the area. It is the Board's opinion that the stream impacts were not a result of damage caused by spring runoff.

The Horsefly Forest District has a wet climate, leading to greater forage production and a generally lower level of grazing activity compared to most districts with range agreements. Consequently, the district generally has less risk of overall impact on riparian areas from grazing activity compared to other forest districts in the province. The Board's June 2002 report, *A Results-Based Assessment of Range Practices under the Forest Practices Code in Maintaining Riparian Values*, shows that in the Horsefly Forest District, 97 percent of examined riparian sites associated with range agreements were in proper functioning condition.

The Board recognizes that grazing has an effect on the condition of the land, and a certain amount of impact to riparian areas resulting from range practices on Crown land is considered acceptable under the Code. For example, where cattle must cross streams and other riparian features to access grazing areas, it is reasonable to expect some damage to these areas from trampling, grazing of riparian vegetation and introduction of cattle feces. Where stream impacts are confined to cattle-crossing areas, the Board believes this is within the appropriate limits of damage envisioned by the Code. This is equivalent to the Code's acceptance that harvest practices will have some effect on forest values. Range practices can be managed to localize cattle impacts to short segments of riparian areas so that the proper functioning condition of the entire riparian feature is maintained.

Enforcement Audit

The enforcement audit examined government's range enforcement activities for the period between September 1, 2000, and August 30, 2001. Government compliance and enforcement activities carried out during the audit period, and therefore subject to audit, included:

- the design of the compliance and enforcement organization and business processes;
- the planning, conduct, recording and reporting of range compliance and enforcement activities; and
- the systems and processes used to manage compliance and enforcement activity.

In enforcement audits, there is not necessarily a direct relationship between the results of forest or range practices and the appropriateness of government's enforcement of the Code. A district's compliance inspections could reveal numerous Code contraventions resulting from poor practices, and where the district addresses these contraventions through various enforcement actions available under the Code, it could achieve appropriate enforcement overall. Conversely, range agreement-holders could be conducting practices in accordance with the Code, but government's failure to inspect practices in areas of environmental risk may result in inappropriate enforcement of the Code.

The Board found that the Horsefly Forest District did not implement an effective compliance and enforcement program for range activity at the time of the audit. The fact that range practices generally complied with the Code is primarily the result of good range practices by most range agreement-holders, combined with a relatively low level of range activity in the district.

The audit evidence indicates that while range activities were inspected, they were not inspected in a way that properly evaluated activities on higher-risk sites, such as riparian areas. Consequently, the inspections did not detect or prevent the few non-compliant practices observed by the auditors.

In addition, the district did not adequately document its range inspections. Because of this, important information is not retained on file when compliance and enforcement staff leave

the district. The information resides in the memory of the departing staff person and is not available to staff who take over compliance and enforcement responsibility.

Recommendation

In accordance with section 185 of the *Forest Practices Code of British Columbia Act*, the Board makes the following recommendation:

The Ministry of Forests should implement an effective compliance and enforcement program for range practices in the audit area in accordance with its current policy.

In accordance with Section 186 of the *Forest Practices Code of British Columbia Act*, the Board requests that the Ministry of Forests advise the Board of how this recommendation has been addressed by March 31, 2003.

The Board made several recommendations in its report on range practices in riparian areas that are relevant to these audit findings, including recommendations to develop a clear Code definition of proper functioning condition and a clear measure to determine when range practices in riparian areas are not in compliance. The recommendations are not duplicated here. Instead, readers are encouraged to refer to that report, which is located on our web site at: www.fpb.gov.bc.ca/reports/special/Range/sr11s.htm

Board Chair's special report on range practices in the Horsefly Forest District

Section 189 of the Code enables the Board Chair to comment on facts and issues identified during the audit that are relevant to stewardship of the land, as generally represented in the Code's preamble.

Assessing the effectiveness of, and compliance with, range requirements under the Code provided the Board with the opportunity to assess how well the Code sets out range requirements and how well those requirements are being implemented. Auditing the appropriateness of government enforcement allowed for an assessment of how government enforcement is contributing to the achievement of Code range requirements.

In general, the results of the survey and compliance audit showed that range practices in the Horsefly Forest District have a low impact on the forest resource. Specifically, the survey noted that objectives for riparian areas have been achieved. Water-quality impacts from cattle feces are low, overall maintenance of ungulate winter range condition is satisfactory, and grazing on cutblocks has not resulted in significant negative impacts to seedlings. The compliance audit confirmed the high level of compliance with the Code in the district. The findings of the enforcement audit showed that these low impacts are not likely a result of the district's range enforcement program.

While conducting their fieldwork, auditors encountered areas of Crown grazing land in close proximity to private grazing lands. Private grazing land is not subject to the Code. Nonetheless, practices on private land may result in adverse impacts to Crown land in the form of sediment delivered to a fish stream, or by livestock trespassing from private land using Crown land. Much of the grazing land seen by the public is private land, and there is seldom any visible demarcation between Crown and private grazing land. As a consequence, some practices that the public sees as offending their expectations for the management of Crown rangelands may actually be occurring on private land.

The fieldwork also noted that many range-practice requirements contained in the Code are vague. The lack of clear requirements makes it challenging to effectively implement, monitor and audit the requirements. The move to a results-based code means objectives for range practices must be more specific and measurable if they are to be effectively implemented, monitored and audited.

It is reasonable to expect all agreement-holders on Crown land, including range agreement-holders, to understand the legal obligations associated with their agreement and the required results of the forestry or range practices. This knowledge will be particularly important under a results-based code. Therefore, range agreement-holders should ensure that they understand the requirements and obligations associated with their agreements. The Chair encourages regulatory agencies to provide and promote educational opportunities for range agreement-holders.

A handwritten signature in black ink, appearing to read "W.N. Cafferata". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W.N. (Bill) Cafferata, RPF
Chair, Forest Practices Board
July 18, 2002

Audit of Range Activities in the Horsefly Forest District

