Forest Practices Board

File: 97325-20/2008-02 Range Planning

October 18, 2012

Via e-mail

Doug Konkin
Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations
780 Blanshard Street
Victoria, BC V8W 2H1

Dear Doug Konkin:

Re: Government response to FPB 2009 recommendations on range planning

In December 2009, the Board published the results of a special investigation titled *Range Use Planning under the Forest and Range Practices Act*. The report made three recommendations to government about 1) improving the range planning framework under FRPA, 2) ensuring compliance with range use plan requirements, and 3) providing training to range agreement holders and government range staff to increase understanding and ability to comply with FRPA. A response to the recommendations was requested by June 1, 2010.

In May 2010, government asked for a one-month extension, to June 30, as a draft response was in preparation, but was held up by workforce restructuring. That extension was granted. Subsequently, the ministry asked for a further extension to the end of September, which was also granted. In September 2010, another extension was requested with a commitment to update the Board monthly on progress in finalizing a response to the recommendations.

Two years have since passed without a response, and without the monthly updates promised. On several occasions we have inquired with ministry staff about when a response would be forthcoming, but received no firm reply. Since that report was issued in 2009, the Board has done more work in the range area and has continued to see

problems with range practices and compliance with FRPA, most recently in our audit of water quality in the Vernon and Oyama Creek community watersheds. The Board believes its original recommendations are even more important today, as we see that range users continue to have difficulty meeting the standards and objectives created for range practices and the forage and water quality resources under FRPA.

We understand government staff is now looking at what is and is not working well in the resource management framework under FRPA. We respectfully suggest range use needs a priority look in this review.

The lack of a response to these recommendations is a serious concern for the Board. Nearly three years on, we are once again requesting a formal response from government on what it is doing to address our 2009 recommendations. Continued lack of response from the Ministry will leave us no option but to report to the Lieutenant Governor-in-Council on this matter.

Yours sincerely,

R. A. (Al) Gorley, RPF
Chair

cc: Wes Shoemaker, Deputy Minister, MOE
Rick Manwaring, Assistant Deputy Minister, FLNRO
David Borth, Director, Range Branch, FLNRO

From:	Borth, David FLNR:EX
To:	Gorley, Al FPB:EX
Cc:	Manwaring, Richard G FLNR:EX; Ethier, Tom FLNR:EX; Sutherland, Jim D FLNR:EX; Wilson, Andrew S FLNR:EX; Lidstone, Allan B FLNR:EX; Fraser, Douglas FLNR:EX; Kekula, Jodie FLNR:EX; Weese, Kristine FLNR:EX
Subject:	Response to FPB Recommendations - Range
Date:	December 19, 2012 3:45:07 PM

Please accept this letter as the Ministry of Forests, Lands and Natural Resource Operations - Range Branch (FLNRO – Range Branch) - response to the Forest Practices Board's recommendations in two reports:

- *Range Use Planning under the Forest and Range Practices Act* (November 2009); and

- *Audit of Forest and Range Planning and Practices Affecting Water Quality in Oyama and Vernon Creek Community Watersheds* (August 2012)

FLNRO - Range Branch is addressing the five recommendations from these two reports in one response, as they all relate to range use planning and practices under the *Forest and Range Practices Act* – FLNRO – Range Branch is in the process of addressing them under a comprehensive review of the legislative framework governing range planning and practices.

Forest Practices Board recommendations

Range Use Planning under the Forest and Range Practices Act

1a The Board recommends that government explore the option of creating a more streamlined framework for range planning by replacing the RUP with a set of clear practice requirements and creating a defined approach for preparation of RSPs. A number of considerations would have to go into such a framework including:

- What should the criteria be for determining who can follow practice requirements and who can prepare an RSP? Also, to what extent will the holder of an RSP be able to vary from the practice requirements?

- How should the timing and amount of grazing be determined—through range readiness criteria and stubble heights? And who should make the determination?

- How should tenure-specific issues be identified and addressed?

- Who should have monitoring responsibilities and how should monitoring be set up to efficiently and effectively assess range condition and modify plans and practices to achieve continuous improvement?

1b For those agreement holders who prepare RSPs, their content and quality needs improvements, such as ensuring:

- Tenure-specific issues or problems are identified, and measures to address them are proposed in the plan.

- Readiness criteria and period of use are specified in such a way that it is clear what is required so that over-grazing does not result.

- Issues and actions are measurable and enforceable.

- Designated features are identified on range tenure maps, and measures to protect those features from grazing impacts are proposed where appropriate.

- Adequate monitoring of the range resource is done to enable adaptive management and continuous improvement in range condition.

2 The Board recommends that government ensure that all range plans being considered for approval fully meet the content requirements set out in legislation before they are approved.

3 The Board recommends that government invest in training to ensure agreement holders and range staff understand government's objectives for range, and that agreement holders have sufficient knowledge to comply with the range plan and the range practice requirements.

Audit of Forest and Range Planning and Practices Affecting Water Quality in Oyama and Vernon Creek Community Watersheds

1 Government should provide guidance on the implementation of the practice requirement to not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks, recognizing the variable risks within and between watersheds, of the harmful material reaching the intake.

2 Streams, wetlands and other areas with riparian function require protection from cattle impacts. Government should ensure that all watercourses and areas with riparian function are protected to the extent that range use does not materially impair their function.

FLNRO – Range Branch Response

Range use planning under FRPA

I would like to thank the Board for its evaluation of range use planning across BC. The Board's findings are consistent with FLNRO's own evaluations of range planning and practices over the past several years, and the Board's recommendations confirm the importance of FLNRO moving forward with a comprehensive review of the legislative framework governing range planning and practices under the *Forest and Range Practices Act* (FRPA).

Since the Board's report was released a few years ago, FLNRO – Range Branch has identified a number of potential changes to range planning and practice requirements under the *Range Act*, FRPA, and the Range Planning and Practices Regulation (RPPR) that would streamline, clarify and reduce the complexity of range use planning requirements for FLNRO range staff and agreement holders.

Some of these potential changes include:

- Eliminate Range Stewardship Plans (RSPs);

- Establish best management practices (BMPs) under the RPPR, and allow range agreement holders to propose alternative BMPs where appropriate (this amendment will satisfy the original intent of the RSP);

- Require FLNRO to prepare range tenure maps (the maps would identify designated

features);

- Reduce Range Use Plan (RUP) content requirements to: a grazing schedule, actions to address issues, and identification of key areas;

- Give agreement holders flexibility within their RUP grazing schedule;

- Eliminate stubble height requirements for hay cutting areas (this amendment addresses the outcome of FRPA effectiveness evaluations, which show that stubble height does not influence the health of hay cutting areas); and,

- Make RUPs a longer term, matching the term of the *Range Act* agreement, with the ability of FLNRO staff or agreement holders to administer amendments to plans at any time.

Over the next six months, Range Branch plans to complete the policy work to support desired legislative changes that aim to streamline, clarify and reduce the complexity of range use planning and practices. Once this work has been completed, Range Branch will consult with other affected policy departments and range stakeholders to review and refine the proposed changes. We hope to have the proposed legislative and policy changes endorsed by the end of 2013. As the Board will be aware, the process of amending legislation can be lengthy, but we will work towards completing this effort by December 2014.

Once the amendments are implemented, Range Branch will review and update its administrative procedures for range planning, and will develop implementation guidance to ensure the new, streamlined approach to range planning is effectively and efficiently implemented by range staff and agreement holders.

FLNRO – Range Branch - will communicate the changes to range use planning to FLNRO range staff, agreement holders, and range stakeholder groups through various communication and extension tools, including: internal briefings, written communications and implementation guidance, ongoing discussions between district range officers and agreement holders, and presentations to stakeholder groups.

These extension efforts should yield significant improvements to the quality of future RUPs. In the meantime, FLNRO district managers will continue to review RUP submissions with a view to approving only those that fully meet legislated content requirements and include clear, measurable and enforceable actions and measures.

As part of FRPA compliance and enforcement, and the FRPA Resource Evaluation Program (FREP), FLNRO range staff and specialists will continue to inspect, monitor and evaluate rangeland health with a view to working with agreement holders to continuously improve range practices, planning policies, and procedures.

Given that this legislative review will take some time, we commit to providing the Forest Practices Board with periodic informal updates on our progress. We also invite the Board to contact Jodie Kekula, Range Legislation and Policy Officer, Range Branch (250-861-7627) if you require more information on FLNRO's efforts to improve range planning and practices.

Range Practices Affecting Water Quality

FLNRO – Range Branch - is planning six key actions to address the Board's findings and recommendations in its recent audit report on water quality in Oyama Creek and Vernon Creek watersheds. We will:

1. Prepare a memorandum to FLNRO district range staff and agreement holders that speaks to the outcomes of the audit and the importance of implementing best management practices designed to avoid harm to water quality in community watersheds as a result of range practices. The memorandum will promote best management practices (BMPs) that:

- support stream bank and channel stability and healthy riparian vegetation and soils;

- restrict cattle activity adjacent to sensitive watercourses through off-site watering, natural range barriers, fencing, and other tools; and,

- sustain herd health to minimize the likelihood of cattle becoming infected with pathogens through good nutrition, mineral supplementation, vaccinations and other methods.

In this memorandum, FLNRO – Range Branch - will emphasize the importance of proactive action on the part of district staff: (a) to facilitate communication between range and forest agreement holders to ensure natural range barriers are maintained despite development activities; and, (b) to work with range agreement holders to identify and prioritize vulnerable watercourses that require heightened BMPs.

We will forward the Board a copy of this memorandum once it is completed, in early 2013.

2. Propose an amendment to the *Range Planning and Practices Regulation* (RPPR) definition of 'riparian area' to remove ambiguity and provide protection for all areas that exhibit riparian function, including those areas defined by the Board as 'unclassified riparian areas' (e.g., springs, seeps, shrub carrs and wooded swamps). Despite this regulatory gap, FLNRO – Range Branch - assessments of properly functioning condition include the sedge meadow components of wetlands and streams, and seepage areas, in the same way they are applied to other riparian areas. As well, current range practices aim to protect *all* areas

that exhibit riparian function, including those areas not currently legally subject to protection.

3. Integrate suitable BMPs into the RPPR where feasible and desirable, as part of our review of the legislative framework governing range planning and practices.

4. Collaborate with the Okanagan Shuswap District, the Interior Health Authority, and water purveyors to carry out annual community watershed extension field days for forest and range clients and interested public. In doing so, we will focus on explaining the science behind BMPs and our monitoring protocol.

5. Carry out range effectiveness evaluations of two community watershed in the Okanagan Shuswap District each year for the next five years. If warranted (based on FLNRO and Board projects that evaluate range practices elsewhere), we will carry out range effectiveness evaluations in other areas of BC in future years.

6. Revisit Oyama Creek and Vernon Creek watersheds in 2014 or 2015 to evaluate and report on the effectiveness of infrastructure changes and BMP application.

If the Board has any questions or would like more information regarding FLNRO – Range Branch actions to address the Board's water quality recommendations, please contact Doug Fraser, Range Stewardship Officer, Range Branch (250-746-1436).

In closing, we trust that FLNRO - Range Branch plans to improve range planning and practices, and the application of those practices in community watersheds, as described in this response adequately address the Board's findings and recommendations.

David Borth

Director, Range Branch (Located in Kamloops)

Ministry of Forests, Lands, and Natural Resource Operations

250 371 3836

Forest Practices Board

File: 97325-20/2008-02, and
97150-20/2010-04

March 21, 2013

Doug Konkin
Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations
780 Blanshard Street
Victoria, BC V8W 2H1

Dear Doug Konkin:

Re: Response to FPB Recommendations – Range Planning under FRPA, and Oyama & Vernon community watershed audit

Thank-you for your response via David Borth of Range Branch dated December 19, 2012, to the Board's recommendations from our December 2009 Special Investigation of Range Planning under FRPA and our August 2012 audit report on Audit of Forest and Range Planning and Practices Affecting Water Quality in Oyama and Vernon Creek Community Watersheds. The Board now considers these files closed.

The Board would also like to thank your Range Branch staff, including Director David Borth, for taking the time to recently meet with Board staff in Kelowna. I understand that the meeting was quite productive with discussion focused on government's response to the Board's recommendations and exploring opportunities to improve range stewardship generally.

The Board is aware that planned amendments to the RPPR, some of which are recommended in our audits and investigations, are not likely to be implemented in the near term. Rather government has prioritized amendments to the Range Act followed by policy development to support proposed RPPR amendments, currently anticipated to be brought into effect by December 2014.

While we appreciate that government largely accepts the Board's recommendations, we would encourage government to ensure that the necessary legislative amendments are made by December 2014. I am hopeful that the level of dialogue shared at the Kelowna meeting will be on-going as the Board continues to monitor the progress of government's efforts through its continued work of evaluating range planning and practices under FRPA.

Yours truly,

R. A. (Al) Gorley, RPF
Chair