

Board Bulletin, Volume 9 – Fort St. John Pilot Project – results-based legislation that works

This bulletin is the ninth in a series of Forest Practices Board bulletins describing aspects of forest legislation, practices and trends, and their implications for forest stewardship. These bulletins are intended to foster discussion and to improve understanding of forest practices.

In March 2007, the Board released an audit of the BC Timber Sales Program's forest practices in the Fort St. John pilot project area. The audit found that forest practices complied with legislation in all significant respects. This bulletin arises out of the audit's observations of the results-based legislation that applies to this area. The Board's purpose is to draw attention to a system that is working well and has the support of its participants¹. This bulletin addresses the unique legislation of the Fort St. John Pilot Project Area as an example of a fully implemented results-based forest practices framework.

Background

In 1999, government amended the *Forest Practices Code of British Columbia Act* (The Code) to enable pilot projects to test different approaches to results-based legislation. The intent was to create efficiency and save costs for both industry and government while maintaining high standards of forest practices. Of several initiated, two Code pilots were fully implemented – Stillwater pilot project, covering an area of about 180,000 hectares near Powell River, and the Fort St. John pilot project, covering about 4.1 million hectares in the Fort St. John TSA. After several years of implementation, Stillwater is switching from its pilot regulation to the *Forest and Range Practices Act* (FRPA). Fort St. John has been implemented for several years and is expected to continue on under its pilot regulation.

The results-based legislation is contained in the Fort St. John Pilot Project Regulation (the regulation), first implemented under the Code and now continued under FRPA. It has a number of forest practice requirements that are equivalent to but different from the Code, many of which have been brought into FRPA in whole or in part.

¹ Canadian Forests Products Ltd. and BCTS are the two managing participants. In addition, Canfor manages the operations of Louisiana-Pacific Canada Ltd., Tembec Industries Inc., Dunne-za Corporation and Cameron River Logging Ltd.

Noteworthy aspects of the regulation:

- Participation in the pilot was originally voluntary. In the pilot area all forest licensees and BCTS participate.
- Participants work together on strategic planning requirements, which are embodied in a Sustainable Forest Management Plan (SFMP), approved by the regional manager of the Ministry of Forests and Range and the regional executive director of the Ministry of Environment.
- The SFMP must be consistent with relevant objectives set out in the Fort St. John Land and Resource Management Plan (LRMP) as listed in Schedule A of the regulation.
- The SFMP must address landscape level strategies for the following:
 - road access management, patch size, seral stage distribution and adjacency, riparian management, visual quality management, forest health management, range and forage management.

The SFMP must also contain performance indicators for evaluating whether or not each landscape level strategy has been implemented.

- In addition, the SFMP may specify strategies for other aspects of forest management, including:
 - Reforestation, biodiversity including wildlife habitat, soil, water quality, recreation, forest protection, forest inventory, research and operational trials, public review and comment
- Participants must meet targets associated with the strategies identified in the SFMP. This is a key aspect of the regulation since it creates a legal requirement to meet measurable targets (results).
- Participants must report annually on their performance in meeting SFMP targets to the Ministers of Environment and Forests and Range.
- The regulation requires periodic independent audits to assess compliance with legislation. Audit results are conveyed to the participants and the regional manager, reviewed by the public advisory group, and made available for review by the general public. However, there is no requirement for these audits to be publicly reported.
- A public advisory group is required, whose mandate is to ensure forest management provisions in the SFMP result from informed and fair consultation with local people directly affected or interested in sustainable forest management. The public advisory group:
 - provides input on the SFMP, including its strategies and targets
 - reviews annual reports
 - reviews audit reports
- Management of reforested stands to free growing is modified to a multi-block approach to achieve “well-growing” status. The standards and assessment criteria for meeting well-growing obligations, which are similar to free growing obligations in the Code and FRPA, are in the SFMP and the regulation. Well-growing is achieved when each block is sufficiently stocked with acceptable tree species and the predicted merchantable volume of the sum of the blocks is within 5% of the

maximum targeted volume. This landscape level approach to reforestation allows some variability in stocking on an individual block basis. This gives forest managers flexibility to manage for more emphasis on non timber values in some blocks, and increase timber production in other blocks through more intensive silviculture treatments. This approach achieves an overall timber volume performance equivalent to that under the default Code and FRPA provisions. This multi-block approach is enabled under FRPA.

Discussion

The legislative framework in the regulation is straightforward and results-oriented. Participants have clearly tried to make the pilot work successfully. For example, a number of the targets in the SFMP are not required by the legislation. Rather, they have been included voluntarily following discussions with the public advisory group, First Nations and government agencies.

An important feature of the pilot is the feedback mechanism for public accountability, including a public advisory group, periodic independent audits and reporting.

It is also important to note that the pilot project is accompanied by a strong environmental management system (e.g. ISO 14001) and Sustainable Forest Management certification (CSA Z809) framework. The certification framework is a significant part of the success of this pilot.

The Board's observations are focused on the forest practices aspects of the pilot project. We have not evaluated any cost-saving efficiencies or extra costs that may be associated with the project.

While the pilot project appears to be working well, and has the participation of all forest licensees and BCTS, it only applies to the forest sector. As in much of the northeast part of the province, evidence of oil and gas activity is extensive in the Fort St. John area. In fact, oil and gas activities are more visible on the landscape than forestry activities.

In the audit the Board observed that this innovative "pilot" is fully functional, with plans and practices in place for several years and performance measured and reported. The Board is pleased to see that the effort and commitment of the participants appears to have paid off, and hopes they can continue with this effective framework of forest practices, which is well suited to the area and has yielded good results on the ground.

Relevant Links:

Fort St. John Pilot Project Regulation:

<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/fsjppr/fsjppr.htm>

Fort St. John Code Pilot Project web site:

<http://www.fsjpilotproject.com/project.html>