



**Forest
Practices
Board**

**Audit of Forest Legislation
Enforcement in the Columbia Forest
District**

FPB/ARC/114

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Board Commentary

The Forest Practices Board has audited the appropriateness of government's enforcement of the provisions of the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA), in the Columbia Forest District in southeastern British Columbia.

The Board commends the Ministry of Forests and Range (MFR) staff in the district for their good compliance and enforcement (C&E) practices during the audit period. They completed a large number of inspections, demonstrating that they were out on the ground, extensively monitoring forest activities. They also conducted numerous investigations and took appropriate enforcement actions when problems were identified. When interviewed, licensees in the district reported that compliance monitoring and enforcement practices were conducted fairly during the two-year audit period. Overall, the investigation found no C&E weaknesses of concern in the district.

The district provided auditors with direct query access to its Compliance Information Management System (CIMS). This is the first Board enforcement audit to be provided this access. It was of particular value to auditors and it relieved the district of considerable work associated with the audit.

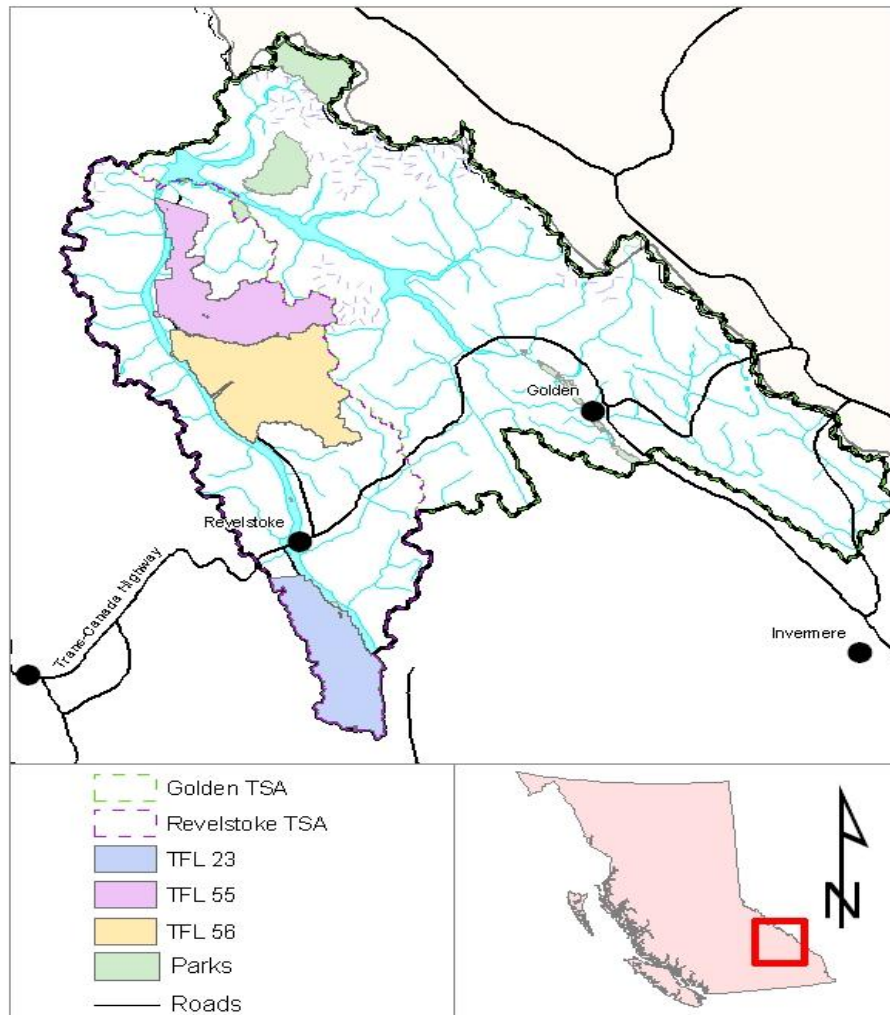
This is the first Board audit to assess compliance monitoring of forest practices under FRPA. The audit examined inspections that specifically assessed whether results, strategies and landscape level requirements had been met. This new type of inspection is becoming extremely important, since achieving results is a key aspect of FRPA.

This audit is also the first to examine the enforcement aspect of government's recent initiative, the Resource Management Coordination Project (RMCP). The project applies available C&E resources to the monitoring and enforcement priorities across several natural resource agencies. Using this approach, government intends to more efficiently monitor and enforce its high priority needs. The RMCP initiative had been implemented for only six months when the audit occurred, so it is too early to judge its efficacy. More time and assessments in other areas of the province are required for that. However, early indications suggest that the initiative has helped to identify gaps in compliance monitoring, such as recreation site and trail monitoring. Since RMCP implementation, these things are now being sufficiently monitored in the audit area. Nevertheless, the Board is concerned that the Ministry of Tourism, Culture and the Arts (MTCA) neglected to monitor established recreation sites and trails in the first part of the audit period, and suggests that MTCA prepare to pick up this aspect of compliance and enforcement if the RMCP initiative were to determine in the future that recreation monitoring is no longer a high priority need. To date, within the Columbia Forest District, all "shared" monitoring has been undertaken by MFR staff in the audit area. At the same time, forestry activity has declined by as much as 30 percent, making more MFR resources available to other resource agencies. It

remains to be seen how the district's C&E staff will be able to cope when RMCP is fully implemented and the forest industry resumes normal activity levels.

Since RMCP has been implemented and the recreation monitoring gap filled, overall, government is appropriately enforcing forest practices legislation in the Columbia Forest District.

Enforcement Audit in the Columbia Forest District



Audit Results

Introduction

As a part of its 2009 audit program, the Forest Practices Board randomly selected the Columbia Forest District, located in the Southern Interior Forest Region, for an audit of the appropriateness of government enforcement of forest practices legislation.

The audit examined enforcement activities under the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA)¹ from September 1, 2007, until October 8, 2009. This report describes the results of the audit, which looked at activities such as tracking, inspecting and reporting licensees' forest activities, and taking action to address non-compliance.

The Columbia Forest District (refer to map on page 2) encompasses an area of about 1.4 million hectares and includes the larger communities of Revelstoke and Golden, as well as several smaller communities. It is made up of the Revelstoke and Golden timber supply areas (TSAs) as well as Tree Farm Licences (TFLs) 55 and 56, and the northwest portion of TFL 23. The total allowable annual cut for the district is about 1.3 million cubic metres per year.

The district is characterized by high wildlife values, including important populations of mountain caribou and grizzly bear, as well as other important identified wildlife, such as Lewis's woodpecker and the Coeur D'Alene salamander. The district is also dominated by steep slopes, high precipitation and winter avalanche hazard.

There are two higher level plans in effect in the district. Objectives for the Revelstoke Higher Level Plan were brought into force in 2005. They apply to the Revelstoke TSA and TFLs 55, 56 and the northwest portion of TFL 23. Objectives for the Kootenay Boundary Higher Level Plan were brought into force in 2002 and apply to the Golden TSA. In particular, both of these plans set out legally binding objectives to manage for biodiversity and wildlife values.

Resource Management Coordination Project

Since 2007, the natural resource sector agencies² of government have embarked on the Resource Management Coordination Project (RMCP), an initiative to increase shared service delivery in regional operations, expanding on existing coordination initiatives such as Front Counter BC.

¹ Section 122(1)(b) of FRPA and Section 68(1)(b) of WA mandate the Board to carry out periodic independent audits of the appropriateness of government enforcement. Organizations with obligations under forest practices legislation for enforcement include the Ministry of Forests and Range; Ministry of Environment; Ministry of Tourism, Culture and the Arts; and the Oil and Gas Commission (OGC) as part of the Ministry of Energy, Mines and Petroleum Resources.

² Under RMCP, natural resource sector agencies include: Ministry of Energy, Mines and Petroleum Resources; Ministry of Environment; Ministry of Forests and Range; Integrated Land Management Bureau; Ministry of Transportation and Infrastructure; Ministry of Tourism, Culture and the Arts.

The compliance and enforcement (C&E) component of RMCP intends to deploy collective C&E staff towards natural resource sector activities that feature the highest risk to the Crown land base. The goal is to strategically apply limited monitoring resources to the highest priority activities and areas by applying government's C&E staff resources to government's broad range of needs. The scope of RMCP covers a wide array of legislation and potentially includes the *Land Act, Parks Act, Wildlife Act, Water Act* and other mineral and environmental legislation along with forestry legislation.

The C&E component of RMCP has been implemented in the Columbia Forest District since April 2009.

Audit Scope and Approach

Audit Scope

The audit includes the enforcement activities of the Ministry of Forests and Range (MFR), the Ministry of Environment (MOE) and the Ministry of Tourism, Culture and the Arts (MTCA).

The Oil and Gas Commission (OGC) was not included in the scope of the audit because there was no oil and gas related activity that involved timber removal during the audit period.

The audit period was September 1, 2007, to October 8, 2009.

MFR provided auditors access to all C&E inspections completed during the audit period and recorded in its Compliance Information Management System (CIMS). This is the first Board audit to work directly with the database in this fashion. Auditors found this approach very effective and it relieved MFR staff of substantial administrative burden to provide information.

During the audit period MFR undertook the C&E activities described in Table 1.

Table 1 – MFR C&E activities in the audit period

C&E Activity	MFR Completed	Board Sampled
Inspections completed	1060	918 office 13 field
Investigations started, ongoing or completed	77	36
Violation tickets issued	25	12
Determinations made	20	17

With the exception of four complaint-related inspections by MOE, neither MOE nor MTCA undertook forest practices C&E activities in the district during the audit period.

The audit did not examine C&E work undertaken by MFR under the RMCP initiative that is not forest practices related, other than to include inspection numbers. C&E practices specific to legislation other than FRPA and WA are outside the scope of this audit.

Audit Criteria

The audit assessed three broad aspects of government enforcement: the design of the C&E organization and business processes; their application in practice (through sampling of compliance and enforcement activities); and the management framework used to direct, support, monitor, and report on C&E activity.

The following audit criteria were used:

1. Government agencies obtain, use and maintain adequate information on the forest activities subject to compliance and enforcement.
2. Government agencies have an effective way of identifying risks associated with forest activities and utilizing risk in inspection planning.
3. Government agencies conduct a sufficient number of inspections, in a fair, objective and effective way, and accurately record and report results.
4. Investigations and determinations are carried out in all applicable situations and only when warranted. They are performed in a fair, objective and consistent way, and are accurately recorded and reported.
5. Agencies establish, through operational plan approval and related processes, expectations for forest practices, which are enforceable and in accordance with forest practices legislation.
6. There are established organizational structures, policies and processes that contribute to and support appropriate enforcement of forest practices legislation.
7. The decisions and actions of different parts of government responsible for enforcement of forest practices legislation are appropriate and coordinated.
8. Reporting systems provide adequate information on agency performance in relation to enforcement objectives.

Audit Work and Activities Examined

The audit work included:

- Interviews with MFR, MOE and MTCA staff in Revelstoke.
- Interviews with representatives of all major licensee and BCTS operations in Revelstoke and Golden.
- Review and evaluation of policies, processes and controls used in agencies' C&E activities.
- Office-based examination and analysis of MFR C&E plans, inspections, investigations, and determinations undertaken during the audit period.
- Field examination of 13 cutblocks and roads previously inspected by MFR C&E staff.

MFR C&E staff accompanied auditors in the field.

Conclusions

The audit examined the C&E activities of three government agencies with responsibility for enforcement of forest practices legislation (FRPA and WA) in the Columbia Forest District for the period September 1, 2007, to October 8, 2009.

Government's framework for enforcement of forest practices has changed during the audit period. Throughout this time, MFR has been the lead enforcement agency, with MOE acting in a support capacity. MFR officials have complete enforcement powers under the legislation and primary responsibility to conduct investigations of suspected contraventions and take appropriate enforcement action. MFR is also primarily responsible for forest practices compliance monitoring, with the exception of monitoring recreation use on designated sites and trails, which has been MTCA's responsibility since the ministry was first formed in 2006. Government's RMCP initiative has led to a sharing of C&E resources. Consequently, since April 2009, MFR has resumed compliance monitoring of recreation use of sites and trails.

Conclusions for RMCP Enforcement

Government's enforcement framework was previously described in a blend of policy and memoranda of understanding among the agencies with roles in forest practices enforcement. Under RMCP, the natural resource sector agencies collectively risk rate, prioritize and document C&E monitoring needs. Available monitoring resources are assigned to address high risk activities and areas as a priority.

In the audit area, RMCP was implemented in April 2009. Although contemplated, no other agencies except MFR have so far contributed C&E monitoring resources towards the collective need. Implementation consists primarily of MFR taking on compliance monitoring and other duties, committing 25 percent of its C&E staff time. MFR C&E staff have received training and delegated authority commensurate with these expanded duties, though not complete at the time of the audit. Of the 62 RMCP inspections MFR has done since April, 53 of them have been for recreation and 9 for other RMCP activities.

The audit has assessed only six months of RMCP implementation. This amount of time is not sufficient to allow for a conclusion on the efficacy of RMCP's enforcement component. However, no adverse effects were detected in MFR's core C&E program by the added responsibilities. This may be due in part to the reduced level of forest activity in the audit area.

Conclusions for Ministry of Forests and Range

MFR has a mature C&E framework with no reportable weaknesses identified in the audit. As lead agency for forest practices enforcement, MFR C&E staff have completed a high number of inspections and undertaken numerous investigations. The audit found that inspections, investigations and enforcement actions, including violation tickets and determinations, were appropriate and generally well done. District C&E supervision is thorough and management

has taken on RMCP responsibilities to date without discernible impact to its core enforcement program.

MFR is appropriately enforcing FRPA and WA in the Columbia Forest District.

Detailed findings by audit criterion for MFR C&E are in the last section of this report.

Conclusions for Ministry of Environment

The Ministry of Environment's Conservation Officer Service (COS) staff have enforcement powers as officials under FRPA and WA. They do not take a lead role in forest practices compliance monitoring. They may check compliance with forest practices legislation while assessing compliance with hunting and fishing regulations, and other core MOE legislation.

During the audit period, COS staff investigated four alleged instances of mud bogging that arose from public complaints. These cases were dropped because they did not find the responsible parties. Otherwise, COS staff did not inspect, investigate or take enforcement actions under FRPA or WA during the audit period.

The audit did not identify any gaps in enforcement, or any inappropriate enforcement of forest practices legislation, attributable to MOE.

Conclusions for Ministry of Tourism, Culture and the Arts

MTCA assumed responsibility for managing established recreation sites and trails in 2006, taking over from MFR. These responsibilities include compliance monitoring. Under forest practices legislation, MTCA staff have limited enforcement powers. They can evict users from recreation sites and impound vehicles but cannot issue violation tickets or make determinations. Instead, MTCA requests MFR to undertake investigations of any potential contraventions they discover.

FRPA prohibits unauthorized construction, rehabilitation or maintenance of recreation trails, such as mountain bike trails. In the district, several unauthorized mountain bike trails have been reported to MTCA by the public. MTCA has referred them to MFR for investigation, but except in two cases, C&E staff have not found the responsible parties in their investigations. The issue of unauthorized mountain bike trail construction is ongoing and MTCA is working on policy to manage it.

In the Columbia Forest District, MTCA staff have not exercised any of their enforcement powers during the audit period. More importantly, MTCA staff have done no compliance monitoring during this time. Their site maintenance contractors undertake limited monitoring but do not record or report inspections. MTCA is probably not sufficiently resourced to adequately monitor compliance since they have only one staff person responsible for managing recreation in the whole district.

The audit found that compliance monitoring of established recreation sites and trails was not adequate in the first part of the audit period:

- no inspections from September 1, 2007, to March 31, 2008 (seven months)
- nine MFR inspections from April 1, 2008, to March 31, 2009 (12 months)

It is only since implementation of RMCP that recreation compliance monitoring has reached an appropriate level, with 53 MFR inspections and patrols since April 1, 2009 (six months). Without inspections under RMCP, the audit would have found a significant gap in recreation compliance monitoring and attributed that weakness to MTCA. However, since RMCP implementation, established recreation sites and trails compliance monitoring is now appropriate.

The framework for government's enforcement program for established recreation sites and trails is not well-defined and may have led to the failure to adequately monitor recreation before RMCP was implemented. With the aid of RMCP, interagency responsibilities and coordination for FRPA and WA, established recreation sites and trails monitoring is appropriate.

Overall Conclusion for Government Enforcement

Overall, government agencies are appropriately enforcing forest practices legislation.

The audit identified that recreation compliance was not adequately monitored in the first portion of the audit period. MFR inspections since April 2009 via RMCP implementation have filled this gap. Notwithstanding this, the audit found that overall, government agencies in the Columbia Forest District are appropriately enforcing the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA).



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Detailed Findings

The audit criteria developed by the Forest Practices Board for assessing the appropriateness of government enforcement have previously been applied separately to each agency with forest practices legislation enforcement responsibilities. However, the business model adopted by government through the RMCP initiative and formerly supported through memoranda of understanding (MOU) among the agencies, puts MFR very clearly in a lead agency role, and MOE and MTCA in support agency roles.

The Ministry of Forests and Range is the lead enforcement agency for forest practices legislation.

This business model makes it inappropriate to separately report details of supporting agencies' forest practices compliance monitoring and enforcement activities using the Board's audit criteria. For this reason, only MFR enforcement findings are reported in detail.

Ministry of Forests and Range

For the Ministry of Forests and Range, the detailed findings and conclusions of the audit are set out in this section, by assessment criterion.

Audit criterion #1 - Government agencies obtain, use and maintain adequate information on the forest activities subject to compliance and enforcement

Agreement holders are required by legislation to inform the district manager prior to harvesting timber and constructing permanent roads. The field operations supervisor enters the notifications in CIMS and allocates them to the C&E technicians. Technicians assign a risk rank and, with reference to the district inspection plan, decide if an inspection will be undertaken. Major licence holders generally use email notifications; some once a week, some when new activities are to commence. BCTS staff complete pre-work conferences with their timber sale licence holders and transfer information to C&E – this fulfills their notification requirement. BCTS also submits pre-work conference information to C&E for their program activities such as road construction – both contractor work and hourly hire.

Holders of small tenures, such as salvage licences or licences to cut, also notify C&E, although less reliably. C&E staff get help from the district tenures staff that issue these tenures to ensure the activities are tracked. C&E staff also follow up on any observed activity when in the field to ensure notifications are in place.

Licensees also report on silviculture activities such as planting and brushing, after completion of the activities, as required by legislation. They also report on achievement of silviculture milestones, such as free-growing status. The district cross-checks licensee reports, by

comparing them with a ministry database that tracks openings since harvesting. Any discrepancies are followed up with licensees.

One major licence holder had several contraventions for failure to notify a start-up date during the audit period. C&E staff issued several compliance notices and two determinations to address the problem. More recently, the licensee has submitted notifications as required. C&E staff documented no other contraventions of the notification requirement, nor were any detected in the audit.

Conclusion

MFR maintains good knowledge of the locations and timing of forest activities.

Audit Criterion #2 - Government agencies have an effective way of identifying risks associated with forest activities and utilizing risk in inspection planning

MFR's compliance monitoring framework appropriately requires that forest operations be risk rated for environmental, economic and social factors, with inspection coverage biased towards higher-risk sites. Assigning risk completely and accurately is important because it helps to focus limited inspection resources on areas of higher risk.

MFR implemented standardized compliance procedures in 2001, including risk assessment, and risk estimate processes for activities like harvesting, road construction, maintenance and deactivation. This system has been fully incorporated into CIMS and used by C&E staff during the audit period.

The audit found that C&E staff risk rated a very high percentage (96 percent) of sites, including roads. For the most part, staff estimated initial risk ratings using general knowledge of the area and circumstances, rather than using detailed site level information, which is not automatically provided by licensees. Risk ratings are incorporated into the district's inspection planning so that inspections are oriented towards high and very high risk sites.

Conclusion

MFR has an effective framework to assess risks associated with forest activities. C&E staff risk rate almost all sites and risk ratings are appropriately incorporated into inspection plans. MFR is meeting this criterion.

Audit criterion #3 - Government agencies conduct a sufficient number of inspections, in a fair, objective and effective way, and accurately record and report results

Inspections must accurately assess the compliance of forest practices with legislated requirements. Without adequate inspection coverage of forest operations, there is an increased

risk that non-compliant practices will be missed. Inspections of logging sites are also extremely important as a deterrent to inappropriate forest practices.

The number of MFR C&E inspections totaled 1,060, consisting of eight inspection types, described in Table 2.

Table 2 – MFR inspections completed during the audit period

Inspection Type	Number of completed inspections	High or very high risk sites	Number of compliant inspections
Harvest	340	214	290
Road	186	73	155
Recreation	25	13	22
Recreation Patrol	25	N/A	25
Silviculture	220	113	214
Range	1	0	1
*General	222	46	129
**Incident	41	N/A	8
Total	1,060	443	844

*General inspections – the large number of general inspections is due to CIMS’ inability to track newer inspection types. Typical inspections within this category include private land logging, checking whether FSP commitments and landscape level requirements are met, valuation, fire patrols, and RMCP inspections.

**Incident reports – these inspections generally arise from public complaints to verify that there is an alleged contravention before proceeding to an investigation.

The district completed a large number of inspections considering the relatively small size of the district and reduced level of forestry activity. In the district, 45 percent of sites inspected were high or very high inspection priority (since incident and recreation patrol inspections are not risk rated they are excluded from this statistic). Fifty-five percent of harvesting and road inspections were on sites with high or very high inspection priority. In the audit period, the district risk rated 802 sites, of which 292 (36 percent) were rated high or very high risk (32 percent of 402 harvesting and road sites were rated high or very high risk). During the audit period, inspections were clearly oriented towards higher risk sites. An example of a high risk site is a road section that is constructed across a fish-bearing stream.

Of the 1,060 inspections, 844 or 80 percent, were recorded as compliant (the compliance level for harvesting and roads was 85 percent). The remaining 216 inspections had one or more alleged non-compliances. Some non-compliances led to compliance notices and others were investigated with some of those resulting in enforcement actions.

The ministry's service plan C&E performance measure is, "percent of the regulated community's compliance with statutory requirements," and is intended to illustrate how well licensees are complying with their statutory obligations. This figure is derived from the number of inspections completed without any non-compliance that lead to a determined or prosecuted enforcement action against the total number of inspections completed. The performance goal is 90 percent and the district's performance for the 2008/09 fiscal year was reported as 98 percent. This indicator likely overstates the compliance level since it excludes non-compliances that did not actually result in an enforcement action. The "true" level of compliance may be difficult or impossible to accurately measure without first establishing a more clear demarcation between non-compliances that are significant and worthy of reporting as such, and those that are not. At present, the ministry draws the line at non-compliances that result in enforcement actions. This has the advantage of being an easily measured indicator, although it provides the public with a simplistic interpretation of the level of compliance.

Auditors reviewed 918 of the inspections on paper and examined 13 inspections in the field. Auditors found that inspections described field conditions appropriately and prescribed appropriate action on identified problems.

Major licence holders and BCTS staff were interviewed regarding C&E practices in the district. They had concerns with inspection practices prior to the audit period, namely that inspectors identified trivial issues as alleged non-compliances, such as litter or simple mapping errors. Licensees stated that documenting minor issues generated unnecessary work for both licensees and C&E staff. However, licensees also stated that these concerns have largely been alleviated and during the audit period licensees have, in general, felt fairly treated in inspection results as well as follow up actions.

Conclusion

MFR is meeting this criterion well.

Audit criterion #4 - Investigations and determinations are conducted or made in all applicable situations and only when warranted. They are performed in a fair, objective and consistent way, and are accurately recorded and reported.

MFR officials have authority and expertise to conduct investigations, and make determinations of non-compliance with forest practices legislation. C&E staff maintain a locally developed tracking ledger for investigations, which details the issue, the investigator assigned, and its progress through investigation, violation ticket or opportunity to be heard and determination.

The district initiated, worked on or completed 77 investigations in the audit period. Auditors examined 36 of those files (20 of the investigation files were still open so not available for review), of which:

- 17 resulted in determinations
- 12 resulted in violation tickets
- 7 were dropped or resolved without an enforcement action

For the most part, investigation files were complete, timely and the information in them demonstrated the reasonableness of action taken. Auditors considered all examined cases to have been handled appropriately given the information available, with resulting actions that were appropriate to the circumstances and legislation.

FRPA prohibits the construction, rehabilitation or maintenance of recreation trails, such as mountain bike trails. In the district several unauthorized mountain bike trails have been reported to MTCA by the public. MTCA has referred them to MFR for investigation. C&E staff have investigated them but, except in two cases, have been unable to find the parties responsible.

Two determinations were for failure to notify prior to harvesting or road construction as required under the *Forest Planning and Practices Regulation*. Notification is important because it enables C&E to monitor forest practices, subject to workload. Both determinations were against one major licence holder and were appropriate because they came after repeated compliance notices. These determinations were the logical next step in available enforcement action. However, there is considerable work involved in investigating, preparing a case for opportunity to be heard and issuing a determination for this administrative failure. There is no provision in the legislation for an official to issue a violation ticket for this offense. In the auditor's opinion, a violation ticket would have been a more appropriate action, had it been available.

Conclusion

The MFR district used the established appropriate investigation and determination processes, performed in a fair, objective and reasonable way in applicable situations, and in a timely manner. Actions taken as a result of investigations were appropriate. MFR is meeting this criterion well.

Audit criterion #5 - Agencies establish, through operational plan approval and related processes, expectations for forest practices that are enforceable and in accordance with forest practices legislation

Under results-based forest practices legislation, the forest policy environment is no longer oriented towards government providing ongoing stewardship direction to licence holders. Over the last several years, MFR has put effort towards ensuring legislation and FRPA forest stewardship plans contain measurable results that can be assessed through office and field examinations.

Provincial MFR C&E procedures have lately been revised to address landscape level inspections, principally to assess performance in relation to forest stewardship plan results and strategies. These inspections are very important because they assess compliance in a key aspect of FRPA's results-based framework – following declared strategies and achieving results specified in forest stewardship plans. In accordance with these procedures, the district has prepared a 2009 Results and Strategies Inspection Plan for BCTS that describes how they will be

measured. Measurement is mainly through GIS analysis and routine block inspections. They then follow up through investigation if any issues arise.

As many as 80 C&E inspections during the audit period specifically assessed whether results and strategies and landscape level requirements had been met. No field-related issues were identified that required follow up. However, two licensees failed to report wildlife tree patches as required under the *Forest Planning and Practices Regulation*, which resulted in numerous recorded non-compliances. C&E notified licensees of the issue through inspection reports but took no direct enforcement action. Licensee reporting practices have since improved and now meet requirements.

Communications to licensees on CIMS inspection forms were found to be straightforward, understandable, unambiguous and effective.

Conclusions

MFR has generally established clear and enforceable expectations for forest practices.

Audit criterion #6 - There should be organizational structures, policies and processes that contribute to, and support, appropriate enforcement of forest practices legislation

Organizational Structure

The district used a zonal C&E organizational model, where each inspector is allocated a geographic zone within the district, and is responsible for inspecting licensees operations in that zone.

Human, physical and financial resources devoted to C&E functions appeared to be adequate, and staff performing C&E functions has been assigned the proper authority.

Policy and Management Direction

The MFR C&E framework is essentially complete. It is complemented by district C&E procedural flowcharts, operating procedures and standardized systems for risk assessment, inspections and inspection reporting functions. In May 2009 MFR headquarters issued a directive with measures to strengthen the C&E organizational model, including that C&E policies are to be considered binding. Future enforcement audits will be able to better assess the efficacy of the described measures.

C&E authority, responsibility and accountability is clearly defined and documented in the district's organization chart, job descriptions and performance measures. Inspection standards are reinforced through informal staff discussions and meetings.

Staffing

C&E supervisors and staff generally possess the knowledge and skills necessary to perform their roles, and their training needs have primarily been identified and incorporated into their

training plans. The district enjoys strong supervision with techniques that range from joint field inspections and discussions of conclusions for calibration purposes, to monthly meetings of all C&E staff, to 'one-on-one' field trips.

Conclusions

MFR's organizational structure, staffing and policies and processes generally support implementation of forest practices legislation in the audit area. The audit found no reportable weaknesses in this area.

Audit criterion #7 - The decisions and actions of different parts of government responsible for enforcement of forest practices legislation are appropriate and coordinated

There was no mining or oil and gas activity during the audit period so MFR, MOE and MTCA are the only agencies with responsibility for forest practices legislation enforcement in the area audited.

Throughout the audit period MFR has been lead enforcement agency with primary enforcement powers, with MOE acting in a support capacity. MFR is also primarily responsible for forest practices compliance monitoring, with the exception of monitoring recreation use on established sites and trails. This has been MTCA's responsibility since the ministry was first created in 2006.

MTCA staff have done no compliance monitoring during the audit period. The audit found that compliance monitoring of recreation was not adequate in the first part of the audit period. In a 19-month period from September 2007 to April 2009 only nine inspections were done, by MFR, in an area with more than 70 established sites and trails.

Government's RMCP initiative has led to a sharing of C&E resources. Consequently, since April 2009, MFR has resumed compliance monitoring of recreation use of sites and trails. It is only since implementation of RMCP that recreation compliance monitoring has resumed to an appropriate level, with MFR conducting 53 inspections and patrols since April 1. With the aid of RMCP, interagency responsibilities and coordination for FRPA and WA recreation monitoring is appropriate.

Government's enforcement framework was previously described in a blend of policy and memoranda of understanding among the agencies with roles in forest practices enforcement. Under RMCP, the natural resource sector agencies collectively risk rate, prioritize and document C&E monitoring needs. Available monitoring resources are assigned to address high- risk activities and areas as a priority.

In the audit area, RMCP was implemented effective April 2009. It consists primarily of MFR taking on compliance monitoring and other duties, using 25 percent of its C&E staff resources.

In the Columbia Forest District this commitment amounts to 144 person-days. Training and delegated authority commensurate with RMCP duties have been undertaken, though not complete at the time of the audit. Of the 62 RMCP inspections MFR has done since April, 53 of them have been for recreation and nine for other RMCP activities.

Although the initiative is described as a shared one, MFR is the only agency providing resources to do inspection work for RMCP activities, although all agencies have contributed time to work priority scans, risk assessment and training.

RMCP had only been implemented for six months at the time of the audit so it is too early to gauge its effect on MFR's workload. Auditors learned through interviews that during the audit period the Columbia Forest District had a lower level of forestry activity than normal – reported as about 70 percent of normal. C&E staff stated they have been able to spend the time training and conducting RMCP inspections without discernible impairment to their own C&E program. However, the lower level of forestry activity and the limited workload to MFR from other agencies under RMCP have probably kept any impact low so far. In the audit period, more than 1,000 inspections were done. Since April 1, 2009, 308 inspections were completed of which 20 percent (62) were RMCP inspections. In this six-month period, the audit did not detect that forestry activities were receiving too little attention. However, it remains to be seen how the district's C&E staff will be able to cope with complete RMCP implementation and a fully active forest industry.

Conclusion

Before RMCP, government's enforcement framework was documented in a blend of policy and MOUs. This framework was generally clear except for recreation compliance monitoring. The lack of clear policy in this aspect may have contributed to the inadequate level of recreation monitoring prior to RMCP implementation. With implementation of RMCP, coordination of agencies to enforce forest practices legislation is appropriate.

Audit criterion #8 - Reporting systems provide adequate information on agency performance in relation to enforcement objectives

To ensure C&E effectiveness, agencies need to be able to judge their performance by establishing objectives and intended outcomes, and then measuring performance using indicators and reliable reporting systems. The audit assessed whether objectives for district C&E are established, and whether measurable targets or performance indicators are in place and are being used.

The Board's 2008 CIMS special investigation³ report recommended that CIMS provide information in a form more useful to local C&E management in achieving good inspection

³ This special investigation report can be found on the Board's website at:

<http://www.fpb.gov.bc.ca/publications.aspx?id=2078>

coverage and consistency in identifying and addressing non-compliances. Although there have been no substantive changes made to CIMS reporting since that recommendation was made, this district's C&E managers and supervisors appear to obtain sufficient and appropriate information to be informed about achievement of enforcement objectives.

External reports are provincial level. The most recent C&E Annual Report available is 2007/08. Reports are still tardy, but timeliness has improved over previous years.

Conclusions

Measurable targets and/or performance indicators are used to assess performance. There are no significant gaps in internal or external reports detected by the audit.



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