



**Forest
Practices
Board**

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

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Introduction

Background

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

The audit examined enforcement activities under the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA) from January 1, 2008, until March 4, 2010. 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.

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. At the time of this audit, organizations empowered to enforce forest practices legislation included the Ministry of Forests and Rangeⁱ (MFR); Ministry of Environment (MOE); Ministry of Tourism, Culture and the Arts (MTCA); and the Oil and Gas Commission.

Audit Area

The Cascades Forest District (refer to map on page 4) encompasses the Merritt and Lillooet timber supply areas (TSAs). The Merritt portion of the district is considered to be generally low-risk terrain, with a dry climate, rolling topography and coarse soils. Its larger communities include Merritt and Princeton. The Lillooet portion of the district is considered to be higher-risk terrain, featuring steep slopes and an increased level of precipitation throughout the year. Lillooet and Lytton are the largest communities in the Lillooet TSA.

There was a high level of harvesting in the Merritt TSA during the audit period. In contrast, the Lillooet TSA had a lower-than-normal level of harvesting during the same period. Table 1 shows the approximate harvest level in each area.

TABLE 1. Merritt and Lillooet timber supply areas

	Approximate Area (hectares)	Allowable Annual Cut (cubic metres)	Approximate harvest level during the audit period (26 months) (cubic metres)
Merritt TSA	1.3 million	2.8 million	6.5 million
Lillooet TSA	1.2 million	570,000	227,000

ⁱ The Ministry of Forests and Range is now called the Ministry of Forests, Mines and Lands. The Ministry's field operation responsibilities, including all compliance and enforcement responsibilities, have been transferred to the new Ministry of Natural Resource Operations.

There are no higher level plans in effect in the district. Licence holders in the Lillooet TSA are bound by government's June 2004 *Order Establishing Non-Spatial Old Growth Objectives*. Licence holders in the Merritt TSA are required to meet specific old-growth objectives set out in that same order.

Government Enforcement Structure

The purpose of government enforcement is to ensure that forest and range practices comply with legislative requirements.

During the audit period:

- MFR was the lead enforcement agency responsible for enforcing the appropriateness of forest and range practices. MFR officials had complete enforcement powers under the legislation, as well as primary responsibility to conduct investigations of suspected contraventions and take enforcement action. MFR was also primarily responsible for forest practices compliance monitoring, with the exception of monitoring recreation use on designated sites and trails.
- MTCA was responsible for managing established recreation sites and trails, taking over from MFR in 2006. These responsibilities included compliance monitoring. Under forest practices legislation, MTCA staff had limited enforcement powers, but monitored for compliance. They could evict users from recreation sites and impound vehicles, but could not issue violation tickets or make determinations. Instead, MTCA would ask MFR to undertake investigations of any potential contraventions they discovered.
- MOE's conservation officer service (COS) staff had enforcement powers under FRPA and WA but did not take a lead role in forest practices compliance monitoring, instead acting in a support capacity for MFR and MTCA. The COS could check compliance with forest practices legislation while assessing compliance with hunting and fishing regulations and other core MOE legislation.

In 2007, the natural resource sector agenciesⁱⁱ of government embarked on the resource management coordination (RMC) initiative to increase shared service delivery across the province, expanding on existing coordination initiatives such as FrontCounter BC. The compliance and enforcement (C&E) component of RMC assigned collective C&E staff to the natural resource sector activities with the highest risk to Crown land, with a goal of strategically applying monitoring to the highest priority activities and areas.

ⁱⁱ Under RMC, the natural resource sector agencies included: Ministry of Energy, Mines and Petroleum Resources; Ministry of Environment; Ministry of Forests and Range; Integrated Land Management Bureau; Ministry of Transportation and Infrastructure; and Ministry of Tourism, Culture and the Arts. As of October 2010, the natural resource sector agencies include: Ministry of Agriculture; Ministry of Energy; Ministry of Environment; Ministry of Forests, Mines and Lands; and Ministry of Natural Resource Operations.

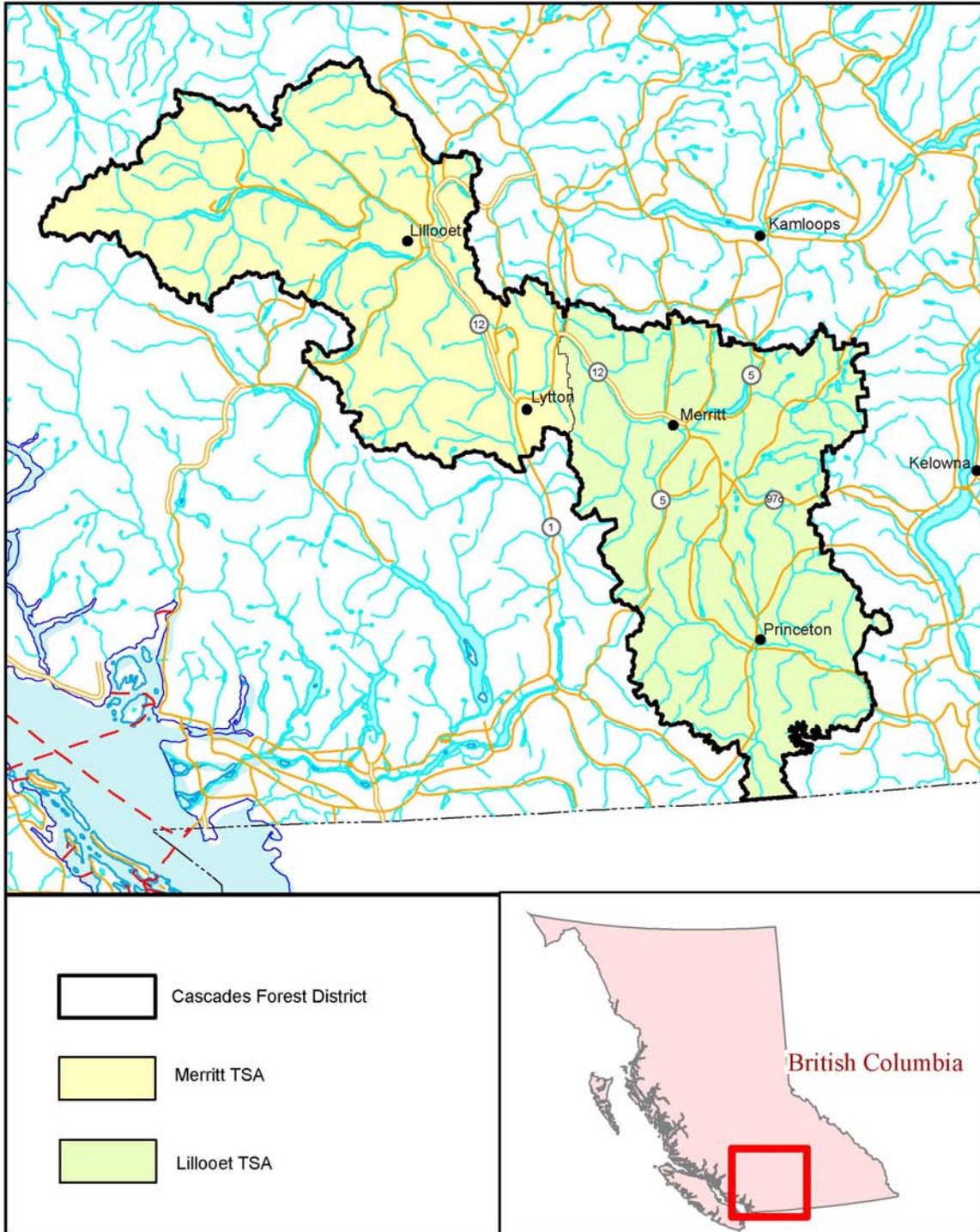
The scope of RMC encompassed a wide array of legislation and potentially included the *Land Act*, *Parks Act*, *Wildlife Act*, *Water Act* and other mineral and environmental legislation, along with forestry legislation.

The C&E component of RMC was implemented in the Cascades Forest District in April 2009, and extended through to the end of the audit period.

During the Board's site visit, MFR changed its reporting structure so that instead of C&E staff reporting to the district manager, they reported to a sub-regional compliance leader, who in turn reported to headquarters as part of a coordinated services-delivery model. This restructuring reinforced the RMC initiative and the perception of the C&E staff as being independent from the district manager.

Subsequent to the audit, government initiated substantial changes to its service delivery model, through a restructuring of several government ministries in October 2010. In particular, MFR's C&E function came under the jurisdiction of the new Ministry of Natural Resource Operations as part of its resource management compliance mandate.

Audit of Forest Legislation Enforcement in the Cascades Forest District



Audit Approach and Scope

Audit Scope

The audit examined enforcement activities of MFR, MOE and MTCA.

The Oil and Gas Commission was not included in the scope of the audit because no oil and gas-related activity involving timber removal occurred during the audit period.

The audit period was from January 1, 2008, to March 4, 2010.

Audit Criteria

The audit assessed three broad aspects of government enforcement: the design of the C&E organization and its business processes; the application of these 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 Merritt and Lillooet;
- interviews with representatives of major licensees in Merritt and Lillooet;
- review and evaluation of policies, processes and controls used in agencies' C&E activities; and
- office-based examination and analysis of MFR C&E plans, inspections, investigations and determinations undertaken during the audit period.

C&E practices were not field-examined in this audit due to winter conditions.

Ministry of Forests and Range

MFR provided auditors access to all records of C&E inspections completed during the audit period and recorded in its compliance information management system (CIMS).

During the audit period MFR undertook the following C&E activities:

TABLE 2. MFR C&E activities in the audit period

C&E Activity	Completed	Sampled*
Inspections completed**	839	839
Investigations started, ongoing or completed	27	27
Violation tickets issued	11	11
Determinations made	5	3

* Sampled in office only. No fieldwork was conducted in the audit.

** From the CIMS reports dated March 4, 2010, including incident inspections and non-forest practice inspections (such as appraisal inspections).

The audit did not examine C&E work undertaken by MFR under the RMC initiative that was not forest practices-related, other than to include inspection numbers. C&E practices specific to legislation other than FRPA and WA were outside the scope of this audit. For example, inspections done to assess appraisal submissions under the *Forest Act* were not audited, nor were investigations or determinations under the *Forest Act*.

Ministry of Environment

MOE undertook no compliance monitoring of forest practices in the district during the audit period. One complaint was investigated and MOE issued a warning ticket relating to unauthorized timber cutting and recreation trail construction.

Ministry of Tourism, Culture and the Arts

MTCA staff conducted regular inspections of recreation sites and trails during the audit period. MTCA staff recorded 82 inspections in 2009. MTCA staff undertook no investigations or formal enforcement actions during the audit period.

Main Findings and 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 Cascades Forest District for the period January 1, 2008, to March 4, 2010.

Ministry of Forests and Range

As lead agency for forest practices enforcement, MFR C&E staff completed the bulk of FRPA and WA inspections and investigations during the audit period.

The audit found that inspections, investigations and enforcement actions, including violation tickets and determinations, were appropriate and generally well done.

However, the audit detected gaps in compliance monitoring with regard to several forest activities, such as BCTS program road construction and district reforestation of small-scale salvage sites, which could increase the risk of significant non-compliances being left undetected.

Further, the audit found that investigations leading to determinations were inappropriately lengthy, in one case resulting in a penalty not being applied because the statutory limit of three years had been exceeded. This was a significant weakness in the district's enforcement.

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

Ministry of Environment

MOE's COS staff assisted MFR with fire patrols during the 2009 fire season. However, the audit was unable to verify if any of these patrols were done within the audit area. COS staff did no other compliance monitoring related to FRPA or WA.

In response to a public complaint, COS staff investigated an alleged instance of unauthorized timber cutting and recreation trail construction. In this instance, the COS issued a warning ticket. The audit found this action to be appropriate under the circumstances. Otherwise, COS staff did not inspect, investigate or take enforcement actions under FRPA or WA during the audit period.

Although MOE conducted very little C&E activity in the audit area during the audit period, the audit did not identify any gaps in enforcement, or any inappropriate enforcement of forest practices legislation, attributable to MOE.

Ministry of Tourism, Culture and the Arts

During the audit period, MTCA staff undertook compliance monitoring through their own inspections and their site-maintenance contractors, who conducted some monitoring and recording of inspections. MTCA had only one staff person responsible for managing recreation in the district. Nonetheless, in 2009, MTCA recorded 118 recreation patrols and inspections. Inspection records for 2008 were not compiled.

Since implementation of the RMC in April 2009, recreation compliance monitoring was also undertaken by MFR staff, with 116 inspections completed between May 15 and October 10, 2009. Most of these inspections were in connection with fire patrols.

MTCA staff conducted a sufficient amount of compliance monitoring but undertook no investigations or formal enforcement actions during the audit period. The audit did not identify any gaps in enforcement, or any inappropriate enforcement of forest practices legislation, attributable to MTCA.

Findings Related to RMC Enforcement

Non-forest-practice activities under the RMC were excluded from the audit. Nonetheless, moving C&E resources from forest practices to other government enforcement priorities influences government's efficacy in enforcing forest practices legislation. For this reason, it is appropriate to comment on the implementation of the RMC during the audit period.

In the audit area, the RMC was implemented in April 2009, covering about a year of the audit period. Implementation consisted primarily of MFR taking on compliance monitoring and other duties on behalf of other agencies, committing 25 percent of its C&E staff time. MFR C&E staff received training and delegated authority commensurate with these expanded duties.

From April 1, 2009, to March 4, 2010, MFR staff completed 123 RMC inspections, of which 112 were for recreationⁱⁱⁱ use of sites and trails and 11 for other RMC activities. During the same period, MTCA staff also did 118 patrols and inspections of recreation sites. MFR C&E staff did not inspect several forest activities, such as BCTS program road construction, as described under *Detailed Findings - audit criterion #3*.

ⁱⁱⁱ Because MTCA had responsibility for compliance monitoring of recreation sites and trails when RMC was implemented, MFR classified this work as RMC, contributing to its 25 percent RMC resource allocation target during the first year of implementation. In fact, MFR staff were responsible for this work prior to 2006, so little or no training was required to undertake it. Although classified as RMC, these inspections are within the scope of the audit since recreation sites and trails fall under forest practices legislation.

The apparent duplication of recreation site monitoring and the gaps in MFR's compliance monitoring suggest that RMC implementation during the last year of the audit had not yet reached its goal of efficient usage of government monitoring resources. Because training and delegating authorizations for other agency work was rolled out during 2009, agencies other than MTCA were not able to provide much RMC work for MFR staff to undertake. In contrast, C&E staff were already equipped to conduct recreation inspections, so that is what they focussed on to meet their 25 percent RMC resource commitment target.

Overall Conclusion for Government Enforcement

The audit found that, with the exception of a significant weakness in the Ministry of Forests and Range's timeliness of investigations leading to determinations, government agencies in the Cascades Forest District were appropriately enforcing the *Forest and Range Practices Act* and the *Wildfire Act*, for the period January 1, 2008, to March 4, 2010.



Christopher R. Mosher CA, EP(EMSLA)
Director, Audits

Victoria, British Columbia
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Detailed Findings

Until recently, the audit criteria developed by the Forest Practices Board for assessing the appropriateness of government enforcement have been applied separately to each agency with forest practices legislation enforcement responsibilities. However, the business model adopted by government through the RMC initiative during the audit period clarified MFR's lead agency role and placed MOE and MTCA in support agency roles.

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. This obligation is normally fulfilled by notifying C&E in the district. Major licence holders generally use email or fax for this purpose. Holders of small tenures, such as salvage licences or licences to cut, also notify C&E. Sometimes, C&E staff receive help from district tenures staff to ensure the activities are tracked. During the audit period, C&E staff documented no contraventions of notification requirements, nor were any detected in the audit.

BCTS staff complete pre-work conferences with their timber sale licence holders and transfer information to C&E—this fulfills their notification requirement. BCTS staff stated they also submit pre-work conference information to C&E regarding their program activities such as road construction—both for contractor work and hourly hire. However, the auditors were not able to verify this and no C&E inspections of BCTS program activities were completed during the audit period.

Licenses 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 noted discrepancies are followed up with licensees.

The district has a large small-scale salvage (SSS) program and the district manager is responsible for reforesting SSS openings. The audit found that, although these activities are recorded in the same ministry database as other reforestation activities, C&E staff were not monitoring or inspecting these activities.

The field operations supervisor enters 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.

Conclusions

MFR maintained good knowledge of the locations and timing of most forest activities. However, the audit found a lack of evidence to show that C&E staff had sufficient awareness of BCTS program activities and SSS reforestation or that these activities were adequately monitored.

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 required that forest operations be risk-rated regarding environmental, economic and social factors, with inspection coverage biased towards higher-risk sites. Assigning risk efficiently 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. Documented in the district's 2009 C&E performance plan, the district's risk framework stratified forest activities by risk. For example, RMC inspections, ongoing investigations and inspections of high and very high-risk harvesting and road construction activities were deemed "priority one" activities. "Priority two" activities included inspections to assess achievement of forest stewardship plan (FSP) results and strategies and inspections of high- and very high-risk sites declared free growing. The district had a total of five priority classes and the expectation was that, due to the large workload, activities in the lowest priority classes would only receive attention if the opportunity arose.

Site risk was estimated using criteria such as terrain features, resource values at risk, high public use, etc. Site-risk estimates were done only for those activities that were planned for inspection.

The audit found that C&E staff risk-rated a high percentage of the harvesting, road and range sites that were inspected (see Table 3). For the most part, staff estimated risk ratings using general knowledge of the area and circumstances, rather than using detailed site-level information, which was not automatically provided by licensees. However, the audit was not able to determine the proportion of sites eligible for inspection that were actually risk-rated since C&E staff do not risk-rate all sites. There remains a possibility that some high-risk sites will fall through the cracks, since they may not receive any risk scrutiny.

Conclusions

MFR used an appropriate and effective framework to stratify risks among the various forest activities. C&E staff risk-rated almost all sites that were inspected and risk ratings were appropriately factored into inspection plans. However, since not all sites eligible for inspection were risk-rated, some high-risk sites may not even be considered for inspection.

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 not be discovered. Inspections are also important to deter operators from engaging in inappropriate forest and range practices.

The number of MFR C&E inspections during the audit period totaled 839.

TABLE 3. MFR inspections completed during the audit period

Inspection Type	Number of completed inspections	High- or very high-risk sites	Number not risk-rated	Number of compliant inspections
Harvest	195	122	1	172
Road	84	61	3	79
Silviculture	59	19	33	23
Range	45	26	0	42
*General	301	186	115	291
Total	684	414	152	607
**Incident	155	N/A	N/A	
Grand Total	839			

*General inspections – the large number of general inspections is due to CIMS' inability to track newer inspection types. Typical inspections within this category include fish passage, checking whether FSP commitments and landscape level requirements are met, appraisals, fire patrols and RMC inspections.

**Incident reports – these inspections generally arise from public complaints to determine whether there is an alleged contravention before an investigation is undertaken.

The district completed a reasonable number of inspections, although the forest activity level was very high during the audit period. In the district, 61 percent of sites inspected were high- or very high-inspection priority (since incident inspections are not risk-rated they are excluded from this statistic). Sixty-six percent of harvesting and road inspections were on sites with high- or very-high inspection priority. 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 684 routine inspections, 607, or 89 percent, were recorded as compliant (the compliance level for harvesting and roads was 90 percent). The remaining 77 inspections had one or more alleged non-compliances. Some non-compliances led to compliance notices, and others were investigated with a few of those resulting in enforcement actions.

Auditors reviewed all 839 of the inspections on paper and did not assess them in the field. Auditors found no evidence, including from interviews with licensees, that inspections did not describe field conditions appropriately and prescribe appropriate action on identified problems.

The audit found that several forest practice activities were not inspected by C&E during the audit period, including:

- SSS reforestation;
- BCTS program road construction; and
- adherence to government's 2004 requirement to meet non-spatial old growth objectives.

While none of these activities was rated as high priority in the district's C&E program plan, the lack of inspections in these areas is troubling. The auditors recognized that workload volume, particularly since implementation of the RMC, would likely result in some inspection gaps for lower-risk activities. However, the audit was not able to assess whether these activities were being conducted in compliance with requirements and these monitoring gaps could ultimately lead to significant non-compliances being left undetected. This would not be appropriate enforcement.

Conclusions

MFR completed a reasonable number of inspections and they were appropriately oriented towards high- and very high-risk activities and sites. However, the audit identified monitoring gaps in several activities that could increase the risk of significant non-compliances being left undetected. If these monitoring gaps were to continue and expand to a wider array of activities, they could result in a significant weakness in government's enforcement.

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 had the authority and expertise to conduct investigations and make determinations about compliance with forest practices legislation. C&E staff maintained a locally developed tracking ledger for investigations, which detailed 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 33 investigations in the audit period. Auditors examined 19 of those files (several of the investigation files were still open so not available for review), of which:

- three resulted in determinations ;
- one was waiting for a determination;
- eleven resulted in violation tickets; and
- four were dropped or resolved without an enforcement action.

For the most part, investigation files were complete and the information in them demonstrated the reasonableness of action taken. In addition, the three determinations that were made in the district were considered to be reasonable. 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.

Investigations that led to violation tickets were also found to be appropriate. The audit found, however, that investigations leading to determinations were inappropriately lengthy. Ministry policy sets out expectations that investigations be completed within six months and, in cases where events are outside the investigator's control, to be completed within one year. This policy is appropriately designed to allow fair treatment of the client and provide ample time for the delegated decision-maker to hear the case and make a determination.

The audit found no evidence that investigators worked to meet the six-month (or even one-year) policy expectation. Two of the three district determinations were made within four days of the three-year statutory limit on imposing penalties. The third determination was made after the three-year limit and, as a consequence, the delegated decision-maker was prevented from imposing a penalty. The excessive time taken for all three of the district determinations was inappropriate and constitutes a significant weakness.

Conclusions

The MFR district used the established appropriate investigation and determination processes, performed in a fair, objective and reasonable way. Actions taken as a result of investigations were appropriate. However, investigations leading to determinations were inappropriately lengthy. This constitutes a significant weakness.

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 worked towards ensuring that legislation and forest stewardship plans contain measurable results that can be assessed through office and field examinations.

Provincial MFR C&E procedures have been revised to address landscape-level inspections, principally to assess performance in relation to FSP results and strategies. These inspections are important because they assess compliance with a key aspect of FRPA's results-based framework—following declared strategies and achieving results specified in FSPs.

During the audit period, C&E staff conducted 12 landscape-level assessments for FSP adherence, mainly looking at ungulate winter range commitments. No field-related issues were identified that required follow-up.

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

Conclusion

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

Human, physical and financial resources devoted to C&E functions appeared to be reasonable, and staff performing C&E functions were assigned proper authority.

During the week of the audit, MFR restructured several of its programs, including C&E. Effective immediately, district C&E staff no longer reported to the district manager but instead reported to a sub-regional C&E leader who, in turn, no longer reported to the regional manager but instead to C&E headquarters. This MFR C&E restructuring took the C&E role to a new level of independence, so that the district manager was no longer the “boss” of the “police.”

Policy and Management Direction

The MFR C&E framework was essentially complete at the time of the audit. In May 2009, MFR headquarters issued a directive with measures to strengthen the C&E organizational model, including that C&E policies were to be considered binding.

C&E authority, responsibility and accountability were clearly defined and documented in the organization charts, job descriptions and performance measures.

Staffing

C&E supervisors and staff generally possessed the knowledge and skills necessary to perform their roles. Of the five C&E staff, two were located in Merritt, one in Princeton—collectively, they covered the Merritt TSA—and two were in Lillooet to cover the Lillooet TSA. Because the level of forest activity was so much higher in Merritt during the audit period, the district was challenged to organize the C&E workload optimally among C&E staff.

Conclusions

During the audit period, MFR’s organizational structure, staffing and policies and processes generally supported 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 oil and gas activity during the audit period, so MFR, MOE and MTCA were the only agencies with responsibility for forest practices legislation enforcement in the area audited. Throughout the audit period, MFR was the lead enforcement agency with primary enforcement powers, with MOE acting in a support capacity. MFR was also the lead agency responsible for forest practices compliance monitoring, with the exception of monitoring recreation use on established sites and trails. This had been MTCA's responsibility since the ministry was created in 2006.

Government's RMC initiative led to a sharing of C&E resources among government agencies. Previously, government's enforcement framework was described in a blend of policy and memoranda of understanding among the agencies that had roles in forest practices enforcement. Under the RMC, the natural resource sector agencies collectively risk-rated, prioritized and documented C&E monitoring needs. Available monitoring resources were assigned to address high-risk activities and areas as a priority.

In the audit area, RMC was implemented effective April 2009, and this covered about one year of the audit period. Training and delegated authority commensurate with RMC duties was undertaken. RMC implementation consisted primarily of MFR taking on compliance monitoring and other duties, using an ever-increasing proportion of its C&E staff resources, with other agencies providing work for MFR staff. The district was committed to using 25 percent of its C&E resources on RMC work for 2009/2010 with the percentage expected to increase the following year.

Since April 2009, MFR completed 123 RMC inspections, of which 112 were regarding recreation use of sites and trails and 11 were for other RMC activities.

Given the high level of forestry activity in the area, any resources devoted to RMC would likely reduce the resources available for forest practices C&E. However, only 11 inspections were done on non-forest activities in the district; the rest were done on recreation sites, a traditional MFR responsibility until 2006. Aside from MTCA, it appears a limited workload was offered to MFR from other agencies under RMC.

Nonetheless, since April 2009, it is noteworthy that MFR staff did 112 inspections of recreation sites, while during the same period MTCA staff also did 118 patrols and inspections of recreation sites. In that same period, MFR C&E staff did not inspect several forest activities as described under audit criterion #3.

The apparent duplication of recreation site monitoring and the gaps in MFR's compliance monitoring suggest that RMC implementation during the last year of the audit did not yet reach its goal of efficient usage of government monitoring resources. Because training and delegating authorizations for other agency work was rolled out during 2009, agencies other than MTCA were not able to provide much RMC work for MFR staff to undertake. In contrast, C&E staff were already equipped to conduct recreation inspections, so that is what they focused on to meet their 25 percent RMC resource commitment target.

Conclusion

Before RMC, government's enforcement framework was documented in a blend of policy and memorandum of understandings. With the implementation of the RMC, coordination of agencies to enforce forest practices legislation became more focussed and more fully documented.

After one year of implementation, RMC had not deployed significant C&E resources to the wider array of government priorities.

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 were established, and whether measurable targets or performance indicators were in place and being used.

As in other districts, the C&E staff were charged with achieving corporate performance measures as outlined in the ministry service plan. In the 2009/10 fiscal year, district C&E staff were expected to inspect 72 percent or more of high- and very high-priority sites. The audit was not able to determine if this target was achieved, since not all sites were risk assessed.

MFR's public C&E reports summarize compliance monitoring and enforcement activities for the province. The most recent C&E Annual Report available is 2008/09. These reports are still tardy but timeliness has improved over previous years.

Conclusions

Measurable targets and/or performance indicators are used to assess performance for internal purposes as well as public reports.



**Forest
Practices
Board**

PO Box 9905 Stn Prov Govt

Victoria, BC V8X 9R1 Canada

Tel. 250.213.4700 | Fax 250.213.4725 | Toll Free 1.800.994.5899

For more information on the Board, please visit our website at: www.fpb.gov.bc.ca