

Audit of Enforcement of Forest Legislation in the Fort St. James Forest District

Audit Report



FPB/ARC/74

October 2005

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Executive Summary

The Forest Practices Board has audited the appropriateness of government's enforcement of the provisions of the *Forest Practices Code of British Columbia Act* (the Code), and the *Forest and Range Practices Act* (FRPA), in the Fort St. James Forest District in northern British Columbia.

The audit examined planning, management direction and operational activities related to enforcement, for the period September 1, 2003, to September 17, 2004. The activities of the Ministry of Forests and Range (MOFR), as well as the Ministry of Environment (MOE), were examined.

The audit determined that MOFR's Fort St James district office is appropriately enforcing forest practices legislation. Since the audit, the district reports that it has fully implemented the ministry's compliance information management system, in order to address weaknesses identified in the audit.

MOFR is the lead agency with responsibility for the delivery of compliance and enforcement (C&E) of forest practices legislation. MOE provides broad policy and guidance for environmental values, and support to MOFR compliance and enforcement staff. MOE has made a shift in its traditional role in environmental stewardship. The ministry's mission statement clearly indicates that it considers the proponent and authorizing agencies to be responsible for delivery of environmental stewardship.

The Board understands government's desire to ensure efficient use of funds and eliminate unnecessary duplication of effort. The Board considers a model of enforcement with MOFR staff taking the lead as appropriate. However, MOFR must ensure C&E staff have the skills and the ability to recognize potential risks to environmental values, which are not traditionally within the ministry's purview (e.g., fish and wildlife). To ensure this model of enforcement is effective, MOE must commit to assist MOFR in the field when requested. During the audit period, MOFR conducted 602 inspections in the Fort St. James District, and eight sites were referred to MOE. However, MOE staff only visited three of those sites in the field. Given MOE's shift to this new enforcement model, the Board expects to see a higher rate of follow-up on requests from MOFR in the future.

In light of the evolving model for government agencies to appropriately enforce FPRA, the Board will continue to audit these agencies in the future, with a specific focus toward the adequacy of C&E staff skills and abilities as well as the level of support from MOE on field referrals.



Bruce Fraser, PhD
Chair, Forest Practices Board
October 4, 2005

Introduction

As a part of its 2004/2005 audit program, the Forest Practices Board randomly selected the Fort St. James Forest District, located in the Northern Interior Forest Region, for an audit of the appropriateness of government enforcement of forest practices legislation.

The audit examined enforcement activities under the *Forest Practices Code of British Columbia Act* (the Code) between September 1, 2003, and January 31, 2004, and under the *Forest and Range Practices Act* (FRPA)ⁱ from February 1, 2004, until September 17, 2004. 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.

About 2.4 million cubic metres of timber was harvested in the district during the audit period. The district is part of the Prince George Timber Supply Area (TSA) which is administered by the MOFR districts of Fort St. James, Vanderhoof, and Prince George. The allowable annual cut (AAC) for the entire TSA at the time of the audit was 12.2 million cubic metres, 3 million of which was focused on the extraction of timber attacked or killed by the mountain pine beetle.

The TSA is part of a vast area in central BC that is currently infested by the mountain pine beetle. For this TSA alone, the volume of timber killed on the timber harvesting land base has grown from about 5 million cubic metres in 1999 to about 38 million cubic metres in 2003. The infestation is epidemic and now threatens most of the mature and near-mature lodgepole pine stands in the TSA—the majority of the area's harvestable and merchantable timber. The infestation in the interior of BC is unprecedented and, in response to the devastation, in September 2004, the chief forester of BC increased the AAC for the TSA by 22 percent to 14.9 million cubic metres.

Forests in the district are mostly lodgepole pine and spruce, with balsam at higher elevations and scattered patches of aspen. There are some areas with Douglas-fir, particularly along the shores of Stuart Lake. A history of frequent wildfires has left a mosaic of forest ages.

The district contains a diversity of landscapes, from the rolling hills of the interior plateau in the south, to the extremely mountainous and largely roadless landscapes in the north. The area is well known for its lakes and rivers, many of which are highly valued for tourism and recreation. It covers parts of the headwaters of three major river basins—the Skeena, the Fraser, and the Peace—two of which produce significant salmon runs.

There is an abundance of wildlife throughout the district. Resident mammals include moose, mule and white-tailed deer, elk, cougars, sheep, mountain goats, black and grizzly bears, coyotes, wolves, and woodland caribou. The area is also home to approximately 13 furbearer species including beaver, otter, mink, muskrat, fisher, wolverine, and marten. Finally, the area is home to a number of blue-listed (at risk) wildlife species, including grizzly bear, trumpeter swan, fisher, great blue heron, and American bittern.

A large variety of bird species are found within the district, many of which are winter residents. Owls, cavity nesters and perching birds are widespread, as are waterfowl and some species of shorebirds.

Audit Scope and Approach

Audit Scope

The audit includes the enforcement, planning, and operational activities of the Ministry of Forests and Range (MOFR) (previously Ministry of Forests) and the Ministry of Environment (MOE), (previously Ministry of Water, Land and Air Protection).

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, 2003, to September 17, 2004.

The audit encountered a scope limitation, in that the MOFR's Fort St. James District Office could not provide a complete list of all active cutblocks and roads (i.e., those eligible for C&E inspections) during the audit period, because the district did not systematically compile and analyze the relevant information.

MOFR did provide details of all C&E inspections completed during the audit period. The number of harvesting; road construction maintenance and deactivation; silviculture; recreation; and general C&E inspections totaled 602. The detailed breakdown of these inspections is as follows:

- inspection of 237 cutblocks. In addition, MOFR C&E staff made 76 repeat inspections on 50 of these cutblocks.
- inspection of 92 sections of roads constructed, maintained, and/or deactivated. MOFR C&E staff made 58 repeat inspections on 27 of these road sections.
- inspection of 101 cutblocks for licensee obligations for free-growing stands, plus 2 sites that were re-inspected.
- general inspections on 20 sites, with one site re-inspected.
- inspection of 15 recreation sites, with no duplicate visits.

MOE assisted on three inspections during the audit period.

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:

- Government agencies obtain, use and maintain adequate information on the forest activities subject to compliance and enforcement.

- Government agencies have an effective way of identifying risks associated with forest activities and utilizing risk in inspection planning.
- Government agencies conduct a sufficient number of inspections, in a fair, objective and effective way, and accurately record and report results.
- 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.
- Agencies establish, through operational plan approval and related processes, expectations for forest practices, which are enforceable and in accordance with forest practices legislation.
- There are established organizational structures, policies and processes that contribute to and support appropriate enforcement of forest practices legislation.
- The decisions and actions of different parts of government responsible for enforcement of forest practices legislation are appropriate and coordinated.
- Reporting systems provide adequate information on agency performance in relation to enforcement objectives.

Audit Work and Activities Examined

The audit work included:

- interviews with MOFR and MOE staff in Fort St. James and at the conservation officers offices in Vanderhoof and in the Omineca regional office in Prince George.
- review and evaluation of policies, processes and controls used in MOFR C&E activities.
- office-based examination and analysis of MOFR C&E and MOE plans, inspections, investigations, and determinations that were undertaken during the audit period.
- field examination of 30 cutblocks and roads previously inspected by MOFR C&E staff.
- field examination of 4 cutblocks and roads not previously inspected by MOFR C&E staff.

MOFR C&E staff attended our examinations in the field.

Overall Conclusions

The audit examined the C&E activities of the two government agencies with responsibility for enforcement of forest practices legislation in the Fort St. James Forest District for the period September 1, 2003, to September 17, 2004.

Conclusions for MOE

MOE's compliance and enforcement presence in the Fort St. James district is reflective of its shifting role in environmental stewardship, and the means by which ministry work is delivered. MOE has established a provincial compliance management framework, and a provincial compliance plan, covering all its legislated compliance and enforcement responsibilities, and setting out provincial themes and regional priorities. Also, MOE has established an implementation committee for the plan.

MOE has also signed a Memorandum of Understanding (MOU) with MOFR, the Ministry of Energy, Mines and Petroleum Resources, and the OGC. Under the MOU, dated November 25, 2003, MOE has agreed to the following commitments:

- The Conservation Officer Service (COS) will focus their efforts on enforcement issues relating to seven pieces of legislation including FRPA. COS staff will be available to provide assistance to the other parties within its area of expertise.
- The Environmental Stewardship (ES) staff will provide advice within their areas of expertise to staff of all parties regarding compliance and subsequent investigations. In addition, ES staff will conduct inspections, and participate in remediation activities and provide expertise as needed. MOE risk analysis will be used to determine which areas are to be inspected.
- ES staff will provide advice within their areas of expertise on compliance issues and subsequent investigations related to air and water quality, aquatic ecosystem health, and environmental quality objectives, as impacted by discharge of wastes. Compliance activities related to forest and range practices will be conducted in accordance with annual provincial and regional compliance plans.

The MOU provides a description of respective roles, responsibilities, and protocols for compliance and enforcement of FRPA and its regulations.

MOE has committed to the implementation of its new compliance approach over a number of years, commencing in 2003/2004. MOE states that MOFR is the lead agency with statutory authority to achieve compliance with FRPA, and MOE is a support agency to MOFR in matters of forest practices and environmental enforcement.

The quantity of FRPA monitoring, investigation, and related activities at the local level by MOE is not substantial. However, during the audit no instances of non-compliance were observed that would lead to the conclusion that government's evolving model of compliance and enforcement activities in the audit area is resulting in significant environmental damage. MOE acts in cooperation with MOFR to support that ministry's responsibilities for protection of the environment, as set out in forest practices legislation, and it is the licensees and MOFR that are responsible for delivery of environmental stewardship.

Conclusions for MOFR

Overall, MOFR is appropriately enforcing forest practices legislation in the Fort St. James Forest District.

The district and forest licensees have achieved a high level of compliance with the Code and FRPA. Instances of potential non-compliance with the Code and FRPA were generally detected, recognized, and appropriately addressed by the district. C&E inspectors identified 62 instances of non-compliance in 602 inspections conducted, ranging from relatively minor to serious in nature.

The audit identified two areas of weakness in MOFR's enforcement practices. These are the incomplete implementation of the Compliance Information Management System (CIMS) model and deficiencies in identifying risks associated with some harvesting and road sites. While these weaknesses were not considered significant, they were of sufficient importance to discuss in the **Detailed Findings and Conclusions** section of this report.

The full CIMS model was not implemented during the time period covered by this audit. As a result, there was no record of all sites with forest practice activities eligible for inspection. Knowledge of sites eligible for inspection would aid in scheduling work assignments among team members, as well as supervision and control, and public reporting. Due to this absence of information, the audit was unable to conclude whether inspection coverage was adequate, or in compliance with the district inspection plan (DIP). Subsequent to the audit, the district advised the Board that it has implemented the full CIMS model and corrected this weakness.

The audit found that some harvesting and road sites were not risk ranked. Of 329 harvesting and road sites inspected, 84 sites (26 percent) were not ranked. This would cause difficulties for inspectors in determining which sites to inspect, and a possibility that some sites were not inspected when they should have been, according to the DIP. The reason that some sites were not evaluated for risk was the partial implementation of CIMS during the audit period, which has since been corrected. Following the audit, the district indicated to the Board that it corrected the problem through the full implementation of CIMS.

Detailed Findings and Conclusions

As the Ministry of Environment has shifted its role in environmental stewardship to the provision of environmental standards, and the provision of service to MOFR to support its lead agency role with respect to compliance and enforcement of FRPA, detailed audit findings for MOE could not be reported for each individual audit criterion. MOFR results are reported by criterion.

Ministry of Environment

MOE involvement in compliance and enforcement activities spans over 30 different pieces of legislation, therefore its role with respect to FRPA is that of a support agency rather than a lead agency. The role MOE has played with respect to assisting with appropriate enforcement of the Code, and now FRPA, has been shifting for many years from an agency focused on reviews of forestry plans prior to approval, to a more field-oriented presence, to the current model of assisting MOFR upon request. MOE has two part-time staff that work for the regional office and are located at MOFR's Fort St. James district office. This enables ongoing day-to-day communication between MOFR and MOE staff, often informal, resulting in exchanges of information and specialist knowledge regarding forestry values.

MOE staff receive requests from MOFR for assessments of specific sites. These requests are referred to the regional office, which prioritizes and provides direction on the requests. From a total of 602 MOFR inspections conducted during the audit period, MOE assistance was requested eight times and on three occasions MOE staff attended a site as part of an investigation. In percentage terms, MOFR requested MOE assistance on 1.3 percent of their inspections, and MOE responded to 37.5 percent of those requests—or 0.5 percent of the overall inspections. On one other occasion, MOE staff prepared a statement for MOFR's district manager regarding the gravity and magnitude of a non-compliant situation, thus contributing its expertise to a determination.

Except for the three cases of on-site attendance, noted above, MOE conducted no other C&E inspections and conducted no investigations in the area during the audit period. Consistent with its support role, other C&E-related activities undertaken by MOE during the audit period included the setting of standards, or policy and guidance, for licensees to follow and MOFR to monitor. These included the preparation and/or distribution of: ungulate winter range guidelines for mountain caribou and mule deer in the Fort St. James Forest District; standard operating procedures for beaver dam removal; best management practices for interior grizzly bear and Arctic grayling; as well as widely distributing the results of a culvert review that assessed 24 fish stream crossings in 2000 and 2001.

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

Licensees are required by legislation to inform the district manager prior to harvesting timber and constructing permanent roads. During the audit period, the district C&E set up a web-site for licensees to self-report their starting dates for harvesting, road construction, modification and deactivation activities. These notifications are allocated to the C&E technicians by the field operations supervisor. The technicians assign a risk rank and, with reference to the district inspection plan, decide if an inspection will be undertaken. Only one contravention for 'failure to notify a start-up date' was observed from inspections made during the audit period. District inspectors patrol their territories, resulting in face-to-face communication with licensees where confirmation of the need for start up notifications will be communicated.

However, the start-up information is given to the technicians and no overall or individual records are maintained. Therefore, the total population of all sites eligible for inspection is not known by the district office. Once fully implemented, CIMS will readily supply this information, starting with data directly from the Forest Tenure Administration System.

Licensees report on silviculture activities such as planting and brushing, after completion of the activities, as required by legislation. 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.

Conclusions

MOFR has adequate knowledge of the locations and timing of forest activities. While this information was not maintained during the audit period, the district informed the Board that it had corrected the problem after the audit by fully implementing and using CIMS.

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

Risk Assessment

MOFR implemented standardized compliance procedures in April 2001, including risk assessment, and risk estimate processes for activities like harvesting, road construction, maintenance and deactivation.

The *risk assessment* process is based on a detailed risk-ranking framework that considers factors such as the presence of riparian areas/fish and wildlife habitat, site productivity, and public health and safety.

The *risk estimate* process does not involve site level details, but merely gives an overall estimate, and sometimes, but not always, gives the rationale behind the estimate.

The district inspection plan, used by CIMS to evaluate overall risk, sets site inspection priorities for each type of activity, and each site is subject to a risk estimate if an assessment cannot be performed, due to the area and features being unfamiliar to the inspector.

Under FRPA, C&E inspectors have minimum information available for any new active site. Unless specifically requested—and apparently only in exceptional circumstances—licensees no longer routinely provide the ministry with site level prescriptions, or site plans that provide information upon which to base a risk assessment. One consequence will be that risk estimates will become the norm, rather than the more detailed risk assessments, and will be heavily reliant on the inspector’s familiarity with the area. This has the effect of reducing the certainty of the risk ranking, since less verifiable information is on hand to justify the risk evaluation which increases the possibility that inspections will not focus on the blocks that are truly higher risk.

No risk assessments were undertaken for silviculture blocks—only estimates were made (and not for all blocks). Although a number of silviculture free-growing blocks were not ranked, the Board did not regard this as a serious flaw, as the district had committed to inspect every free-growing block submitted for approval. Thus, the assigned risk was inconsequential during the audit period. However, risk ranking would become important if the district was unable to inspect all blocks.

The CIMS procedures establish consistency for risk assessment and inspection planning for activities under forest practices legislation, but CIMS procedures were only implemented in the Fort St. James District part way through the audit period. As a result, 84 of 329 harvesting and road sites inspected were not risk ranked. We are unable to tell the number of unranked sites that were not inspected or, more importantly, how many sites ranked high or very high were not inspected.

The inspected sites, both ranked and unranked, are as follows:

Table 1

Risk Ranking	Number of individual sites	% make up of individual sites	Total visits	% make up of total visits
Very high	2	0.4%	5	0.8%
High	143	30.8%	174	28.9%
Moderate	76	16.3%	109	18.1%
Low	95	20.4%	144	23.9%
Harvesting and Roads not risk ranked	84	18.1%	104	17.3%
General inspections not risk ranked	14	3.0%	15	2.5%
Silviculture not risk ranked	51	11.0%	51	8.5%
Totals	465	100.0%	602	100.0%

Inspection planning

In planning inspections for forest activities subject to C&E, the site priority and the site risk assessment or estimate determine the minimum number of inspections. The district inspection plan sets comprehensive requirements for inspections by risk for all relevant forest activities. The inspectors, in planning their work, review prior inspections, review legal and operational files, and determine site priorities. They also identify any other nearby sites that should be inspected while the inspector is in the area.

During the audit field examination of 30 cutblocks and roads, the Board noted that very few inspectors appeared to consider site-specific forest development plan (FDP) content as part of what they assess for compliance. The consequence may be that commitments made in the FDP would not be evaluated during the inspection.

For silviculture blocks, the district office decided that all blocks submitted as free-growing would be inspected, prior to confirmation of fulfillment of the inspection plan obligation.

Conclusions

MOFR has an effective framework to assess risks associated with forest activities, although it was not used for the first part of the audit period. Also, the efficacy of risk evaluations will be compromised unless the absence of site level information is addressed. Inspection planning is adequate, however more FDP site-specific detail should be included in MOFR's C&E inspection preparations.

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

The district office maintains, for use by all internal users including C&E, files that include legal and operational documents, including cutting and road permits. Licensees are not always formally notified prior to inspections.

Number of Inspections

The inspections undertaken by Fort St James C&E for the audit period were as follows:

Table 2

	Total visits	% of total visits	population of individual sites	% of individual sites
Harvest	313	52.0%	237	51.0%
Road	150	24.9%	92	19.8%
Silviculture	103	17.1%	101	21.7%
General	21	3.5%	20	4.3%
Recreation	15	2.5%	15	3.2%
Totals	602	100.0%	465	100.0%

Harvesting and Roads

The inspections of harvesting and roads adhere to MOFR's established compliance procedures, and forest officials responsible for inspections have a range of experience from little to substantial. The district uses CIMS to record the results of all C&E inspections.

Without knowing all roads and blocks eligible for inspection, and without making a comparison of eligible to actual inspections, the Board cannot comment on either the adequacy of the inspection coverage, nor the relationship of the DIP to the population of eligible sites. As well, there are no management measures or other indications to suggest that there were regular evaluations of the inspection program's compliance with the DIP. In the future, with proper use of CIMS, this issue should be resolved. Our tests determined that all inspections met DIP requirements, with the exception of low risk ranked recreation sites, which were inspected without requirement.

Silviculture

During the audit period, blocks submitted by licensees as having met regeneration and free-growing obligations were office-reviewed, to assess compliance with forest practice legislation requirements. They were then scheduled for an inspection, as required by the district's inspection plan, which called for 100 percent inspections of a licensee's free-growing submissions. Inspections are conducted by aerial reviews and ground checks, and appear to be effective in assessing whether free-growing obligations have been met on the ground.

Quality of Inspections

Based on the audit's review of inspection files and field assessment of C&E inspection practices, inspections are generally conducted in a fair and objective way, in accordance with inspection policy. Key resource features within cutblocks, such as riparian areas, are usually a focus in inspections, and inspection results are recorded in CIMS.

Overall, approximately 10 percent of inspections find non-compliances with the Forest Act, the Code, FRPA, and regulations, which set the standards by which inspectors assess compliance.

Documentation of harvesting and road inspections was adequate. However, the auditors found an issue with the follow-up on sites with problems. There were 33 harvesting inspections, and 12 road inspections, where instructions were given or potential non-compliances were noted, from a total of 313 harvesting and 150 road sites. For 20 inspections noted for follow-up, the auditors were told that the inspectors' inexperience with CIMS caused them to use the status classification of 'follow up' rather than 're-inspect'. Nonetheless, none had been followed up.

Full implementation and use of CIMS will help to improve re-inspection and follow-up requirements. Use of the CIMS scheduling function should help improve the handling of future follow-up items.

Conclusions

MOFR generally achieved the standards of quality established for C&E inspections of harvesting, roads and silviculture, but the Board is unable to determine whether the coverage of inspections met the requirements of the district inspection plan, because the total number of sites eligible was not known. The district's full implementation of CIMS will correct this problem and readily provide this information in the future.

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.

MOFR officials have authority and expertise to conduct investigations, and make determinations of non-compliance with forest practices legislation. C&E staff uses procedural flowcharts and route cards as aids in addition to web-based policy direction. Although available as part of CIMS, the district maintains a locally developed C&E Case File Master Ledger for investigations, which details the Enforcement, Administrative Review and Appeal Tracking System potential case number, the date and the issues, the investigator assigned, and the current status. The log also includes the status and disposition of complaints received from the public.

The audit confirmed that forest officials are appropriately initiating investigations for all alleged contraventions observed. The audit tested 19 investigations into non-compliances within the audit period. The documentation associated with investigations was adequate to follow the reasons for the investigation, and the actions taken.

Most investigations of contraventions were completed within a reasonable period, typically a few months, although several required three years to complete. In those cases, the audit found that the reasons for the time taken were valid.

We also reviewed three determinations completed during the audit period, and concluded that the procedures used and conclusions reached were appropriate.

Conclusions

The MOFR 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. Further, public complaints are assessed and followed up appropriately.

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

C&E staff stated there is frequent communication in the field between the inspectors and the licensees, which can help to set expectations of standards for licensees. Also, instructions and other directions to licensees on CIMS inspection forms were found to be straightforward, understandable, unambiguous and effective. We concluded that expectations established by the district for licensees through ministry input to FDP's are appropriate. Our audit did not identify problems in operational plan content or enforceability.

Conclusions

MOFR 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 the Code and FRPA

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

With the exception of the reporting systems (refer to Audit criterion #8), the MOFR C&E framework is complete. It is complemented by district C&E procedural flowcharts, operating procedures and standardized systems for risk assessment, inspections and inspection reporting functions.

C&E authority, responsibility and accountability is clearly defined and documented in the district's organization chart, and through draft job descriptions. 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. However, the focus of staff training during the audit period was Justice Institute courses. Although the district informed the auditors that the focus will now move to forestry best practices, there was no evidence of training specific to FRPA's environmental values during the audit period; this is not consistent with the evolving C&E model. Interviews and sampling of training records indicated that staff training plans are generally adequate, but there is a lack of environmental value training.

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

Conclusions

MOFR's organizational structure, staffing and policies and processes generally support implementation of forest practices legislation in the audit area, however further FRPA environmental value training will enhance MOFR's lead enforcement role.

Audit criterion #7 - The decisions and actions of different parts of government responsible for enforcement of the Code and FRPA are appropriate and coordinated

Due to the lack of mining or oil and gas activity during the audit period, MOFR and MOE were the only agencies with responsibility for forest practices legislation enforcement in the area audited. MOFR takes the lead enforcement role, consistent with its primary responsibility for administration of the Code and FRPA, and the inter-ministry MOU gives MOFR the ability to call on expertise from MOE when required.

However, the MOU has not yet been fully or effectively communicated, or implemented in the audit area. MOFR requested assistance from MOE on eight occasions within the audit timeframe, yet MOE only responded to three of those requests.

Conclusion

The inter-ministry MOU, when implemented fully, should formally coordinate the decisions and actions of MOFR and MOE.

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

Ministry of Forests

To ensure the effectiveness of C&E, 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 Budget and Performance Target Allocation establishes targets for the district office, including C&E. The system to measure and monitor against the established plans and targets is known as the MAX report, which is completed in the district office and submitted to the Regional office quarterly. At the time of the audit, the first quarterly report for 2004/05 had not been completed, and staff were working on the report due for the six month period.

For 2003/04, established targets and reported values include:

Table 3

Target	Reported
a) 94% of forest operators compliance with statutory standards that regulate forest practices	87%
b) 80% of high and very high priority sites inspected for forest and range practices compliance	100%
c) 450 high and very high sites available for inspection	466
d) 95% of alleged compliance contraventions successfully concluded	100%
e) 95% of alleged enforcement contraventions successfully concluded	82%
f) 98% of determinations made or concluded within 6 months of "opportunity to be heard"	83%

C&E staff supplies the required numbers from CIMS and ERA system outputs. The district told us that the systems do not directly link, so the content of CIMS inspections reports need to be hand counted for input to the MAX.

The district's handling of item "c" in table 3, is problematic. At the time of our audit, the number was not maintained so an estimate was used. The estimate for inspection targets for sites rated at high and very high risk, for both 2003/04 and for 2004/05, is approximately three times the number of high and very high risk sites actually inspected within the audit period.

It is clear the target number of high and very high sites available for inspection, and the actual number reported for 2003/04, were not correct representations of the CIMS totals for the district. Also, because the completion of all reported activities is a manual process, the audit did not verify the numbers submitted. The Board anticipate that this problem will disappear with the full CIMS implementation.

Although no targets are established, the district office also submits the number and type of other inspections completed each quarter.

Quality control for the data input rests with district financial administration staff that collect, challenge where appropriate, and update the MAX report input forms. The Board is concerned that there is no basis available to the district financial administration staff to challenge the inputs, unless the numbers presented are outside of the parameters of the MAX structure.

Although the MAX report is the main information used by district management to gauge their performance, we saw no evidence to support the notion that the MAX reports were being used to improve the C&E effectiveness in the district. Also, there is no current program report publicly available for the district C&E program, and the latest province-wide reports on C&E performance for the 2003/04 fiscal period do not provide any district-specific information.

Conclusions

Measurable targets and/or performance indicators are used to assess performance. However, improvement is required in the district's ability to factually report the number of sites available for inspection, and their related risk ranking, to correctly identify all sites ranked at 'high' and 'very high' risk. The district informed the Board it has now taken steps, by implementing the full CIMS model, to ensure that factual reporting of all values required from the MAX report are easily substantiated by the CIMS and ERA systems.

Although there is an overall province-wide C&E Program annual report, there is no publicly available report showing performance relevant to the Fort St. James District C&E, that could be used to improve local program performance.

ⁱ Section 122(1)(b) of FRPA mandates the Board to carry out periodic independent audits of the appropriateness of government enforcement, and, under the Code, this authority was contained in section 176(1)(b). Organizations with obligations under forest practices legislation for enforcement include the Ministries of Forests and Range (MOFR); Environment (MOE); and the Oil and Gas Commission (OGC) as part of the Ministry of Energy, Mines and Petroleum Resources.