

Audit of Forest Planning and Practices Burns Lake Indian Band

Non-Replaceable Forest Licence A72919



FPB/ARC/81

July 2006

Table of Contents

Board Commentary..... 1

Audit Results..... 3

 Background 3

 Audit Approach and Scope..... 4

 Planning and Practices Examined..... 4

 Findings..... 5

 Other Comments 6

 Audit Opinion..... 6

Appendix 1: Forest Practices Board Compliance Audit Process..... 9

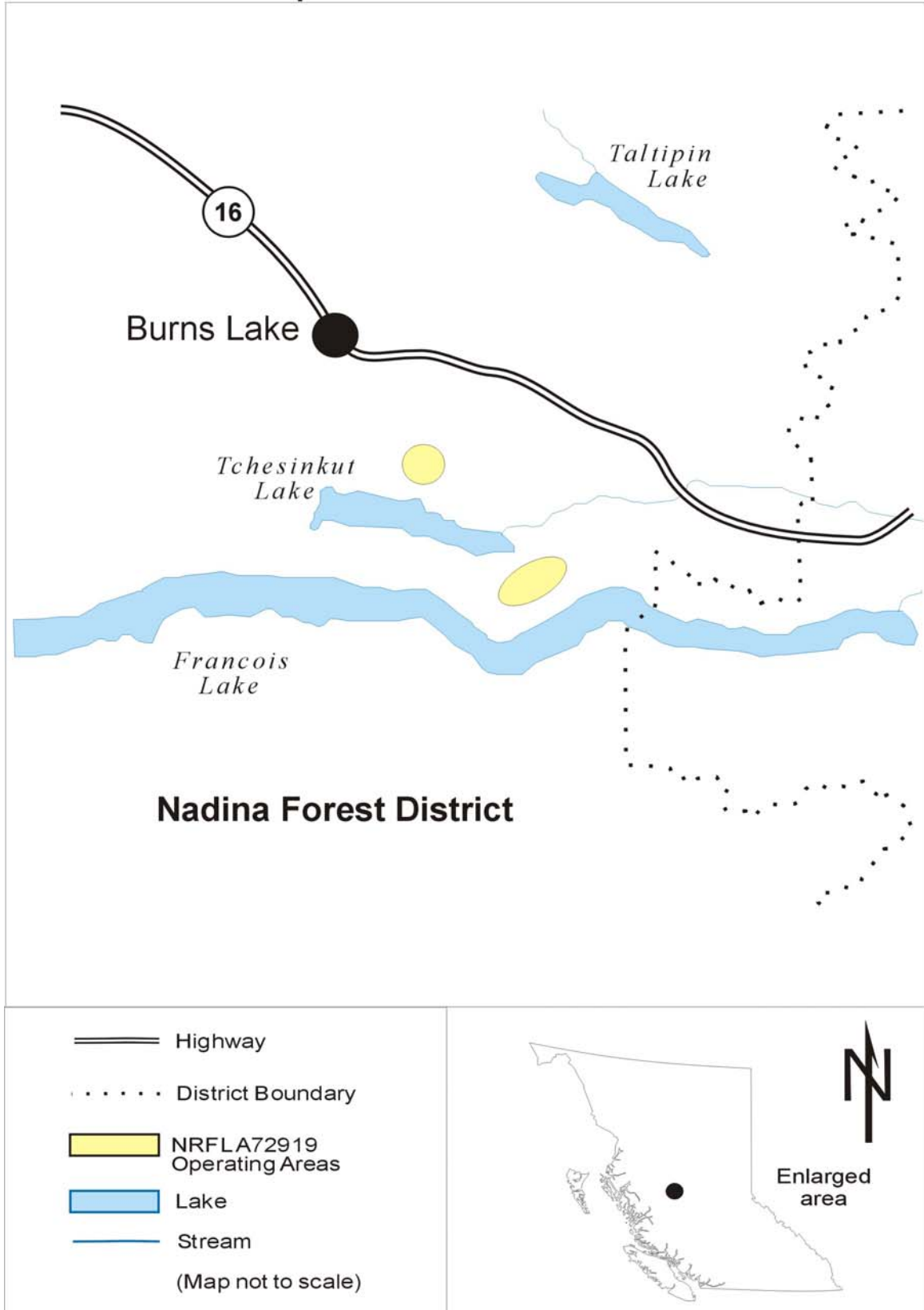
Board Commentary

This is the Board's report on a compliance audit of non-replaceable forest licence A72919, held by the Burns Lake Indian Band. The licence permits the salvage of beetle-damaged timber within the Nadina Forest District, southeast of Burns Lake, within the Lakes Timber Supply Area (see map on page 2).

As part of its compliance audit program, the Board randomly selects from the many small forest licences, such as non-replaceable forest licences, community forest agreements, etc., that are issued by government. These licences are audited for compliance with forest practices legislation—the *Forest Practices Code of British Columbia Act*, the *Forest and Range Practices Act*, and the *Wildfire Act*, including related regulations.

The audit found the Burns Lake Indian Band is in full compliance with the requirements of forest practices legislation while harvesting beetle-infested stands. The Board is pleased to see the Band's focus on public awareness and involvement with respect to the operating area, and commends the Band for taking that extra step to ensure users of the forest have a voice in their harvest planning and practices. Although the Band has completed its cut on this licence, the Board encourages the Band to continue to operate in this diligent manner if it obtains an additional licence in future.

**Audit of
Burns Lake Indian Band
Non Replaceable Forest Licence A72919**



Audit Results

Background

As part of the Forest Practices Board's 2006 compliance audit program, the Board selected non-replaceable forest licence (NRFL) A72919 for audit. The licence, held by the Burns Lake Indian Band (the Band), based in Burns Lake, was selected randomly, and not on the basis of past performance. Additional information on the compliance audit process is provided in Appendix 1 (see page 9).

The Burns Lake Indian Band was direct awarded NRFL A72919 in 2003. The NRFL permitted the harvest of up to 75,000 cubic metres of timber over a three-year period.

In March 2004, the Burns Lake Indian Band entered into a forest and range agreement with the province, which provided the Band access to an additional 50,000 cubic metres over a two-year period.



Timbered buffer left standing in one of the small openings.



Existing trail that has been rehabilitated – note grass seeding.

This additional volume, combined with the direct award volume, provided access to 125,000 cubic metres of timber over a five-year period. The focus of the harvest is mountain pine beetle-damaged timber within the Lakes Timber Supply Area.

The initial forest development plan (FDP) was approved in December 2003, and covered an operating area north of the 700 Road, towards Burns Lake. However, during field reviews, the Band realized this operating area could not provide access to appropriate quantities of beetle-damaged timber to meet volume commitments established for NRFL A72919.

The Band decided to provide this operating area to the Burns Lake Community Forest and enter into an agreement with BC Timber Sales (BCTS) to operate within a BCTS designated operating area south of the 700 Road, in the Tchesinkut Lake area, instead. The agreement was one of co-management where BCTS would harvest the large cutblocks (average 20 hectares in size) and the band would harvest smaller cutblocks (less than 1 hectare or 1 to 6 hectares in size).

The Board's audit fieldwork took place on June 1, 2006. At that time, harvesting activity for this licence was complete.

Higher Level Plans¹

The Lakes District Land and Resource Management Plan (LRMP) was approved by government in January 2000. NRFL A72919 lies within the LRMP planning area. The LRMP has been declared a higher level plan by government, and the Band has strategies to comply with its requirements. In addition, the FDP commits to following the direction of the Lakes District LRMP.

Audit Approach and Scope

The audit examined the Band's planning, field activities and obligations in the areas of:

- operational planning (including forest development plans² and site plans³);
- timber harvesting;
- road construction, maintenance and deactivation;
- silviculture; and
- fire protection.

These activities were assessed for compliance with the *Forest Practices Code of British Columbia Act* (the Code), the *Forest and Range Practices Act* (FRPA)⁴, the *Wildfire Act* (WA) and related regulations. All activities, planning and obligations for the period June 1, 2005, to June 1, 2006, were included in the scope of the audit.

The Board's audit reference manual, *Compliance Audit Reference Manual, Version 6.0, May 2003*, and the addendum to the manual for the 2006 audit season, set out the standards and procedures that were used to carry out this audit.

Planning and Practices Examined

Activities for the Tchesinkut Lake area were planned and approved under the Lakes Forest District BC Timber Sales 2002-2007 Forest Development Plan. All of the objectives of the LRMP that were applicable to NRFL A72919, and included as commitments in the FDP, were met.

One hundred and twenty cutblocks with a combined area of 67 hectares were harvested under NRFL A72919 during the audit period. The harvest pattern consisted of small openings (less than one hectare) in groups (averaging ten openings) or individual openings dispersed across the

landscape. Most cutblocks were directly adjacent to large plantations established as a result of windthrow salvage operations in the early 1980s. The objective of the small cutblocks adjacent to these large plantations was to provide old growth cover for ungulates during the winter, allowing them an escape route from their predators.

The Board audited 59 of 120 cutblocks.

The Band used existing roads to access beetle salvage timber. Road use agreements with BCTS were used for pre-existing roads, and road permits were used for access trails. The Band either built new, or re-established existing, trail structures.

These temporary access structures totaled 2.8 kilometres and 1.2 kilometres were rehabilitated at the time of the audit. The remaining 1.6 kilometres will be rehabilitated this summer.

Road maintenance consisted of grading haul routes twice a year, and in the winter, additional plowing and sanding when required. The Board audited:

- 2.8 kilometres (100 percent) of trail construction;
- 21 kilometres (100 percent) of the road maintenance; and
- 1.2 kilometres (43 percent) of temporary access structure rehabilitation.

All harvesting has been completed recently, thus no silvicultural activities such as site preparation or tree planting had taken place. All the cutblocks were less than one hectare and the timbered buffer areas adjacent to these cutblocks are expected to provide the seed source in establishing the next crop. As a result, the Board was unable to audit silvicultural activities and obligations.

Fire preparedness and practices were also audited. No sites were active on the day of the audit; consequently auditors could not perform fire tool inspections. Under the *Wildfire Regulation*, licensees are also responsible for submitting contact names and numbers to the Northwest Fire Centre, and this was done.

Findings

The audit found that the planning and field activities undertaken by the Burns Lake Indian Band on NRFL A72919 complied in all significant respects with the requirements of the Code, FRPA, WA and related regulations.

Other Comments

The legal requirement for public review and comment is normally a 60-day review period for an FDP, and allowing interested parties to view site plans in the licensee's office upon request of the party. The Band has done more than the legal minimum requirement for public consultation. The Band regularly responds to interests or concerns of other forest users near the Band's forest harvesting activity. For example:

- The Band conducts an on-site review of all proposed cutblocks with a local trapper to ensure its operations do not conflict with those of the trapper.
- The Band has worked with a guide outfitter with respect to not creating openings near the area he uses for business and his cabin on a lake. The Band adjusted its plans to limit activities near the lake and surrounding area.
- At the request of a private landowner, the Band worked with the private land owner to facilitate the harvesting of beetle attacked timber on the Crown land adjacent to the private land.

These examples confirm that the Band is actively engaged with other forest users in the area and promotes multiple users on the same land base.

Audit Opinion

In my opinion, the operational planning; timber harvesting; road construction, maintenance and deactivation; and fire-protection planning activities carried out by the Burns Lake Indian Band on non-replaceable forest licence A72919 from June 1, 2005, to June 1, 2006, complied in all significant respects with the requirements of the *Forest Practices Code of British Columbia Act*, the *Forest and Range Practices Act*, the *Wildfire Act* and related regulations, as of June 2006. No opinion is provided regarding silviculture activities or fire-protection activities in the field.

In reference to compliance, the term "in all significant respects" recognizes that there may be minor instances of non-compliance that either may not be detected by the audit, or that are detected but not considered worthy of inclusion in the audit report.

Without qualifying my opinion, I draw attention to the *Other Comments* section of this report, which describes the Band's work with other forest users in the area. These practices are of positive significance and are worthy of specific mention in this report.

The *Audit Approach and Scope* and the *Planning and Practices Examined* sections of this report describe the basis of the audit work performed in reaching the above conclusion. The audit was conducted in accordance with the auditing standards of the Forest Practices Board. Such an audit includes examining sufficient forest planning and practices to support an overall evaluation of compliance with the Code, FRPA and WA.



Christopher R. Mosher CA, CEA(SFM)
Director, Audits
Victoria, British Columbia

July 7, 2006

¹ A higher level plan is a forest resource management objective that is established as legally binding by a written order. The objective applies to a resource management zone, landscape unit, sensitive area, recreation site, recreation trail, or interpretive forest site.

² A forest development plan is an operational plan that provides the public and government agencies with information about the location of proposed roads and cutblocks for harvesting timber over a period of at least five years. The plan must specify measures that will be carried out to protect certain forest resources prescribed by regulation. It must also be consistent with any higher level plans. Site-specific plans are required to be consistent with the forest development plan.

³ A site plan is a site-specific plan that is required in place of a silviculture prescription as of December 17, 2002, except where there is already an existing silviculture prescription. The site plan contains many of the same elements as a silviculture prescription, and is designed to identify resource values and define what a free-growing stand will be on that site. However, it is not an operational plan under the Code and does not require review or approval by government to be implemented.

⁴ Most of the *Forest Practices Code of British Columbia Act* (the Code) was repealed on January 31, 2004, and replaced with the *Forest and Range Practices Act* (FRPA). The transitional provisions of FRPA state that the Code continues to apply to forest practices carried out under a forest development plan. This continues until there is an approved forest stewardship plan, at which point, the requirements of FRPA apply. Therefore, although FRPA came into effect prior to the audit period, the legislated forest practices requirements that applied to the auditee were the requirements of the Code.

Appendix 1:

Forest Practices Board Compliance Audit Process

Background

The Forest Practices Board conducts audits of government and agreement-holders for compliance with the *Forest Practices and Range Practices Act* (FRPA) and the *Wildfire Act* (WA). The Board has the authority to conduct these periodic independent audits under section 122(1) of FRPA and section 68(1) of WA. Compliance audits examine forest planning and practices to determine whether or not they meet FRPA and WA requirements.

Most of the *Forest Practices Code of British Columbia Act* (the Code) was repealed on January 31, 2004 and replaced with FRPA. The transitional provisions of FRPA state that the Code continues to apply to forest practices carried out under a forest development plan, until there is an approved forest stewardship plan, at which point the requirements of FRPA apply.

The Board audits agreement holders who have forest licences or other tenures under the *Forest Act* or the *Range Act*. The Board also audits government's British Columbia Timber Sales (BCTS) program. Selection for audit, of both areas and licensees or agreement-holders to be audited, is made randomly to ensure a fair, unbiased selection.

Audit Standards

Audits by the Board are conducted in accordance with the auditing standards developed by the Board. These standards are consistent with generally accepted auditing standards.

The audits determine compliance with the Code, FRPA and WA, based on criteria derived from those Acts and related regulations. The criteria reflect judgments about the level of performance that constitutes compliance with each requirement.

The standards and procedures for compliance audits are described in the Board's *Compliance Audit Reference Manual*.

Audit Process

Conducting the Audit

Once the Board randomly selects an audit licensee and area, all activities carried out during the period subject to audit are identified (such as harvesting or replanting, and road construction or deactivation activities). Items that make up each forest activity are referred to as a population. For example, all sites harvested form the timber harvesting population and all road sections constructed form the road construction population.

A separate sample is then selected for each population (e.g., the cutblocks selected for auditing timber harvesting). Within each population, more audit effort (i.e., more audit sampling) is allocated to areas where the risk of non-compliance is greater.

Audit field work includes assessments of features using helicopters and ground procedures, such as measuring specific features like riparian reserve zone width. The audit teams generally spend one to two weeks in the field.

Evaluating the Results

The Board recognizes that compliance with the many requirements of the Code, FRPA and WA, is more a matter of degree than absolute adherence. Determining compliance, and assessing the significance of non-compliance, requires the exercise of professional judgment within the direction provided by the Board.

The audit team, composed of professionals and technical experts, first determines whether forest practices comply with legislated requirements. For those practices considered to not be in compliance, the audit team then evaluates the significance of the non-compliance, based on a number of criteria, including the magnitude of the event, the frequency of its occurrence and the severity of the consequences.

Auditors categorize their findings into the following levels of compliance:

Compliance – where the auditor finds that practices meet Code, FRPA and WA requirements.

Not significant non-compliance – where the auditor, upon reaching a non-compliance conclusion, determines that one or more non-compliance event(s) is not significant and not worthy of reporting. Therefore, this category of events will not be included in audit reports.

Significant non-compliance – where the auditor determines a non-compliance event(s) or condition(s) is or has the potential to be significant, and is considered worthy of reporting.

Significant breach – where the auditor finds that significant harm has occurred, or is beginning to occur, to persons or the environment as a result of one or many non-compliance events.

If it is determined that a significant breach has occurred, the auditor is required by the *Forest Practices Board Regulation* to immediately advise the Board, the party being audited, and the Minister of Forests and Range.

Reporting

Based on the above evaluation, the auditor then prepares a draft audit report. The party being audited is given a draft of the report for review and comment before it is submitted to the Board.

Once the auditor submits the draft report, the Board reviews it and determines if the audit findings may adversely affect any party or person. If so, the party or person must be given an opportunity to make representations before the Board decides the matter and issues a final report. The representations allow parties that may potentially be adversely affected to present their views to the Board.

The Board then reviews the draft report from the auditor and the representations from parties that may potentially be adversely affected before preparing its final report. Once the representations have been completed, the report is finalized and released: first to the auditee and then to the public and government.