



MAY 05 2015

File: 280-30

Reference: 212445

Mr. Tim Ryan, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Mr. Ryan:

On behalf of the Ministry of Forests, Lands and Natural Resource Operations (FLNR), please accept this letter as government's response to the Forest Practices Board's (Board's) advice in its special report: *A Decade in Review: Observations on Regulation of Forest and Range Practices in British Columbia (May 2014)*.

The ministry sincerely appreciates the Board's work to review ten years of experience auditing and investigating policy and operational issues associated with delivery of the *Forest and Range Practices Act (FRPA)*. The ministry also appreciates that key findings from previous reports have been synthesized into this more comprehensive document.

The Board offers eighteen pieces of advice to government, licensees and professionals that are intended to improve the FRPA framework and its implementation. Within FLNR, the Board's advice is being actively considered by branches with FRPA responsibilities.

The following reflects some of the related FLNR activities underway.

OBJECTIVES

Forest Practices Board's advice to FLNR

- Complete full suite of legal designations and objectives
- Confirm status of objectives in land use plans that are not legally binding or are outdated
- Establish a single, publicly-accessible web site for FRPA objectives

Government actions underway:

- FLNR continues working on objectives under FRPA, with a current emphasis on objectives for identified wildlife. Through the Identified Wildlife Management Strategy, FLNR is taking a strategic approach that aims to co-locate wildlife habitat with retention for other conservation objectives such as visual quality, riparian and water. Building on several co-location pilot projects initiated by the forest sector, a framework will be built to guide operational use of pilot learnings. This strategic approach will strengthen the broader suite of legal designations and objectives under FRPA while limiting the implications to other resource users.
- FLNR continues to support existing land use plans, and is utilizing a “continuous improvement” model to enhance approaches to managing these values, such as the cumulative effects framework and a community engagement framework.
- FLNR is consolidating existing legal and policy objectives information into a coordinated system and developing tools to streamline and integrate how objectives are made available (e.g., through a single web site and spatial query tool) and considered across sectors.
- FLNR has completed an internal review of our administration of the Government Actions Regulation (GAR) with a view to improving the efficiency and effectiveness of GAR procedures for establishing objectives. The results of this review are now being implemented.

For more information on FLNR’s actions to address the Board’s advice regarding objectives, please contact: (GAR implementation) Chris Ritchie, Fish and Wildlife Recovery Implementation Manager, at chris.ritchie@gov.bc.ca, or (Objectives) Jennifer Psyllakis, Manager, Land and Resource Use, at jennifer.psyllakis@gov.bc.ca.

PLANS AND PRACTICES***Forest Practices Board’s advice to FLNR***

- Encourage licensees to improve public involvement in operational planning by following ‘leaders’
- Only approve FSPs that contain results and strategies that are (i) measurable and verifiable and (ii) consistent with objectives
- Re-examine suitability of existing range planning requirements
- Clarify interpretations of certain practice requirements, including how they are enforced
- Improve road and bridge construction and maintenance with an emphasis on safety

Government actions underway:

- As part of our work to continuously improve the FRPA framework, FLNR plans to:
 - Improve the effectiveness of FSPs and public review and comment, with a focus on training and guidance to practitioners and decision-makers (NOTE: For this training, FLNR will take into consideration the Board’s observations in this, and other reports, as well as the upcoming Board report on FSPs); and,

- Pursue improvements to identified practice requirements, through policy analysis (assessing and addressing potential weaknesses in FRPA's practice provisions) as well as administrative bulletins and guidance (NOTE: FLNR recently advised the Board that, as a priority, we have initiated a comprehensive review of FRPA's provisions for community watersheds).
- FLNR's Range Program is undertaking a comprehensive review of the effectiveness of the legal framework supporting range planning and practices; this review is considering the Board's observations in recent range-focused reports as well as input from FLNR district range staff, Ministry of Environment staff, professionals and tenure holders. The results of this review are expected to be shared in 2015 and proposed actions will likely include a combination of amendments to regulations, administrative bulletins, training, and hands-on guidance.
- FLNR is actively advocating improvements to road and bridge safety by:
 - Collaborating with the Association of Professional Engineers and Geoscientists of BC, the Association of BC Forest Professionals, and major forest licensee associations, to identify and address opportunities for improvement;
 - Improving internal procedures and practices for FLNR road and bridge projects; and,
 - Pursuing legislative improvements under the *Natural Resource Road Act* and other related legislation.
- As well, FLNR is placing a higher priority on compliance inspections of roads and bridges. To support this, Engineering Branch and Compliance and Enforcement Branch have jointly provided training to natural resource officers on how to conduct bridge inspections.

For more information on FLNR's actions to address the Board's advice regarding Plans and Practices, please contact: (FLNR) Norah White, Sustainable Forest Management Policy Officer, at norah.white@gov.bc.ca; (Engineering) Brian Chow, Chief Engineer, at brian.chow@gov.bc.ca; and, (Range) Jodie Kekula, Integrated Rangeland Resource Officer, at jodie.kekula@gov.bc.ca.

COMPLIANCE AND ENFORCEMENT

Forest Practices Board's advice to FLNR

- Ensure inspections of forest and range practices are sufficient to warrant public confidence
- Increase inspections of roads and bridges
- Issue policy guidance detailing how FLNR interprets and enforces key practice requirements

Government actions underway:

- As the Board is aware, FLNR's compliance and enforcement resources are dedicated to a number of statutes, including FRPA. Effective use of our resources across these statutes necessitates that we focus compliance inspection priorities on risks to human safety, the environment, and revenue.
- FLNR actively considers Forest Practices Board reports, such as the recent bridge investigation, when setting priorities for compliance inspections. We also consider other

sources of information, including past performance and potentially unauthorized practices brought to our attention by ministry staff, industry professionals, licensees, and the public.

- With all of these inputs in mind, FLNR is placing a higher priority on inspecting roads and bridges. In support of this, as noted above, natural resource officers have received training on how to conduct bridge inspections.
- Also noted above, our efforts to continuously improve FRPA include identifying and addressing potentially unclear practice requirements (including how practices will be enforced) through policy analysis, administrative bulletins and guidance.

For more information on FLNR's actions to address the Board's advice regarding Compliance and Enforcement, please contact John Harkema, Senior Provincial Resource Officer, at john.harkema@gov.bc.ca.

PROFESSIONAL RELIANCE

Forest Practices Board's advice to FLNR

- Encourage BCTS and C&E staff to report potential unauthorized practices to professional associations
- Consider formal agreements to facilitate the reporting of unsound practices to, and follow-up by, professional associations

Government actions underway:

- FLNR is actively advancing its understanding of implementation successes and challenges associated with professional reliance under FRPA. This is informed through feedback from a variety of internal and external sources. Here are some examples:
 - In addition to the Forest Practices Board, other FRPA oversight organizations (minister's Forest and Range Practices Advisory Council, UVIC Environmental Law Centre, BC Ombudsperson, etc.) have, or are in the process of, reporting findings and making recommendations regarding professional reliance;
 - Regions in the North Area recently completed a scan of the effectiveness of professional reliance across districts, noting positive examples and opportunities for improvement; and,
 - The Qualified Persons Cross-Ministry Working Group has identified proposed standards for the use of qualified persons under natural resource legislation. Once endorsed, these standards may influence: (a) the role of qualified persons across natural resource legislation, and (b) potential changes to the FRPA framework to better support the use of professionals and other qualified persons.
- FLNR is considering all feedback on the implementation of professional reliance, from these and other potential sources, as we continuously improve the FRPA framework and its implementation.
- Ongoing collaboration between FLNR and professional associations will continue to be important to ensuring our respective efforts to encourage and enforce sound practices are consistent, integrated and effectively communicated.

For more information on FLNR's actions to address the Board's advice regarding Professional Reliance, please contact Norah White, Sustainable Forest Management Policy Officer, at norah.white@gov.bc.ca.

EFFECTIVENESS EVALUATIONS

Forest Practices Board's advice to FLNR

- Complete and implement monitoring protocols for wildlife as a high priority
- Expand the current approach to implementing FREP results so they better inform the legal framework
- Support a robust effectiveness evaluation program

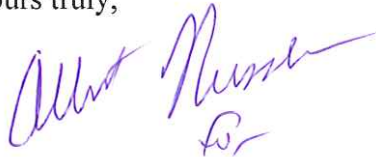
Government actions underway:

- Completing and implementing wildlife monitoring protocols is an important priority for the Forest and Range Evaluation Program (FREP) and the Natural Resource Sector Monitoring and Evaluation Collaborative.
- Under FREP, protocols for certain wildlife species (e.g., caribou, northern goshawk, badger, grassland birds, mountain goat) have already been developed. Protocols for other wildlife species are being developed as GAR orders are completed and as resources become available to develop protocols and undertake evaluations.
- FREP is currently developing a more efficient approach to assessing the effectiveness of FRPA wildlife designations. This approach will initially involve an office-based GIS evaluation to guide subsequent field monitoring priorities and efforts.
- FLNR is actively exploring opportunities to further improve effective communication of FREP results so they better inform continuous improvement of forest and range practices. We note that the Board is undertaking a special project in this regard and we look forward to the Board's recommendations.
- FREP is currently reviewing its statistical approach to sampling with a view to improving sampling to better support FRPA effectiveness monitoring. This review is considering the potential benefits of moving to a risk-based sampling approach.

For more information on FLNR's actions to address the Board's advice regarding Effectiveness Evaluations, please contact Peter Bradford, Resource Stewardship Evaluation Officer, at peter.bradford@gov.bc.ca.

In closing, we thank the Board again for this important synthesis report on the effectiveness of the FRPA framework after ten years of implementation. One of FLNR's priorities is to strengthen the FRPA framework and the Board's input is actively being addressed as we move forward on this task.

Yours truly,



Tom Ethier
Assistant Deputy Minister
Ministry of Forests, Lands and Natural Resource Operations

cc: Tim Sheldon, Deputy Minister, Ministry of Forests, Lands and Natural Resource Operations
Tom Jensen, ADM, Timber Operations, Pricing and First Nations
Rick Manwaring, ADM, South Area (Range Program)
Gary Townsend, ADM, Integrated Resource Operations
Jennifer Davis, Director, Resource Practices Branch
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