

Terms of Reference for a Special Report

Evaluating Government's Approach to the Management of Fish Habitats

BACKGROUND

Fish are an important part of the environmental, economic, social, cultural and spiritual fabric of BC. People care deeply about fish and fish habitats and how they are managed. Much of the public's concern about fish relates to how forestry and range activities are managed to prevent impacts to fish habitats. The *Forest and Range Practices Act* (FRPA) and its regulations contain several objectives and practice requirements to protect or conserve fish and fish habitats.

The management of fish habitats is complicated, with many habitat components at different scales and involving policy and legislation within different jurisdictions. Considerations include terrestrial and aquatic regimes, stand and landscape scales, anadromous and freshwater lifecycles, and provincial and federal legislation and policies, which have changed over time. This makes it difficult to grasp, overall, how well the resource is being managed. Is the provincial approach coordinated, up-to-date, and likely to produce desired outcomes for fish and fish habitats?

To date, the Board has published two reports with a specific focus on fish habitats: *Forest Planning and Practices in Coastal Areas with Streams* (1998) and *Fish Passage at Stream Crossings* (2009). Numerous other audits and investigations have reported on forest or range activities in or adjacent to streams, mainly at the operational scale. This will be the first comprehensive evaluation of fish habitat management by the Board. The project is being carried out under the Board's mandate to report on matters generally related to the Board's duties that are in the public interest.

This report will focus on the BC government's approach to the management of fish habitat, with an emphasis on forestry and range practices under FRPA. It will be followed by a special investigation of forest and range licensees' on-the-ground practices to conserve fish habitats, in terms of compliance with FRPA and stewardship of the fish resource. That investigation will get underway later in 2016 and will have a separate terms of reference.

PURPOSE

The purpose of this report is to describe and evaluate government's approach to management of fish habitats in BC. Specifically, the evaluation will:

- Describe legislation and policies to manage for fish habitats under FRPA, in the context of other provincial and federal legislation and policies.
- Summarize the knowledge base for management of fish habitats, based on the available literature and management approaches in adjacent jurisdictions, and compare this to what is currently required under FRPA.
- Describe and evaluate structures and processes to support management of fish habitats.

- Identify aspects of the government approach under FRPA that are working as well as any gaps or deficiencies.
- If appropriate, provide recommendations to improve the provincial approach under FRPA for management of fish habitats.

SCOPE

This special report will focus on FRPA and its regulations, associated policies, and supporting structures and processes. It is provincial in scope. It will not comment on the management of fish populations (e.g., through stock enhancement or commercial, recreational or sustenance harvesting).

APPROACH

Board investigators will review relevant government, Board and other documentation and conduct interviews with government agencies, forest and range licensees, non-governmental organizations and First Nations and experts in fish/forestry interactions. The report will expand on, and update, the information presented in the Cohen Commission reports of 2012, with a focus on the provincial management of fish habitats.

There are three key areas of focus:

1. State of fish data and information
 - How do government and licensees collect, manage and make available information on fish and fish habitat collected on the Crown forest land base?
 - How current, comprehensive and accessible is this data?
2. Management approach – legislation/ policy, structures and processes
 - What is government’s overall approach to managing fish habitats? Is there a coordinated strategy in place?
 - What is existing and emerging science and data telling us about fish habitats and their management?
 - Are fish designations and their objectives being implemented in a consistent and effective manner?
 - Are there gaps and deficiencies in legislation and policy?
 - Are the structures and processes to support delivery of government’s approach effective and efficient?
 - Overall, is the approach by government up-to-date and optimally functional?
3. Follow-up – monitoring and enforcement
 - Do we know how well the management and restoration of fish habitats is working? What monitoring programs are in place?
 - What are the roles and responsibilities related to enforcing management of fish habitats?
 - Are there gaps and deficiencies in monitoring programs or enforcement and, if, so, how can these be improved upon?

TIMELINE

Interviews and research will be conducted beginning in January 2016. The final report is anticipated in 2017.

REPORTING

The Board will prepare a special report under section 135 of FRPA. The report will describe and evaluate the current approach to conserving fish habitats in the BC regulatory setting. It will not examine licensee practices and their compliance with FRPA.

The report may make recommendations for improving legislation, policies, structures and processes to manage fish habitats.