



Forest
Practices
Board

Special Report: Opportunities to Improve the Forest and Range Practices Act

December 2017

FPB/SR/55

Letter of Introduction

Since 2010, the Forest Practices Board has made dozens of recommendations to government aimed at improving the Forest and Range Practices Act (FRPA) and encouraging public confidence in the stewardship of BC's forest resource. Some of those recommendations involved changes to legislation and regulations, while others involved changes to policies and procedures. All of them were made after thorough analysis and field-based evaluations of how well FRPA is meeting government's and the public's expectations for forest management.

Government has said it accepts almost all of the recommendations made by the Board in the last seven years and has outlined the actions it will take to address them. While many "soft" improvements have occurred, for example, to guidance, training and information technology, there are many recommendations where government promised to look into issues and carry out follow-up work, but there is little evidence that has actually happened. This is particularly true of actions to review and strengthen FRPA legislation through a process of continuous improvement. In the meantime, we continue to receive concerns and complaints from the public on the same issues.

In the Board's opinion, there are five key improvements that need to happen and the Board urges government to move forward on addressing these issues now to renew public confidence in BC's regulation of forest and range practices.

- 1. Strengthen district managers' authority to exercise discretion over the issuance of cutting permits and road permits in limited circumstances where proposed activities put local environmental and community values at risk.*
- 2. Strengthen public engagement by establishing a process for public review and comment on planned roads and cutblocks.*
- 3. Strengthen FRPA's requirements for protection of drinking water from forest and range activities both within and outside of community watersheds. This includes strengthening objectives and practice requirements.*
- 4. Promote transparency by making public all penalty determinations under FRPA and the Wildfire Act.*
- 5. Enact legal tools and establish strategic objectives for access management across natural resource sectors and continue to create and maintain updated information on resource roads.*

By making these improvements, government will also be taking action that will help to support the practice of professional reliance.

As well, the Board has just released its Special Report on the Forest and Range Evaluation Program, in which there are key recommendations that need implementation to strengthen FRPA's effectiveness monitoring program. FREP's effectiveness monitoring is intended to be a key source of knowledge that supports professionals in formulating better advice to licensees on how to carry out forest practices to achieve government's objectives.



Timothy S. Ryan, RPF
Chair

TABLE OF CONTENTS

INTRODUCTION	1
PRIORITY RECOMMENDATIONS TO GOVERNMENT.....	2
Priority 1. Strengthen The Authority Of District Managers.....	2
Priority 2. Strengthen Public Engagement Related To Review And Comment On Planned Forestry Activities.....	3
Priority 3. Strengthen FRPA Requirements To Protect Drinking Water.....	4
Priority 4. Make Public All Penalty Determinations Under FRPA and The <i>Wildfire Act</i>	6
Priority 5. Improve Legal Tools And Strategic Objectives And Information To Manage Resource Roads.....	7
APPENDIX A: Board Recommendations to Government 2010 - 2017	10



INTRODUCTION

For more than 20 years, the Board has made many recommendations to government to ensure sound management of BC's forest and range resources.

The purpose of this special report is to identify key opportunities to improve the *Forest and Range Practices Act* (FRPA) based on a review of Board recommendations from reports published since 2010 and the British Columbia government's response to those recommendations.¹ The Board has a primary role in oversight of the FRPA framework. For more than 20 years, the Board has served the public's interest through its audits, public complaint investigations and reports and has made many recommendations to government to ensure sound management of BC's forest and range resources.

Since 2010, the Board has made 60 recommendations related to improving the legislation and its supporting framework. Government has told the Board that it accepts 56 of those recommendations and set out numerous actions it would take to address them. Just over half of these actions have been fully or partially implemented and several others are underway. However, for many of government's promised actions, the Board has no evidence they have been carried out.

With many of the actions responding to Board recommendations not fully implemented, the original issues identified by the Board continue to impact forest and range values and diminish public confidence in FRPA.

This report identifies five priority recommendations, made by the Board since 2010, discusses why they continue to be priorities in 2017, and describes the status of government's implementation. *Appendix A* summarizes the status of all FRPA-related recommendations made by the Board since 2010.²

¹ 2010 was selected as the starting year for this review because, based on the Board's experience, it is the year that the transition to FRPA was essentially complete.

² These recommendations are taken from the 32 special reports and special investigations published since 2010. Recommendations from audits and complaint investigation reports were not included here because they are specific to local areas and do not have a provincial focus.

PRIORITY RECOMMENDATIONS

Priority 1. Strengthen the Authority of District Managers

In 2015, the Board published a report on [*District Managers' Authority Over Forest Operations*](#), which identified several examples of situations where district managers did not have the authority to intervene when forestry development put local environmental and community values at risk.

Under FRPA, district managers approve forest stewardship plans (FSPs),³ but have no discretion to refuse to issue a cutting permit or road permit, even if they have significant concerns about the risk a proposed activity poses to public health or safety, or to environmental or other forest values. Under FRPA's results-based framework, it is licensees and their professionals who make the final decisions about how to balance resource values and minimize risks.

Why is this important?

District managers for the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRO) are the government officials who are "closest to the ground" in managing forestry and range activities. They are the decision-makers who are most aware of potential risks to local values and have the strongest connection to local interests. Yet they do not have the authority to intervene (e.g., by refusing to issue a cutting permit or road permit) to protect the public interest.

The Board has seen numerous situations arise where forestry development was putting local environmental and community values at risk, but district managers did not have the authority to affect the development. If a problem occurs, government officials must deal with it after the fact—once damage has occurred. After-the-fact responses often come at a greater cost and weaken public confidence in the management of forest and range resources.

³ FSPs are strategic plans prepared by licensees for their forest development units. FSPs specify results and strategies to meet objectives set by government for timber and non-timber resource values. They have a five-year term.

The Board recommends as a priority:

Government authorize district managers to refuse a cutting permit or road permit if any of the following applies:

- there is clearly significant risk to public health or safety;
- there is clearly significant risk to forest resources or values;
- there is likely to be a contravention of legislation; or
- the interests of another tenure holder have not been adequately addressed (if that tenure holder requests district manager intervention).¹

Government actions to date

In 2015, FLNRO stated that it was investigating challenges associated with district manager authority and that any opportunities to strengthen legislation, policy or decision-making support would be addressed as part of the FRPA continuous improvement strategy. To date, the Board has not seen any tangible outcomes of government's review or changes suggested in the FRPA continuous improvement strategy – nor have we seen the strategy.

Priority 2. Strengthen Public Engagement Related to Review and Comment on Planned Forestry Activities

As part of its investigation report [*Forest Stewardship Plans: Are They Meeting Expectations?*](#), the Board assessed the effectiveness of consultation on proposed forestry developments.⁵ Under FRPA, a licensee must make its FSP available for public review and comment before submitting it for approval and must consider all written comments.

The Board found that FSPs are inadequate as the sole avenue for public review and comment regarding operational forest planning. Reasons include:

- the area covered by the FSPs can be very large (thousands of square kilometres on average) with overlapping tenures, making it difficult for the public to assess the potential for local effects and make relevant comments.
- FSPs generally do not show the location of planned cutblocks and roads so those reviewing FSPs do not know where actual developments will occur, they only know that certain results, strategies and measures will apply. The public can view site plans for proposed road and cutblocks at licensee offices, but licensees are not required to notify or consider comments, and the site plans may not be available until well after the FSPs are approved as legal documents.

Why is this important?

Opportunities for review and comment on site specific forestry activities, such as planned cutblocks and roads, are important for the public and for other forest tenure holders or businesses, such as lodges or tour companies, to ensure that values of importance to them are not unduly affected by forestry activities. Without site specific information, people will not know what is planned on the ground or how it affects them until they see the flagging tape on trees.

Since August 2015, when the report was published, the Board has received dozens of concerns and complaints from the public about logging and road development. Many of these issues might have been avoided if there had been an opportunity for local review and comment on the specific developments.

Government actions to date

FLNRO chose not to accept this recommendation. In its response to the Board, FLNRO stated that it would like to see enhancements to public engagement in forestry planning, but that it would be working on building technology-based solutions to support “meaningful sharing of information” between the forest industry and other parties rather than considering a new legislated process for public review and comment.

To date, the Board has not seen technology-based solutions or evidence of changes to the sharing of information about planned forestry activities.

The Board recommends as a priority:

Government should establish a process for public review and comment on planned roads and cutblocks.ⁱⁱ

Priority 3. Strengthen FRPA Requirements to Protect Drinking Water

The 2014 Board report, [*Community Watersheds: From Objectives to Results on the Ground*](#), found that requirements under FRPA to protect drinking water are unclear, not achievable and are missing elements important to the protection of human health.⁵ For example, the report identified ambiguities with the wording of government objectives related to water quality such as “cumulative hydrologic effects.” It also noted that practice requirements do not address the health risks associated with sediment.

⁵ Practices required for drinking water: Section 59 of the *Forest Planning and Practices Regulation*, section 33 of the *Range Planning and Practices Regulation*, and section 47 of the *Woodlot Planning and Practices Regulation*.

A 2012 audit of the effects of forest and range practices on water quality in the Oyama and Vernon Creek community watersheds found risks associated with cattle grazing and potential for introduction of pathogens into drinking water.⁶

In both reports, the Board identified the need for a more integrated approach to drinking water protection that includes all users of forest and range resources.

Why is this important?

A safe and reliable supply of drinking water is of key concern to British Columbians and is fundamental to human health and well-being. Since 2010, the Board has received 13 complaints and numerous concerns related to impacts of forest and range activities on drinking water supply. A 2017 audit of range planning and practices in Thompson Rivers District found fecal coliforms from cattle grazing above a domestic water intake.⁷

The Board recommends as a priority:

Government should strengthen requirements for protection of drinking water, generally and within community watersheds. The Board recommends that government consider amending FRPA to:

- revise government's objective for community watersheds to emphasize the importance of source water protection;ⁱⁱⁱ
- revise the water quality practice requirement, in all applicable FRPA regulations, to address the inherent risk to human health associated with sediment^{iv} and provide guidance on its implementation;^v
- clarify the meaning and scope of cumulative hydrological effects;^{vi} and
- ensure that all watercourses and areas with riparian function are protected to the extent that range use does not materially impair their function.^{vii}

Government actions to date

FLNRO stated in its 2014 response to the community watersheds report that it planned to conduct a comprehensive review of water quality provisions under FRPA and its regulations and would publish an administrative bulletin on the water quality provisions of FRPA. To date, there has been no report to the Board on outcomes of a review of water quality provisions and a FRPA administrative bulletin has not been published.

On a positive note, in response to the Board's findings and recommendations on water quality in the Oyama and Vernon Creek watersheds, FLNRO's Range Branch advised district staff and range agreement holders on best management practices to avoid harm to water quality and reviewed regulations for range planning and practices related to riparian areas. The branch is planning to submit an amendment to the *Range Planning and Practices Regulation* in 2018.

⁶ Forest Practices Board. 2012. Audit of Forest and Range Planning and Practices Affecting Water Quality in Oyama and Vernon Creek Community Watersheds. Report # FPB/ARC/140. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/05/ARC140-Water-Quality.pdf>.

⁷ Forest Practices Board. 2017. Audit of Range Planning and Practices: Thompson Rivers Natural Resource District Range Agreements for Grazing RAN077495 and RAN077496. Available at <https://www.bcfpb.ca/wp-content/uploads/2017/03/ARC204-Thompson-Rivers-Range-RAN077495-RAN077496.pdf>.

Priority 4. Make Public All Penalty Determinations Under FRPA and the *Wildfire Act*

One of the ways that compliance with FRPA and the *Wildfire Act* is enforced is through administrative determinations by government officials. FLNRO has made approximately 20 determinations per year since 2010, setting penalties for non-compliance such as actions causing a wildfire or damage to the environment. The Board evaluated the transparency of penalty determinations under FRPA and the *Wildfire Act* in its 2014 report, [*Timeliness, Penalty Size and Transparency of Penalty Determinations*](#).

At this time, administrative determinations under FRPA are not made public so there is no easy way for interested parties to find out about contraventions and penalties. Determinations can only be accessed through a Freedom of Information request, which is an additional barrier to gaining the information (see text box). Making determinations public would increase the accountability of licensees for their actions under FRPA and create an opportunity for penalties to act as deterrents to future contraventions.

Other natural resource ministries in BC publish their enforcement actions.

- The Ministry of Environment and Climate Change (MOECC) maintains a publicly accessible database of enforcement actions by the Conservation Officer Service and the Environmental Assessment Office, including some contraventions of FRPA that were previously part of MOECC's mandate. Since 2006, MOECC has published a quarterly environmental enforcement summary that lists environmental enforcement actions, the party(s) involved, the relevant Act and regulation and the penalty or order to remedy the contravention.
- The Oil and Gas Commission publishes all of its enforcement actions under the *Oil and Gas Activities Act* on its website, including orders to address non-compliances and contravention reports. Enforcement actions are posted within two weeks of an order being issued.

Why an FOI request is not a feasible alternative to public reporting

There are a number of reasons why it is not adequate for government to require members of the public to make a Freedom of Information request to view penalty determinations:

- A person submitting an FOI request must know details of what they are requesting and this information is not available.
- FOI requests are cumbersome and take a long time to process.
- Information may be redacted before is shared.

Why is this important?

The publication of penalty determinations is important to promote compliance in the regulated community and to contribute to public confidence in enforcement. It is part of effective communication to ensure transparency of FRPA implementation and accountability of licensees in managing the public forest resource. Publishing determinations in a timely manner ensures that information on non-compliances is current and relevant.

Government actions to date

The Board recommends as a priority:

The Ministry of Forests, Lands and Natural Resource Operations & Rural Development make publicly accessible all penalty determinations under FRPA and the *Wildfire Act*.^{viii}

In its April 2015 response to the Board, FLNRO stated that it agrees with the need to publicly report penalty determinations as a way to increase awareness and deter future contraventions by industries and the public. FLNRO noted that it was considering the public reporting of determinations as part of a larger process of changes to the compliance and enforcement program, however, “amendments to enable public reporting might be a few years away.”

As of November 2017, FLNRO had not taken actions to implement public reporting of penalty determinations.

Priority 5. Improve Legal Tools, Strategic Objectives, and Information to Manage Resource Roads and Their Use

Resource roads provide forestry, range and other natural resource industries with access to their operations. These roads also provide the public, First Nations and commercial interests with access to the backcountry for recreation and other uses, as well as access to some communities and residences. Roads can also be a source of conflict when uses are not compatible or there are impacts to resource values such as fish and wildlife. Well-managed access is necessary to maximize the positive effects and minimize the negative effects of resource roads.

The scale of road development in BC is staggering. After more than 100 years of resource development activities across the province, there are more than 600 000 kilometres of resource roads, with somewhere in the order of 10 000 kilometres added every year. More than 75 percent of these are built by the forest industry. Many inactive roads have the potential to cause environmental damage and allow unintended access, even when deactivated.

There are more than 600 000 kilometres of resource roads in BC.

The Board has raised a number of issues with access management and roads over the last 12 years, including in 3 special reports: [Access Management in BC: Issues and Opportunities](#) (2005), [Reporting Results the of Forestry Activities](#) (2011), and [Access Management and Resource Roads: 2015 Update](#) (an update to the 2005 report).

Why is this important?

The Board has highlighted that roads and the access they create are among the most significant land use impacts in the province, and yet their management is not as effective and coordinated as it should be. The Board has identified three areas for improvement:

1. Additional legal tools are needed to enable setting and varying of access objectives that apply to the public and across resource sectors.
2. Access management planning can provide opportunities for public involvement to address conflicts between stakeholders, the public and the environment.
3. Government inventories are missing information on the number, location and ownership (status) of resource roads. Updates are needed to road inventory layers as well as implementing a reporting system for construction and deactivation of roads outside of cutblocks.

Members of the public, First Nations and stakeholders continue to raise access concerns with the Board. A 2016 Board report, [Restoring and Maintaining Rangelands in the East Kootenay](#), identified off-road recreational uses as one of the primary causes of ongoing damage to rangelands. A 2017 Board report, [Forest Roads and Grizzly Bear Management in Kettle-Granby Area](#), reiterated the need for comprehensive access management planning to address the complexities of managing for grizzly bears in a roaded environment.

Government actions to date

Since 2005, government's response has been that the issues would be addressed in a planned Natural Resource Roads Act. At the end of 2017, natural resource roads legislation has yet to be put before government and no interim actions have been taken to address the issues raised. Based on the Board's estimate of the length of new resource roads built per year in BC, in the 10 years between the Board publishing of its first and second reports on access management (2005 – 2015), as much as 100 000 kilometres of road has been built without the benefit of proactive or strategic planning.

Access management is not as effective and coordinated as it should be.

The Board recommends as a priority that government:

Enable the setting and varying of access objectives within a prescribed area that could apply to everyone, all industries and the public. Bringing sections 93.1 and 93.3 into effect would be one way to achieve this.^{ix}

Complete an inventory of these roads, including rating the risk of negative effects. With respect to road rehabilitation in the forestry context, there is a need for a clear distinction between temporary and permanent access and clear direction that temporary access roads should be rehabilitated.^x

Immediately make legislative, policy and information management system changes required to implement a reporting system for construction and deactivation of roads outside of cutblocks.^{xi}

Government has accepted and acted on some Board recommendations to improve resource road inventories. For example, in 2018, government will pilot a Road Infrastructure Asset Management Plan to inventory roads and rate them for potential negative effects.

The Board is pleased to see the Minister of FLNRO's mandate letter include modernization of land use planning as a priority. Access management is a key area in need of strategic objectives. Legal tools, such as sections 93.1 and 93.3 of the *Land Act*, are needed to set objectives to effectively manage cumulative effects and resolve land use conflicts related to access management across natural resource sectors.

APPENDIX 1: Board Recommendations to Government 2010-2017

Table 1 below summarizes the status of actions to which government has committed in response to Board recommendations since 2010.⁸ Government has completely implemented some of its actions, but a number have only been partially implemented or not implemented at all. The status of several actions is not evident to the Board. With only some of the actions related to Board recommendations fully implemented, there is potential for issues identified by the Board to result in ongoing impacts to forest and range values.

Table 2 lists Board recommendations to government in 2017. A response to these recommendations is not expected until 2018.

Table 1. Recommendations from the Board to government (2010 – 2016) and status of implementation of government's stated actions in response. This list does not include recommendations to professional associations that are not also addressed to government.

Definition of Terms

Implemented: Actions in government's response have been completed.

Partially implemented: Actions in government's response are partially completed or government has demonstrated progress in implementing its actions.

Outcomes not evident: Government has stated that processes are underway but outcomes are not evident to the Board.

Not implemented: Government has not implemented any actions.

Recommendation not accepted: Government has chosen not to accept the recommendation.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
2016	<i>Visual Quality on Alberni Inlet</i> FPB/SIR/46	Link	1. Government evaluate its approach to management of visual resources. This evaluation should involve not only the forest sector, but also those business sectors reliant on visual resources for their success. The evaluation should include consideration of ways to improve the clarity and enforceability of the existing regulatory framework, including consideration of making visual resource management a practice requirement for all licensees, consistent with the <i>Woodlot Licence Planning and Practices Regulation</i> .	Partially implemented Government made some improvements to its visual resource program in 2016/17 in terms of guidance, training and monitoring. Government has stated it is continuing work on its program review.

⁸ Does not include case-specific recommendations from audits and public complaint investigations.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			2. Government and the Association of BC Forest Professionals (ABC FP) review and update guidance and policy documents to ensure consistency of approach and use of best practices in the management of visual resources.	Outcomes not evident
			3. Government ensure that compliance with, and enforcement of, visual quality objectives is a consistent priority across the province.	Outcomes not evident Government states that C&E policy is to respond to complaints while investigating key issues on a priority basis.
2015	<i>District Managers' Authority Over Forest Operations</i> FPB/SR/52	Link	<p>1. Government introduce a regulation to implement <i>Forest Act</i> section 81.1. The regulation should authorize district managers to refuse a cutting permit or road permit if the minister determines that any of the following applies:</p> <ul style="list-style-type: none"> - there is clearly significant risk to public health or safety; - there is clearly significant risk to forest resources or values; - there is likely to be a contravention of legislation; or - the interests of another tenure holder have not been adequately addressed (if that tenure holder requests district manager intervention). 	Outcomes not evident Government is investigating DM authorities and opportunities to strengthen legislation as part of continuous improvement of FRPA. There have been no evident changes to FRPA to date to strengthen district manager authorities.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
2015	<i>Forest Stewardship Plans: Are They Meeting Expectations?</i> FPB/SIR/44	Link	1. Government, and its decision-makers, should not extend or approve FSPs that include: <ul style="list-style-type: none"> - results, strategies and measures that are unenforceable, - results or strategies that are not consistent to the extent practicable with government's objectives, or - measures that are not reasonable and appropriate. 	Partially implemented Non-legal guidance has been provided by the chief forester and letters of expectation from district managers. The Board has been told that some FSPs are still being approved without recommended improvements to content.
			2. Government should ensure that the public has at least one opportunity every five years for full review and comment on FSPs.	Partially implemented Non-legal guidance has been provided by the chief forester and letters of expectation from district managers. Despite chief forester direction, some FSPs are being extended without public review.
			3. Government should establish a process for public review and comment on planned roads and cutblocks.	Recommendation not accepted Government is exploring "solutions that support meaningful sharing of information."
2015	<i>Access Management and Resource Roads: 2015 Update</i> FPB/SIR/49	Link	Inventory 1. Government improve the current information on resource roads by providing a website that allows collaborative editing of content (a wiki); both to enable government staff and to engage the public in providing current information about road location and status.	Not implemented Taken under advisement as part of ideas to update the roads database.
			2. A regulation bringing into force sections 93.1 and 93.3 of the <i>Land Act</i> , as a way to enable setting and varying of access objectives for a prescribed area that could apply to everyone; all industries and the public.	Recommendation not accepted

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			3. Government require timely notification be provided to non-industrial users of resource roads about pending changes in road status (new construction, changes in maintenance and deactivation).	Not implemented Government stated this is to be addressed as part of a future Natural Resource Roads Act, which was still under development in 2017.
			4. The Ministry of Forests, Lands and Natural Resource Operations maintains some access on forest service roads that serve communities, rural residences and high value recreation areas, but there is no formal mechanism for public input into that program. The Board recommends government address part of this issue by implementing the recommendation of the BC Forest Safety Ombudsman that "the Province should establish a new public highway designation for resource roads that serve as the primary or secondary access roads for communities."	Recommendation not accepted
			5. Until comprehensive legislation is passed, government address many of the operational issues with minor regulatory changes, by developing clear policies and by promoting and supporting the work of local road management committees.	Not implemented Government's response was to address the recommendations in a future Natural Resource Roads Act but interim actions were not identified.
			6. Government complete an inventory of these roads, including rating the risk of negative effects. With respect to road rehabilitation in the forestry context, there is a need for a clear distinction between temporary and permanent access and clear direction that temporary access roads should be rehabilitated.	Partially implemented To be addressed in a Road Infrastructure Asset Management Plan that will be piloted in selected districts in 2018.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
2015	<i>Mitigation of Forestry Impacts to Natural Range Barriers</i> FPB/SIR/42	Link	1. Government should ensure that measures in operational plans support effective mitigation of impacts to natural range barriers and are verifiable. Alternatively, government could replace the requirement in FRPA to propose and carry out measures with a practice requirement.	Not implemented Updates to guidance in FRPA Administrative Bulletin #21 (2009) have not yet been published.
			2. Government should ensure that policies governing the stumpage appraisal system provide licensees and range users with sufficient time to determine if, and to what extent, forest practices have impacted a natural range barrier and the appropriate mitigation that is required.	Implemented Timber Pricing Branch has provided a 6-month window post harvest for licensees to alter their tenure obligations based on work completed.
			3. Government should ensure that guidance is developed to clarify the purpose and scope of natural range barriers, including where on the range tenure section 48 of FRPA is meant to apply (e.g., pasture or tenure boundaries) and the values the requirement is intended to mitigate.	Not implemented Updates to guidance in FRPA Administrative Bulletin #21 (2009) have not yet been published.
2014	<i>Timeliness, Penalty Size and Transparency of Penalty Determinations</i> FPB/SIR/41	Link	1. Government should establish a publicly-accessible, online database of all penalty determinations under FRPA and WA. If there are concerns related to the <i>Freedom of Information and Protection of Privacy Act</i> , these could be addressed through a regulation or statute similar to section 6.1 of the <i>Ministry of Environment Act</i> .	Not implemented FLNRO states it is considering proposing an amendment similar to the <i>Ministry of Environment Act</i> to enable determinations to be made public.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			2. Government should, by regulation, include the size of the enterprise as a required consideration for decision-makers. This could be done relatively quickly, using the regulation-making authority under section 71(5)(g) of FRPA and section 71 of WA.	Implemented through guidance and training for decision-makers.
			3. To promote sound decision-making and consistency, government should consider reducing the number of delegated decision-makers for penalty determinations, so that decision-makers would gain more experience.	Recommendation not accepted
			4. Decision-makers should consider levying larger penalty amounts, particularly where the gravity and magnitude of the contravention is more than minimal, the person has previous similar contraventions or the contravention is deliberate. This consideration would be in addition to removing any economic benefit.	Outcomes not evident C&E is considering ways to provide recommended information to decision-makers as part of organizational initiatives to restructure and strengthen C&E.
			5. Compliance and enforcement staff should: a) examine the reasons why so many investigations exceed the policy guidance of one-year maximum and take steps to reduce investigation time; b) where possible, present evidence to decision-makers to enable them to address the issue of economic benefit from contraventions; and c) consider making more use of agreed statements of facts.	Outcomes not evident C&E is considering ways to provide recommended information to decision-makers as part of organizational initiatives to restructure and strengthen C&E.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			6. Decision-makers should complete determinations promptly after the opportunity to be heard, and should include the incident or discovery date in their determinations so that timeliness can be monitored	Implemented Measures are in place for district managers to include the date of first knowledge of a contravention in determinations.
			7. Decision-makers and compliance and enforcement staff should continue the practice of “de-briefing” after a penalty determination has been made, to discuss opportunities for improvement.	Implemented Debriefs are typically part of the process of penalty determinations.
2014	<i>Community Watersheds: From Objectives to Results on the Ground</i> FPB/SIR/40	Link	1. Government should undertake a review of FRPA's requirements for the protection of drinking water generally, and in community watersheds specifically. The review should include: <ul style="list-style-type: none"> - revising government's objective for community watersheds with the intent of emphasizing the importance of source water protection; - revising the water quality practice requirement, in all applicable FRPA regulations, to address the inherent risk to human health associated with sediment; - clarifying the meaning and scope of cumulative hydrological effects including whether the assessment and management of these effects is appropriate within the confines of FRPA or should be implemented under a different process; and - examining the appropriate use of specific water quality objectives under the Government Actions Regulation and provisions under the <i>Drinking Water Protection Act</i>, where watershed condition is at risk. 	Outcomes not evident In 2017, government reports it has completed a comprehensive review of water quality provisions and is considering opportunities to strengthen FRPA requirements to protect drinking water. A FRPA administrative bulletin has not yet been published to provide guidance on water quality provisions of FRPA.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			2. Government should provide clear direction to delegated decision-makers that ensures results and strategies in FSPs pertaining to the community watershed objective are measurable or verifiable.	See comments on “FSPs: Are They Meeting Expectations?”
			3. <i>This recommendation was not directed to government</i>	Not applicable
			4. Government should expand its monitoring of the effectiveness of forest and range practices in protecting water quality to include water used for drinking both within and outside of community watersheds.	Partially implemented. A protocol on effectiveness monitoring for drinking water quality in community watersheds is at the review stage. There is no plan currently to implement this outside of community watersheds.
			5. Government should undertake a comprehensive review of the status of community watersheds and determine which watersheds warrant designation and require special management.	Outcomes not evident Government has completed its internal review of CW designations and is deciding on next steps.
2013	<i>Monitoring licensees’ compliance with legislation</i> FPB/SIR/37	No formal response received.	<ol style="list-style-type: none"> 1. Determine the aggregate rates of forest and range licensees’ compliance with FRPA and the WA by taking into account all instances of non-compliance for an activity, whether or not the result was enforcement action. 2. Publish annually the aggregate rates of forest and range licensees’ compliance with FRPA and the WA for specific activities, such as harvesting and roads, ensuring that the rates of compliance are identified separately from the rates of other regulated communities within FLNRO’s mandate. 	Not implemented The C&E website currently does not include aggregate rates of forest and range licensees’ compliance.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
2012	<i>How Much of British Columbia's Forest is not Satisfactorily Restocked?</i> FPB/SR/42	Link	1. Confirm its assumptions about how much additional area will be salvage harvested by the forest industry and develop a monitoring system to track whether those assumptions are being borne out.	Partially implemented Government has a system to monitor beetle-impacted management units based on Harvest Billing System (HBS) and Electronic Commercial Appraisal System (ECAS) data. This data could be used to check back on assumptions in the government model of extent of salvage harvesting but there is less need to do this work now that the beetle epidemic has lessened and salvage harvesting is less prevalent.
			2. Use the best information and projections currently available to conduct a broadly framed cost-benefit analysis of options to restock or not restock areas that may be NSR in the beetle affected region.	Implemented The Forests for Tomorrow program updates estimates of the stocking status and potential investment opportunities (based on Internal Rate of Return) in areas impacted by pine beetle and wildfire. This process has evolved to reflect current economic and forest cover conditions.
			3. Carry out the survey and inventory work necessary to inform the future decisions that must be made; particularly those related to determination of the allowable annual cut in the beetle affected region.	Implemented as part of major inventory projects in each region. The vegetation resource inventory has been modified to include a dead pine layer, which has updated views on NSR extent. Inventories of beetle killed areas are close to being up to date in key areas affected by beetle attack.
2012	<i>Conserving Old Growth Forests in BC</i> FPB/SIR/36	Link	1. Government should develop and maintain a process for tracking OGMA values and incursions that can be updated by licensees or government staff.	Partially Implemented Government is close to finalizing a procedure for tracking old growth amounts and incursions into OGMAs and comparing these to legal targets.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			2. Government should provide appropriate oversight of non-spatial orders (where non-legal OGMA's have not been identified) to ensure that required attributes are available on the land base and, if they are not, that required recruitment stands have been identified.	Partially implemented Oversight of achievement of aspatial targets for old growth retention varies among FLNRO regions.
			3. Government should create a uniform and consistent way of identifying and recording values within OGMA's and of making the information available to all Crown land tenure holders and agencies that administer those tenures.	Outcomes not evident The Old Growth Action Plan identifies the need to develop a "values" monitoring system. Ecologists are working to define the quality of old growth and metrics for tracking this using existing inventory
			4. Government should review the conditions of orders to ensure that, if fully exercised, provisions for harvesting or road construction do not materially alter the effectiveness of OGMA's.	Partially implemented Individual regions have established amendment policies to deal with requests for incursions into OGMA's. Government has identified a priority need to review these policies for their consistency with the intent of legal orders.
			5. Government should ensure all Crown land tenure holders are required to protect or mitigate the impacts of their activities in OGMA's.	Partially implemented OGMA's are now recognized under the <i>Oil and Gas Activities Act</i> (OGAA), however designations under OGAA do not include objectives to manage for old growth attributes.
			6. Government should develop and implement a strategy to assess the effectiveness of spatial and non-spatial old-growth retention.	Outcomes not evident The Old Growth Action Plan identifies the need to assess the effectiveness of old growth management. Some work is occurring under the Cumulative Effects Framework to compare amounts of old forest to historic ranges of variability.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
2012	<i>Audit of Forest and Range Planning and Practices Affecting Water Quality in Oyama and Vernon Creek Community Watersheds</i> FPB/ARC/140	Link	1. Government should provide guidance on the implementation of the practice requirement to not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks, recognizing the variable risks within and between watersheds, of the harmful material reaching the intake.	Implemented Range Branch has completed a manual on best management practices for livestock grazing in community watersheds. Its recommendations have been adopted by districts and agreement holders where there are community watersheds. Range Branch has also initiated regular meetings between water purveyors, drinking water officers and range tenure holders to exchange information and discuss issues.
			2. Streams, wetlands and other areas with riparian function require protection from cattle impacts. Government should ensure that all watercourses and areas with riparian function are protected to the extent that range use does not materially impair their function.	Outcomes not evident Range Branch reports it has completed policy work to amend the definition of 'riparian area' in the <i>Range Planning and Practices Regulation</i> to provide protection for all riparian areas. The Branch plans to put forward an amendment to the RPPR in 2018.
2012	<i>Fire Management Planning</i> FPB/SIR/34	Link	1. Government make fire management planning a high priority by ensuring current plans are up to date and moving quickly to Stage 2 which prioritizes values and defines where fire is wanted or unwanted, and under what circumstances.	Partially implemented Plans have been completed in a number of priority districts but not province-wide. Approved plans are being implemented on the ground.
			2. BC Wildfire Service (formerly Wildfire Management Branch) and land management staff collaborate to refine the current Fire Management Plan model to focus on information important to fire managers while remaining simple and easy to access. First Nations, licensees, BC Timber Sales, local governments, and the public should also be included where appropriate.	Implemented As above, the BC Wildfire Service is working on integrating fire management planning across FLNRO.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			3. BC Wildfire Service implement the digital delivery of geographic and land management information for fire management planning through an existing software platform such as Fireview.	Implemented consistent with the BCWS Resource Strategic Wildfire Allocation Process.
			4. Standardize and automate resource valuation to the greatest extent possible to ensure that resources are valued consistently.	Implemented Is being updated to incorporate values such as timber and First Nations values as part of prioritization.
			5. Develop a provincially consistent process to estimate potential fire spread so values at risk can be assessed consistently and efficiently.	Implemented using a Probabilistic Fire Analysis System developed with Natural Resources Canada.
			6. Review monitoring practices for Fire Analyses to ensure that plans are regularly updated and that resource and wildfire managers' decisions are carried out according to the plan.	Implemented as part of standard operating guidelines
			7. Ensure those completing the Fire Analyses state clear objectives, strategies and tactics.	Implemented as part of Incident Management Team reporting.
2011	<i>Remediation Orders: How Effective Are They?</i> FPB/SIR/32	Link	1. Develop guidance for decision-makers to consider when making remediation orders, so orders are more enforceable.	Implemented Annual training on 'Enforcement Decision-making under FRPA for Delegated Decision Makers' has been updated to reflect Board recommendations.
			2. Improve and standardize the way in which information about compliance with orders, and the enforcement of orders, is gathered and recorded.	Implemented as part of C&E Data System Business Redesign.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			3. Publish information annually on the rate of compliance with orders; the number of investigations and penalty determinations made to enforce orders; and, whether the intended outcomes of orders were achieved.	Not implemented C&E are reviewing ways to improve the reporting of compliance information within and outside of government.
			4. Amend FRPA and the <i>Wildfire Act</i> to enable government and licensees to cooperatively enter into formal agreements to remediate, as a way to address non-compliance with legislation, when forest or range activities have resulted in harm to Crown resources.	Outcomes not evident Government reports it is considering this as part of its work (including C&E) to make legislation consistent across natural resource sectors.
2011	<i>Reporting The Results Of Forestry Activities</i> FPB/SIR/33	Link	1. Government should immediately make legislative, policy and information management system changes required to implement a reporting system for construction and deactivation of roads outside of cutblocks.	Outcomes not evident In 2011, government stated it was developing a new business process and computer applications to report on construction and deactivation of roads as part of development of a Natural Resource Road Act. In 2017, government reported that a new Resource Roads reporting system is still under development and will be implemented in two phases: first in tabular format and later spatial format, to be published in the BC Geographic Warehouse.
			2. The forest ministry should conduct a needs analysis to evaluate the current status of reporting under section 86 of the FPPR, and institute any design, re-design, improvements and/or simplifications that are warranted.	Implemented Government has implemented a number of measures to improve reporting under section 86 of FRPA, including system upgrades; improved quality control and feedback process including (i) district-level monitoring, (ii) Forest Analysis and Inventory Branch review, and (iii) third party monitoring and system adjudication; training and outreach; and increased technical support.

Year	Report(s)	Link to Response From Government	Recommendations to Government	Status of Government Actions
			3. The forest ministry should move towards a less expensive, more flexible option for development and maintenance of the reporting system.	Implemented Part of ongoing improvements for strategy and business reporting.
			4. In the near term, until recommendations 2 and 3 are acted upon, the forest ministry should implement a comprehensive quality control system for reports filed under section 86; including changes to RESULTS that would enforce submission of basic legal requirements of the section and they should improve the documentation for RESULTS and enhance training opportunities for users.	Implemented Part of RESULTS Monitoring and Data Quality Assurance Project. Training plan implemented.
2010			There were no recommendations from special reports related to FRPA in 2010.	

Table 2. Board Recommendations in 2017. Government is not required to respond to these recommendations until 2018.

Year	Report(s)	Recommendations to government
2017	<i>A Special Report on the Forest and Range Evaluation Program</i> FPB/SR/54	1. FREP should clarify and communicate to all involved what is meant by the measure of “sustainability” it uses, and how that relates to government’s objectives for the values specified in FRPA. This should include the linkage between the impact ratings and sustainability measures and how the information is to be used by licensees and by decision-makers such as district managers approving forest stewardship plans.
		2. FREP should review the design of the monitoring program to ensure it can answer the priority evaluation questions and also develop new questions to address emerging information needs. It is essential that FREP is collecting the right data and providing the information that forest managers require today. This review should include consideration of long-term routine monitoring of specific sites in addition to the current approach of random sampling.
		3. FREP should fully implement effectiveness monitoring for soils, wildlife, wildlife habitat, plant communities, landscape-level biodiversity, and values established under the <i>Government Actions Regulation</i> (e.g., wildlife habitat areas) and land use orders
		4. FREP should engage licensees and their professionals in all aspects of the monitoring program. FREP should also directly involve government and industry specialists in the monitoring program on an on-going basis, particularly in researching the causal factors affecting the condition of values. This should help to address industry concerns and build credibility, improving licensee confidence in FREP’s monitoring.
		5. FLNRO should implement a collaborative process at both the provincial and district levels to facilitate continuous improvement of practices based on FREP’s monitoring results. At the provincial level, government should have a process to implement changes to legislation and/or policy where improvements are not made voluntarily.
2017	<i>Resource Road Construction in Steep Terrain</i> FPB/SIR/47	1. In view of the potential consequences and risks, the Ministry of Forests, Lands and Natural Resource Operations review current legislation and regulations, and consider including additional legal requirements related to road construction if roads are located on terrain that is unstable or potentially unstable; on terrain with slopes greater than 60 percent; or on terrain where there are indicators of slope instability.
		2. <i>This recommendation was not directed to government</i>

ENDNOTES

- ⁱ Forest Practices Board. 2015. District managers' authority over forest operations. Report #FPB/SR/52. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SR52-Resource-District-Managers.pdf>.
- ⁱⁱ Forest Practices Board. 2015. Forest stewardship plans: Are they meeting expectations? #FPB/SR/44. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SIR44-FSP-Are-They-Meeting-Expectations.pdf>.
- ⁱⁱⁱ Forest Practices Board. 2014. Community watersheds: From objectives to results on the ground. Report #FPB/SIR/40. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SIR40-Community-Watersheds-From-Objectives-to-Results-on-the-Ground.pdf>.
- ^{iv} Ibid.
- ^v Forest Practices Board. 2012. Audit of forest and range planning and practices affecting water quality in Oyama and Vernon Creek community Watersheds. Report # FPB/ARC/140. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/05/ARC140-Water-Quality.pdf>.
- ^{vi} Forest Practices Board. 2014. Community watersheds: From objectives to results on the ground. Report #FPB/SIR/40. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SIR40-Community-Watersheds-From-Objectives-to-Results-on-the-Ground.pdf>.
- ^{vii} Forest Practices Board. 2012. Audit of forest and range planning and practices affecting water quality in Oyama and Vernon Creek community Watersheds. Report # FPB/ARC/140. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/05/ARC140-Water-Quality.pdf>.
- ^{viii} Forest Practices Board. 2014. Timeliness, penalty size, and transparency of penalty determinations. Report #FPB/SIR/41. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SIR41-Timeliness-Size-and-Transparency-of-Penalty-Determinations.pdf>.
- ^{ix} Forest Practices Board. 2015. Access management and resource roads: 2015 update. Report #FPB/SR/49. Available at <https://www.bcfpb.ca/wp-content/uploads/2017/05/SR49-Access-Management.pdf>.
- ^x Ibid.
- ^{xi} Forest Practices Board. 2011. Reporting the results of forestry activities: Compliance with section 86 of the Forest Planning and Practices Regulation. Report #FPB/SIR/33. Available at <https://www.bcfpb.ca/wp-content/uploads/2016/04/SIR33-Compliance-with-FPPR-Section-86-v2.pdf>.



**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.bcfpb.ca