



# 2017/2018 ANNUAL REPORT



Forest  
Practices  
Board



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## MANDATE

The Board's main roles under the *Forest and Range Practices Act* are:

- auditing forest and range practices of government and licence holders on public lands;
- auditing government enforcement of the *Forest and Range Practices Act* and the *Wildfire Act*;
- investigating public concerns;
- undertaking special investigations of forestry and range issues;
- participating in administrative appeals; and
- providing reports on Board activities and findings and making recommendations.

## FUNDAMENTAL PURPOSES

In fulfilling its mission, the Board encourages:

- sound forest and range practices that warrant public confidence;
- fair and equitable application of the *Forest and Range Practices Act* and the *Wildfire Act*; and
- continuing improvements in forest and range practices.

## VALUES AND GUIDING PRINCIPLES

The Board:

- acts on behalf of the public's interest, not of any single group;
- is straightforward in its approach;
- emphasizes solutions over assigning blame;
- behaves in a non-adversarial, balanced manner;
- treats all people with respect, fairness and sensitivity;
- performs in a measured, unbiased and non-partisan manner;
- carries out its mandate with integrity and efficiency;
- provides clear and concise reports to the public;
- bases actions and decisions on knowledge, experience and common sense; and
- is accessible and accountable.

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# MESSAGE FROM THE BOARD



This annual report comes at a very interesting time in the Forest Practices Board's history. Early in the reporting year, British Columbia held provincial elections, which necessitated a pause in Board publications as the election campaign was carried out. British Columbians elected a new government, although it took some time to finalize the results and for the new government to officially take office in mid-summer. Immediately thereafter, an unprecedented forest fire season broke out, interrupting the completion of audit field work for the rest of the summer. Five of the Board's 10 audits were carried out in October.

For most of the year covered by this annual report, Tim Ryan led the organization as the Chair of the Board. His appointment, and those of the vice-chair and another member, came to an end on December 31, 2017. As of March 31, 2018, replacements have not yet been appointed by government. We three current Board members have been delegated the responsibility to ensure the Board continues to carry out its work until a new Chair, and a full Board complement, are in place.

It has certainly been a year of transition in many ways.

Despite the challenges in the background, the Board has carried on implementing its mandate, auditing forest operations when it was safe and appropriate to do so, and responding to public complaints and concerns. The Board published a number of important reports and this annual report draws attention to all of that work. One report in particular, *Special Report: Opportunities to Improve the Forest and Range Practices Act*, made some significant recommendations to improve forest and range practices and the implementation of the *Forest and Range Practices Act* in the coming years. We hope and expect that our advice will be useful to the Government as it considers improvements to management of the forests and rangelands of British Columbia. Indeed, we are looking forward to the new people, new ideas, and new opportunities to come in 2018. It's a very exciting time for forest stewardship in British Columbia.

We encourage you to review the work we have done, and the recommendations we have made. We also welcome you to contact us with your questions, your feedback and your suggestions for future Board work.

Sincerely,



Ken Higginbotham



Marlene Machmer



Norma Wilson



# THE BOARD

## BOARD MEMBER APPOINTMENTS

The appointments of Board Chair Tim Ryan, Vice-chair Dr. Bill McGill, and Board member Ralph Archibald expired at the end of December 2017. Board members Ken Higginbotham, Marlene Machmer and Norma Wilson continued their terms, with all three appointed until the end of 2018.

## BOARD MEETINGS

The Board met 11 times during the year, including 7 conference call meetings, 3 face-to-face meetings in Victoria and 1 face-to-face meeting and field trip in Cranbrook, BC. Panels of the Board also met throughout the year to deal with specific audit and investigation files.

While in Cranbrook, Board members and staff spent time out in the field with Canfor, Wildsight, the East Kootenay Restoration Society, the Ministry of Forests, Lands and Natural Resource Operations and with volunteers from the Cranbrook Community Forest. They viewed and discussed interface fuel reduction, visual management, wildlife habitat management and ecosystem restoration. They walked through overgrown dense forests that pose fire risks to the community, and the restored forests that have been treated to reduce forest fuels and protect neighboring houses, and to restore the native bunchgrass ecosystem. They also met with representatives of the Ktunaxa First Nation, BC Timber Sales, and several area woodlots.



DR. WILLIAM MCGILL, MARLENE MACHMER, RALPH ARCHIBALD, TIM RYAN, KEN HIGGINBOTHAM, AND NORMA WILSON

## FINANCIAL REPORT

	Board Members & Executive	Investigations	Audits	Legal	Communications	Administration & Overhead	TOTAL
Salaries & Benefits	355,106	666,474	671,506	129,960	219,124	208,393	2,250,563
Other Operating Costs	128,142	118,450	335,585	59,369	52,469	863,970	1,557,985
Total Operating Expenditures	483,248	784,924	1,007,091	189,329	271,593	1,072,363	3,808,548
Total Capital Expenditures	–	–	–	–	–	–	–
Total Expenditures	483,248	784,924	1,007,091	189,329	271,593	1,072,363	3,808,548
Budget							3,817,000

### NOTES:

1. "Board Members and Executive" expenditures cover those of the Chair of the Board, the part-time Board members, the office of the Executive Director, and staff providing direct support to the Board members.
2. "Legal" expenditures covers legal advice on all files of the Board, including review and appeals.
3. "Administration and Overhead" includes building occupancy charges, software licensing, centralized support charges, and salaries associated with support for corporate services and information systems.



# AUDITS

**6** AUDIT REPORTS PUBLISHED

**5** AUDITS IN PROGRESS

## FORESTRY ACTIVITIES EXAMINED

Activity	Population (total # audited)	Sampled (on the ground)
Harvesting (# of blocks)	242	126
Road Construction (km)	418	257
Road Deactivation (km)	32	28
Road Maintenance (km)	5036	1499
Bridge Construction (# of bridges)	35	17
Bridge Maintenance (# of bridges)	520	196
Silviculture – Free Growing (# of blocks)	305	114
Silviculture – Regeneration Due (# of blocks)	333	76
Silviculture – Planting (# of blocks)	298	72
Silviculture – Site Preparation (# of blocks)	124	30
Fire Protection (# of active sites)	9	9

## COMPLIANCE AUDITS COMPLETED

Auditee / Licence	District	Findings	Conclusion
1 Range Agreement RAN077749 – August 2017	Thompson Rivers	Planning and range activities generally complied with the requirements of FRPA and related regulations, but auditors noted an area requiring improvement related to the grazing schedule.	One area requiring improvement
2 Winton Global Lumber Ltd. – Forest Licence A18171 – October 2017	Fort St. James	Planning and forest activities complied with the requirements of FRPA, <i>Wildfire Act</i> and related regulations, however the audit identified an unsound forest practice related to soil disturbance.	One unsound forest practice
3 BC Timber Sales and timber sale licensees – South Island Natural Resource District – December 2017	South Island	Planning and activities undertaken by BCTS generally complied with FRPA and the <i>Wildfire Act</i> , except for road construction on steep ground.  Activities undertaken by timber sale licensees generally complied with FRPA and the <i>Wildfire Act</i> , except that Lawrence Edward Spencer, holder of TSL A79535, did not maintain natural surface drainage patterns.	Two significant non-compliances
4 Lakeside Pacific Forest Products Ltd. – Forest Licence A19207 – December 2017	Chilliwack	Planning and activities complied with the requirements of FRPA, <i>Wildfire Act</i> and related regulations.	All practices were in compliance
5 Downie Street Sawmills Ltd. – Forest Licence A31102 – February 2017	Selkirk	Planning and activities complied with the requirements of FRPA, <i>Wildfire Act</i> and related regulations, except for one significant non-compliance with respect to road construction on steep ground.	One significant non-compliance
6 West Fraser Mills Ltd. – Tree Farm Licence 52 – March 2017	Quesnel	Planning and activities complied with the requirements of FRPA, <i>Wildfire Act</i> and related regulations.	All practices were in compliance



## AUDIT RECOMMENDATIONS MADE/ RESPONSES RECEIVED

### Audit of Forest Planning and Practices – Selkirk Natural Resource District – Woodlot Licence W0437 (Published in 2016)

The Board requests that Arrow Glen Ltd. report back to the Board by December 31, 2016, on the steps taken to implement these recommendations:

1. Update the government database (RESULTS) to address the issues identified in the audit.
2. Work with district staff to develop a plan to address the silviculture issues identified in the audit.

#### Response Received:

A response was received in December 2016 noting that Arrow Glen Ltd. has committed to a comprehensive strategy that addresses the specific non-compliances identified by the audit and demonstrates a good consultative relationship with district staff.

Although the plan is a positive step towards remediation, the Board requested that Arrow Glenn Ltd. provide us with a further update regarding the specific steps taken to implement the plan by December 31, 2017.

#### Follow-up Response Received:

A follow-up response was received in December 2017 noting that Arrow Glen Ltd. has taken action to ensure the silviculture and reporting obligations are now up to date. This file was closed in January 2018.

## NEW AUDITS STARTED & NOT YET COMPLETED

	Auditee / Licence	Natural Resource District
1	11 woodlots in Burns Lake and Francois Lake area	Nadina
2	Canadian Forest Products Ltd. - Forest Licence A17007	Fort Nelson
3	Gwa'Nak Resources Ltd. - Forest Licences A93095, A93096 and Non-Replaceable Forest Licence A75918	North Island
4	0866740 B.C. Ltd., held by Aspen Planers Ltd. - Forest Licence A18700	Cascades
5	BC Timber Sales Program and Timber Sale Licence Holders - Babine Business Area	Skeena-Stikine





# COMPLAINT INVESTIGATIONS

**83** CONCERNS

**8** COMPLAINT INVESTIGATIONS COMPLETED

**8** COMPLAINTS

**10** COMPLAINT INVESTIGATIONS ONGOING

The Board receives many concerns from the public, but they do not always lead to an investigation. The Board puts considerable time and effort into trying to resolve concerns before they become a formal complaint. In some cases, the Board will make numerous phone calls to government staff and the person with the concern over several days or weeks and may even conduct a site visit to look into the concern.

Sometimes concerns appear to be under our jurisdiction, but after preliminary investigation prove to be out of the Board's mandate under the *Forest and Range Practices Act* (FRPA) or the *Wildfire Act*. In all cases we listen to the concern and complete an assessment to determine if the concern is about something we can investigate. If it is not, we respond to the concerned party explaining why we can't investigate and offering advice on who else they may wish to talk to.

## EXAMPLES OF CONCERNS THE BOARD RECEIVED

**CATTLE GRAZING TRESPASS:** In October 2017, the Board was contacted by an individual who asserted cattle were being grazed on land set aside for elk habitat with the Habitat Conservation Trust. Board staff determined that this issue fell under section 122 of the *Wildlife Act* and that the land in question was fee simple private land being managed by Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (FLNRO). The Board does not have jurisdiction on private land or under the *Wildlife Act*. This fact was communicated to the complainant.

### **COASTAL DOUGLAS-FIR CONCERN:**

The Board has previously received several concerns and investigated complaints from the public about how endangered coastal Douglas-fir (CDF) ecosystems are being managed on Crown land available for forest harvesting.

Recently, the Board received a concern from a community group who say that harvesting by a woodlot licensee will impact a CDF ecosystem. The community group sought advice from a consulting ecologist and developed a plan that would see greater retention of these endangered forests. However, if implemented by the woodlot licensee, the plan would likely decrease the allowable annual harvest established by FLNRO for the woodlot.

A board investigator has started to discuss the complainant's concerns with FLNRO and the woodlot licensee to better understand how the CDF is being managed within the woodlot.

### **MARBLED MURRELET HABITAT:**

In November 2017, the Board received a concern asserting that Section 7 orders (under the *Government Actions Regulation*) for protection of marbled murrelet habitat are not being followed. The orders provide licensees with the government's expectations for habitat needs of species at risk. The concerned party also asserted that an implementation plan for marbled murrelet was being developed without public consultation.

A board investigator contacted FLNRO and was told the plan should add 31 000 hectares of spatial and non-spatial objectives, and that Cabinet will be reviewing the file soon. The concerned party responded that they would be satisfied if the plan is approved. They remained concerned that it had taken government over two years to come to this point, and that while government made a decision on the plan, licensees were carrying on with their activities. The concerned party also wanted the government to estimate the date of implementation.

In February 2018, the government approved a species recovery implementation plan for the marbled murrelet. The plan enables the protection of 70 000 hectares of murrelet nesting habitat on southern Vancouver Island and the southern mainland coast, in addition to habitat already protected in existing parks and wildlife habitat areas.



## COMPLAINT INVESTIGATIONS COMPLETED

### Planning Harvesting to Maintain Landscape-Level Biodiversity Values – July 2017

The Board received a complaint from the Lhtako Dene First Nation asserting that planned harvesting in two landscape units by Tolko Industries Ltd. would impact moose populations and the landscape-level biodiversity in their Traditional Territory. The Lhtako Dene also said that communication with Tolko had been difficult and that they did not receive landscape-level biodiversity assessments they requested from Tolko in a timely manner.

Their main concern was that Tolko did not adequately communicate how a surplus of mature and old seral forest that exists in the landscape units would mitigate the actual or perceived impacts on moose populations and biodiversity. Tolko told Board investigators that its current approach for managing landscape-level biodiversity, as stated in its forest stewardship plan (FSP), was developed in the context of large-scale mountain pine beetle salvage harvesting, and involves planning for connectivity corridors at the cutblock and landscape level. However, both FLNRO and Tolko agree that this approach is not adequate to address biodiversity requirements as salvage harvesting declines and Tolko and other licensees transition to harvesting green timber.

Resolution: Tolko committed to improving communication with the Lhtako Dene. Tolko also committed to ensuring that their next forest stewardship plan reflects the direction for the protection of landscape-level biodiversity provided by the FLNRO district manager.

### Impacts of Harvesting and Road Construction to Malakwa Creek – August 2017

The Board received a complaint from a property owner concerned that Tolko Industries Ltd.'s road construction and harvesting caused sediment to enter Malakwa Creek and damaged the complainant's water system, downstream riparian areas and water courses.

Tolko and the complainant both said that the autumn of 2016 was one of the wettest they can remember. There was heavy rain for two weeks before the complainant's water stopped running. Heavy rains can cause stream flows to increase, which can contribute sediment by eroding stream banks and stream channels.

The Compliance and Enforcement Branch of FLNRO also investigated and did not find a contravention of the FRPA on the part of Tolko.

The Board could not confirm whether Tolko's forestry activities, other road users, heavy rains, natural events, the age and condition of the waterworks or a combination of these factors resulted in the plugged waterworks. The Board concluded that Tolko addressed the risks of its activities, except for preventative measures to control the likelihood of sediment from a bridge reaching the creek, and reacted quickly to implement preventative measures when it was notified of the concern. The Board found Tolko was in compliance with relevant sections of the *Forest Planning and Practices Regulation*.

### Adequacy of Brushing in the BCTS Chinook Business Area – August 2017

The Board received a complaint that BC Timber Sales (BCTS) in the Chilliwack area was not doing enough to remove competing vegetation on recently planted cutblocks. The complainant was concerned that the plantations could grow poorly due to competition from brushy vegetation and that BCTS might not meet its legal obligations for reforestation. Brush competition is a chronic issue for forest plantations in the Chilliwack area because it has some of the most productive growing sites in BC.

The Board investigation found that BCTS did significantly reduce its brushing in the Chilliwack operating area between 2013 and 2016. However, this was not a long-term change; rather it was a period of re-evaluation by BCTS before resuming its brushing program in 2017. The Board also found that BCTS is undertaking adequate measures to reduce competing brush and comply with its legal reforestation requirements.



### Forest Roads and Grizzly Bear Management in the Kettle-Granby Area – August 2017

In July 2015, the Friends and Residents of the North Fork (FRNF), filed a complaint with the Board asserting that FLNRO was not protecting the grizzly bear population in the Kettle-Granby area of the Selkirk Natural Resource District, north of Grand Forks.

The basis for FRNF's assertion is that government did not establish legal objectives to limit road density when it established general wildlife measures for grizzly bears in a legal Order under the *Government Actions Regulation* (GAR) in 2010. Instead, government opted for non-binding road density targets, which appear in an appendix to the Order, as recommended management guidelines that were to be met over time with targets set for 2013 and 2027. FRNF is concerned that neither the road density targets recommended by biologists, nor the interim 2013 targets, are being met, and that road densities are actually increasing over time.

The Board found that government did not make road density targets a legal requirement in GAR Order 8-373, due to industry concerns about increased delivered wood costs. Government did not complete several promised planning initiatives and licensees did not implement the road density targets because they were not a legal requirement. The result is that road density continues to exceed the recommended targets in much of the area, despite the identified risk to the grizzly bear population. The Board made several recommendations to government in this report.



### Impacts of Harvesting and Road Construction on Water Quality in McClure Creek – October 2017

The Board received a complaint from two water users on McClure Creek, north of Kamloops, who were concerned that harvesting and road construction over the past few years have led to increased sedimentation in McClure Creek, resulting in a buildup of sediment at their domestic water system's dam and water intake.

The Board found that Interfor complied with section 60 of the *Forest Planning and Practices Regulation* under FRPA and that Interfor's activities at the cutblock and watershed level did contribute to the sedimentation in McClure Creek. However, the Board could not quantify the contribution from Interfor's activities compared to other potential sources of sediment.



During the course of this investigation, Interfor contracted specialists and developed a remediation plan and committed to implementing it. In the Board's opinion, it would have been appropriate for Interfor to anticipate the need for a preliminary watershed assessment to determine if a more detailed assessment was required. Interfor, in consultation with the complainants, prepared and implemented several plans to address the potential impact of its activities on sediment entering McClure Creek and has committed to following the recommendations made in this report.

### Granite Bay Visual Quality Objectives – November 2017

Residents of Granite Bay filed a complaint in January 2017. Granite Bay is on Quadra Island in the Campbell River Natural Resource District. When the complainants purchased their properties, government maps showed the area across from Granite Bay as part of Small Inlet Marine Park, leading the complainants to believe the area would not be logged. However, government had incorrectly mapped the area and it is actually located within Tree Farm Licence (TFL) 47, which means it is part of the timber harvesting landbase. The complainants wanted government to establish more restrictive objectives for protection of visual quality in the event logging proceeded in the area.

As a result of the Board's investigation, the district manager committed to reviewing the existing visual quality objectives within three years. The complainant is satisfied with that commitment and considers the matter resolved.

### Managing At-Risk Plant Communities near Mount Elphinstone Park – January 2018

Elphinstone Logging Focus, an environmental group on the Sunshine Coast, complained that cutblocks sold by BCTS would impact at-risk plant communities and affect the integrity of an ecosystem near Mount Elphinstone Park.

The Board investigated and determined that the mature forest stands in the cutblocks contained plant communities listed by the BC Conservation Data Centre as being in peril, or of special concern. There are no government objectives protecting the plant communities and BCTS's protocol for managing species at risk only includes plant communities found in old forest, not the mature forest stands in this area. After the complaint had been filed, the site was harvested.

The Board made two recommendations to government and BCTS to improve the management of these at risk plant communities in the future.



### Results and Strategies for Visuals in an Approved Forest Stewardship Plan – February 2018

A complaint was filed by a resident of Lardeau in the West Kootenay region of southeastern BC, alleging that the visual quality section in ATCO Wood Products' (ATCO) approved FSP is not compliant with FRPA and is not enforceable.

A Board investigator met with the complainant to clarify their concerns. The investigator also met with ATCO and the District Manager of the Selkirk Natural Resource District to review the concern and the wording in the FSP. Both ATCO and the district manager agreed that the wording in the FSP was not as clear as it should be and were open to suggestions on how to improve the wording.

ATCO have committed to submitting an amendment to the FSP to address this concern. The Board is pleased with ATCO's cooperation and willingness to review and amend the visual quality result and strategy in its FSP, and is satisfied that the amendment addresses the complainant's concern. The complainant considers that this resolution is suitable.



## RECOMMENDATIONS MADE AND RESPONSES RECEIVED

### Forest Roads and Grizzly Bear Management in the Kettle-Granby Area – August 2017

In accordance with section 131 of FRPA, the Board made the following recommendations:

1. Government should confirm its population recovery objective and develop a strategy that includes a population target for the Kettle-Granby grizzly bear population unit.
2. Government should consider revising GAR Order 8-373, in light of the recent grizzly bear research in the Kettle-Granby area and the failure to meet the road density targets through voluntary guidance.
3. Government should provide leadership to reduce the current risks to bears in the Kettle-Granby area. Government should lead local licensees and BCTS in an operational planning process for roads and timber harvesting in the Kettle-Granby specified area that protects high value bear habitat and addresses access management.
4. Government should monitor the amount of open road density, secure core area, and grizzly population size and distribution over time and make further adjustments to management and legal requirements if and as needed.

### Response Received

In late January 2018, the Board received a response from government committing to the following actions:

1. Development of a strategy that will be used to guide grizzly bear habitat management and industrial planning decisions;
2. A review of GAR Order 3-873, including consideration of current research in important grizzly bear feeding habitats to target areas for seasonal closure and to have licensees report road densities within their operating areas;
3. Co-ordination of road deactivation and rehabilitation activities with licensees across the Kettle-Granby grizzly bear population unit; and
4. Development of a monitoring program to inform adaptive management actions and to also monitor road densities in the grizzly bear population unit.

The Board considers this file closed as of February 2018.



### Managing At-Risk Plant Communities near Mount Elphinstone Park – January 2018

In accordance with section 131 of FRPA, the Board made the following recommendations:

1. Government should provide legal objectives or guidance for managing the amount and distribution of these plant communities in the TSA.
2. Government should update the list of plant communities in the *Identified Wildlife Management Strategy*.
3. BCTS should revise its protocol to include consideration of younger occurrences of plant communities.

In accordance with section 132 of FRPA, the Board requests that Government respond to recommendations 1 and 2, and BCTS respond to recommendation 3 by June 30, 2018.

### Maintenance of the Cooke Creek Forest Service Road near Enderby – October 2016

In October of 2016, the Board published a complaint report about the maintenance of the Cooke Creek Forest Service Road at Dale Lake. The investigation found that BCTS did not adequately maintain the road, and the Okanagan Shuswap Natural Resource District did not design a culvert to accommodate expected peak flows.

The Board recommended the following:

By November 30, 2016, the Okanagan Shuswap Natural Resource District and BCTS prepare an action plan describing how they will avoid similar design and maintenance issues in the future.

### Response Received

In April 2017, the Board received a response from the Okanagan Shuswap Natural Resource District and BCTS describing plans to improve professional documentation in three specific areas related to road design and maintenance practices, and to communicate these changes to staff. The file was closed in August 2017.



## NEW COMPLAINTS RECEIVED

Date Received	Location	Issue	Status
June 15, 2017	Castlegar	Two landslides may have increased sedimentation into Little Cayuse Creek.	Ongoing
August 29, 2017	Castlegar	Complainant asserted that forestry activities had caused damage to their water supply. The complaint was resolved and withdrawn shortly after dialogue with an investigator and other involved parties.	Resolved
October 26, 2017	Haida Gwaii	Development plans may not achieve ecological risk targets or higher level plan objectives. Cedar appears to be disproportionately targeted and the complainant is also concerned about the rate of cut plus impacts to biodiversity, connectivity and hydrology.	Ongoing
November 14, 2017	Peachland	Forest activities are potentially impacting drinking water quality in two community watersheds.	Ongoing
November 15, 2017	Penticton	Stream damage was observed on a road where culverts had been removed and filled in with rock, maybe blocking fish passage.	Ongoing
November 24, 2017	Lardeau	The visuals result and strategy in an FSP contained wording that created concern. The complaint is resolved and a closing letter has been posted to the Board website.	Resolved
February 1, 2018	East Thurlow Island	Logging practices may not be consistent with ecosystem-based management and are potentially affecting red- and blue-listed plant communities.	Ongoing
February 1, 2018	Haida Gwaii	Hydrology and sediment transport may be causing adverse impacts to streams and road surfaces.	Ongoing





# SPECIAL PROJECTS

**1 SPECIAL INVESTIGATION PUBLISHED**

**2 SPECIAL REPORTS PUBLISHED**

**1 NEW SPECIAL INVESTIGATION STARTED**

**1 SPECIAL REPORT IN PROGRESS**

**3 SPECIAL INVESTIGATIONS IN PROGRESS**

## SPECIAL INVESTIGATIONS VS SPECIAL REPORTS

The Board can choose to investigate or report on a matter without waiting for an audit or a public complaint to identify an issue. Special investigations deal with forestry-related matters that are of interest to the province as a whole, as opposed to audits and complaints, which are more targeted. Special investigations focus on compliance with legislation, or appropriateness of enforcement, but may also raise policy implications.

The Board Chair can issue a special report to comment publicly on a matter related generally to the duties of the Board or the results of its work. Special reports may summarize trends or findings of Board audits or investigations; identify and discuss forest or range policies and legislation; or raise forest or range stewardship issues to foster public understanding and discussion.

## SPECIAL INVESTIGATION REPORTS COMPLETED

### Resource Road Construction in Steep Terrain – September 2017

This special investigation set out to determine whether the parties who construct resource roads on steep terrain are meeting legal requirements of the *Forest and Range Practices Act* (FRPA) and whether or not professional standards of practice and the related guidelines of the professional regulatory bodies are being followed.

The investigation found that, while forestry roads on steep slopes were constructed in compliance with most of the legislative requirements, nearly one-quarter were not considered structurally safe for industrial users. Five of the road segments assessed had no specialist involvement and did not ensure the safety of the road builders or other road users, as required by legislation.

## SPECIAL REPORTS COMPLETED

### Special Report on the Forest and Range Evaluation Program – November 2017

This special report focused on government's Forest and Range Evaluation Program (FREP), which monitors results on the ground to ensure planning, policy and practices are effective in meeting government objectives for sustainable forest and range management, as established in FRPA.

The Board evaluated FREP's progress in implementing its effectiveness monitoring role in the FRPA framework, using FREP's intended program outcomes as the evaluation criteria.

The Board found that FREP has made some progress in achieving its intended outcomes, but there are four key issues limiting FREP's progress. Some of these issues, or components of the issues, have developed over time, due to factors that are outside of FREP's control.

The four issues are: (i) communicating how effectiveness of practices is being measured, (ii) updating monitoring priorities and responding to growing demands for information, (iii) engaging licensees and involving specialists in the monitoring program and (iv) ensuring FREP's results lead to continuous improvement of practices under FRPA.

### Special Report: Opportunities to Improve the Forest and Range Practices Act – December 2017

The purpose of this special report was to identify key opportunities to improve the FRPA. It is based on a review of Board recommendations from reports published since 2010 and the government's response to those recommendations. The report identifies five priority recommendations, discusses why they continue to be priorities in 2017, and describes the status of government's implementation.





## RECOMMENDATIONS MADE AND RESPONSES RECEIVED

### Resource Road Construction in Steep Terrain – September 2017

In accordance with section 131 of FRPA, the Board made the following recommendations:

1. The Board requests that, in view of the potential consequences and risks, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO) 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. The Board requests that the Joint Practices Board (JPB) of the Association of BC Forest Professionals (ABC FP) and the Engineers and Geoscientists British Columbia advise it of the steps, planned or taken, to address the professional practice issues identified in this report.

In accordance with section 132 of FRPA, the Board requests that FLNRO and the JPB advise it of the steps taken to implement the recommendations by March 22, 2018.

### Response Received:

In late March 2018, the Board received responses from both FLNRO, as well as the ABCFP.

In response to the Board's first recommendation, FLNRO stated it continues to review resource road legislation for improvements, however also stated it would be presumptive at this time to suggest specific legislative changes in advance of completion of the Professional Reliance Review.

In response to the second recommendation, the JPB (made up of members from the ABCFP and the Engineers and Geoscientists of BC) committed to carrying out a review to determine if an update to their guidelines on forest roads is required, and/or, if another form of communication is necessary. The JPB is also gathering background information for a response to each of the professional issues identified by the Board in the special investigation report.

Government and the JPB have discussed the report and have agreed to work together and will update the Board as to the progress of the recommendations.

### Special Report on the Forest and Range Evaluation Program – November 2017

In accordance with section 131 of FRPA, the Board made five recommendations that, if implemented, will assist FLNRO in achieving FREP's intended program outcomes and, ultimately, should result in continuous improvement of forest practices, policies and legislation. The recommendations are:

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 *Government Actions Regulation* (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.

In accordance with section 132 of FRPA, the Board requests that FLNRO notify it of the steps taken to implement these recommendations by March 31, 2018.

**Response date extended to September 30, 2018.**



## SPECIAL PROJECTS IN PROGRESS

### Special Report: Evaluating Government's Approach to the Management of Fish Habitats

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.

### Special Investigation: Harvesting Young Stands of Timber on the BC Coast—Does Age Matter?

The purpose of this report is to explore the extent of young stand harvesting in five coastal timber supply areas (TSAs) and to comment on issues related to harvesting at young stand ages, if this practice is extensive. Concerns have been expressed to the Board that this practice may threaten sustainability and stewardship.

### Special Investigation: Government's Compliance and Enforcement Program

This report will focus on the system that the Compliance and Enforcement Branch of FLNRO has in place to fulfill its mandate and whether it's operating appropriately to ensure licensees are complying with FRPA and the *Wildfire Act*. The Board has heard concerns from the public and the forest industry about the reduced presence of compliance and enforcement staff in the field.

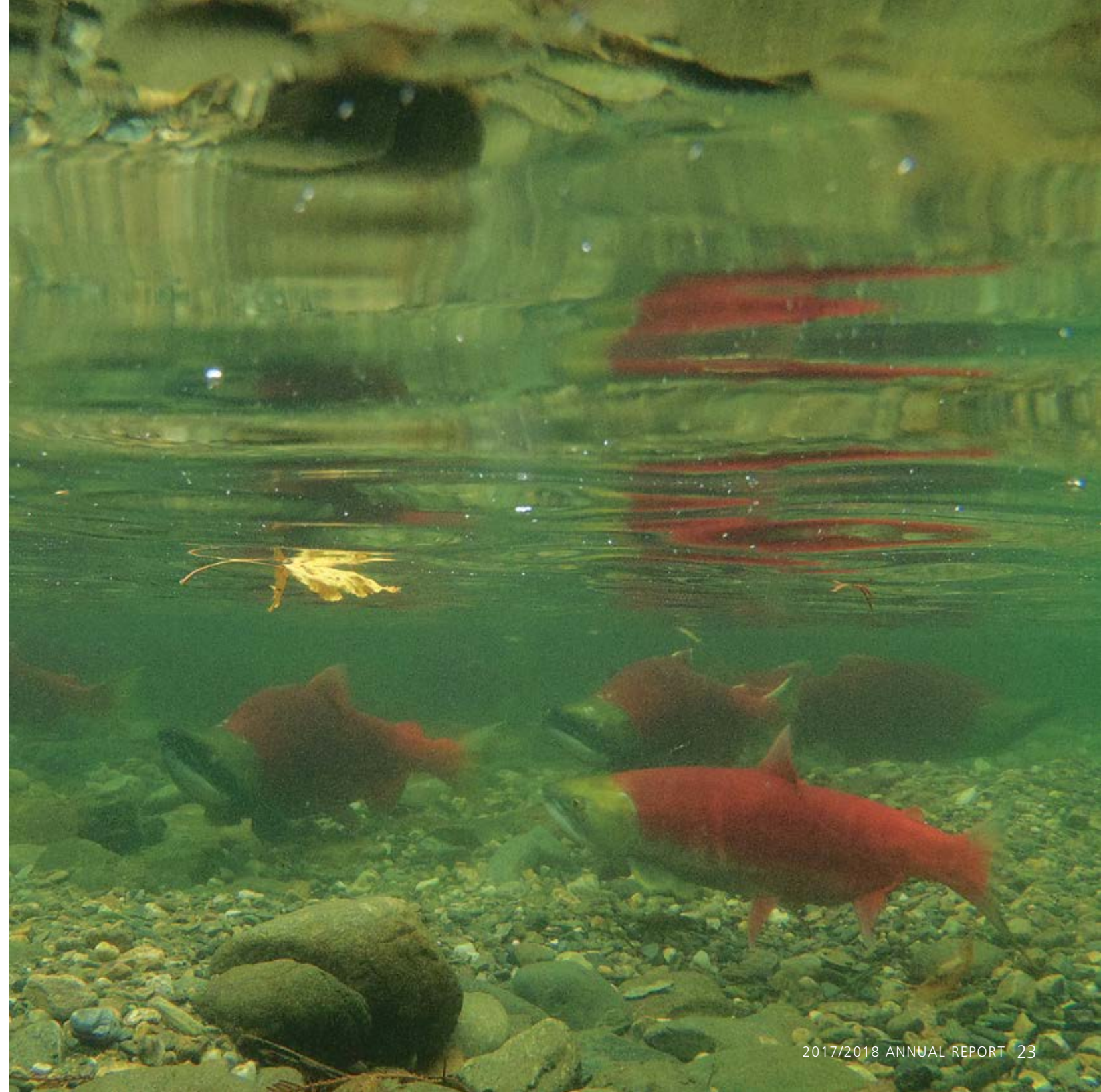
### Special Investigation: Woodlot Management and Practices in the Kootenay Lakes TSA

This report will focus on woodlots in the Kootenay Lakes TSA to determine if the level of non-compliance is indicative of a larger issue. Of the 24 woodlots audited by the Board, 10, including all 4 in the Kootenay Lake TSA, had non-compliances with legislation. The problems were wide ranging in terms of obligations being met and activities taking place.

## NEW SPECIAL PROJECTS STARTED

### Are Appropriate Reforestation Choices being made in the Interior Douglas-fir Biogeoclimatic Zone? – Special Investigation

This special investigation will focus on reforestation activities in the Cariboo, Thompson-Okanagan, and Kootenay Boundary Natural Resource Regions in areas logged under FRPA between 2008 and 2017. It will include forest licences, tree farm licences, woodlots, First Nations woodland licences, and community forests. The objective of this investigation is to assess whether an appropriate mix of tree species is being maintained in the Interior Douglas-fir (IDF) biogeoclimatic zone of southern BC, and implications for both timber and non-timber values if it is not. Concerns about reforestation in the IDF are timely, as licensees are increasingly focused on the IDF forests as a source of timber after completing salvage logging in beetle-killed pine forests.





# APPEALS

## 25 DETERMINATIONS REVIEWED

### 1 APPEAL REQUESTED

### 2 APPEALS BY OTHERS JOINED

The Board can appeal certain decisions made by government officials under the *Forest and Range Practices Act (FRPA)* and the *Wildfire Act*. This includes determinations of non-compliance, penalties and approvals of plans for forestry or range operations. This year, we initiated one appeal.

The Board can also join appeals launched by others (e.g., licensees) in order to make submissions on the case, and this year we joined two. The Board joins these appeals to ensure the general public's interest in the matters at issue are considered, in addition to the interests of the government and the party that is the subject of the determination. Appeals are decided by the independent Forest Appeals Commission.

## FOREST APPEALS COMMISSION DECISIONS

### Canadian National Rail - Wildfire

In August 2016, the Board joined an appeal brought by Canadian National Railway (CNR) concerning damages assessed for a wildfire that burned 171 hectares of Crown land near Williams Lake, BC. The Board participated in the appeal to contribute to the consideration of how damages to forest values are assessed. The burnt area was designated as winter habitat for mule deer under FRPA, and as an old growth management area under the *Land Act*. The government ordered CNR to pay compensation totaling \$321,929.23 for the value of mature Crown timber (\$141,929.23), and other forest land resources and grass land resources (\$180,000), that were damaged or destroyed as a result of the fire.

The Commission hearing took place in March 2017 and the Commission released its decision in November 2017. The Commission ruled that the burnt Crown land should be valued as either forest land or grass land, but not both. Consequently, the total compensation owing was reduced to \$203,597.04, and the appeal was allowed.

The *Wildfire Regulation* calls for compensation of \$5,000 per hectare if a protected area is "forest land" but only \$500 per hectare if the protected area is "grass land." This appears to the Board to be a possible drafting error which should be corrected to provide an equitable treatment of protected areas.

## NEW APPEALS

### BCTS Forest Stewardship Plan Approval

In early April 2017, the Board joined an appeal by BC Timber Sales (BCTS) concerning a district manager's refusal to approve a BCTS forest stewardship plan (FSP). The district manager was concerned that the FSP was not consistent with government's objectives. The Board agreed with the district manager and also had additional concerns with the content, so it joined the appeal. The Board then joined discussions with BCTS and the district manager and the parties negotiated an amendment to the FSP that addressed the concerns. As a result, BCTS withdrew its appeal in early May.

### Rappard - Wildfire

A private landowner caused a wildfire and was assessed fire control costs under the *Wildfire Act*. The landowner appealed the fire control cost order on the grounds that it should not include costs for a fire crew that, he alleges, arrived after the fire had already been contained by a RapAttack crew. The decision-maker felt he had no discretion to question resourcing decisions. The Board joined the appeal to contribute to the consideration of how much discretion a decision-maker has to vary the amount when issuing cost orders. The appeal is set for hearing in 2018.

### DNT Contracting - Wildfire

The Board appealed a determination involving a 90-hectare forest fire near Vanderhoof in 2014, caused by forestry operations. Under the *Wildfire Regulation*, forestry activities should have been shut down at the time of the fire. However, the parties involved mistakenly relied on information from the wrong weather station, according to which operations were permissible in the mornings until 1:00 p.m. The decision-maker accepted the defence of "mistake of fact," based on reliance on the wrong weather station. The Board has appealed on the grounds that the mistake of fact defence should not have been accepted. The appeal will be heard by way of written submissions in the spring of 2018.





# COMMUNICATIONS

## WEBSITE USERS

**14,177**

**80.9%**  
New Visitors

**19.1%**  
Returning  
Visitors

## OTHER MEDIA

**26**

News  
Releases  
Issued

**25**

Speaking  
Engagements

**35**

Conferences  
& AGMs  
Attended

**25**

Media  
Interviews

**62**

Media  
Stories

**18**

Published  
Reports

**2**

Newsletters

## SOCIAL MEDIA

**140**

New Twitter  
Followers

**54**

New Facebook  
Likes

The Board makes significant efforts to communicate with the public and stakeholders about the Board's role in sound forest management in BC and about the results of our work. Over the course of the last year, the Board has published reports on important topics which have generated a lot of interest in media and from concerned individuals.

Communicating our findings to the public is one of our most important activities. As part of that work we have had many rewarding and informative discussions in person with parties all over BC, and for the first time, internationally. Highlights from this year include a presentation to the Commonwealth Forestry Conference in Dehradun, India, presentations to several groups and organizations discussing our reports on forest stewardship plans and steep road construction, several meetings with First Nations groups around BC and presentations to students at VIU, UNBC, BCIT and UBC.

## REPORTS PUBLISHED

1. Closing Letter – Planning Harvesting to Maintain Landscape-Level Biodiversity Values
2. Audit of Range Planning and Practices: Thompson Rivers Natural Resource District – Range Agreements for Grazing RAN077749
3. Impacts of Harvesting and Road Construction to Malakwa Creek
4. Adequacy of Brushing in the BCTS Chinook Business Area
5. Forest Roads and Grizzly Bear Management in the Kettle-Granby Area
6. Resource Road Construction in Steep Terrain
7. Impacts of Harvesting and Road Construction on Water Quality in McClure Creek
8. Audit of Forest Planning and Practices: Winton Global Lumber Ltd. – FL A18171
9. Special Report on the Forest and Range Evaluation Program
10. Closing Letter – Granite Bay Visual Quality Objectives
11. Special Report: Opportunities to Improve the Forest and Range Practices Act
12. Forestry Audit: BCTS and Timber Sales Licensees – Strait of Georgia Business Area – South Island Natural Resource District
13. Audit of Forest Planning and Practices: Lakeside Pacific Forest Products Ltd. – FL A19207
14. Professional Reliance Review – FPB Submission
15. Managing At-Risk Plant Communities near Mount Elphinstone Park
16. Closing Letter – Results and Strategies for Visuals in Atco Wood Products' approved Forest Stewardship Plan
17. Audit of Forest Planning and Practices: Downie Street Sawmills Ltd.
18. Audit of Forest Planning and Practices: West Fraser Mills Ltd. – TFL 52

### MOST POPULAR REPORTS ON WEBSITE

1	Resource Road Construction in Steep Terrain
2	Professional Reliance Review – FPB Submission
3	Special Report on the Forest and Range Evaluation Program
4	Special Report: Opportunities to Improve the <i>Forest and Range Practices Act</i>
5	Forest Roads and Grizzly Bear Management in the Kettle-Granby Area





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  4. Forest policy - British Columbia - Periodicals.
  5. Forest management - British Columbia - Periodicals.
  6. Forestry law and legislation - British Columbia - Periodicals. I. Title.
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**Forest  
Practices  
Board**

310 -1675 Douglas Street  
PO BOX 9905 STN PROV GOVT  
VICTORIA B.C. CANADA  
V8W 9R1

TOLL-FREE 1-800-994-5899  
TEL 250-213-4700 FAX 250-213-4725  
FB BC Forest Practices Board  
TWITTER @BC\_FPBoard