

March 29, 2018

Mr. Dave Clarke, RPF
Executive Director
Forest Practices Board
PO Box 9905 Stn Prov. Gov't
Victoria, BC
V8X 9R1

Dear Mr. Clarke,

We are writing in response to a request made by the Forest Practices Board (FPB) in its Special Investigation of *Resource Road Construction in Steep Terrain SIR 47, Sept 2017*. In that report, the Board made the following recommendation to address a key finding related to forest professionals:

“The Board requests that the Joint Practices Board of the Association of BC Forest Professionals 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.”

The report identified six issues related to the involvement of professionals when investigating “Are professional practice standards being met?”¹

The Association of BC Forest Professionals (ABCFP) and Engineers and Geoscientists of BC (EGBC) operate a Joint Practice Board (JPB) to address areas of overlap in professional practice. The councils, or their CEO's, direct the activities of the JPB. A primary product of the JPB is professional guidance that advises and directs the practice of members of ABCFP and EGBC.

ABCFP and EGBC appreciate the FPB investigations and reporting on resource road construction in steep terrain. As requested in the report, the associations would like to update the Board on the steps planned and taken, to address the FPB recommendation in SIR 47.

- The **Guidelines for Professional Service in the Forest Sector – Forest Roads** currently contain content dealing with steep roads in complex or potentially unstable terrain.

¹ *Resource Road Construction in Steep Terrain. FPB/SIR/47. Forest Practices Board. September 2017. P.9*

The JPB will carry out a review to determine if an update to these guidelines is required, and/or, if another form of communication is necessary, in light of the FPB Report.

- The JPB has met and discussed the FPB report and asked the Directors of Professional Practice to gather background information that might be available on the problem. The professions will be providing a response to each of the professional issues identified by the Board in SIR 47.

In addition to the recommendation to the ABCFP and EGBC, the FPB provided a recommendation to government.

“The Board requests that, in view of the potential consequences and risks, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development 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.”

The professions have discussed the FPB report with the government (Ministry of Forests, Lands, Natural Resource Operations and Rural Development) and have agreed to assist the appropriate FLNRORD staff with the recommendations from the Board.

The professions will update the FPB as to the progress of the recommendations.

If the Board has any questions regarding this response or future progress, please contact the respective Directors of Professional Practice, Mike Larock RPF mlarock@abcfp.ca , and /or Peter Mitchell PEng pmitchell@apeg.bc.ca .

Sincerely,



Mike Larock, RPF,
Director of Professional Practice and Forest Stewardship
Association of BC Forest Professionals

On behalf of the Joint Practice Board of ABCFP/EGBC,

cc. Peter Mitchell, P.Eng.
Director, Professional Practice, Standards and Development
Engineers and Geoscientists BC



File: 97150-20/2015-12

May 24, 2018

Mike Larock, RPF
Association of BC Forest Professionals
602 – 1281 West Georgia Street
Vancouver, BC V6E 3J7

Dear Mike Larock:

Re: Special Investigation of Road Constriction in Steep Terrain

Thank you for your reply to our recommendation on behalf of the Joint Practices Board of the Association of BC Forest Professionals and the Engineers and Geoscientists of BC (JPB). We understand from the reply that the JPB is researching how best to address the recommendation. Two issues identified in our report were, roads being constructed without the use of appropriate professionals and some professionals not undertaking all the requirements of their role.

We consider your reply an interim measure to our recommendation, “...advise it [the Board] of the steps, planned or taken, to address the professional practice issues identified in this report”. We look forward to a more fulsome reply by October 31, 2018.

Yours sincerely,

A handwritten signature in purple ink, appearing to read "Bruce Larson", is written over a light blue horizontal line.

Bruce Larson
Vice-Chair

CC: Peter Mitchell, P.Eng. – Engineers and Geoscientists BC



March 18, 2019

Mr. Kevin Kriese
Chair
Forest Practices Board
PO Box 9905 Stn Prov. Gov't
Victoria, BC V8X 9R1

Dear Mr. Kriese,

Re: Update Response to *Resource Road Construction in Steep Terrain SIR 47, Sept 2017*

We are writing to update you on our action in response to the Forest Practices Board (FPB) recommendations in the Special Investigation Report *Resource Road Construction in Steep Terrain (SIR 47), Sept 2017*.

It is evident from the FPB findings that all responsible parties need to do more to protect the interests of the public in the development of access structures in steep terrain. As professional regulators, we are committed to taking action to address the issues within our direct control and working together with our partners in professional reliance on shared issues.

The SIR 47 report identified six professional issues related to the involvement of professionals when investigating "Are professional practice standards being met?" Two of these six issues relate to the specific conduct and competent practice of professionals and the professional regulators have taken direct actions to these in response.

There is a limited ability of the professional regulators to independently address several of the issues as they jointly involve other players in the professional reliance system, the provincial government who is responsible for the related policy framework and its enforcement, and resource users (tenure holders, contractors, permittees, etc) who are required to appropriately use professionals. In these circumstances, we have worked in partnership to either influence our professional reliance partners or develop shared actions.

Completed actions and ongoing efforts in response to each of the professional practice issues identified in the SIR47 are below:

- 1. No professional input. Plans were not prepared for road construction in steep terrain.**
- 2. Plans being prepared by non-professionals.**

It is clear the building of forest roads in complex terrain is part of the practice of professional forestry or the practice of professional engineering, which means that a qualified professional or specialist must be involved.

The ABCFP and Engineers and Geoscientists BC are regulated professions with right to practice. This authority provides the ability to undertake enforcement actions against those individuals, companies, or agencies, who are, or have, engaged in the practice of professional forestry or engineering and are not authorized to do so. The regulators have considered their ability to make a legal case with respect to practice infringement as it relates to *SIR 47* and determined a successful outcome is not likely without regulatory change.

In response, regulators are continuing to implement proactive and preventative measures aimed at preventing future potential infringement. This includes:

- Ongoing external communications efforts to raise public awareness of the legal responsibility for, and importance of, using regulated professionals which aims to ensure only those with appropriate education, skills and whom are answerable to the public undertake such work.
- Seeking policy solutions with government. During the professional reliance review and the government's subsequent development of the recently introduced Professional Governance Act, the ABCFP recommended the inclusion of new tools and mechanisms to better support regulators to respond to infringement of professional practice. Government has not yet acted upon these recommendations, but the ABCFP is cautiously optimistic the government may give this future consideration and will continue to raise this matter with its government partners.

3. Coordinating Registered Professionals (CRP) not recognizing the need for a specialist.

4. CRPs being reluctant to involve a specialist due to the potential cost increases from Recommendations.

ABCFP and Engineers and Geoscientists BC have made significant efforts through our joint practice board to provide practice guidance to professionals who provide services associated with forest roads. Specifically:

- Guidelines for Professionals in the Forest Sector – Forest Roads (2012)

As well as the following related documents:

- Guideline Matrix on Professional Roles and Responsibilities for Forest Road Crossings (penultimate draft January 2019)
- Guidelines for Professional Services in the Forest Sector – Crossings (version 2, 2014, ver1 2005)
- Guidelines for Professional Services in the Forest Sector – Terrain Stability Assessments (August 2010)
- Guidelines for Management of Terrain Stability in the Forest Sector (May 2008)

With a solid body of practice guidance in place, related professional development opportunities have been increased to ensure professionals understand and apply the requirements for delivering professional service in steep terrain. This has included distributing practice bulletins and reminders, profiling aspects of the guidance in professional articles, presentations at annual conferences, and thru the ongoing development of webinar offerings for professionals.

In addition, since 2015, up to and including 2018, the ABCFP has made roads and crossings an area of focus in annual practice reviews (audits) of professionals in their practice. As well, Engineers and Geoscientists BC have included professional engineers and geoscientists practicing in the forest resource sector as a practice area from which members are randomly selected to undergo a practice review.

Going forward the ABCFP and Engineers and Geoscientists BC will continue to update applicable practices guidelines based on operational feedback and audit outcomes, provide related professional development opportunities, and undertake monitoring through practice audit programs to ensure professional practitioners are properly applying guidelines.

5. *Plans being prepared by a professional but the licensee did not follow it.*

6. *Licensees changing a professionally prepared plan but not consulting the professional.*

A matrix was recently completed to assist with understanding professional roles and responsibilities in natural resource (forest) road crossings. The matrix aims to establish a more consistent understanding about how professional service is used and required, by tenure holders and government.

The roles and responsibility matrix is the result of a collaborative effort (and funding) by ABCFP, Engineers and Geoscientists BC, the Ministry of Forests, Lands and Natural Resource Operations and BC Timber Sales. The document brings attention on the entire process of planning, design, construction, maintenance and removal of forest road crossings and aims to prevent misunderstandings and potential gaps that have previously been observed.

Despite the existence of accepted professional standards and defined sound practices to deal with such roads, based on the history of failures of roads on steep slopes there is a need to strengthen the government policy framework. Preliminary discussions have occurred with government officials about amending the current regulatory model to include at least the following:

- Create similar reporting requirements in the Forest Planning and Practices Regulation (FPPR) that currently exist for "As-Built" (FPPR section 77). The regulated reporting requirements establish direct linkage from the activity on the ground, to professional service and documents, then to the statutory requirements of licensees.
- Define "qualified registered professionals" (QRP) as those who meet or exceed the qualification levels established by ABCFP and Engineers and Geoscientists BC, including those QRP's who will also be responsible for the professional works for a road (or crossing) project;

- Establish the following mandatory requirements for steep slopes (60% side slopes or greater):
 - a terrain stability assessment must be carried out by a QRP
 - for those slopes determined to be unstable or potentially unstable, the construction prescription must be full bench cut and end haul unless a QRP provides an alternate design
 - Stream assessments must be carried out by a QRP to assess the down stream impacts of a risk to road failures
 - broaden the current regulatory definition to include "temporarily" inactive roads (currently defined as "wilderness roads") to impose specific inspection and maintenance obligations (or require the road to be deactivated)

ABCFP and Engineers and Geoscientists BC appreciate the FPB investigations and reporting on resource road construction in steep terrain. Many of the actions initiated by ABCFP and Engineers and Geoscientists BC in response will be ongoing into the future. We will continue to urge government policy makers to consider how systemic issues identified by the FPB could be addressed in whole or in part by the establishment of the Professional Governance Act and subsequent regulations, and through changes to the Forest and Range Practices Act.

If the Board has any questions regarding this response or future progress, please contact the respective Directors of Professional Practice, Mike Larock RPF mlarock@abcfp.ca, and /or Peter Mitchell P.Eng. pmitchell@egbc.ca.

Sincerely,



Mike Larock RPF
*Director of Professional Practice and Forest Stewardship
Association of BC Forest Professionals
602 - 1281 West Georgia Street,
Vancouver, BC V6E 3J7*



Peter R. Mitchell, P.Eng.
*Director, Professional Practice, Standards & Development
Engineers and Geoscientists BC
200 - 4010 Regent Street,
Burnaby, BC V5C 6N2*

- cc. Morgan Kennah, RPF, President, Association of BC Forest Professionals
Christine Gelowitz, RPF, Chief Executive Officer, Association of BC Forest Professionals
Ann English, PEng, Chief Executive Officer and Registrar, Engineers and Geoscientists BC
Diane Nicholls, RPF, ADM, Chief Forester, Ministry of Forests, Lands, Natural Resource
Operations and Rural Development
Dave Clarke, RPF, Executive Director, Forest Practices Board
Chris Stagg, RPF, ADM, Ministry of Forests, Lands, Natural Resource Operations and
Rural Development



File: 97150-20/2015-12

March 27, 2019

Mike Larock, RPF
Association of BC Forest Professionals
602 – 1281 West Georgia Street
Vancouver, BC V6E 3J7

Dear Mike Larock:

Re: Special Investigation of Road Construction in Steep Terrain

Thank you for your reply to our recommendation on behalf of the Joint Practices Board of the Association of BC Forest Professionals and the Engineers and Geoscientists of BC (JPB). We have reviewed your response and appreciate the efforts to provide and update practice guidance to professionals and the creation of the guideline matrix on professional roles and responsibilities. We believe the Associations have made significant progress and substantially addressed our recommendations.

We are closing this file on this investigation. However, we will continue to monitor road construction in steep terrain through our audit and investigation work and if required, we will be making comments about how these roads are being managed in those future reports.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kriese", with a horizontal line extending to the right.

Kevin Kriese
Chair, Forest Practices Board

CC: Peter Mitchell, P.Eng. – Engineers and Geoscientists BC