



Forest
Practices
Board

Follow-up Report on Forest Stewardship Plans: Are They Meeting Expectations?

SPECIAL REPORT

MAY 2019

FPB/SR/57

TABLE OF CONTENTS

INTRODUCTION	1
APPROACH	2
1. A review of the content of replacement FSPs	2
2. FSP extensions	2
3. Update from government on their actions to improve public input on planned blocks and roads.....	3
STATUS OF IMPLEMENTATION	3
Recommendation 1	3
Recommendation 2.....	6
Recommendation 3.....	8
CONCLUSIONS	9

INTRODUCTION

In August 2015, the Board published a special investigation report called [*Forest Stewardship Plans: Are They Meeting Expectations?*](#) In that report, the Board made four recommendations aimed at improving forest stewardship plans (FSPs) and public input to the plans. Three of the recommendations were directed at government, and the fourth recommendation was directed at the Association of BC Forest Professionals (ABCFP).

When the 2015 report was published, the Board made the following comments:

The Board is very concerned that many of these current, problematic FSPs have the potential to be extended without a public review or correction of the problems. In the Board's view, such extensions should not be permitted for any FSPs that do not meet the approval tests. Government needs to act immediately if these problems are going to be corrected in the next round of FSP approvals. This report contains recommendations to help achieve these goals.

In June 2018, the Board decided to look at the status and content of new FSPs to see if its recommendations were being implemented and if the new replacement FSPs were improving. The results of that follow-up work are contained in this report.

In May of 2019, the government passed Bill 21, which makes amendments to the *Forest and Range Practices Act* (FRPA) intended to restore public confidence in how BC's forests are managed. The amendments address a number of issues relevant to FSPs and the concerns expressed by the Board in 2015. The amendments are described in the findings section of this report.

APPROACH

The 2015 report findings were substantial, and the recommendations triggered a quick response from government in the form of non-legal direction and training for practitioners and government staff. Since the 2015 report came out, many FSPs have expired and new replacement FSPs have been submitted to the province for approval. To assess whether government's response to the recommendations had any measurable improvement on these replacement FSPs, the Board review included three steps:

1. A review of the content of replacement FSPs

Board staff conducted a review of 10 (or 13 percent) of the new replacement FSPs, including the public input summaries, to assess if the FSP content had improved and what degree of public engagement had occurred. FSPs were selected from six of the eight Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) regions, and represented a range of tenure types and licensees. The review applied the same review standards that were used in the 2015 investigation. Board staff focused the review on the measures and results or strategies for the objectives that had the poorest results in the 2015 report: community watersheds, visual quality, cultural heritage resources, invasive plants, and natural range barriers.

2. FSP extensions

The Board reviewed information on FSP extensions from the FSP Tracking System to assess how many FSPs have been extended and for how long. To determine why FSP extensions are occurring, the Board interviewed staff in nine FLNRORD districts across seven regions, including four district managers from four different regions and six senior professional staff from districts across five different regions. Districts were selected based upon the number of FSP extensions approved since 2016, and for regional representation.

Board staff focused the review on the measures and results or strategies for the objectives that had the poorest results in the 2015 report: community watersheds, visual quality, cultural heritage resources, invasive plants, and natural range barriers.

3. Update from government on actions to improve public input on planned cutblocks and roads

Board staff followed up with FLNRORD to determine the progress on a commitment made in response to the recommendations in the 2015 report to build technology-based solutions for sharing planned cutblock and road information with the public.

STATUS OF IMPLEMENTATION

This section describes the original recommendations, the response to the recommendations from government, and the findings of this review on the progress made to implement the recommendations.

Recommendation 1

Government, and its decision makers, should not extend or approve FSPs that include:

- **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.**

Government's Response

To support immediate improvements to FSPs, then-Minister Thomson issued province-wide expectations to district managers; the Minister's delegated decision-makers under FRPA responsible for approving FSPs. Pursuant to this ministerial direction, the province's chief forester provided specific guidance on the replacement of FSPs in early March 2016. This guidance was intended to inform district managers as they set their local expectations for FSPs in advance of FSP approval decisions. Many district managers subsequently issued expectation letters to licensees to guide preparation of new FSPs.

The ministry developed and delivered a provincial FSP workshop across FLNRORD regions throughout spring 2016. These sessions were designed to assist industry professionals and government staff who are responsible for preparing, reviewing and adjudicating FSPs. The ministry worked with the ABCFP and forest industry representatives to help design the workshops.




Current Status

Plan Content

The review of replacement FSPs assessed the measures and results or strategies for the values that had the poorest results in the 2015 report. Table 1 provides a comparison of results from 2015 and 2018 for the selected values.

Table 1. Comparison of Results

Value	2015			2018		
	Enforceable ¹	Consistent ² or reasonable ³	Met all requirements	Enforceable	Consistent or reasonable	Met all requirements
Community watersheds	71%	38%	38%	63%	50%	38%
Visual quality	74%	51%	51%	80%	90%	70%
Cultural resources	50%	26%	17%	60%	60%	50%
Invasive plants	47%	19%	19%	60%	40%	40%
Range barriers	12%	32%	8%	90%	40%	40%

	High: 80% or more of the results, strategies, or measures conform with approval tests
	Moderate: 50% to 79% of the results, strategies, or measures conform with approval tests
	Low: <50% of the results, strategies, or measures conform with approval tests

¹ The Board tested the selected results, strategies, and measures to determine if they were measurable and verifiable, or enforceable.

² The Board tested the selected results or strategies to determine if they were consistent to the extent practicable with the objective.

³ The Board tested the selected measures to determine if they were reasonable and appropriate—determined on the basis of both efficacy and what is practicable.

There is an improving trend in the replacement FSPs...the most improved measures and results/strategies were those that were the subject of focused training.

There is an improving trend in the replacement FSPs, both in the enforceability and consistency or reasonableness of the content. Overall, the FSP content continues to have a low to moderate degree of conformity with the legal requirements. FSP content was considered not enforceable due to the use of imprecise phrases and words (e.g., “as required” or “may”) to qualify a commitment in a strategy, and due to not defining important terms such as “assessment” or “risk threshold.” FSP content did not demonstrate consistency with the objective in many cases due to not clearly addressing each element of the objective (e.g., in community watersheds, results or strategies must address cumulative effects, water quality, quantity, and timing of flow). Many cultural heritage resource (CHRs) results or strategies do not clearly address the identification of CHR, nor do they commit to protecting or conserving CHRs. These results are disappointing, considering the emphasis that the 2015 report and recommendations put on only approving FSP content that conforms with the legal tests.

The values with the most improved measures and results/strategies were those that were the subject of focused training (visual quality), attention from the Board (natural range barriers), or preparation of guidance documents to support FSP preparation and review (invasive plants). The recent publication of the *Professional Practice Guidelines: Watershed Assessment and Management of Hydrologic and Geomorphic Risk in the Forest Sector* by the Joint Practices Board (ABCFP and Engineers and Geoscientists BC (EGBC)) should hopefully result in improvements to the FSP content for community watersheds in future FSPs.

The amendments to FRPA will repeal the requirement for FSP holders to carry out measures for invasive plants and natural range barriers. Visual quality will no longer be addressed through objectives and approved FSP content. The amendments create regulation-making authority to enable the previously required FSP content for those values to be replaced by legislated practice requirements.

Although not a specific recommendation of the Board, these regulatory changes strengthen the enforceability of practices related to these values. More work is required to improve the enforceability and consistency of FSP content with government’s objectives.

Recommendation 2

Government should ensure that the public has at least one opportunity every five years for full review and comment on FSPs.

Government's Response

To support public consultation on FSPs every five years, the chief forester's March 2016 guidance expressly notes that government expects replacement (new) FSPs, not extensions, for FSPs that are coming to the end of their term. By submitting a replacement FSP, the legal requirement for public consultation is triggered. This enables communities, tenured users, the general public and other affected parties to have a formal opportunity to present their perspectives during the planning phase. As per Sections 21 and 22 of the *Forest Planning and Practices Regulation*, these comments must be considered by the licensee, and the actions taken to address them must be included as part of the FSP submission to the district manager.

Current Status

FSP extensions

Data from the FSPTS indicates that, as of April 1, 2019, there are 141 active FSPs in the province. Of all those active FSPs, 21 (or 15 percent), have received extensions beyond a 10-year term. Multiple extensions were approved on 20 of those plans, resulting in terms of over 15 years on some FSPs. There are 70 licensees currently operating under an FSP that is between 10 and 15 years old.

The interviews indicate that districts granted extensions for various reasons including:

1. Wildfires
2. Clarification of land-use plans required
3. First Nations engagement timeframes
4. Staff turnover and capacity (knowledge) gaps
5. Need more time to finish the plan

Many districts conducted First Nations engagement on short-term extensions, but few are reviewing FSP content prior to granting extensions. Districts are focusing their review efforts on the new replacement FSPs.

It is clear that the preparation and review of FSPs is taking a significant amount of time and resources on the part of both licensees and government. In the meantime, government continues to approve extensions, with little to no consideration of the content, in order to keep companies operating while replacement FSPs are under development. As a result, some licensees will be operating on FSPs over 15 years old until the end of 2020. A cutting permit approved in 2020 subject to the extended FSP will be in effect until 2024.

It is clear that the preparation and review of FSPs is taking a significant amount of time and resources.

That's nearly 20 years without an official opportunity for public review or comment on the licensee's activities.

Public input into replacement FSPs

All 10 FSPs reviewed by the Board met the *Forest Planning and Practices Regulation* requirements for public review and comment. Almost all comments received were from trappers, guide outfitters, or recreation clubs who received a direct referral from the licensee. There were no documented changes made to any FSP resulting from comments received from the public. All public input was responded to, with the typical response indicating that the concerns were more appropriately addressed at the cutblock or road level referral, yet only one FSP holder made a written commitment to refer block and road development to stakeholders likely to be affected.⁴

Only 2 of 10 FSP holders employed public engagement strategies beyond the minimum legal requirements. Examples of additional steps taken include:

- Open houses
- Interactive web mapping showing proposed block plans and harvest plans
- Web-use metrics tracking public access hits and content viewed

The amendments to FRPA will enable only short-term extensions for up to six months in specific circumstances, or up to two years if additional time is required to complete consultations with Indigenous nations. This directly addresses the Board's Recommendation 2.

These amendments will significantly reduce the number of extensions approved by government, improving the public's ability to provide input into the FSP planning process, and ensuring FSPs address the changing forest management context in a timely manner.

⁴ Related to this issue is district manager's authority over forest operations, which was addressed in the Board's 2015 special report (SR52 – District Managers' Authority Over Forest Operations), which recommended that government strengthen the ability of district managers to actively facilitate discussion, co-operation and solutions to potential problems during the planning phase, before permits are issued. The Board noted that this could be achieved by implementing section 81.1 of FRPA, by expanding the intervention authority in section 77, and by amending licence document provisions relating to cutting permits.

Recommendation 3

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

Government's Response

Government told the Board it would like to see enhancements to public engagement in forestry planning. An area that government would be working on further, is building technology-based solutions for sharing the right information with the right parties at the right time.

Current Status

Government's priority in addressing this recommendation has been the work developing the legislative amendment(s) to require FSP holders to provide planned cutblock and road information to the public. However, preliminary discussion and research is underway to identify digital platforms for the publication of planned cutblocks and roads, both in the private and public sectors.

The amendments to FRPA will create a legal requirement for the holder of an FSP to publish a forest operations map that shows the approximate location of cutblocks and roads. This map must be made available for public review and comment, and submitted to government with a report on the public process.

These amendments will directly address the Board's Recommendation 3. This new requirement establishes an opportunity for the public to provide input at the site level, where most concerns have been raised.

These amendments are a good first step to ensuring the public is informed and have an opportunity to provide input on site-level operational development. There is still a critical step required to enable district manager authority to refuse to issue a cutting permit or road permit.

CONCLUSIONS

Licensees are well into the next round of FSPs, although replacements are proceeding more slowly than anticipated. In the meantime, FSP extensions are being granted to keep licensees operating while effort is placed on drafting replacement FSPs to meet government's expectations. The preparation and review of FSPs consumes a significant amount of resources on the part of licensees and government.

Based on this follow-up examination of 10 newly approved FSPs, there is still a lot of work to be done to improve the enforceability and consistency or reasonableness of FSP content with government's objectives. The Board acknowledges that there has been improvement for some of the values—particularly those for which training and guidance have been provided to professionals.

The recent FRPA amendments are expected to improve the enforceability of legal requirements surrounding invasive plants, natural range barriers and visual quality, but this will depend on future regulations. The FRPA amendments should significantly reduce the number and length of FSP extensions which, combined with the new requirement to produce a forest operations map, will provide much greater opportunity for public input to licensees on forest development and improve the ability of FSPs to adapt to the changing forest management context in a timely manner.

Since 2006, the Board has been recommending ways in which the content of FSPs can be made more useful. The FRPA amendments are a good first step to improving public confidence, but the Board continues to be concerned about the quality of FSPs, the amount of effort required to prepare and approve them, and their limited usefulness to the public as a means of understanding and providing input to licensees planned activities. The current regulatory approach to these plans makes it difficult for FSPs to adapt at the same pace and scale as the changes that are occurring on the forested land base. The Board continues to question whether they are the right tool for the job.



**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