



## 2018–2019 ANNUAL REPORT



**Forest  
Practices  
Board**





## OUR MANDATE

To serve the public interest as the independent watchdog for sound forest and range practices in British Columbia.

## OUR PURPOSE

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

## WHAT WE DO

- Audit forest and range practices of government and licence holders on public lands.
- Investigate public complaints.
- Undertake special investigations of forestry or range issues.
- Participate in administrative appeals at the Forest Appeals Commission.
- Provide reports on Board findings and make recommendations to improve forest and range practices, policy and legislation.



## OUR GUIDING PRINCIPLES

- Act on behalf of the public's interest, not those of any single group;
- be straightforward in our approach;
- emphasize solutions over assigning blame;
- behave in a non-adversarial, balanced manner;
- treat all people with respect, fairness and sensitivity;
- perform in a measured, unbiased and non-partisan manner;
- carry out our mandate with integrity and efficiency;
- provide clear and concise reports to the public;
- base actions and decisions on knowledge, experience and common sense; and
- be accessible and accountable.







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## CHAIR'S MESSAGE

The past year has been one of change at the Forest Practices Board and for forest management in BC. Industry and communities are currently coping with the reduction in timber supply due to the mountain pine beetle epidemic and challenging markets, and the province has initiated major changes in forest policy.

For the Board, the past year saw significant changes in Board membership. Bruce Larson, Tara Marsden, and Rick Monchak were appointed in May 2018. Ken Higginbotham completed his term in August 2018 and Gerry Grant joined the Board in March 2019. These new members continue to bring a diversity of experiences and interests, as well as fresh perspectives to our work. In August 2018, I began my term as Chair. One of my first jobs was to reach out and listen to how the Board is viewed by stakeholders and the public.

What we heard is being used by the Board to renew our Strategic Plan. The next version of the Strategic Plan will be publicly available to increase the transparency of what the Board does and why we do it. We are always looking to improve how we operate and the new Strategic Plan will signal the new focus areas for the coming three years.

- In our audit program we continue to receive feedback from licensees who see positive benefits from audits where they improve their own processes through what they learn.
- In our investigations we encounter many situations where the parties are able to resolve the issue before it elevates to a full complaint investigation.

- In addition, our reports often contain recommendations to either the province or forest and range licensees to improve practices. While it is often not visible immediately, the Board's experience is that the province and licensees do pay attention to our recommendations and, over time, they have real impact.

Perhaps the biggest change in forest practices for the year was the introduction of Bill 21 in February. Bill 21 represents the most significant changes to the *Forest and Range Practices Act* (FRPA) since the act was created, and several of the Board's recommendations to improve FRPA are reflected in these amendments to the Act.

While change is overdue, and welcome by many, we also need to make sure the changes made are thoughtful, balanced, and effective. The Board will continue to engage with the public, stakeholders and the province as changes to forest policy move ahead, striving to ensure changes reflect the public interest. It will be an interesting year!



Kevin Kriese  
Chair, Forest Practices Board



Kevin Kriese,  
Gerry Grant,  
Norma Wilson,  
Tara Marsden,  
Marlene Machmer,  
Rick Monchak, and  
Bruce Larson.

## THE BOARD

### Board Member Appointments

The 2018–2019 fiscal year saw many changes in the Board. Three new members, a new Chair and new Vice-Chair were appointed during the year. Two members renewed their terms, while a third stepped down after completing his term.

- New Board Appointment
- Extended Board Appointment
- Completed Board Appointment

May  
2018



Bruce Larson  
PhD, Vice-Chair



Tara  
Marsden



Rick Monchak  
RFP

August  
2018



Kevin Kriese  
Chair

December  
2018



Marlene Machmer  
R.PBio



Norma Wilson  
P.Geo

March  
2019



Gerry Grant  
RPF

**11** BOARD MEETINGS

**7** Conference Calls

**4** Face-to-face in Victoria

### Board Staff

Our staff of 20 is spread across the province. We have 10 people in our Victoria office, and the remaining staff work out of Salmon Arm, Nakusp, Kamloops, Summerland, Kelowna, Comox, Squamish, Langley and Ucluelet. We brought all the staff together twice during the year—once in May for a couple of days of field work and safety training before the summer field season began and again in early December to review field work findings and to participate in development of the Board's 2019–2022 strategic plan.

Two of our Managers of Audits and Investigations retired: Del Williams, RPF and Rob Thomson, RPBio. We hired three new staff during the year: Tracy Andrews, RPF and Astrid van Woudenberg, RPBio joined us as Managers of Audits and Investigations and Tom Bruderer, Geoscientist-in-Training joined us as an Audit Specialist.



Ken  
Higginbotham

**13** RESOURCE PROFESSIONALS

- 8** RPF
- 2** RPBio
- 1** P.Eng
- 1** GIT
- 1** EP(CEA)

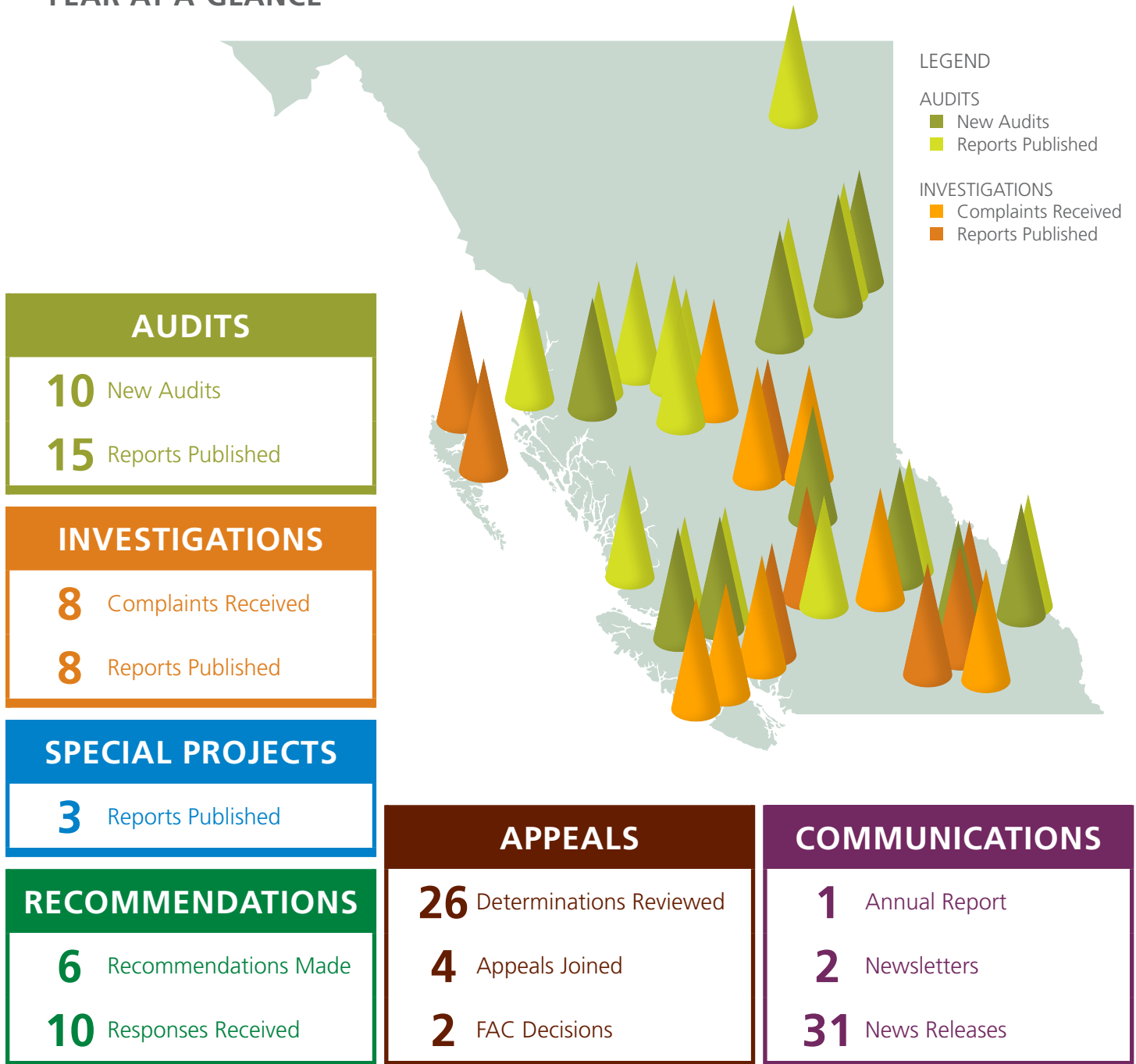
## Financial Report

	Board Members & Executive	Investigations	Audits	Legal	Communications	Administration & Overhead	TOTAL
Salaries & Benefits	350,510	689,742	778,387	158,328	211,977	261,389	2,450,333
Other Operating Costs	129,406	353,794	315,137	26,525	43,380	520,710	1,388,952
Total Operating Expenditures	479,916	1,043,536	1,093,524	184,853	255,357	782,099	3,839,285
Total Capital Expenditures	—	—	—	—	—	—	—
Total Expenditures	479,916	1,043,536	1,093,524	184,853	255,357	782,099	3,839,285
Budget							3,845,000

### 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.

## YEAR AT-A-GLANCE



## AUDITS

### Program Overview

The Board audits forest and range practices on public lands and appropriateness of government enforcement. It can make recommendations for improvement to practices and legislation.

Auditors objectively collect and evaluate evidence to determine if forestry and range activities are consistent with forest and range practices legislation and operational plans. They also ensure that activities are consistent with government objectives for forest resources.

Audit field work takes place between May and October, when sites are snow-free. In 2018, the Board carried out 10 audits spread across the province. These audits examined a variety of different tenure types:

non-renewable forest licence	1
community forest agreement	1
tree farm licences	2
*BC Timber Sales programs	2
range tenure holders	5
forest licensees	7
woodlot licence holders	11

\*including 25 Timber Sale Licence holders

### Audits in Progress on March 31, 2019

BC Timber Sales and Timber Sale Licensees – Arrow Lake Field Unit  
portion of the Kootenay Business Area

Small Scale Salvage Licensees in the  
Cariboo Chilcotin Natural Resource District

Woodlot Tenures:  
W0604, W1780, W1781, W1950 and W2101  
in the Peace Natural Resource District

### Activities Audited in the Field



#### Harvesting

	Population	Sampled
(# of blocks)	389	289



#### Roads

	Population	Sampled
Construction (KM)	602	366
Deactivation (KM)	155	124
Maintenance (KM)	7,634	2,805



#### Bridges

	Population	Sampled
Construction (# of bridges)	33	28
Maintenance (# of bridges)	553	242



#### Silviculture

	Population	Sampled
Free Growing (# of blocks)	600	225
Regeneration Due (# of blocks)	345	122
Planting (# of blocks)	410	127
Site Preparation (# of blocks)	109	31



#### Fire Protection

	Population	Sampled
Fire Protection (# of active sites)	6	6



15

Audit Reports  
Published

## 4 Reports with No Issues

McLeod Lake Mackenzie Community  
Forest Limited Partnership –  
Community Forest Agreement K2M

A&A Trading Ltd. and Terminal Forest  
Products Ltd. – Forest Licence A19229

Western Forest Products Inc. – Tree  
Farm Licence 39 – Blocks 2 and 5

Woodlot Licence W0198

## 11 Reports with Issues

BC Timber Sales and Timber Sale  
Licence Holders – Babine Business Area

0866740 B.C. Ltd. – Forest Licence  
A18700

Gwa'Nak Resources Ltd. – Forest  
Licences A93095 & A93096, and  
Non-Replaceable Forest Licence A75918

Audit of Road and Bridge  
Maintenance and Silviculture Activities  
and Obligations – Canadian Forest  
Products Ltd. – Forest Licence A17007

Woodlot Licence W2050

Woodlot Licences W1687, W1690  
and W1691

Woodlot Licences W0116 & W0199,  
W0117 & W0128, W1534 and W2065

Skeena Sawmills Ltd. – Tree Farm  
Licence 41, Forest Licences A16882  
and A16885

Adams Lake – Forest Licence A89984

BC Timber Sales and Timber Sale  
Licence Holders – Dawson Creek  
Timber Supply Area Portion of the  
Peace-Liard Business Area

Range Agreements RAN073763,  
RAN074477, RAN077890, RAN077784  
and RAN077893

### Adverse opinion:

A non-compliance that is significant, sufficiently pervasive or is of such magnitude as to warrant an overall negative conclusion.

### Area of improvement:

An identified practice that is in non-compliance with legislation but is not considered significant.

### Significant non-compliance:

A non-compliance event or condition that is or has the potential to be significant, and is considered worthy of reporting.

### Unsound practice:

A practice that, although in compliance with the *Forest and Range Practices Act* or the *Wildfire Act*, is not considered to be sound management.

## 2 Unsound Practices

- 1 Bridge & Crossing Maintenance
- 1 Soil Disturbance

## 3 Adverse Opinions

- 1 Bridge Construction
- 1 Bridge Maintenance
- 1 Fire Protection

## 8 Significant Non-Compliances

- 2 Free Growing
- 2 Annual Reporting
- 1 Regeneration Obligations
- 1 Seed Transfer
- 1 Bridge Maintenance
- 1 Culvert Drainage

## 17 Areas of Improvement

- 2 Grazing Schedule
- 2 Bridge Maintenance
- 1 Fire Hazard Abatement
- 1 Free Growing
- 1 Visual Quality
- 9 Fire Hazard Assessment
- 1 Terrain Stability

## COMPLAINT INVESTIGATIONS

### Program Overview

The Board investigates public complaints about compliance with the *Forest and Range Practices Act*, the *Wildfire Act* and appropriateness of government enforcement.

The Board can investigate complaints related to activities occurring on Crown land, such as planning and forest stewardship plans; site plans and woodlot licence plans; forest practices; range plans and practices; protection of resources, including recreational; and industry compliance with government enforcement of legislation.

Each year the Board receives many concerns from the public, but they do not always lead to a complaint investigation. The Board works to resolve concerns before they become a formal complaint. If the issue is within our jurisdiction and the matter cannot be resolved to the person's satisfaction, they may choose to file a complaint with the Board and an investigation will take place.

In 2018, the Board implemented a review of the complaint investigation process and is currently working on updating the *Complaint Investigation Reference Manual* to implement efficiencies and improvements to our investigation process.



**8**  
Reports  
Published

- Logging and Visual Quality near Lillooet
- Western Toads and Forest Harvesting near Summit Lake
- Planned Timber Harvesting at Two Recreation Sites near Rock Creek, BC
- Road Maintenance at Little Cayuse Creek
- Timber Salvage Harvesting and Fisher Management in the Nazko Area
- Forest Practices near Wilson Creek on the Sunshine Coast
- Forestry Activities in the Skidegate Landscape Unit on Haida Gwaii
- Harvest Planning for Ecosystem Based Management on Haida Gwaii

**61** New Concerns Received

**10** Concerns in Progress

**10** Complaints Carried Over from 2017/18

**8** New Complaints Received

**8** Complaints Completed

**10** Complaints in Progress on March 31, 2019

#### Complaint Topics

**4**



Water  
quality

**4**



Biodiversity/  
old growth

**1**



Visual quality  
objectives

**1**



Wildfire



## SPECIAL PROJECTS

### Program Overview

#### Special Investigations

Special investigations are conducted by the Board to 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.

#### Special Reports

The Board 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.

In 2018/19, the Board completed and published three special projects. In addition, five new projects were started, bringing the total number of special investigations and special reports underway at March 31, 2019, to seven, a record high for the Board.

The Board completed field work on 3 major projects, visiting 5 watersheds around the province, over 50 goshawk nest sites on the coast and in the interior, and dozens of reforested sites in the central interior of the province.



3

Reports  
Published

## Special Report

1

- Conserving Fish Habitats under the Forest and Range Practices Act – Part 1: A Review of the BC Government Approach

## Special Investigations

2

- Harvesting of Young Stands in BC
- Woodlot Management and Practices in the Kootenay Lake Timber Supply Area

5

New  
Projects

## Special Reports

2

- Managing Forest Recreation Values under FRPA
- Follow-up Report on Forest Stewardship Plans: Are They Meeting Expectations?

## Special Investigations

3

- Assessment of Forest and Range Planning and Practices to Conserve Fish Habitat in British Columbia – Part 2
- Protection of Species at Risk Under FRPA: Northern Goshawk
- Follow-up Special Investigation of Bridge and Wood Box Culvert Planning, Design and Construction

## Special Reports

2

- Managing Forest Recreation Values under FRPA
- Follow-up Report on Forest Stewardship Plans: Are They Meeting Expectations?

## Special Investigations

5

- Appropriateness of Government's Compliance and Enforcement Program
- Are Appropriate Reforestation Choices Being Made in the Interior Douglas-fir Biogeoclimatic Zone?
- Assessment of Forest and Range Planning and Practices to Conserve Fish Habitat in British Columbia – Part 2
- Protection of Species at Risk Under FRPA: Northern Goshawk
- Follow-up Special Investigation of Bridge and Wood Box Culvert Planning, Design and Construction

7

In Progress on  
March 31, 2019



## RECOMMENDATIONS MADE

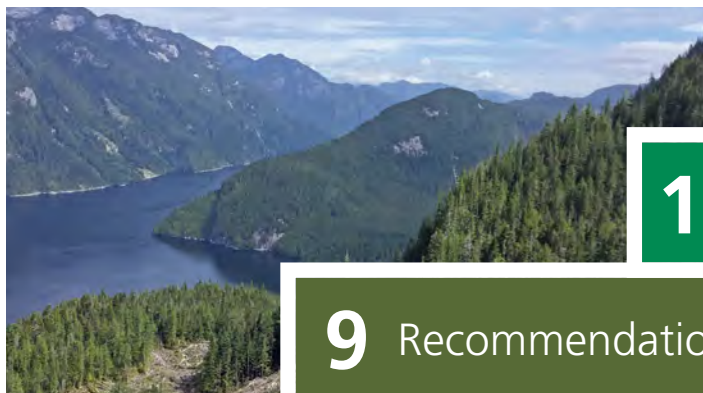
### Recommendations for Improvement

One of the main ways the Board influences continuous improvement is through the recommendations it makes. The Board's recommendation powers are very broad. It can recommend that:

- a matter be referred to the appropriate party for further consideration;
- an act be remedied;
- an omission or delay be rectified;
- a decision or recommendation be cancelled or varied;
- reasons be given;
- a practice, procedure or course of conduct be altered;
- an enactment or other rule of law be reconsidered; and/or
- any other steps be taken.

The Board can request that the party the recommendation is directed at notify it within a specified time of the steps that have been taken or are proposed to be taken to implement the recommendation, or the reasons for not following the recommendation. If the Board is not satisfied that suitable actions have been taken, it can make a report to the minister and the provincial Cabinet on the matter.

In addition to reviewing the responses received on its recommendations, the Board will sometimes follow up to assess whether or not its recommendations have been implemented and forest or range practices have improved. In 2018/19, the Board began work on a follow-up report to determine whether the recommendations in its 2015 special report, *Forest Stewardship Plans: Are They Meeting Expectations?*, have been implemented and whether these plans have improved as a result.



6 New Recommendations Made

10 Recommendations Responded To

9 Recommendations Accepted and Being Implemented



## Recommendation Responses



### **Western Toads and Forest Harvesting near Summit Lake** (May 2018)

The Board recommended that government designate western toad as regionally important wildlife in the West Kootenays. Government decided this designation is not necessary, but will continue to support western toad programs in the area.

### **Special Report on Forest and Range Evaluation Program** (November 2017)

Government generally agreed with all five recommendations in the 2017 report on the Forest and Range Evaluation Program, and committed to improving the program, including developing a new three-year strategic plan and a licensee engagement strategy. The Board will be monitoring progress in implementing these changes.

### **Managing At-Risk Plant Communities near Mount Elphinstone Park** (January 2018)

The Board made three recommendations regarding management and protection of at-risk plant communities. In June 2018, government committed to undertake further analysis and inventories to address risks to rare plant communities, assess the need to update the CDC database, and review the current Wildlife Tree Retention Area guidance to help maintain larger representative components of higher quality rare plant communities. The Board will be monitoring progress in implementing these changes.

### **Resource Road Construction in Steep Terrain** (September 2017)

In March 2019, the Association of BC Forest Professionals and Engineers and Geoscientists BC advised the Board of their efforts to provide updated practice guidance to professionals, including development of a guideline matrix on professional roles and responsibilities, in response to the professional practice issues identified in this report.

## APPEALS

### Program Overview

The Board can appeal decisions made by government officials under the *Forest and Range Practices Act* or the *Wildfire Act*, such as determinations of non-compliance, penalties or approvals of plans for forestry or range operations. Appeals can be made in response to a public request or initiated by the Board.

Appeals are made to the independent Forest Appeals Commission (FAC) if the Board believes a contravention decision was made in error and there is a significant public interest that is affected by the decision. The FAC makes the final decision on appeals and those decisions are legally binding.

The Board receives copies of determinations of contravention issued by government's delegated decision-makers (district managers and fire centre managers).

The Board will join or initiate appeals where there are important issues of precedent in the interpretation of the *Forest and Range Practices Act* or the *Wildfire Act*, or issues of administrative justice, such as the appropriateness of penalties, or procedural fairness.



**26** Determinations Reviewed

**4** Appeals Joined

**0** Appeals Requested

**2** FAC Decisions Received

## Forest Appeals Commission Decisions

### DNT Contracting & 391605 BC Ltd. – 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 improper weather station, according to which operations were permissible. The decision-maker accepted the defence of “mistake of fact,” based on reliance on the improper weather station. The Board appealed on the grounds that the mistake of fact defence should not have been accepted. The FAC agreed with respect to the licensee, and levied a \$10,000 administrative penalty and ordered that reforestation costs be determined. The FAC found that the logging contractor was entitled to the mistake of fact defence in these circumstances.

### 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 alleged, 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. Before the appeal was heard by the FAC, the parties negotiated an agreement to resolve the matter. By consent of the parties, the FAC ordered that the determination was varied, and the amount of fire suppression costs was reduced from \$38,788 to \$28,002.

## New Appeals Joined

**Lemare Lake Logging – Bridge  
Maintenance and Safety Contravention**

**Interfor Corporation – Road Maintenance Contravention**

*The appeal is scheduled to be heard in October 2019*

**Blueberry River First Nations –  
Construction of Unauthorized Trails**

**CN Rail – Wildfire**

*The Board subsequently withdrew from this appeal*





# COMMUNICATIONS

The Board communicates the results of its work in a variety of ways, from issuing news releases when reports are published to presenting the results of audits and investigations at conferences and stakeholder meetings. During the year, board staff and members attended 41 meetings and events, and gave 14 presentations or lectures. Additionally, the Board writes a regular column in the *BC Forest Professional* magazine: The Watchdog's View."



IMPRESSIONS

125,795

↑ FOLLOWERS  
16%



REACH

8,797

↑ FOLLOWERS  
18%



WEBSITE VISITS

29,241

↑ 10%

NEW USERS

16,134

↑ 15%

PUBLICATIONS  
60

REPORTS  
26

ANNUAL REPORTS  
1

NEWSLETTERS  
2

NEWS RELEASES  
31

REPORT DOWNLOADS  
8,698

MEDIA STORIES  
41

Most Popular Reports on Website

1	Harvesting of Young Stands in BC
2	Special Report: Conserving Fish Habitats under the Forest and Range Practices Act – Part 1: A Review of the BC Government Approach
3	Planned Timber Harvesting at Two Recreation Sites near Rock Creek, BC
4	Logging and Visual Quality near Lillooet
5	Timber Salvage Harvesting and Fisher Management in the Nazko Area

Most Popular Reports on Social Media

1	Road Maintenance at Little Cayuse Creek
2	Harvesting of Young Stands in BC
3	Timber Salvage Harvesting and Fisher Management in the Nazko Area
4	Audit of Road and Bridge Maintenance and Silviculture Activities and Obligations – Canfor FL A17007
5	Western Toads and Forest Harvesting near Summit Lake

Most Popular Reports in the Media

1	Audit of Road and Bridge Maintenance and Silviculture Activities and Obligations – Canadian Forest Products Ltd.
2	Audit of BC Timber Sales and Timber Sale Licensees – Babine Business Area
3	Timber Salvage Harvesting and Fisher Management in the Nazko Area



**Other Publications**

2017/2018  
Annual Report

Eye on BC’s Forests –  
Newsletter Issue #19:  
Summer 2018

Eye on BC’s Forests –  
Newsletter Issue #20:  
Winter 2018/19



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2. British Columbia. *Forest Practices Code of British Columbia Act* - Periodicals.

3. British Columbia. *Forest and Range Practices Act* - Periodicals.

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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