



File: 280-20
Cliff: 260571

January 20, 2021

VIA EMAIL: Skye.Dumond@bcfpb.ca

Kevin Kriese, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Kevin Kriese:

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), please accept this letter as government's response to the Forest Practices Board's (Board) recommendations from the special investigation: *Conserving Fish Habitat under the Forest and Range Practices Act (FRPA) PART 2: An Evaluation of Forest and Range Practices on the Ground* (May 2020).

The ministry recognizes the importance of the board's investigation and recommendations to support protection of fish habitat in British Columbia. The legislation governing forestry activities under FRPA are intended to provide a proactive compliment to federal prohibitions towards harmful alteration, disruption or destruction of fish habitat. We remain committed as a province to meet requirements and implement continual improvements to fish habitat protection and conservation as the manager of B.C.'s natural resources.

I provide the following responses to each of the board's specific recommendations:

Recommendation 1:

Government should amend FRPA and/or its regulations to ensure that there is a clear and enforceable requirement to minimize sediment entering streams during road construction, maintenance and deactivation.

Government Response:

We concur that the current language under FRPA governing fish habitat protection during road construction, maintenance and deactivation should be updated to better inform and enforce the original intent and expectations. We will provide the Board with updates on the workplan and estimated timelines as we progress on the actions below.

- The ministry will be reviewing language, particularly under the Forest Practices and Planning Regulations (FPPR) Section 56 (Protection of Fish and Fish Habitat) and Section 76 (6) (Road Maintenance) for possible improvements.
- The ministry will also undertake a process to review and recommend improvements to the criteria used to determine whether or not fish habitat is being unreasonably impacted across government programs that monitor and assess aquatic ecosystems.
- In addition, while the Compliance and Enforcement (C&E) team has accountability under numerous pieces of legislation, we can confirm that water and fish habitat are among the top priorities. The above two actions will support the work of the C&E team.

Recommendation 2:

Government should update guidance and standards for road construction and maintenance to clearly identify practices needed to minimize sediment entering streams during road construction, deactivation, and on an ongoing basis during road maintenance.

Government Response:

The ministry concurs that updated guidance and standards are needed. Through the Engineering Branch, work is currently underway to complete improvements to guidance including for inspection and maintenance of forest service roads (FSRs) within the Engineering Manual. Work is also underway with the Association of Professional Engineers and Geoscientists of BC and the Association of BC Forest Professionals to develop a parallel professional reliance roles and responsibilities matrix for forest roads. This work is on track to be completed and released in spring 2021.

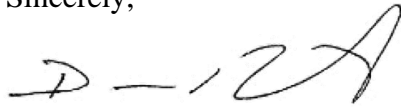
Summary:

In closing, the ministry would like to reiterate its appreciation for the Board's comprehensive review and insightful recommendations. We will provide the Board with an update on progress in reviewing FRPA language, implementing updated guidance and improving assessment criteria within eight months, targeting September 15, 2021.

Kevin Kriese

Please contact me at David.Muter@gov.bc.ca if you would like to further discuss this response and the ministry's actions to address the Board's recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Muter', written in a cursive style.

David Muter
Assistant Deputy Minister
Resource Stewardship Division

Copy: John Allan, Deputy Minister
Diane Nicholls, Chief Forester, Assistant Deputy Minister
Matt Austin, Assistant Deputy Minister, Integrated Resource Operations Division
Sarah Fraser, Acting Assistant Deputy Minister, Rural Opportunities, Tenures and
Engineering Division
Laura Plante, Executive Director, Natural Resources, Resource Stewardship Division
Peter Wyatt, Director, Engineering Branch
Jennifer Davis, Director, Fish and Aquatic Habitat Branch
Norah White, Manager, Sustainable Resource Management, Resource Practices
Branch



Forest Practices Board

File: 97325-20/2018-36

March 2, 2021

David Muter
Assistant Deputy Minister
Resource Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development
P.O. Box 9352, Stn Prov Govt
Victoria BC V8W 9M1

Dear David Muter:

Re: Response to Board recommendations

Thank you for your letter of January 20, 2021 regarding government's response to recommendations the Board made in its "Conserving Fish Habitat under the Forest and Range Practices Act (FRPA) Part 2: An Evaluation of Forest and Range Practices on the Ground (May 2020)".

The Board is encouraged that government has agreed to review the *Forest Planning and Practices Regulation* with an eye towards reviewing and improving criteria used to determine impact to fish habitat. I also understand that Compliance and Enforcement Branch has made fish and water protection a priority. Exploring an enforceable way to minimize sediment from roads entering streams through the focussed resources outlined in your response will help resolve this important and pervasive issue.

The Board also welcomes the government's response regarding updated guidance and standards for road construction and maintenance through improvements to the Engineering Manual. Improving the guidelines for maintenance and inspections will contribute towards the well-established goal of minimizing sediment entering streams from forest roads in BC. We look forward to its publication and implementation.

We look forward to an update on progress in mid-September 2021. In the meantime, we are always available to further discuss our findings to assist your work towards achieving these important objectives.

David Muter
March 2, 2021
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Thank you for your cooperation throughout the special investigation. The Board will now close this file.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Kriese", followed by a horizontal line.

Kevin Kriese,
Chair

Cc: John Allan, Deputy Minister
Diane Nicholls, Chief Forester, Assistant Deputy Minister
Matt Austin, Assistant Deputy Minister
Sarah Fraser, Acting Assistant Deputy Minister
Laura Plante, Executive Director, Resource Stewardship Division
Peter Wyatt, Director, Engineering Branch
Jennifer Davis, Director, Fish and Aquatic Habitat Branch
Norah White, Manager, Resource Practices Branch



Reference: 266987

September 15, 2021

EMAIL: kevin.kriese@bcfpb.ca

Kevin Kriese, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Kevin Kriese:

On behalf of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), please accept this letter as government's update to the Forest Practices Board (Board) on progress in acting upon the recommendations from the special investigation: *Conserving Fish Habitat under the Forest and Range Practices Act (FRPA) PART 2: An Evaluation of Forest and Range Practices on the Ground* (May 2020).

In January, FLNRORD committed to review options to improve forest practice standards with respect to sedimentation (reference 266387).

On FRPA:

- The ministry will explore regulatory change opportunities as part of our commitment to continue improving FRPA. An internal technical working group is reviewing the language of FRPA regulations and will recommend improvements related to sediment management. This work will inform regulation development and further improve current practices under the existing Forest Stewardship Plan regime.
- The ministry is also transitioning to a new forest management regime – Forest Landscape Planning (FLP). The new FLP regime will establish clear objectives and outcomes for the management of forest resource values over a defined area, including values important to fish and fish habitat. Since the FLP objectives will conserve and protect the environment and incorporate local community's values, the new regime will provide further opportunities for protection of fish habitat and sediment management.

On updated guidance and standards:

- FLNRORD Engineering Branch is updating the Engineering Manual to incorporate guidance for sediment management on forest service roads.
- FLNRORD Engineering Branch is collaborating with the Association of Professional Engineers and Geoscientists of BC and the Association of BC Forest Professionals to integrate sediment management and considerations into professional practice guidance for forest roads and crossings.

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- FLNRORD Fish & Aquatic Habitat Branch is drafting a bulletin to licensees reinforcing the need to address sediment impacts to fish habitat as part of road design, construction, and maintenance.

Awareness by practitioners is essential and FLNRORD is also working on a new training framework:

- FLNRORD is developing options to expand internal and external training offerings. The training framework may include technical information and guidance, roles and responsibilities, and links to the professional reliance model. An evaluation of options and resourcing is underway.
- The new training may include:
 - Sediment and erosion control training videos to facilitate awareness of sediment impacts and best practices aimed at improving outcomes.
 - Working with FP Innovations to deliver sediment and erosion management training to both forest industry stakeholders and ministry staff, including how to complete self-site assessments and cost-effective remediations.
 - Best practices and options for incorporating sediment and erosion control into resource road planning and construction.
- The ministry will engage with regional staff, licensees and contractors to ensure the training is targeted to all groups of audiences.

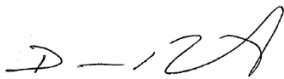
Other opportunities and actions:

- The Forest and Range Evaluation Program (FREP) is evaluating opportunities to incent licensees to improve practices through the site-level application of FREP water quality data. There are already successful examples of this process being employed at the District level that can serve as examples in response to sediment issues.

Thank you again for your work on this important topic. We hope this assures you that the work to address your recommendations for improving forest practice standards with respect to sedimentation is well underway.

We would be pleased to discuss these options and opportunities in more detail – please feel free to contact me (David.Muter@gov.bc.ca) or Sarah Fraser (Sarah.Fraser@gov.bc.ca). We can also provide further updates on request.

Sincerely,



David Muter
Assistant Deputy Minister
Resource Stewardship Division

pc:

Sarah Fraser, Assistant Deputy Minister, Rural Opportunities, Tenures and Engineering Division
Diane Nicholls, Assistant Deputy Minister, Chief Forester, Office of the Chief Forester
Laura Plante, Executive Director, Resource Stewardship Division
Doug Kelly, Executive Director, Rural Opportunities, Tenures and Engineering Division
Rachael Pollard, Acting Director, Resource Practices Branch
Leith McKenzie, Acting Manager, Sustainable Resource Management, Resource Practices Branch



Forest Practices Board

File: 97325-20/2018-36

October 5, 2021

VIA email

David Muter
Assistant Deputy Minister
Resource Stewardship Division
Ministry of Forests, Lands, Natural
Resource Operations & Rural Development
Box 9532, Stn Prov Govt
Victoria, BC V8W 9M1

Dear David Muter:

Re: **Conserving Fish Habitat under FRPA**

Thank you for your letter of September 15, 2021, providing an update on government's work to implement the Board's recommendations in its report *Conserving Fish Habitat under the Forest and Range Practices Act (FRPA) PART 2: An Evaluation of Forest and Range Practices on the Ground*.

The response of the province to the recommendations and report has been comprehensive and thorough. The Board is encouraged to see that government is exploring a range of options to minimize sediment entering streams including regulation, planning, training and enhancement to existing monitoring approaches. Together, these approaches should result in better outcomes for the protection of fish habitat.

Once again, thank you for your update and the work of your staff. As always, we are available to further discuss this work and to provide input whenever requested.

Sincerely,

Kevin Kriese,
Chair

David Muter
October 5, 2021
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cc: Sarah Fraser, Assistant Deputy Minister, Rural Opportunities, Tenures and Engineering Division
Diane Nicholls, Assistant Deputy Minister, Chief Forester, Office of the Chief Forester
Laura Plante, Executive Director, Resource Stewardship Division
Doug Kelly, Executive Director, Rural Opportunities, Tenures and Engineering Division
Rachael Pollard, Acting Director, Resource Practices Branch
Leith McKenzie, Acting Manager, Sustainable Resource Management, Resource Practices Branch