



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.

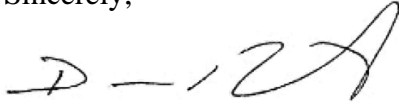
Summary:

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