

AUDIT OF RANGE PLANNING AND PRACTICES

Range Agreement –
RAN076466 (grazing)
Quesnel Natural Resource District

JUNE 2022
FPB/ARC/252



**Forest
Practices
Board**

BC'S INDEPENDENT
WATCHDOG FOR
SOUND FOREST &
RANGE PRACTICES

Table of Contents

- Board Commentary..... i**
- Introduction..... 1**
- Audit Results – RAN 076466 2**
 - Background..... 2
 - Audit Approach and Scope..... 2
 - Planning and Practices Examined and Findings – RAN077302 2
- Audit Opinion 3**
- Appendix 1: Forest Practices Board’s Compliance Audit Process..... 4**

Board Commentary

As part of its annual audit program, the Forest Practices Board conducted a full scope compliance audit of range agreement for grazing RAN076466, held by range tenure holders Douglas and Sherry Webster in the Quesnel Natural Resource District.

The audit results are described in detail later in this report.

This commentary provides the Board's views on an important issue identified in the audit. The tenure holders did not have a range use plan to guide their operations.

Range use plans are mandatory for livestock grazing and hay cutting activities under the *Forest and Range Practices Act* (FRPA) and must be consistent with the objectives set by government. Range use plans are intended to be a measurable and enforceable description of how range agreement holders will meet the requirements in FRPA.

Range use plans are developed jointly between the Ministry of Forests (MOF) and range agreement holders. In a pamphlet from 2019 announcing a new online app, *'MyRangeBC is a new online tool available in February 2019 to help range agreement holders and staff work together on Range Use Plans (RUPs),'* an expectation is set that *'A local range staff member will continue to assist you with RUP related tasks'*.

Ultimately, it is the responsibility of the range agreement holder to have a valid range use plan in place to meet the conditions of the grazing licence and to be in compliance with FRPA. The audit found no concerns with practices on the ground, however, the lack of a plan is a significant concern. A range use plan contains management objectives specific to the area and will provide clarity in meeting FRPA requirements.

The Board is concerned about the lack of enforcement of FRPA's requirements. In this case, MOF was aware of the lack of a range use plan for both the 2020 and 2021 grazing seasons. The Board is concerned that MOF did not hold the range agreement holder accountable by ensuring a range use plan was in place for both of these grazing seasons.

Subsequent to the audit, the range agreement holders submitted a RUP to MOF for approval for the upcoming grazing season and MOF has stated that they have instituted a tracking system to avoid a similar oversight.

Introduction

The Forest Practices Board is the public's watchdog for sound forest and range practices in British Columbia. One of the Board's roles is to audit the planning and practices of range agreement holders to ensure compliance with the *Forest and Range Practices Act* (FRPA).

As part of the Forest Practices Board's 2021 compliance audit program, the Board randomly selected the Quesnel Natural Resource District as the location for a full-scope compliance audit. Within the district, the Board randomly selected three range agreements for grazing (RAN076466, RAN077302, and RAN077219) and one range agreement for hay cutting (RAN077303) for audit.

This report explains what the Board audited and the findings for RAN076466. The range agreement area is located southwest of Quesnel and is shown on the map below. Results for the other range tenures are reported separately. Detailed information about the Board's compliance audit process is provided in *Appendix 1*.

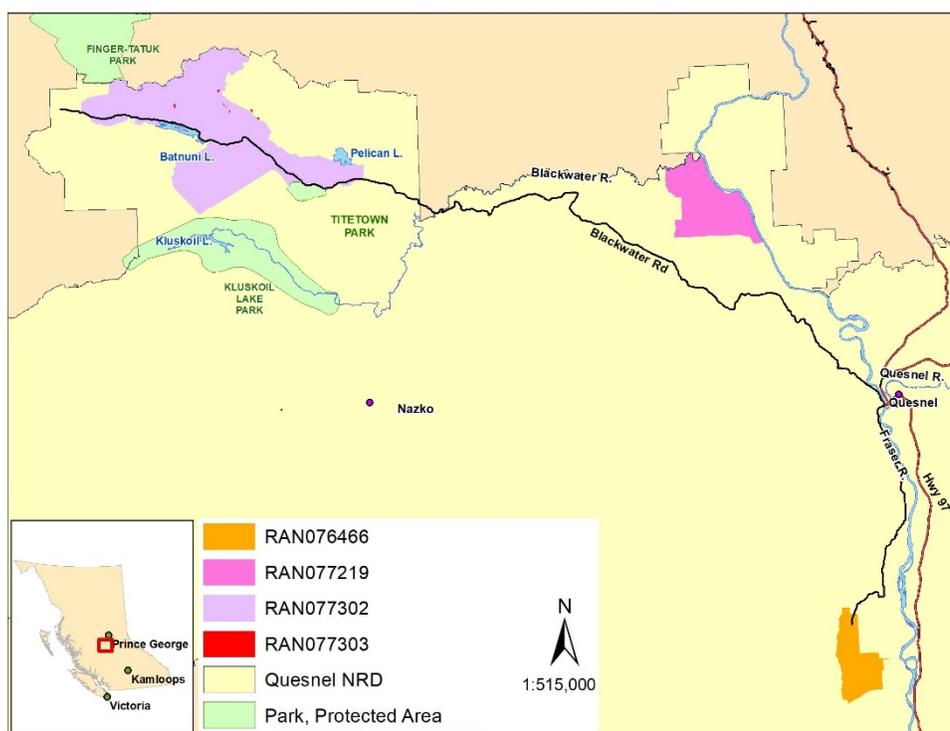


Figure 1. Map of the audited range agreement areas.

Common Terms

Below are definitions of some common terms used in the audit report.

Animal unit month (AUM) – The quantity of forage consumed by a 450 kilogram cow (with or without calf) in a 30-day period. Because bulls consume more forage than cows, they account for 1.5 AUMs for each 30-day period of grazing.

Riparian areas – Areas adjacent to classified streams, lakes and wetlands. FRPA requires tenure holders to ensure range practices protect riparian areas. Riparian vegetation adjacent to other non-classified waterbodies, like a seepage, are not included in FRPA's definition of riparian area.

Range readiness criteria – These criteria in the range use plan (RUP) are used to determine when Crown range is ready for grazing to begin. These criteria were not assessed because the audit took place towards the end of the grazing season.

Audit Results – RAN 076466

Background

RAN076466 is held by Douglas and Sherry Webster. The 5547 hectare agreement area is located approximately 32 kilometres south of Quesnel (*Figure 1*).

The range agreement area is within the territories of the Tsilhqot'in National Government and the Lhtako Dene Nation, and the Forest Practices Board recognizes their deep connection with the land that continues to this day.

The range agreement authorizes 682 AUMs for grazing between June 1 and October 15. It is managed as one pasture (i.e., one area with no livestock movement patterns required within the grazing schedule) and is bordered primarily by private land to the east. The Webster's purchased the private land and tenure rights for RAN076466 in the summer of 2019.

Audit Approach and Scope

The audit examined range planning and practices for compliance with FRPA and the *Range Planning and Practices Regulation* (RPPR). This included an examination of:

- Compliance with range use plans (RUPs) and any amendments (including maps and the grazing schedule, which identifies the period of use, number of livestock and AUMs authorized for grazing).
- Records maintained by range users (if applicable) and the Ministry of Forests (MOF).
- Compliance with range practice requirements on the range tenures, with a focus on requirements to protect riparian areas, upland areas, drinking water quality, licensed waterworks, fish habitat and maintenance of range developments. (*Note: auditors did not assess compliance with range readiness criteria as the auditors were not onsite at the start of the grazing season, when range readiness could be measured.*)

The standards and procedures used to carry out this audit are set out in the Board's *Compliance Audit Reference Manual, Version 7.1, July 2016*. Auditor's work involved interviewing the range agreement holder and MOF staff, reviewing the RUP and maps from within the two-year audit period of September 1, 2019, to September 28, 2021, and field activities that occurred in 2021.

A professional agrologist/forester, a professional biologist and a chartered professional accountant made up the audit team. Fieldwork took place on September 29, 2021.

Planning and Practices Examined and Findings – RAN077302

Requirement to Operate with a Range Use Plan

Section 32(1) of FRPAⁱ requires that prior to grazing livestock on public range land, the holder of a range agreement must prepare and obtain the minister's approval of a RUP or a range stewardship plan (RSP). A RUP must include a map of the agreement area, which shows the location and type of range developments. It must also include a grazing schedule that indicates the livestock information, specified actions to deal with minister-identified issues, prescribed requirements to be implemented and consistency with government-set objectives.

When the current range agreement holders purchased RAN076466 in the summer of 2019, the district manager authorized an exemption to allow them to operate under the original range agreement holder's approved RUP for the remainder of the 2019 grazing season, with the stipulation that a new RUP must be submitted prior to turnout in 2020. The range agreement holder acknowledged he had not submitted a RUP in 2020 or in 2021. As there was

no approved RUP in place since December 31, 2019, there was no authority to graze cattle on the range agreement area. Evidence of recent cattle use was observed throughout the range agreement area. The failure to operate under an approved RUP or RSP is a non-compliance with section 32(1) of FPRA. This non-compliance is of sufficient magnitude to warrant an overall negative conclusion.

Subsequent to the audit, the range agreement holders submitted a RUP to MOF for approval for the upcoming grazing season.

Condition of Range Agreement Area

As there was no approved RUP or RSP in place throughout the audit period, auditors could not assess compliance with minister-identified issues or prescribed requirements to be implemented, since minister-identified issues and prescribed requirements are contained within a RUP or RSP, not FPRA. Examples of these requirements include tenure specific riparian management objectives, salting practices or grazing in cutblocks.

Notwithstanding this, the auditors did examine the condition of the range agreement area, with regards to grazing, riparian condition, and range development

maintenance. Auditors assessed 2470 metres of streams with regards to the protection of riparian areas and fish habitats (*Figure 2*), approximately 10 hectares of upland areas for grazing intensity on plant communities and over 8000 metres of range developments (i.e., fences and gates) for evidence of annual maintenance. Overall, the condition of the range agreement area was good. There were no adverse impacts noted to riparian areas assessed. As well, the grazing intensity was low, and all assessed fences and gates were in good working condition.



Figure 2. Example riparian area (Narcosli Creek).

Audit Opinion

In my opinion, the range planning and practices carried out under range agreement RAN076466, held by Douglas and Sherry Webster, between September 1, 2019, and September 29, 2021, did not comply in all significant respects with the requirements of the *Forest and Range Practices Act* and the *Range Planning and Practices Regulation*, as of September 2021. No opinion is provided regarding range readiness criteria.

As described in the *Requirement to Operate with a Range Use Plan* section of the report, the lack of an approved range use plan is of sufficient magnitude to deem that the range planning and practices are not in compliance with FRPA.

The *Audit Approach and Scope* and the *Planning and Practices Examined and Findings* sections of this report describe the basis of the audit work performed in reaching the above conclusion. The audit was conducted in accordance with the auditing standards of the Forest Practices Board, including adherence to the auditor independence standards and the ethical requirements, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour. Such an audit includes examining sufficient range planning and practices to support an overall evaluation of compliance with FRPA.

A handwritten signature in black ink that reads "C R Mosher".

Christopher R. Mosher CPA, CA, EP(CEA)
Auditor of Record

Victoria, British Columbia
March 15, 2022

Appendix 1: Forest Practices Board's Compliance Audit Process

Background

The Forest Practices Board conducts audits of government and agreement-holders under section 122 of the *Forest and Range Practices Act* (FRPA) and section 68 of the *Wildfire Act*. Compliance audits examine forest or range planning and practices to determine whether or not they comply with the applicable requirements of FRPA and the *Wildfire Act*. The Board conducts 6-8 compliance audits annually. Most of these are audits of agreement holders. The Board also audits the government's BC Timber Sales Program (BCTS).

Selection of Auditees

To begin with, auditors randomly select an area of the Province, such as a natural resource district. Then the auditors review the forest resources, geographic features, operating conditions and other factors in the area selected. These are considered in conjunction with the Board's strategic priorities, and the type of audit is determined. At this stage, auditors choose the auditee(s) that best suit(s) the selected risk and priorities.

For example, in 2016, the Board randomly selected the Dawson Creek portion of the Peace Natural Resource District as a location for an audit. After assessing the activities within the area, auditors noted that there were two community forest agreements that had not yet been audited by the Board. As the Board strives to audit an array of licence types and sizes each year, these two community forest agreements were selected for audit.

For BCTS audits, a district or timber supply area within 1 of the 12 BCTS business areas in the province is selected randomly for audit. The audit selections are not based on past performance.

Only those licensees or BCTS operations that have not been audited by the Board in the past five years are eligible for selection.

Audit Standards

The audits are conducted in accordance with auditing standards developed by the Board. These standards include adherence to the auditor independence standards and the ethical requirements, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour and are consistent with Canadian generally accepted auditing standards. The standards for compliance audits are described in the Board's Compliance Audit Reference Manual.

Audit Process

Conducting the Audit

Once the Board randomly selects an area or district and determines the scope of audit to be conducted and the licensee(s) to be audited, all activities carried out during the period subject to audit are identified (such as harvesting, replanting, road construction, road deactivation). Items that make up each forest activity are referred to as a population. For example, all sites harvested form the timber harvesting population and all road sections constructed form the road construction population.

The auditors select a separate sample for each population (e.g., the cutblocks selected for auditing timber harvesting). Within each population, more audit effort (i.e., more audit sampling) is allocated to areas where the risk of non-compliance is greater. For smaller audits, the sample will include the full population. Auditors also consider factors such as geographic distribution and values potentially affected by activities to ensure an adequate sample.

Auditors' work includes interviewing licensee staff, reviewing the auditee's applicable plans, reviewing applicable government orders, assessing some features from helicopters and measuring specific features like riparian reserve zone widths using ground procedures. The audit teams generally spend three to five days in the field.

Evaluating the Results

The Board recognizes that compliance with the requirements of FRPA and the *Wildfire Act* is more a matter of degree than absolute adherence. Determining compliance, and assessing the significance of non-compliance, requires the exercise of professional judgment within the direction provided by the Board.

The audit team, composed of professionals and technical experts, first determines whether forest practices comply with legal requirements. For those practices considered to not be in compliance, the audit team then evaluates the significance of the non-compliance, based on a number of criteria, including the magnitude of the event, the frequency of its occurrence and the severity of the consequences.

Auditors categorize their findings into the following levels of compliance:

Compliance – where the auditor finds that practices meet FRPA and *Wildfire Act* requirements.

Unsound Practice – where the auditor identifies a significant practice that, although in compliance with FRPA or the *Wildfire Act*, is not considered to be sound management.

Not significant non-compliance – where the auditor, upon reaching a non-compliance conclusion, determines that one or more non-compliance event(s) is not significant and not generally worthy of reporting. However, in certain circumstances, these events may be reported as an area requiring improvement.

Significant non-compliance – where the auditor determines a non-compliance event(s) or condition(s) is, or has the potential to be, significant and is considered worthy of reporting.

Significant breach – where the auditor finds that significant harm has occurred, or is beginning to occur, to persons or the environment as a result of one or more non-compliance events.

If a significant breach of the legislation has occurred, the auditor is required by the *Forest Practices Board Regulation* to immediately advise the Board, the party being audited, and the responsible Minister(s).

Reporting

Based on the above evaluation, the auditor then prepares a draft audit report. The party being audited is given a copy of the draft report for review and comment before it is submitted to the Board.

The Board reviews the draft report and determines if the audit findings may adversely affect any party or person. If so, the party or person must be given an opportunity to make representations before the Board decides the matter and issues a final report. The opportunity to make representations allows parties that may potentially be adversely affected to present their views to the Board.

The Board reviews representations from parties that may potentially be adversely affected, makes any necessary changes to the report, and decides if recommendations are warranted. The report is then finalized and released: first to the auditee and then to the public and government seven days later.

ENDNOTES

ⁱ FRPA – Section 32

Range use plan and range stewardship plan required

32 (1) Before the holder of an agreement under the [Range Act](#) grazes livestock or cuts hay on Crown range to which the agreement applies, the holder must prepare, and obtain the minister's approval of,

- (a) a range use plan, or
- (b) if subsection (2) applies, a range stewardship plan that includes the area on which the grazing or hay cutting will occur.



**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

EGBC Permit to Practice #1001000

For more information on the Board, please visit our website at: www.bcfpb.ca