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Response to Forest Practices Board report Forest Practices and Water, 2022

Introduction

Please accept the province's response to the Forest Practices Board's (the Board) special report: *Forest Practices and Water* (January 2022). As part of the province's response to this special report, updates are provided on the progress of several current initiatives.

Overall, the province finds this report provides a positive contribution towards a more holistic approach to watershed management through enhanced forestry practices that can help protect or restore water values in British Columbia. This document is the province's response to the Report's four opportunities, and includes potential areas to further explore related to water stewardship.

Opportunity 1: Improve public involvement by making water a core value in forest planning, including forest landscape planning

Improving public involvement and enabling new opportunities for shared decision-making with First Nations are the driving forces behind the provincial mandate to modernize forest policy. Through recent changes to the *Forest and Range Practices Act* (FPRA), licensees under the Forest Stewardship regime will be required to publish the approximate location of planned roads and cutblocks and provide 30 days for public review and comment using the anticipated Forest Operations Mapping tool (FOM). Licensees are now required to make reasonable efforts to meet with Indigenous groups affected by the plan to discuss planned developments.

The transition from the Forest Stewardship regime to the Forest Landscape Planning regime will further increase public involvement through similar information sharing requirements. The new Forest Landscape Plan (FLP) requires a process for consultation and cooperation with Indigenous governing bodies and other affected/impacted Indigenous nations prior to its establishment. Public review and comment for the FLP will take place after these processes are complete.

As a tactical plan, the FLP is developed at the watershed, landscape, or Timber Supply Area level. To support the FLP's landscape-level direction, a Forest Operations Plan (FOP), submitted by the licensee for approval, describes all planned forestry activities (including approximate location of new roads and cutblocks alongside historic development) within a specified timeframe. Each FOP must demonstrate how the outcomes in the FLP are met and is to be published for public review and comment prior to its establishment. Recognizing that FLPs are a forward-looking tool, plans may define objectives for an array of forest values such as ecosystems and old forest, or may set Equivalent Clearcut Area (ECA) targets.

The eleven FRPA values will continue to be effective categories to guide forest management under the FLP regime. Values that may inform the FLP include, but are not limited to, soils, timber, wildfire, water/fish/biodiversity within riparian areas, water in community watersheds, wildlife and biodiversity, visual quality, karst, and cultural heritage resources. Other forest values to be considered will vary based on local circumstances and may include those raised by local government, Indigenous Nations and/or communities.

As proven by the Board's numerous investigations and reports related to water, water is a value that is critically important to British Columbians and will be an inherent component and value to each FLP. Although new legislation does not constitute which values must be considered in an FLP, it is intended that the FLP will contribute to managing for water related values.

When it comes to water and watersheds, LWRS has the lead role in land use and watershed planning and stewardship. LWRS and FOR are working together to bring consistency to planning approaches, which will facilitate the acceleration of the development of *Water Sustainability Act* (WSA) area-based tools such as water sustainability plans (WSPs) and WSA Objectives. WSA Objectives can be developed on their own or be included as part of a broader land or water planning initiative, such as modernized land use planning, forest landscape plans, or water sustainability plans.

Recently, the Province of B.C and the Office of the Wet'suwet'en established an initiative called the Widzin Kwah Water Sustainability Plan to jointly develop WSA Objectives. This initiative, empowered by WSA s. 43 will include First Nations communities in the process of co-developing area-based objectives. Robust and iterative engagement during WSA Objectives development will be important to ensure that watershed priorities and issues within the Widzin Kwah are heard. The objectives will be designed to sustain water quality and quantity for specified purposes and for protecting or restoring the health of aquatic ecosystems. By design, implementation of the WSA objectives is meant to increase consideration of water values, including in forest management decisions, by requiring forestry and other statutory decision-makers to consider the objectives in authorizations of proposed activities.

Opportunity 2: Manage cumulative effects of forest practices on water as a legal requirement in all watersheds

Currently, regulations under the Forest Planning and Practices Regulation are in place to preserve stand-level water-related values. These values include riparian areas, fish habitat, licenced waterworks, community watersheds, fisheries sensitive watersheds and drinking water. Underpinning these regulations is the precept to prevent cumulative effects from causing a

material adverse effect to fish habitat. Despite the high degree of compliance by forest licensees to these regulations, the cumulative effects of forestry activities on the land base shows that a change in forestry planning is needed to protect the ecological resilience of the greater watershed. This concern, among other interests, has inspired the province to modernize forest policy in a manner that will improve forest management at the landscape (or watershed) level.

As outlined in the Board's 2019 report *Tactical Forest Planning: The Missing Link Between Strategic Planning and Operational Planning in B.C.*, the intent of the Forest Landscape Planning regime is to reduce cumulative effects of forestry practices at the landscape level by coordinating forestry activities amongst licensees and leveraging the latest science and technology to set and measure targets of FRPA values against the landscape's current condition.

The reduction in cumulative effects from forestry activities is sought through the iterations of the Forest Landscape Planning cycle. In addition, the Province of B.C. has a Cumulative Effects Framework (CEF) in place to measure the effects of all natural resource activities on values of key importance. The CEF provides a set of policies, procedures and decision-support tools to help identify and manage cumulative effects consistently and transparently across all of BC's natural resource sectors.

The *Interim Assessment Protocol for Aquatic Ecosystems in British Columbia* (Province of B.C., 2020) provides an in-depth procedure to develop current condition assessments of aquatic ecosystems across the province. Additionally, individual regions have developed their own approaches to assessing water-related values, based on priorities in the regions and in collaboration with Indigenous Nations. These values include fish and fish habitats, wetlands, and estuaries. The results of all of these assessments are intended to aid decision makers in meeting objectives relating to sustainability of hydrological and aquatic ecosystem functions and processes. They are also being used to inform collaborative planning processes at the strategic and tactical scales, including ways to reduce the cumulative effects of forestry developments through Forest Landscape Planning. More information on the cumulative effects assessments and protocols may be found on the Cumulative Effects Framework website.

Regarding watersheds, the mandate for the new Ministry of Land, Water and Resource Stewardship includes a focus on integrated management of land and water use activities and natural resource development, including more effectively managing cumulative effects. During the first period of engagement on the Watershed Security Strategy and Fund discussion paper, there were many comments raised by the First Nations, public, and stakeholders concerning the cumulative effects of forestry practices, other land uses and climate change on watersheds and water values. Consequently, this is an area that will require consideration when developing the actions that may eventually be included as part of the Watershed Security Strategy and Fund.

There may also be opportunities within the suite of tools provided in the WSA to support or require management of cumulative effects in forestry and other land use decisions. For example, WSA Objectives under section 43 of the Act may result in legal requirements for specified decision-makers to address (by proactively avoiding) cumulative effects in watersheds, including from forestry. This opportunity from the Board will be considered as guidance for this policy tool and other relevant WSA area-based tools as they are developed.

Opportunity 3: Improve regulation of forest practices that contribute sediment to streams.

In the 2020 special investigation *Protection of fish habitat under FRPA*, the Board recommended strengthening regulations by adding a road maintenance provision. In response, FOR has updated the Engineering Manual to enhance guidance for sediment management on forest roads. Additionally, FOR's Engineering Branch worked with the Association of B.C. Forest Professionals and the Association of Professional Engineers and Geoscientists of B.C. to incorporate sediment management into professional practice guidance. The Ministry of Forests continues to deliver Sediment and Erosion control training to government staff and forest licensees.

In addition to the five regulations in place for forestry activities to reduce deposition of sediment into adjacent streams, amendments to FRPA and the *Forest Act* have created a new authority for the minister to order the deactivation of a road. Regulation updates to the Forest Planning and Practices Regulation will bring this new authority into force. It is expected that this new regulation will further help reduce sedimentation into streams by limiting traffic on forest roads.

In scenarios where further mitigation or watershed restoration actions may be needed and that are not being adequately addressed using other regulatory tools, water sustainability plans (WSPs) may offer a pathway to addressing persistent issues regarding sediment contributions to streams from forestry activities. In the most extreme scenario, WSPs can restrict or prohibit certain activities, or require restoration actions to protect or address risks to water quality or risks to aquatic ecosystem health. The implementation of a WSP may also bring opportunities for additional requirements that need to be given consideration in forest planning activities and for forestry decision makers.

Likewise, WSA Objectives enables establishing area-based objectives across natural resource activities, including forestry, regarding water quality (including sediment) and water quantity priorities. Work is ongoing to explore how WSA Objectives may interact with forestry regulations to improve sediment and other outcomes within a watershed.

Opportunity 4: Reduce the impact of historical practices on water through a renewed program of watershed restoration

The Province recognizes the importance of prioritizing healthy watersheds and wetlands. Restoration work has been undertaken with several ministry programs already leading in this area. In 2020, the Province invested \$27 million (M) in watershed restoration and conservation projects as part of its [Economic Recovery Plan](#). This funding is now known as the [Healthy Watersheds Initiative \(HWI\)](#) and is administered by the Real Estate Foundation of British Columbia. An additional investment of \$30M to improve and restore [B.C.'s watersheds was made in April 2022](#). This funding will build on the momentum of the HWI and will help support restoring and maintaining ecosystem services and watershed health, as well as climate resiliency. The new funding will also support reconciliation with Indigenous communities and partnerships across levels of government and non-governmental organizations.

Restoration initiatives are being further explored through the development of the Watershed Security Strategy and Fund. The need for more restoration work was raised as a priority by members of the public, Environmental Non-Governmental Organizations, and local governments through the first period of engagement on the Strategy and Fund discussion paper.

Under the Water Sustainability Act, water sustainability plans (WSPs) may also offer a pathway to restoration through the planning process. While WSA Objectives do not offer a direct pathway to requiring watershed restoration, the objectives that are established under this tool may guide the restoration interests of collaborative groups, including First Nations, local governments, forestry companies and public stakeholders, to work together to restore a damaged, degraded or destroyed watershed on their own initiative.

Conclusion

The province appreciates the Forest Practices Board re-applying their focus on forestry impacts on water. Forthcoming amendments to the Forest Planning and Practices Regulation will support the opportunities presented in the Board's report through applications such as the Forest Operations Map and the implementation of mandatory public review and comment periods in forestry planning. Outcomes for water values under an FLP will further support watershed values. Soon to be realized through policy, it is intended for water to be a primary value covered under the FLP. As the FLP pilot projects continue to evolve, the Board will remain informed on their progress by the Forest Science, Planning and Practices Branch. The recommendations outlined in the report will also inform the development of a Watershed Security Strategy and Fund.

Sincerely,



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