

FORESTRY AUDIT: BC TIMBER SALES & TIMBER SALE LICENCE HOLDERS

Fort St. James Field Unit Portion of
the Stuart-Nechako Business Area

JULY 2023
FPB/ARC/259



**Forest
Practices
Board**

BC'S INDEPENDENT
WATCHDOG FOR
SOUND FOREST &
RANGE PRACTICES

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Board Commentary

As part of its annual audit program, the Board conducted a full scope compliance audit of the BC Timber Sales (BCTS) Fort St. James Field Unit portion of the Stuart-Nechako Business Area within the Stuart-Nechako Natural Resource District. The audit results are described in detail later in this report. Although BCTS and timber sale licence (TSL) holders complied with most *Forest and Range Practices Act* (FRPA) and *Wildfire Act* requirements, this commentary provides the Board's views on drainage structure safety and compliance issues identified in the audit. In addition, this commentary should be viewed in conjunction with the commentary in the August 2022 BCTS Skeena Business Area audit report, which found similar compliance issues.

Under BCTS's business model, BCTS staff prepare plans and award TSLs. TSL holders, in turn, are responsible for conducting timber harvesting and road work associated with the TSL and must ensure that FRPA requirements are met.

This includes a requirement to ensure bridges and culverts they construct are safe and sound. TSL holders operate independently of BCTS and can plan and conduct their operations without direction or supervision from BCTS. BCTS and other parts of the Ministry of Forests have responsibilities to monitor TSL holders to ensure plans are implemented effectively and must ensure FRPA and *Wildfire Act* requirements are met.

This audit found a TSL holder had constructed and subsequently removed three bridges on fish streams. For these three bridges, the TSL holder did not provide most of the legally required documentation, and much of the documentation provided did not conform to professional practice guidance.

The Board previously identified significant safety concerns and non-compliance with legislation associated with bridges and other crossings in its March 2014 special investigation entitled *Bridge Planning, Design and Construction*. In its April 2020 report entitled *Follow-up Investigation of Bridge Planning, Design and Construction*, the Board noted the critical importance of compliance monitoring and enforcement, where appropriate, in ensuring crossings meet all legal requirements. Since 2014, Forest Professionals BC and Engineers and Geoscientists BC have taken steps to educate their registrants on the design and construction of safe and environmentally sound crossings. Although the Board has seen significant improvements across the province, as noted in its 2020 bridge report, the findings of this audit and the BCTS Skeena Business Area forestry audit in 2022 contrast with those improvements. The Board, however, recognizes that the Skeena report was released after the Fort St. James audit had already taken place, and Fort St. James staff were not able to benefit from Skeena's learnings prior to the audit.

For the Skeena audit, the Board recommended that BCTS identify the actions it will take to improve performance on crossing construction. In its response, BCTS committed to a comprehensive action plan to address the crossing structure concerns identified by the audit. The Board views this as a positive step towards remediation. As an additional action, BCTS Skeena stated it would share its plan across BCTS so other business areas can benefit. The Board is pleased to note that this has been done, and further communications are planned to broaden awareness of the audit findings. The Board strongly encourages BCTS Stuart-Nechako to review these actions and incorporate them into its compliance and monitoring procedures to ensure that stream crossings are installed in a safe and sound manner in future.

The Board is also pleased to note that BCTS, provincially, is reviewing guidance and processes for BCTS staff who monitor operations on timber sale licences. BCTS has committed to examining the opportunity to communicate the Skeena Business Area recommended procedures to other business areas and reviewing professional practice requirements to determine how they apply to and can be applied by BCTS staff and Licensees.

Audit Results

Introduction

The Forest Practices Board is BC's independent watchdog for sound forest and range practices. The Board's role includes auditing forest industry practices to determine compliance with the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act*.

As part of the 2022 Forest Practices Board audit program, the Board randomly selected the BC Timber Sales (BCTS) Fort St. James Field Unit portion of the Stuart-Nechako Business Area for audit.

This report explains what the Board audited and the results. Detailed information about the Board's compliance audit process is provided in Appendix 1.



Harvest operations in the audit area are commonly on gentle terrain with riparian features.

Background

Fort St James Field Unit operations are located in the Stuart-Nechako Natural Resource District portion of the Prince George Timber Supply Area (TSA) (see Figure 1 on page 3). It includes the community of Fort St. James and extends from Stuart Lake northward to the headwaters of the Skeena River. The southern portion of the TSA contains rolling landscapes, while the northern part is extremely mountainous and has very few roads. The TSA is known for its lakes and rivers such as Stuart, Pinchi, Takla, and Tezzeron Lakes and the Tachie and Stuart Rivers, which are highly valued for tourism and recreation and produce provincially significant salmon runs.

This area audited is within the territories of the Binche Whut'en, Halfway River First Nation, Lake Babine Nation, Lheidli-T'enneh Nation, McLeod Lake Indian Band, Nadleh Whut'en Band, Nak'azdli Whut'en, Stellat'en First Nation, Takla Nation, Tl'azt'en Nation, West Moberly First Nations, and the Yekooche First Nation. The Forest Practices Board acknowledges the importance of their historical relationship with the land that continues to this day.

To date, timber harvesting has been concentrated in the southern portion of the district, in areas around the larger lakes and along valley bottoms in old spruce forests. There has been an increasing emphasis on lodgepole pine-dominated stands in recent years due to mountain pine beetle infestations. Lack of access, mountainous terrain, and a predominance of less-preferred tree species, such as balsam, have limited harvesting in the northern portion of the district.

BCTS has a harvest apportionment of 1.06 million cubic metres per year in the Stuart-Nechako Business Area, including harvesting in the Fort St. James Field Unit. BCTS harvested approximately 972 000 cubic metres from the field unit during the audit period.

BCTS's Fort St. James field team is based in Fort St. James and Vanderhoof, where staff prepare operational plans, auction timber sales, and issue timber sale licences and road permits. BCTS awards the successful bidder at each auction a timber sale licence (TSL) authorizing the holder to harvest the auctioned timber. The TSL holder, in turn, is responsible for completing timber harvesting and road work associated with the TSL and fulfilling the requirements of road permits and operational plans.

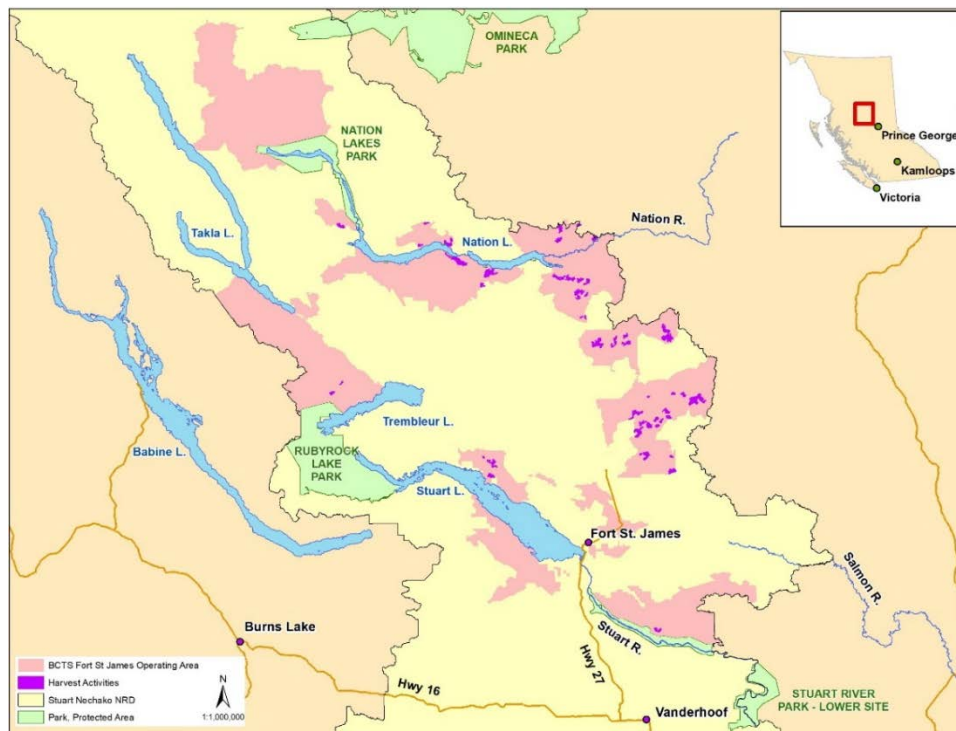


Figure 1. Map of the Audit Area

Audit Approach and Scope

This was a full scope compliance audit with a one-year timeframe. All activities that BCTS and TSL holders carried out between June 1, 2021, and June 24, 2022, were subject to audit.

BCTS is responsible for operational planning, including preparing forest stewardship plans (FSP)ⁱ and site plans, silviculture activities, major structureⁱⁱ maintenance, construction and deactivation, and most road construction, maintenance, and deactivation outside of cutblocks.

TSL holders are responsible for timber harvesting, fire protection, and most road construction, maintenance, and deactivation within cutblocks.

Auditors assessed these activities for compliance with FRPA, the *Wildfire Act*, applicable regulations, and legal orders. Auditors' work included interviewing BCTS staff, reviewing the FSP and site plans, assessing silviculture records, and conducting site visits with BCTS staff to review field practices. Sites were accessed by truck and by helicopter. Three forest professionals and one forest professional/professional engineer made up the audit team. The audit team was in the field from June 21 to 24, 2022.

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*.

Planning and Practices Examined

BCTS Responsibilities

Operational Planning

BCTS planned its activities under the *BCTS Stuart Nechako Business Area Fort St. James District Forest Stewardship Plan 2017 – 2022 (FSP #142)*. Auditors examined the FSP and stand-level site plans to ensure they met legal requirements. Auditors also compared site plans with site conditions during harvesting, road, and silviculture field sampling to ensure they accurately identified site conditions.

There are no land use plan orders establishing objectives in BCTS's operating areas, however, the *Fort St James Land and Resource Management Plan* guides ongoing resource management activities. Other government orders establish objectives for agriculture development areas, old growth, biodiversity, scenic areas, mountain caribou, northern caribou, mountain goat, mule deer winter range, recreation, and lakes, which apply in BCTS's operating areas. BCTS's FSP specifies results and strategies that link objectives contained in government orders to its operations.

Road and Major Structure Construction, Maintenance, and Deactivation

BCTS constructed, maintained, and deactivated roads and major structures during the audit period. The BCTS road and major structure populations and samples are summarized in Table 1.

TABLE 1. Population and Sample Summary for Road and Structure Activities

ACTIVITY	POPULATION	SAMPLE
	(Kilometres)	(Kilometres)
Road Construction (FSR)	5	3
Road Maintenance (FSR)	525	33
Road Deactivation (FSR)	5	3
	(Structures)	(Structures)
Major Structure Construction	8	4
Major Structure Maintenance	81	48
Major Culvert Deactivation	4	3

Silviculture Obligations and Activities

BCTS conducted planting and had regeneration and free-growing obligations during the audit period. The populations and samples for these are summarized in Table 2.

TABLE 2. Population and Sample Summary for Silviculture Activities and Obligations

OBLIGATIONS AND ACTIVITIES	POPULATION	SAMPLE
	(Cutblocks)	(Cutblocks)
Planting	53	12
Regeneration Obligations (due or declared)	49	14
Free-growing Obligations (due or declared)	40	23

Timber Sale Licensee Responsibilities

Timber Harvesting

During the audit period, 19 TSL holders harvested 40 cutblocks on 3 770 hectares. Auditors examined harvesting by 15 TSL holders on 25 cutblocks totaling 2 568 hectares.

Road and Major Structure Construction, Maintenance and Deactivation

TSL holders constructed and maintained roads and major structures and deactivated major structures but did not deactivate any roads. The road and major structure populations and samples are summarized in Table 3.

TABLE 3. Population and Sample Summary for Road and Major Structure Activities

ACTIVITY	POPULATION	SAMPLE
	(Kilometres)	(Kilometres)
Road Construction (FSR)	63	27
Road Maintenance (FSR)	68	30
	(Structures)	(Structures)
Major Structure Construction	6	6
Major Structure Maintenance	6	4
Major Culvert Deactivation	5	3

Wildfire Protection

Auditors examined fire hazard assessment and abatement practices in conjunction with the harvest sampling. There were no active work sites during the field audit, so fire preparedness could not be assessed. The wildfire activity populations and samples are summarized in Table 4.

TABLE 4. Population and Sample of Wildfire Activities

ACTIVITY	POPULATION	SAMPLE
	(Cutblocks)	(Cutblocks)
Fire Preparedness at Active Work Site	0	0
Fire Hazard Assessment	25	25
Fire Hazard Abatement	8	8

Findings

The audit found that BCTS's and TSL holders' planning and practices generally complied with FRPA and the *Wildfire Act* as of June 2021, except for the terrain stability assessment, bridge construction, soil disturbance, and fire hazard assessment findings described below.

BCTS Responsibilities

Findings of Significance

Site Planning - Terrain Stability Assessment

Section 46 (1)ⁱⁱⁱ of FRPA requires that a person must not carry out a forest practice that results in damage to the environment unless the person is acting in accordance with a plan. To address safety and environmental concerns associated with landslides, BCTS requires its development contractors to address terrain stability when developing areas on or near potentially unstable terrain.

BCTS developed a site plan for a cutblock located above the Nation River, which is fish-bearing. The cutblock was subsequently awarded in a timber sale and harvested during the audit period. When auditors visited the cutblock, they found that the site conditions did not match the plan. The southern boundary of the cutblock abutted eroding steep slopes (80 percent grade) above the Nation River, which was not identified in the site plan.

While BCTS uses a comprehensive development review procedure to help ensure terrain stability is addressed by its development contractors, this potentially unstable terrain was not clearly identified during the procedure.

Consequently, BCTS did not use a qualified professional to assess terrain stability at this location, nor prescribe applicable precautionary measures in the site plan. This placed machine operator safety, soil productivity, and fish habitat at risk due to the inherent terrain instability.

Because no safety incidents or impact on fish habitat had occurred at the time of the field audit, the auditors cannot conclude there was non-compliance with section 46(1) of FRPA. However, because BCTS did not ensure a terrain stability assessment was conducted, it placed machine operators and fish habitat at undue risk, and this is considered an unsound practice.

General Findings

Operational and Site Planning

BCTS operates under an FSP approved in 2017. The FSP incorporated the objectives, results, and strategies contained in the land and resource management plans and agreements that apply to forest practices in the audit area.

BCTS maintained accurate documentation of planning and operational activities. The files were readily available and complete. Site plans were consistent with the FSP and addressed site-specific resources by accurately identifying and prescribing practices for resource features such as wildlife tree retention, riparian areas, wildlife habitat, and sensitive soils.

BCTS completed resource assessments at the landscape, operational, and site levels, where required, and implemented the assessments' recommendations. BCTS did not plan to harvest or construct roads within wildlife habitat areas or old-growth management areas.

Other than the finding described in the *Site Planning - Terrain Stability Assessment* section of this report, auditors found no issues with operational planning.

Road and Major Structure Construction, Maintenance, and Deactivation

Road Maintenance

BCTS adequately maintained roads and ensured the structural integrity of road prisms. All culverts examined were functional and effectively controlled water. Auditors did not observe any road failures. Active roads were safe for industrial use, drainage systems were functional, and natural drainage patterns were maintained.

Road Deactivation

Deactivated roads were marked with signs and adequately barricaded. BCTS removed culverts, grass seeded, and maintained natural drainage.

Major Structure Construction

Auditors did not identify any administrative or operational issues with the newly constructed structures. All documentation was complete (i.e., general arrangement designs, structural drawings, fabrication drawings, record drawings, and construction assurance statements), accurate, and compliant with legislation. The structures were well-constructed and safe for industrial use.

Major Structure Maintenance

BCTS works in conjunction with the regional engineers to complete major structure maintenance and inspections on forest service roads. BCTS adequately maintained structures and posted load ratings for structures on all active roads sampled.

Major Structure Deactivation

BCTS adhered to deactivation plans while removing the major structures and did not impact the stream channels.

Generally, BCTS operating areas contain gentle terrain requiring common construction techniques, basic water management, and regular maintenance to ensure that resource roads and major structures are safe for use. Auditors found BCTS's road-related activities were generally well done and had no concerns.

Silviculture Activities and Obligations

BCTS planted cutblocks with suitable tree species and stock, and seedlings were within the required seed transfer limits. Cutblocks contained the range of healthy, well-spaced, acceptable trees required to meet free-growing requirements within the required periods.

BCTS declares that regeneration obligations are met at the time of planting. It also conducts walkthrough surveys after planting to determine brushing requirements and conducts a survival survey near the regeneration delay due date to confirm stocking. Auditors found that BCTS met its regeneration delay obligations.

BCTS surveys cutblocks before declaring free-growing obligations are met. BCTS surveys and auditor field observations of free-growing stands confirmed that BCTS met free-growing obligations and plantations looked healthy and vigorous.

Auditors did not have any concerns with silviculture obligations or practices.

Timber Sale Licensee Responsibilities

Findings of Significance

Bridge Construction

TSL A95469, held by Funk, Rodney James (Funk)

Section 77^{iv} of the *Forest Planning and Practices Regulation* (FPPR) sets out the information requirements related to bridge construction, including relevant field and construction data and as-built drawings. The FPPR also requires records to be retained until the bridge is removed or the person is no longer required to maintain the road.

In addition, engineers and foresters must follow professional practice guidelines for bridge construction. The guidelines require that a coordinating professional sign a crossing assurance statement, confirming that the actual construction work conforms to the plan and supporting documents and that any significant revisions have been documented in an "as built" document. This assurance supports the duty of a professional to protect the safety, health, and welfare of the public and the environment.

Funk installed three bridges on fish streams in TSL A95469. Funk did not provide bridge plans or relevant field and construction data for any of the three bridges, nor as-built drawings for two of the three bridges, and therefore did not comply with bridge construction information requirements. The preparation of these documents is important to ensure that the bridges were installed soundly and that the fish streams were adequately protected.

The bridges were removed prior to the field audit, so auditors relied on crossing assurance statements to assess whether the structures were constructed soundly. Funk provided crossing assurance statements for all three bridges; however, the statements did not conform to the professional practice guidelines and could not be used to determine whether the structures conformed to the plans and supporting documents.

As a result, auditors could not determine if the construction of the three new bridges conformed to plans or if they were installed soundly. The lack of adequate documentation represents a significant non-compliance with section 77 of the FPPR due to the potential risk to people, equipment, and fish habitat.

Soil Disturbance

TSL A94427 held by Canyon Tree Farms Inc. (Canyon)

Section 35(3) (a)^v of the FPPR requires Canyon to limit the amount of soil disturbance to protect or maintain soil productivity when timber harvesting. Canyon harvested a cutblock in TSL A94427 where, for soil protection reasons, harvest activities were restricted to a period when the ground was either snow-covered or frozen. When Canyon commenced harvesting this cutblock, it stated that the temperature was below freezing, and there was a 22-inch snowpack that would have met prescribed soil protection measures at the time. However, as skidding progressed, the temperature warmed significantly, the snow melted, the ground thawed, and soil protection measures were no longer met. Canyon continued to operate and caused avoidable rutting and compaction. While soil disturbance was

within the specified limits for the entire cutblock and complied with soil disturbance requirements, Canyon potentially impacted soil productivity in localized areas, and this is considered an unsound practice.

Fire Hazard Assessments

Section 11(3.1)(a)^{vi} of the *Wildfire Regulation* requires a TSL holder to complete fire hazard assessments at specified intervals when timber harvesting. The assessments must include an assessment of the fuel hazard and the associated risk of a fire starting or spreading. Furthermore, the licensee must provide a copy of a fire hazard assessment to an official when requested. If the assessment identifies a hazard, it must be abated.

Auditors found that timber sale licensees effectively abated fire hazards within the required period. However, licensees did not assess the fire hazard on time for 16 of the 25 cutblocks sampled. A hazard assessment is a required step to determine if harvesting has created a fire hazard. If a hazard is identified and abated in a timely fashion, a licensee can demonstrate that it has been diligent.

While timber sale licensees are completing fire hazard abatement, some cannot demonstrate that they have been diligent in assessing the hazard, which is a non-compliance with legislation. This non-compliance is not considered significant, since TSL holders abated fire hazards in an effective and timely manner and is an area requiring improvement.

General Findings

Excluding the findings of significance described above, this section describes the general findings for the practices audited.

Harvesting

TSL holders conducted harvesting in accordance with the requirements of legislation and followed the measures prescribed in site plans. TSL holders used ground-based harvest systems, maintained natural drainage patterns when constructing and maintaining roads and temporary access structures, and achieved wildlife tree retention objectives. TSL holders protected riparian areas along streams and non-classified drainages within cutblocks using machine-free zones and retaining vegetation adjacent to streams. Other than the finding described in the *Soil Disturbance* section of this report, soil disturbance was below the limits specified in the site plans. Auditors found no issues with harvesting.

Road Construction and Maintenance

TSL holders are responsible for in-block roads and road sections connecting to forest service roads.

Road Construction

Construction techniques varied from building snow roads in winter to conventional balanced bench and full benching with end haul. TSL holders constructed roads to conform to site plans and installed drainage structures to maintain natural drainage patterns. The roads were safe and stable, and the auditors had no concerns.

Road Maintenance

TSL holders maintained roads by grading them, clearing ditches and culverts to ensure good drainage, and cutting brush to provide safe sight lines. The roads sampled were safe for industrial use, culverts and ditch lines were functional, and natural drainage patterns were maintained.

Roads were well maintained and auditors had no concerns.

Major Structure Construction

Other than the administrative issues noted in the *Bridge Construction* section of this report, auditors did not identify any operational issues with the newly constructed structures, which were well-constructed and safe for industrial use.

Major Structure Maintenance

TSL holders adequately maintained structures and ensured load ratings were met on all active roads, and auditors had no concerns with the structures.

Major Structure Deactivation

TSL holders deactivated structures without altering stream channels or drainage patterns and did not impact fish habitat. Auditors had no concerns with structure deactivation.

Wildfire Protection

Auditors evaluated all cutblocks in the harvest audit sample for compliance with the *Wildfire Act*.

Other than the timing issues noted in the *Fire Hazard Assessments* section of this report, 10 of the 15 TSL holders sampled completed fire hazard assessments where an assessment was required. The completed assessments included a determination of fuel hazards and the risk of a fire starting or spreading, as required.

It was the standard practice of TSL holders to pile slash concurrent with and following harvesting activities. Slash was piled a safe distance from standing timber and the piles were either burned or to be burned when safe to do so. TSL holders effectively reduced the fire hazard on all of the eight cutblocks where abatement practices occurred during the audit period.

Audit Opinion

In my opinion, except for the issues described below, the operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture, and fire protection activities carried out by BC Timber Sales and TSL holders in the Fort St. James field unit portion of the Stuart-Nechako Business Area, between June 1, 2021, and June 24, 2022, complied in all significant respects with the requirements of the *Forest and Range Practices Act*, the *Wildfire Act* and related regulations, as of June 2022.

In reference to compliance, the term “in all significant respects” recognizes that there may be minor instances of non-compliance that either may not be detected by the audit, or that are detected but not considered worthy of inclusion in the audit report.

Without further qualifying my opinion, I draw attention to the *Site Planning - Terrain Stability Assessment* section of the report, which describes an unsound practice related to terrain stability assessments; the *Bridge Construction* section of the report, which describes a significant non-compliance related to bridge documentation; the *Soil Disturbance* section of the report, which describes an unsound practice related to soil disturbance; and the *Fire Hazard Assessments* section of the report, which describes an area requiring improvement.

The *Audit Approach and Scope* and the *Planning and Practices Examined* 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 forest planning and practices to support an overall evaluation of compliance with the *Forest and Range Practices Act*, and the *Wildfire Act*.



Daryl Spencer, RPF
Auditor of Record

Kelowna, British Columbia
February 2023

Appendix 1:

Forest Practices Board's Compliance Audit Process

Background

The Forest Practices Board conducts periodic audits of government and licensees to determine compliance with Parts 2 to 5 of the *Forest and Range Practices Act* (FRPA), and Parts 1 and 2 of the *Wildfire Act*, and associated regulations and standards.

Selection of Auditees

The number, type and scope of audits to be conducted each year are established by the Director of Audits in accordance with the Board's strategic priorities and budget. Once a licence has been audited, it is removed from the audit selection pool for five years.

The Board randomly selects districts or timber supply areas (TSAs) from each of the three natural resource areas of BC (North, South and Coast). The auditors then review the forest resources, geographic features, activities and operating conditions in the district or TSA selected, as well as past Board audits in that district or TSA. These factors are considered in conjunction with the Board's operational and strategic priorities and the type of audit is determined. At this stage, the Board chooses the auditee(s) that best suits the selected risk and priorities. This is considered a qualified random approach of selection.

In addition, each year, the Board randomly selects 2 of the 31 BCTS field units for audit.

Audit Standards

The audits are conducted in accordance with auditing standards developed by the Board and described in the Board's *Compliance Audit Reference Manual*. The standards are based on Canadian generally accepted auditing standards and relevant ethical requirements. This includes those pertaining to independence, as published by the Chartered Professional Accountants of Canada, and consistent with the *Canadian Standards on Assurance Engagements* (CSAE) 3001, the *Conformity assessment – Requirements for bodies providing audit and certification of management systems* (ISO 17021-1:2011), and the CPA *Code of Professional Conduct* (CPABC Code – June 2015).

Audit Process

Conducting the Audit

Once the Board selects an operation (licence or BCTS field unit) for audit, the next step is to determine the scope of the audit (timeframe, activities). For the timeframe, the Board normally examines activities that took place over a two-year time period up to the start of the audit field work (i.e., looking back two years). This is referred to as the audit period.

For a full-scope compliance audit, all activities carried out during the audit period are identified, which may include harvest, silviculture, fire protection and road-related activities. These activities form the population.

From the population, the auditors select a sample of each activity to examine in the field. Generally, auditors will concentrate sampling on the areas of the auditee's operations where the risk of impacts to forest resources is

deemed to be high. This is called the *inherent risk*. It can be a function of site conditions, natural circumstances, and the particular forest or range practices involved. Proportionally more sampling occurs where the inherent risk is high because the higher the risk, the higher the likelihood of a significant non-compliance or failure to achieve specified results.

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 size.

Auditors' work includes interviewing licensee staff, reviewing the auditee's applicable plans, and reviewing applicable legal orders, observations, inspections, and assessments 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 practice that complies with FRPA or the *Wildfire Act*, but may adversely affect a forest resource.

Areas Requiring Improvement (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. 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 auditor provides the party being audited with a copy of the draft report for review and comment before it is submitted to the Board.

The Board reviews the draft report and may make recommendations and/ or a commentary on the audit findings. The Board must, prior to publishing a report or recommendation, consider whether or not it may adversely affect a party or person. The Board must give any affected party or person the opportunity to review, rebut or clarify the information before the Board publishes its report. The final report is released; first to the auditee and then to the public and government seven days later.

ENDNOTES

ⁱ A forest stewardship plan (FSP) is a key planning element in the FRPA framework and the only plan subject to public review and comment and government approval. In FSPs BCTS is required to identify results and/or strategies consistent with government objectives for values such as water, wildlife and soils. These results and strategies must be measurable and once approved are subject to government enforcement. FSPs identify areas within which road construction and harvesting will occur but are not required to show the specific locations of future roads and cut blocks. FSPs can have a term of up to five years.

ⁱⁱ Major structure includes bridges and major culverts where:

- Bridge means a temporary or permanent crossing structure with a span length equal to or greater than 6 metres or an abutment height of 4 metres or greater.
- Major culvert has a pipe diameter of 2 metres or greater or a bottom arch with a span greater than 2.13 metres.

ⁱⁱⁱ Protection of the environment

46 (1) A person must not carry out a forest practice, a range practice or another activity that results in damage to the environment, unless in doing so

(a) the person

- (i) is acting in accordance with a plan, authorization or permit under this Act,
- (ii) is not required to hold a plan or permit because of an exemption under this Act and is acting in accordance with this Act, the regulations and the standards, or
- (iii) [Repealed 2007-18-80.]
- (iv) is acting in accordance with another enactment, and

(b) the person does not know and cannot reasonably be expected to know that, because of weather conditions or site factors, the carrying out of the forest practice, range practice or other activity may result, directly or indirectly, in damage specified by regulation.

^{iv} Retaining information

77 (1) A person who builds a bridge or major culvert for the purpose of constructing or maintaining a road must do all of the following:

(a) prepare or obtain

- (i) pile driving records,
- (ii) for new materials used to build the bridge or major culvert, mill test certificates, in-plant steel fabrication drawings, and concrete test results,
- (iii) soil compaction results, and
- (iv) other relevant field and construction data;

(b) prepare as-built drawings of the bridge or major culvert;

(c) retain the information referred to in paragraphs (a) and (b) until the earlier of the date that

(i) the bridge or major culvert is removed, and

(ii) the person is no longer required to maintain the road.

(2) Subject to subsection (3), a person responsible for maintaining a road must retain a copy of inspection records for a bridge or major culvert associated with the road for at least one year after the bridge or major culvert is removed from the site.

^v Soil disturbance limits

35 (3) An agreement holder other than a holder of a minor tenure or a fibre supply licence to cut, which holder is carrying out timber harvesting, must not cause the amount of soil disturbance on the net area to be reforested to exceed the following limits:

- (a) if the standards unit is predominantly comprised of sensitive soils, 5% of the area covered by the standards unit, excluding any area covered by a roadside work area;
- (b) if the standards unit is not predominantly comprised of sensitive soils, 10% of the area covered by the standards unit, excluding any area covered by a roadside work area;
- (c) 25% of the area covered by a roadside work area.

^{vi} *Wildfire Regulation* - Hazard assessment – Section 11 (3.1)

(3.1) The prescribed intervals, at which a person described in section 7 (1) of the Act who is a qualified holder must conduct fire hazard assessments, are the intervals

- (a) set out in subsection (2) or (3) of this section, as applicable, or
- (b) specified by a professional forester or a registered forest technologist.