

2022

ANNUAL REPORT

2023



Forest
Practices
Board

BC'S INDEPENDENT WATCHDOG FOR
SOUND FOREST & RANGE PRACTICES

Territorial Acknowledgement

We acknowledge, with gratitude and respect, the territories of the Indigenous peoples across British Columbia.

We are committed to incorporating Indigenous views and values in our work and to encouraging practices and stewardship of forest and range lands that support reconciliation.



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The Board consists of a full-time Chair and five part-time members who live in communities across the province. Board Chair Kevin Kriese retired at the end of June 2022, and new Chair Keith Atkinson joined us at the beginning of March 2023.

The Board met monthly, except for August. Highlights included a June field trip in the Quesnel area, as well as meetings with Mayor Bob Simpson, members of the Nazko First Nation, and staff from Dunkley Lumber, West Fraser, and the Ministry of Forests. In December, the Board met with forest licensees, ENGOS, and government representatives as part of its strategic plan renewal process.

Board Members (from left): Cindy Stern, Gail Wallin, Keith Atkinson, Gerry Grant, Bruce Larson, and Rick Monchak

MESSAGE FROM THE CHAIR

As the watchdog for sound forest and range practices in BC, we are pleased to provide this snapshot of our work during the 2022-2023 fiscal year. This year marked the 27th year of operations for our organization.

We recognize that we are operating for the benefit of the BC public, including Indigenous peoples. We acknowledge the rights of Indigenous people and strive to ensure our work is done with appropriate respect and recognition.

As you review this summary of work completed over this past year, please take a closer look at the reports we have completed that are available on our website. Our audit program continued to be a strong, boots-on-the-ground evaluator of licensees operating on public lands. We completed 7 complaint investigations and reviewed 35 government determinations, resulting in 2 appeals to the Forest Appeals Commission. The special investigations and reports completed and initiated this year explored wildfire and wildfire suppression, with the release of an investigative report on *Wildfire Act* determinations and preparations for releasing a special report on landscape fire management.

We can confidently say that the recommendations from all areas of our organization have contributed toward improved forest and range management practices.

In addition to the work completed during this reporting period, a renewed Strategic Plan was developed. It identifies a forward direction for the organization that embraces some of the societal issues facing us all. Supporting the rights of Indigenous peoples and human well-being at the community level are key initiatives that can be supported through sound forest and range practices. We also plan to prioritize forest and ecosystem resilience and climate change dynamics in our work.

As I embark on my role as the Chair of the Board, I am pleased to report that the leadership team is strong at the Forest Practices Board; we have an experienced appointed board, and the team of professionals and experts undertaking the work operate at a very high level. It is my pleasure to join this high-functioning team.



BUDGET & FINANCIALS

FINANCIAL REPORT	Board Members and Executive	Investigations	Audits	Legal	Communications	Administration and Overhead	TOTAL
Salaries and Benefits	381,965	752,157	513,041	208,191	287,877	217,598	2,360,829
Other Operating Costs	186,273	160,993	252,450	489	29,120	896,726	1,526,051
Total Operating Expenditures	568,238	913,150	765,491	208,680	316,997	1,114,324	3,886,880
Total Capital Expenditures	–	–	–	–	–	–	–
Total Expenditures	568,238	913,150	765,491	208,680	316,997	1,114,324	3,886,880
Budget							3,896,000

NOTES:

1. "Board Members and Executive" expenditures cover those of the Chair of the Board, the part-time Board members, the office of the Executive Director, and staff providing direct support to the Board members.
2. "Legal" expenditures covers legal advice on all files of the Board, including review and appeals.
3. "Administration and Overhead" includes building occupancy charges, software licensing, centralized support charges, and salaries associated with support for corporate services and information systems.

OUR MANDATE

The Forest Practices Board (The Board) serves the public interest as the independent watchdog for sound forest and range practices in British Columbia.

OUR WORK ENCOURAGES:

- Sound forest and range practices that instill confidence with the public and Indigenous peoples;
- Continuing improvements in forest and range stewardship; and
- Fair and equitable application of the *Forest and Range Practices Act* and the *Wildfire Act*.

OUR VALUES & BEHAVIOURS

These values and corresponding behaviours guide us in all of our work.

INDEPENDENCE

- Act on behalf of the public interest, not any single group or individual
- Perform in a non-adversarial, unbiased, non-partisan and balanced manner

INTEGRITY

- Be straightforward in approach-tell it like it is
- Base actions and decisions on knowledge, evidence, experience and common sense

EXCELLENCE

- Produce high-quality work
- Seek continuous improvement-both in our work and in forest and range practices

FAIRNESS

- Treat all participants with fairness and sensitivity
- Seek solutions rather than assigning blame

RESPECT

- Treat all people with courtesy and value their opinions and perspectives
- Recognize the value of a diverse range of backgrounds, experiences, and perspectives

TRANSPARENCY

- Provide clear and concise reports to the public
- Be accessible and accountable



AUDITS

The Board audits forest and range practices on public lands and the appropriateness of government enforcement. It can make recommendations for improvement to practices and legislation.

Auditors objectively collect and evaluate evidence to determine if forestry and range activities are consistent with the *Forest and Range Practices Act (FRPA)*, the *Wildfire Act*, and operational plans, ensuring that practices are consistent with government objectives for forest resources.

GOAL

Maintain an audit program that uses Board audit standards, based on Canadian generally accepted audit standards, to provide assurance about the state of forest and range practices, and encourage continuous improvement.

Objective 1 Undertake regular audits of an array of forest and range tenures across the province.

Objective 2 Maintain audit practices, expertise and tools to reflect evolving audit practices, standards and policies.

ACCOMPLISHMENTS

- Audited 2 BC Timber Sales units and 7 licences (4 woodlot licences, 1 First Nations woodlot licence, 1 tree farm licence, and 1 non-replaceable forest licence)
- Developed a draft process for enforcement audits
- Hired two new audit staff

AUDITS COMPLETED

AUDITEE	PUBLISHED
Started in Fiscal 2021-22	
• Range Agreement for Grazing – RAN077219	April 19, 2022
• Gitxsan Forest Licence Inc. – FL A16831	April 26, 2022
• Cheakamus Community Forest Limited Partnership – CFA K3V	May 18, 2022
• BCTS and TSLs: Okanagan-Columbia Business Area – Columbia Field Unit	June 13, 2022
• Range Agreements – RAN077302 (grazing) & RAN077303 (hay cutting), Quesnel Natural Resource District	June 28, 2022
• Range Agreement for Grazing RAN076466, Quesnel Natural Resource District	June 28, 2022
• BCTS and TSLs: Skeena Business Area – Terrace Field Unit	August 11, 2022
• Canadian Forest Products Ltd. – FL A15384	December 20, 2022
Started in Fiscal 2022-23	
• Lake Babine Nation Forestry Ltd. – First Nations Woodland Licence N21	February 22, 2023
• BCTS and TSLs – Cariboo-Chilcotin Business Area	February 22, 2023
• Yucwmenlúcwu (“Caretakers of the Land”) 2007 LLP – NRFL A89359	March 23, 2023

AUDIT RESULTS

11 Audit Reports Published

2 Without Issues

Range Agreement for Grazing – RAN077219

Lake Babine Nation Forestry Ltd. – First Nations Woodland Licence N21

9 With Issues

Gitxsan Forest Licence Inc. – FL A16831

Cheakamus Community Forest Limited Partnership – CFA K3V

BCTS and TSLs: Columbia Field Unit, Okanagan-Columbia Business Area

Range Agreement for Grazing – RAN076466

Range Agreements – RAN077302 (grazing) and RAN077303 (hay cutting)

BCTS and TSLs: Skeena Business Area – Terrace Field Unit

BCTS and TSLs: Skeena Business Area – Terrace Field Unit

BCTS and TSLs: Cariboo-Chilcotin Business Area

Yucwmenlúcwu (“Caretakers of the Land”) 2007 LLP - NRFL A89359

1 Unsound Practice

Road Construction

8 Areas Requiring Improvement

1 Silviculture

3 Fire Hazard Assessment

1 Fire Hazard Abatement

1 Regeneration Obligations

1 Soil Disturbance

1 Timber Harvesting

12 Significant Non-Compliances

1 Free Growing

1 Fire Hazard Abatement

1 Requirement to Operate with a Range Use Plan

2 Riparian Management

1 Annual Reporting

2 Bridge Maintenance

1 Bridge Construction

2 Road Construction

1 Fire Hazard Assessment

COMPLIANCE AUDITS IN PROGRESS (as of March 31, 2023)

AUDITEES	NATURAL RESOURCE DISTRICT
Interfor Corporation - TFL 18	Thompson Rivers
BCTS Fort St. James (and 15 TSL holders)	Stuart-Nechako
Kevco Timber Ltd.	Campbell River
Storey Creek Trading Ltd.	Campbell River
North Island Excavating Ltd.	Campbell River
Matchlee General Partner Ltd.	Campbell River

AUDIT SEASON STATISTICS

	POPULATION	SAMPLED
HARVESTING (# of cutblocks)	193	106
ROADS (km)		
▪ Construction	302	163
▪ Deactivation	13	6
▪ Maintenance	3407	827
SILVICULTURE (# of cutblocks)	215*	55
MAJOR STRUCTURES		
▪ Construction	12	9
▪ Maintenance	199	105
FIRE PROTECTION (# of cutblocks)	224	160

* The number represents cutblocks that were planted. Cutblocks with regeneration and free-growing obligations are not included in this total.

The Board's complaint investigation team helps people who have concerns and complaints about forest and range planning and practices. A concern is a matter brought to the Board's attention, while a complaint is a formal process that must meet the requirements of FRPA. If you have a concern about a forest or range licensee or government, Board staff will work with you to determine a course of action and get you the information you need. If a formal complaint is the right approach, staff will assist you with the process.

When the Board receives a complaint, we look for opportunities to resolve the issue while we investigate. Complainants and participants can expect regular updates and an opportunity to review a draft report before it is considered by the appointed Board. We emphasize finding solutions rather than assigning blame, all in the interest of continually improving forest and range planning and practices.

GOAL

A complaint program that encourages the resolution of issues and is accessible, fair, and transparent.

ACCOMPLISHMENTS

Completed and reported on seven complaint investigations:

1. **Closing Letter: Timber Sale TA0021 near Roberts Creek**
2. **Enforcement of Old Tree Harvesting on a Quadra Island Woodlot**
3. **Management of a Spruce Beetle Outbreak near Prince George**
4. **Impact of Forest Practices on Water Quality near Avola, BC**
5. **Visual Quality in the Salisbury Creek Area**
6. **Turtle Valley Woodlot Logging**
7. **Fire Control near Manning Creek**

COMPLAINTS AND CONCERNS	COMPLAINTS	CONCERNS
CARRIED OVER FROM 2021-22	7	2
RECEIVED	4	55
TOTAL	11	57
PUBLISHED	7	N/A
RESOLVED	0	2
CLOSED	0	49
ONGOING AT MARCH 31, 2023	4	6

COMPLAINTS RECEIVED PRIOR TO FISCAL 2022-23 AND STILL UNDERWAY AT MARCH 31, 2023

1. South Okanagan Grasslands
2. Kettle Valley Watershed Harvesting
3. Grazing Practices at Blue Lake

NEW COMPLAINTS RECEIVED

	COMPLAINT	LOCATION	REGION	STATUS
1	TURTLE VALLEY WOODLOT LOGGING A resident of the Turtle Valley near Chase has several concerns about logging within a woodlot related to visual quality, riparian management, hazard abatement, planning, and notification.	Chase	Thompson-Okanagan	Published
2	FIRE CONTROL NEAR MANNING CREEK The complainant believes that the BC Wildfire Service intentionally lit a fire, known as a 'planned ignition', when it should not have, resulting in the loss of their home and property.	Merritt	Thompson-Okanagan	Published
3	VISUAL QUALITY IN THE SALISBURY CREEK AREA A Kaslo resident is concerned that Cooper Creek Cedar Ltd. did not meet a partial retention VQO when it harvested cutblock 405-4 above Kootenay Lake.	Kaslo	Kootenay-Boundary	Published
4	OVERGRAZING IN THE INGRAM-BOUNDARY RANGE UNIT A woodlot licensee is concerned about overgrazing, grazing impacts to a riparian area, government enforcement, and the public availability of range use plans.	Grand Forks	Kootenay-Boundary	Under Investigation

The Board undertakes special projects to examine trends identified in audits or investigations and issues of public interest.

SPECIAL INVESTIGATIONS

Special investigations focus on compliance with legislation or appropriateness of enforcement, but may also raise policy implications.

SPECIAL REPORTS

Special reports may summarize trends or findings of Board audits or investigations; identify and discuss forest or range policies and legislation; or raise forest or range stewardship issues to foster public understanding and discussion.

ACCOMPLISHMENTS

The 2022-23 fiscal year saw several new projects take shape. During the year, staff completed the investigative work to support two special reports and a technical bulletin, and launched a new special investigation into wildfire risk reduction activities. In December, our special investigation into *Wildfire Act* determinations was published, including four recommendations to government. Staff continue to work on launching new projects that align the Board's strategic priorities with the public interest in forest and range practices.

NEW PROJECTS

Special Investigation: Are regulated activities helping or hindering Wildfire Risk Reduction? This project will evaluate how activities authorized under FRPA and the *Wildfire Act* help or hinder wildfire risk reduction efforts within the wildland urban interface and how those activities align with wildfire risk reduction plans. The Board will be in the field throughout the province to evaluate post-harvest hazard abatement and post-treatment wildfire risk reduction activities.

Special Report: Summary of 2018-2022 Audit Reports This report will summarize trends in compliance with FRPA and *Wildfire Act*, as well as other findings from a total of 35 audits of 47 licencees completed by the Board between 2018-2022.

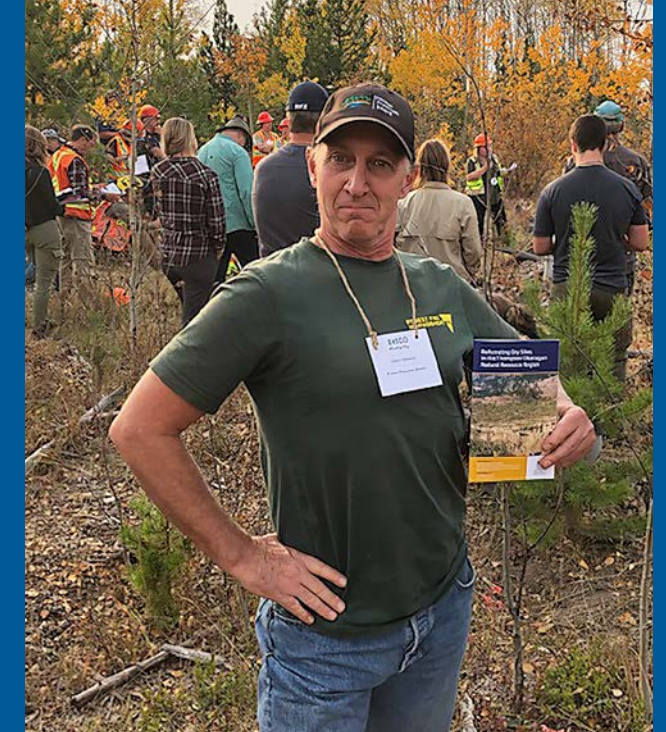
FPB RECOMMENDATION RESULTS IN NEW REFORESTATION GUIDELINES

In September 2020, the Board released a special investigation report, *Reforestation in the Interior Douglas-fir Subzone: Are Reforestation Choices Meeting Objectives?* The special investigation highlighted that site-level practices for reforestation met the current legal requirements set by FRPA. Moreover, there has been a positive shift in the planting of more resilient mixed species, moving away from primarily lodgepole pine.

However, the investigation also revealed that over 60 percent of the cutblocks assessed were in poor or marginal condition. This suggests that licensees may not be effectively creating or regenerating resilient stands, which could have negative implications for the future timber and non-timber values of these areas.

Reforestation on dry sites can indeed be a challenging task, especially considering the shift in harvesting from mountain pine beetle-killed sites to lower-elevation Douglas-fir stands. The challenge is further complicated by periodic drought years, which are becoming more frequent due to the impacts of climate change.

The Board recommended that the Ministry of Forests provide new guidance to improve reforestation practices in the dry-belt fir ecosystems. In response, the ministry released a best management practices document, *Reforesting Dry Sites in the Thompson Okanagan Natural Resource Region* – a comprehensive guide on identifying and managing the driving factors behind significant drought mortality for silviculture practitioners.



Board auditor and investigator Daryl Spencer with the newly published best management practices guide.

SPECIAL PROJECTS IN PROGRESS

(AS OF MARCH 31, 2023)

Special Report: Landscape Fire Management This special report will identify fundamental principles of landscape fire management with a goal of sustaining resilient ecosystems. Advocating for the importance of wildfire as a consideration in all aspects of forest management, the report will identify criteria to achieve the principles relative to forest and range planning and regionally appropriate practices.

Special Investigation: Protection of Species at Risk Under FRPA This special investigation will assess if the mechanisms available under FRPA are adequate for maintaining species at risk habitat. Northern Goshawk is being used as a case study to evaluate both legal and voluntary measures to maintain suitable habitat for Northern Goshawk and their prey on the coast and in the interior.

Special Report: Measuring and Allocating Forage on Rangelands in BC This special report will determine if government has a credible and systematic approach to measure and allocate forage on rangelands without causing damage to FRPA values. Those values include riparian areas, wildlife habitat and soils, and Indigenous interests. The report will examine how well this process contributes to achieving government's objectives for range contained in the *Range Planning and Practices Regulation*.

SPECIAL PROJECTS PUBLISHED

Wildfire Act Determinations

When an individual is responsible for starting or contributing to a wildfire, the *Wildfire Act* empowers the government to hold them responsible for the expenses incurred in combating the fire and the harm caused to public resources. When a government official levies penalties or orders compensation, it is known as a "determination." These determinations can involve substantial monetary orders, often amounting to hundreds of thousands of dollars, and they can be applied to any person who unintentionally or intentionally causes or contributes to a wildfire.

During the six-year period under investigation, there were 3,238 fires caused by individuals, resulting in 72 determinations under the *Wildfire Act*. These determinations were made in connection with 101 of these fires. The Board examined all 72 determinations for fairness, consistency and timeliness and considered the outcomes of 18 determinations that were appealed to the Forest Appeals Commission.

Our review found that most determinations are consistent and fair and meet legislated timelines, but there are opportunities for improvement:

- Government needs to ensure that the public is fairly compensated not just for the loss of mature timber but also the value of immature timber lost when a person causes or contributes to a wildfire. None of the determinations reviewed included compensation to the government for damage to immature timber.

- Decision-makers need the ability to exercise discretion to assess a person's liability based on the degree of fault, including apportioning liability between multiple persons. Currently, the legislation does not explicitly authorize apportioning costs or ordering less than full compensation.
- People who are liable for fire control costs, but have not contravened the legislation, should have the ability to defend their actions using the same statutory defences available to those who are found in contravention. Those defences are not available to people who caused a fire, but did not contravene the *Wildfire Act*.
- Government needs to ensure that the legislation does not create a disincentive to conducting proper fire hazard abatement activities. Currently, forest companies are liable if an unintentional wildfire results from burning to abate fire hazard.
- We also found that government needs to do a better job of informing the public that they can be held liable if they cause or contribute to a wildfire, and that they can be required to pay significant compensation to the government to recover the costs of fire control and to recoup damages to public resources.

APPEALS

ACCOMPLISHMENTS

- Reviewed 35 FRPA and *Wildfire Act* determinations
- Joined 2 Forest Appeals Commission appeals
- The Commission issued a decision in a Board-initiated appeal

STATUS OF APPEALS

Unauthorized Harvest

The Board appealed the penalty amount in a determination that found the holder of a forestry licence to cut in contravention of FRPA for cutting and removing Crown timber without authorization. The licence holder harvested wood for shakes and shingles over a five-year period from outside of the licence boundaries. The Board believed that the \$12,000 penalty levied in the determination was too low in the circumstances. The Board argued in the appeal that the contravention had an impact on the territory of a local First Nation, the licence holder deliberately contravened FRPA, and the licence holder derived an economic benefit from the

contraventions. In October 2022, the Commission issued a decision in which it agreed with many of the Board's submissions and increased the penalty amount to about \$130,000.

Debris Pile Burning and the Defence of Due Diligence

The Board joined an appeal of a determination that found the forest licensee in contravention of the *Wildfire Act* and *Wildfire Regulation* for failures related to debris pile burning and causing a wildfire. The Board intends to focus its participation in this appeal on the standard of diligence that licensees who conduct debris pile burning should be required to demonstrate to establish a statutory defence of due diligence. The appeal

proceeded in June 2023 and the Board took the position that the licensee was not duly diligent on the basis that its policies and procedures did not adequately address extinguishing and monitoring a holdover fire.

Compliance with Forest Stewardship Plan

The Board joined an appeal of a determination in which the licensee was found in contravention of FRPA for not achieving the results specified in its forest stewardship plan. The relevant part of the forest stewardship plan relates to restrictions from timber harvesting in old-growth management areas. The Board intends to make submissions to the Commission about the circumstances that led to the government alleging that

the licensee failed to comply with its forest stewardship plan. The appeal is scheduled for a hearing in November 2023.

Forestry Road Drainage and Landslide

The Board joined an appeal of a determination in which the licence holder was found in contravention of FRPA for causing a landslide as a result of inadequate drainage on a forestry road. The Board regularly audits and investigates compliance with the road related requirements of FRPA and expects to bring an important road design and maintenance perspective to this appeal. The hearing is scheduled for September 2024.

COMMUNICATIONS

The Board communicates the outcomes of its activities through a variety of channels. This includes issuing news releases, delivering presentations about audit findings and investigations, and posting highlights of Board work on social media. We highly encourage individuals who are interested to subscribe to our email updates through our website and also to follow us on social media platforms. By doing so, you will be able to stay informed about the latest news from the Board.

THIS YEAR'S PUBLICATIONS

This fiscal year we published 19 reports, in addition to 1 newsletter, 1 annual report, and 20 news releases.

Our top 5 most popular reports were:

1. Wildfire Act Determinations
2. 2021-22 Annual Report
3. Forest Practices and Water: Opportunities for Action
4. Audit: BCTS & TSLs – Skeena Business Area – Terrace Field Unit
5. Management of a Spruce Beetle Outbreak near Prince George

CONTACT US

We encourage those interested to contact us to learn more about our work. We would be pleased to answer your questions and provide additional information, whether by phone, meetings, webinars, or by giving presentations on our reports and our work.

EMAIL US

Do you have a concern about forest and range practices in BC? Email us at FPBoard@bcfpb.ca

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