



File: 280-30
Reference: 221036

APR 14 2016

Tim Ryan, Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Tim Ryan:

On behalf of the Ministry of Forests, Lands and Natural Resource Operations (FLNR), please accept this letter as government's response to the Forest Practices Board's recommendations in its reports: *Forest Stewardship Plans: Are They Meeting Expectations?* (August 2015) and *District Managers' Authority over Forest Operations* (December 2015).

As Deputy Minister Sheldan indicated to the Board in his letter of December 18, 2015, the ministry has placed a high priority on obtaining improvements to forest stewardship plans (FSPs) over the coming years. To achieve this objective, we have several initiatives underway, as outlined below. We are grateful for the efforts of Board staff in helping government and industry professionals better understand the Board's methods, analysis and findings. This has been instrumental in improving our collective understanding of opportunities to improve FSP results, strategies, and measures.

We also appreciate the Board's analysis and recommendation to strengthen the authorities of District Managers in legislation to prevent unintended outcomes, such as the potential for unintended adverse impacts to public health and safety, the environment, resource values, and the rights of other tenure holders.

The ministry views these two reports collectively, as they both identify opportunities to improve to the underlying mechanisms that enable effective operational planning and practices under the *Forest and Range Practices Act* (FRPA). The ministry is in the process of developing a multi-year strategy for improvement of the FRPA framework and its implementation: elements of the Board's findings and recommendations in both reports will be further addressed in this strategy.

The following reflects activities now underway and planned (as part of the FRPA strategy) to address the Board's specific recommendations in both reports.

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FOREST STEWARDSHIP PLANS (FSPs)

Recommendations to government

1. Government and its decision makers should not extend or approve FSPs that include:
 - ☐ results, strategies and measures that are unenforceable,
 - ☐ results or strategies that are not consistent to the extent practicable with government's objectives, or
 - ☐ measures that are not reasonable and appropriate.
2. Government should ensure that the public has at least one opportunity every five years for full review and comment on forest stewardship plans.
3. Government should establish a process for public review and comment on planned roads and cutblocks.

Government activities underway and planned:

- ☐ To support immediate improvements to FSPs, Minister Thomson issued province-wide expectations to District Managers, the Minister's delegated decision-makers under FRPA responsible for approving the content of FSPs. Pursuant to this government direction, the province's Chief Forester, Diane Nicholls, provided specific guidance on the replacement of FSPs. This guidance is intended to inform District Managers as they set their local expectations for FSPs in advance of FSP approval decisions. A copy of this guidance was shared with the Board upon its release in early March 2016.
- ☐ The ministry has developed a provincial FSP workshop that will be hosted across FLNR regions throughout spring 2016. These sessions are designed to assist industry professionals and government staff who are responsible for preparing, reviewing and adjudicating FSPs. The ministry has worked with the Association of BC Forest Professionals (ABCFP) and forest industry representatives to help design the workshops. I wish to thank the Board for contributing staff time during the development of the workshop content.
- ☐ To support public consultation on FSPs every five years, the Chief Forester's recent provincial guidance expressly notes that government expects replacement (new) FSPs, not extensions, for FSPs that are coming to the end of their term. By submitting a replacement FSP, the legal requirement for public consultation is triggered. This enables communities, tenured users, the general public and other affected parties to have a formal opportunity to present their perspectives during the planning phase. As per the *Forest Planning and Practices Regulations Section 21 and 22*, these comments must be considered, and the actions taken to address them must be included as part of the FSP submission to the District Manager.
- ☐ Government would like to see enhancements to public engagement in forestry planning. An area that government will be working on further, is building technology-based solutions for sharing the right information with the right parties at the right time. As such, government has no plans at this time to explore a new legislated process for public review and comment on proposed cutblocks and roads. Instead, we will turn resources toward finding solutions that support meaningful sharing of information between the forest industry and First Nations, non-forestry tenured users, municipal government, and the public.

- ☐ FRPA is a results-based model, where improvements are enacted over time based on evidence. We remain committed to the continuous improvement model for FRPA, and will continue to identify annual priorities for FRPA enhancement.

AUTHORITIES OF DISTRICT MANAGERS

Recommendation to government

Introduce a regulation to implement *Forest Act* section 81.1. The regulation should authorize District Managers to refuse a cutting permit or road permit if the Minister determines that any of the following applies:

- ☐ there is clearly significant risk to public health or safety;
- ☐ there is a clearly significant risk to forest resources or values;
- ☐ there is likely to be a contravention of legislation; or,
- ☐ the interests of another tenure holder have not been adequately addressed (if that tenure holder requests District Manager intervention).

Government actions underway and planned:

- ☐ The ministry is currently working with District Managers, legal counsel and policy specialists to further investigate and document: (a) the current suite of authorities that District Managers have; and, (b) the range of circumstances District Managers may face that challenge the exercise of such authorities.
- ☐ As a result of this work, any identified opportunities to strengthen legislation, policy, or decision-making support will be addressed as part of the annual FRPA continuous improvement strategy.

In closing, if the Board has any questions regarding the ministry's actions to address the Board's recommendations, please contact Norah White, Sustainable Forest Management Policy Officer, Resource Practices Branch, at norah.white@gov.bc.ca.

Yours truly,



Tom Ethier
Assistant Deputy Minister

cc: Tim Sheldan, Deputy Minister
Jason Fisher, Associate Deputy Minister, Forest Sector
Diane Nicholls, Chief Forester
All Regional Executive Directors
Jennifer Davis, Director, Resource Practices Branch
Kevin Edquist, Director, Compliance and Enforcement Branch
Perry Grilz, Director, Range Branch
Doug Stewart, Director, Forest Tenures Branch
All District Managers

Doug Fraser, Range Practices Officer, Range Branch
Lou Tromp, Senior Timber Tenures Forester, Forest Tenures Branch
Norah White, Sustainable Forest Management Policy Officer,
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Christine Gelowitz, Association of BC Forest Professionals
Mike Larock, Director of Professional Practice and Forest Stewardship,
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Larry Fossum, President, BC Cattlemen's Association



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April 19, 2016

Tom Ethier
Assistant Deputy Minister
Resource Stewardship Division
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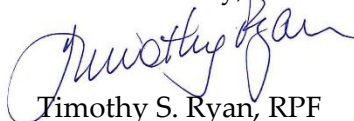
Dear Tom Ethier:

Re: Response to the Board's Reports on District Manager Authority, FPB/SR/52

Thank you for your letter of April 14, 2015, responding to the Board's recommendations in the above report.

We understand from your letter that the Ministry is exploring the issues identified by the Board and the opportunities that may exist to strengthen the legislation, policy or decision-making support available to district managers, and that any such improvements would be implemented as part of the annual FRPA continuous improvement strategy. I would ask that once you identify whether any improvements will be made, you inform the Board of the outcome so we may determine if our recommendations have been followed. In the meantime, thank-you for this progress report.

Yours sincerely,



Timothy S. Ryan, RPF
Chair