

# FRPA Facts: Forest and Range Practice Requirement Updates

**IMPORTANT CAUTION:** This document is intended to assist forestry practitioners with interpretation of recent changes to the *Forest and Range Practices Act*. The information contained within does not constitute legal advice. Government practitioners should seek legal advice from the Ministry of Attorney General, whereas industry practitioners should seek independent legal advice.

## BACKGROUND

Changes to select sections of the *Forest and Range Practices Act* (FRPA) and several underlying regulations provide new requirements that forest and range agreement holders must meet to protect established recreation sites, recreation trails, interpretive forest sites, and ecological communities. These changes stem from new authority under the Government Actions Regulation (GAR) to establish general ecological community measures, as well as a change to the definition of “resource feature” in the Forest Planning and Practices Regulation (FPPR).

## HIGHLIGHTS

### **Enhanced Management for Established Interpretive Forest Sites, Recreation Sites and Recreation Trails**

The definition of “resource feature” has been amended in section 1 of the FPPR. The definition now includes both:

- a) An interpretive forest site, a recreation site, or a recreation trail, or
- b) A resource feature identified under the Government Actions Regulation.

By updating the definition for “resource feature” in the FPPR, the definition also applies in the Range Planning and Practices Regulation (RPPR) and Woodlot Licence Planning and Practices Regulation (WLPPR).

Prior to this change, recreation sites, recreation trails and interpretive forest sites established under FRPA s. 56 did not have default management requirements. The definition of “resource feature” now includes interpretive forest sites, recreation sites and recreation trails. This provides default management for features established through s. 56 by applying existing practice requirements in the FPPR, RPPR, and WLPPR, which provide that forest and range activities must not damage or render the feature ineffective. Objectives for recreation sites, recreation trails and interpretive forest sites, where established under FRPA s. 56 (3), will continue to apply.

If these resources are damaged or rendered ineffective and a forest or range licensee is found responsible, they could be levied a penalty under the Administration Orders and Remedies Regulation.

### **Forest agreement holders**

Those authorized persons whose forestry practices are regulated by the FPPR must comply with the practice requirement under FPPR s. 70 (1), which requires that “*An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not damage or render ineffective a resource feature.*”

The minister has the authority and discretion to provide an exemption to this practice requirement as per FPPR s. 91 (1) (a) (ii).

### **Woodlot licence holders**

The WLPPR has a similar practice requirement that is found under s. 56 (1). However, woodlot licence holders are also required to identify resource features on their woodlot licence plan (WLP) maps in WLPPR s. 8 (1) (q). In their plan, they must describe areas where timber harvesting will be avoided or modified during the term of the plan to protect resource features under WLPPR s. 8 (3) (a), which will now include an interpretive forest site, recreation site and recreation trail.

Licensees who must submit a new WLP or a 10-year extension now must identify established interpretive forest sites, recreation sites and recreation trails on their maps and describe how timber harvesting will be avoided or modified in these areas. Once this information is included in an approved WLP, the practice requirement under WLPPR s. 56 (1) (a) applies. Until the map and information in the WLP is updated and approved, woodlot licensees will be required, under the practice requirement in WLPPR s. 56 (1) (b), to ensure that their forest practices do not damage or render ineffective recreation sites, recreation trails and interpretive forest sites in their woodlot licence area.

The minister has the authority and discretion to provide an exemption to these practice requirements as per WLPPR s. 78 (1) (b).

### **Range agreement holders**

The RPPR s. 38 (1) requires range agreement holders to ensure that their range practices do not damage or render ineffective a resource feature. The minister has the authority and discretion to provide an exemption to this practice requirement as per RPPR s. 38 (2).

### **Defining and Protecting Ecological Communities at Risk**

The *Forest and Range Practices Amendment Act, 2019* (Bill 21) added the definition of “ecological communities” to section 1 of FRPA. The GAR, FPPR, WLPPR, and RPPR have been amended so that forest and range licensees are required to manage for ecological communities within their activity areas.

Ecological communities can now be designated under the authority of GAR s. 13.1. They may be designated as a category identifying ecological communities at risk under GAR s. 13.1 (1), or a category identifying an ecological community as regionally important under GAR s. 13.1 (2). GAR s. 9.1 grants authority to the minister responsible for the *Wildlife Act* to establish general measures in relation to ecological communities to be applied to a specific area.

If a forest or range licensee is operating in an area with established “general ecological community measures” (defined in FPPR s. 1 as “... a general measure in relation to ecological communities established under section 9.1 of the *Government Actions Regulation*”), they must meet the applicable practice requirement established under the FPPR, WLPPR or RPPR. Contravention of these practice requirements are considered an offence, with each regulation describing a maximum fine amount and/or maximum imprisonment time (FPPR s. 102 (1); WLPPR s. 90 (1); RPPR s. 48 (1)). The administrative penalties can be found in the Administrative Orders and Remedies Regulation.

### **Forest agreement holders**

Licensees whose forestry practices are regulated by the FPPR must comply with FPPR s. 69, which has been amended to read as “an authorized person who carries out primary forest activities on an area must comply with each general wildlife measure **and general ecological community measure** that applies to the area.”

The minister responsible for the *Wildlife Act* has authority and discretion to provide exemptions to this practice requirement, for both general wildlife measures and general ecological community measures, as provided in FPPR s. 92 (1).

**Woodlot agreement holders**

The WLPPR contains a new practice requirement for general ecological community measures as per WLPPR s. 55.1, which requires woodlot licence holders to comply with each general ecological community measure that applies to the area when carrying out primary forest activities.

The minister responsible for the *Wildlife Act* has authority and discretion to provide exemptions to this new practice requirement as per the amended WLPPR s. 79 (1).

**Range agreement holders**

The RPPR has a new practice requirement for general ecological community measures as per RPPR s. 36.1. Range agreement holders must, by January 1 following the establishment of a general ecological community measure for the area, ensure their practices are consistent with the measure or a proposal approved by the minister responsible for the *Wildlife Act*.

Additional questions about this information can be  
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