



Resource Tenures and Engineering Branch

*Forest and Range Practices Act*



# Administrative Guide for Forest Stewardship Plans (FSPs)

*Volume II*

*Operating Under an  
Approved FSP*



## About the Guide

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Volume II of the Administrative Guide for FSPs (AGFSP) is designed as a reference tool to help promote consistent operations, where appropriate, when operating under an approved Forest Stewardship Plan (FSP). This volume brings together information and advice on administering and implementing an approved Forest Stewardship Plan (FSP) for licensees/BCTS who operate under an approved FSP and government personnel who monitor, enforce and approve amendments to FSPs. It also includes information and advice from the Association of BC Forest Professionals (ABCFP), to support professionally reliant practises when operating under an approved FSP. Volume I of the AGFSP contains information and advice for the development, review and approval/rejection of an FSP.

This volume of the AGFSP contains sections on:

- Planning and obtaining permits under an approved FSP;
- Maintaining your FSP through amendments;
- Administering your FSP after it has been approved for activities such as extensions and exemptions;
- Managing *FRPA* values when operating under an approved FSP; and
- Conducting operations under an approved FSP.

This guide is intended to be used as guidance material. The content includes summaries of the legal requirements and advice or suggestions based on feedback from licensees, BCTS and government personnel. The advice and suggestions in this guide are not legal requirements nor are they government policy or direction.

More information and/or questions regarding this AGFSP should be forwarded to the B.C. Ministry of Forests and Range, Resource Tenures and Engineering Branch:

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**Note:** This version is current to the *Forest and Range Practices Act* consolidated to May 29, 2008 and the Forest Planning and Practices Regulation as of July 25, 2008.



## **DISCLAIMER**

This document contains material to assist forest practitioners operate under an approved Forest Stewardship Plan (FSP) under the Forest and Range Practices Act (*FRPA*). This document contains both a summary of the legal requirements and advice/suggestions from the non-legal realm. Advice/suggestions from the non-legal realm are not legal requirements you must follow, nor are they government policy.

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## Document Change Control

<b>Version</b>	<b>Date of Issue</b>	<b>Brief Description of Change</b>
1.0	Sept. 30, 2008	Original document formed as an extract of applicable sections from the AGFSP (version 1.06) and supplemented with information created as a result of the Post FSP Workshop in March, 2007 and regional workshops conducted in the Spring of 2008 (Operating under an Approved FSP).
1.1	October 14, 2009	The following changes have been made: <ul style="list-style-type: none"> <li>▪ Minor changes throughout the document in formatting, wording, and updates to legislation</li> <li>▪ Update of Table 1: Road legislative requirements</li> <li>▪ Update of the First Nations portions</li> <li>▪ Addition of s.5.2.3.3 relating to changing of licence</li> <li>▪ Update of sections relating to the FSP Tracking System</li> <li>▪ Elaboration on content of site plans</li> <li>▪ Addition of more site plan examples for both roads and cutblocks</li> <li>▪ Update on FSP extensions</li> </ul>
1.1a	March 10, 2010	Revised Section 4.3 to update extensions information and correct a procedure for FSP extensions within the FSP Tracking System



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**Abbreviations, Acronyms and Initializations**

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ABCFP	Association of BC Forest Professionals
BCTS	BC Timber Sales
CP	cutting permit
CWAP	coastal watershed assessment procedure
CWS	community watershed
DDM	delegated decision-maker
ECA	equivalent clearcut area
FDU	forest development unit
FPC	Forest Practices Code
FPPR	Forest Planning and Practices Regulation
<i>FRPA</i>	<i>Forest and Range Practices Act</i>
FSP	Forest Stewardship Plan
FTA	Forest Tenure Administration system
GAR	Government Actions Regulation
LRDW	Land and Resource Data Warehouse
LRMP	Land and Resource Management Plan
MAL	Ministry of Agriculture and Lands
MoE	Ministry of Environment
MFR	Ministry of Forests and Range
OGMA	Old Growth Management Area
OSBG	Objectives set by government
RESULTS	Reporting Silviculture Updates and Land Status Tracking System
RMA	riparian management area
RMZ	riparian management zone
RP	road permit
RPF	Registered Professional Forester
RRZ	riparian reserve zone
OTBH	Opportunity to be heard
s.	section
SOP	Standard operating procedure
TSA	timber supply area
TSL	timber sale licence
TSR	Timber Supply Review
VQO	visual quality objective
WAP	watershed assessment procedure



## Glossary of Forestry Terms

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A glossary of common forestry terms can be found on the following websites:

<http://www.for.gov.bc.ca/hfd/library/documents/glossary/>.

In addition, each of the various acts and regulations has definitions, for example:

- definitions in *Forest Act* can be found at:  
<http://www.for.gov.bc.ca/tasb/legsregs/forest/foract/part1.htm>
- definitions in the *Forest and Range Practices Act* can be found at:  
<http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPA/part1.htm#section1>.
- definitions in the Foresters Act (ie. Professional forestry) can be found at:  
<http://www.for.gov.bc.ca/tasb/legsregs/fsa/fsa.htm#section1>

More information on the term “practicable” can be found in the following *FRPA* bulletins available on the PFIT website:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* Bulletin # 3: Use of the Term "Practicable" under the *Forest and Range Practices Act (FRPA)* and Regulations - June 10, 2005; and
- *FRPA* Bulletin #12 - [Use of Practicable in Results or Strategies March 30, 2007](#).



# 1 Operating under an Approved FSP

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## 1.1 Harvesting timber

### 1.1.1 Notification requirements

Under section 85 of the Forest Planning and Practices Regulation (FPPR), unless exempted under section 91(1), the licensee/BCTS must notify the DM before beginning timber harvesting, or re-starting timber harvesting after an inactive period of three months or more. This notice must include the location of the timber harvesting, a contact name and contact information, and the projected date on which timber harvesting will begin.

### 1.1.2 Exemptions to permit harvesting without an FSP

In most cases, a licensee/BCTS requires an approved FSP to harvest timber or construct a road. However, under section 4(1) of the *FRPA*, some types of harvesting are exempt from either having to have an approved FSP in place or having the area within the boundaries of a FDU in an approved FSP.

As outlined in sections 4(1) (a) to (e) of the *FRPA*, harvesting does not have to be within the boundaries of an approved FDU, and under 4(2) (a) and (b) harvesting does not have to be within an approved FSP if:

- harvesting timber to eliminate a safety hazard;
- harvesting timber to facilitate the collection of seed, leaving an opening not bigger than 1 hectare;
- removing felled trees from landings and road rights of way;
- harvesting timber not exceeding a volume of 500 cubic meters (m<sup>3</sup>) which, in the opinion of the District Manager:
  - is in danger of being significantly reduced in value, or being lost or destroyed by insect infestation, fire or disease; or
  - has been treated or will be treated by the holder or timber sales manager to facilitate the entrapment or elimination of pests; and
- other prescribed purposes in section 32.3 of the FPPR. This includes timber harvesting related to an approved research installation or harvesting less than 50 m<sup>3</sup> of timber from an area outside of, but incidental to, an area harvested under an approved FDU.

Although an area containing less than 500 cubic metres of timber, and in danger of being impacted by fire, disease, pests, etc., can be harvested without an approved FSP, this does not mean that licensees can harvest large beetle areas without an FSP by dividing the area into cut blocks of less than 500 cubic meters. The licensee should discuss this issue with their local District Manager if they find themselves harvesting several areas under this



exemption. An FSP or amendment to an approved FSP may be required to include these areas.

Section 2.2 of volume I of the AGFSP has more information on other prescribed exemptions from the requirement to prepare an FSP.

## **1.2 Constructing and maintaining roads**

### **1.2.1 Notification requirements**

Under section 85 of the FPPR, unless exempted under section 91(1), the licensee must notify the DM before beginning construction of a road that is a permanent structure, or re-starting road construction after an inactive period of three months or more. This notice must include the location of the road, a contact name and contact information, and the projected date on which the licensee plans to begin the road construction.

#### **1.2.1.1 In-stream works – permanent access structures**

Section 85 of the FPPR requires a licensee to notify the district manager about the commencement of road construction activities:

*85 (1) Unless exempted under section 91 (1) [minister may grant exemptions], an agreement-holder must notify the district manager before (a) beginning timber harvesting or construction of a road that is a permanent access structure, and (b) re-starting the activities described in paragraph (a) after an inactive period of 3 months or more.*

*(2) A notice under subsection (1) must specify (a) the location of the timber harvesting or road, including any administrative identifier that relates to the location, (b) a contact name and contact information, and (c) the projected date for beginning timber harvesting or road construction.*

This section lightens the licensee's administrative burden by creating a single window through which to notify provincial<sup>1</sup> government when they start or stop forest practices. Any information submitted through that window is available for the broad use of provincial government agencies, so the licensee does not need to notify each individual provincial agency.

The DDM and Ministry of Environment (MoE) Regional Manager (Environmental Stewardship Program) should discuss and agree on a preferred course of inter-agency information flow. The MoE will need to access information about when and where road construction activities are occurring which may involve stream crossings of risk. Based on this kind of information, the Ministry of Environment should be able to develop necessary inspection and monitoring programs.

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<sup>1</sup> Note: This applies to provincial government agencies only.



### **1.2.2 Practice requirements for roads associated with an FSP**

The definition of a “forest practice” in the *FRPA* includes, but is not limited to, activities associated with all parts of a road’s “life cycle” including construction, maintenance, road use, and deactivation.

This means that all references to forest practices in the *FRPA* and the requirements for an FSP must include and address the effects of these road-related forest activities on the identified resource values defined under section 149 of the *Act*.

All activities associated with road construction must be within a Forest Development Unit (FDU) under an approved FSP unless exempted.

There are a variety of publications available to help licensees undertake road construction, general access development, and deactivation of roads. The *Forest Road Engineering Guidebook* (June 2002) is an example. See also the *Guidelines for Terrain Stability Assessments in the Forest Sector* (October 2003), published by the Association of Professional Engineers and Geoscientists of BC, available on the publications website of the MFR’s Resource Tenures and Engineering Branch at:

[http://www.for.gov.bc.ca/hth/engineering/publications\\_guidebooks.htm](http://www.for.gov.bc.ca/hth/engineering/publications_guidebooks.htm). The ABCFP also maintains a website with information available on it including publications on:

- Crossings: [http://www.abcfp.ca/regulating\\_the\\_profession/documents/guidelinesforestcrossings\\_2008.pdf](http://www.abcfp.ca/regulating_the_profession/documents/guidelinesforestcrossings_2008.pdf)
- Terrain: [http://www.abcfp.ca/regulating\\_the\\_profession/documents/Management\\_Terrain\\_Stability.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Management_Terrain_Stability.pdf)

A summary of legislative requirements for forest roads is contained in the Appendix 10 of this Guide. This document, developed in June 2004 by the MFR’s Resource Tenures and Engineering Branch, summarizes the road related requirements in both the Forest Practices Code and the *Forest and Range Practices Act* and regulations.

The legislative requirements for roads constructed and deactivated under *FRPA* are summarized in Figure 1.

Table 1: Road legislative requirements

**Roads – Planning Requirements**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
FPPR s.1	Defines “road” for the purposes of the regulation.
<i>FRPA</i> s.3	Roads <i>to be constructed</i> must be within an FDU in an FSP.
<i>FRPA</i> s.10	Must prepare a site plan that shows road location and how results/strategies apply to the site.



**Roads – Practices/Results Requirements**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
FRPA s.22	Defines the applicability of FRPA road requirements.
FRPA s.22.1	Sets out authorization requirements related to industrial use of a road. Provides exemption provision to authorization requirements with or without conditions.
FRPA s.22.2	Sets out public use of forest roads
FRPA s.22.3	Sets out requirements for payment for use of roads
FRPA s.23	A person must obtain consent of the minister prior to connecting a road to a Forest Service Road.
FPPR s. 37	In relation to roads, requires that a person who carries out road construction, maintenance and deactivation activities must ensure that the activity does not cause a landslide that has a material adverse effect in relation to one or more of the values
FPPR s. 38	In relation to roads, requires that a person who carries out road construction, maintenance and deactivation activities on the Coast must ensure that the activity does not cause a gully process that has a material adverse effect in relation to one or more of the values.
FPPR s.39	Requirement for a person to maintain natural drainage patterns during and after construction of a road or a temporary or permanent access structure.
FPPR s.40	A person who constructs or deactivates a road must revegetate it within two years if it is reasonably foreseeable that erosion could occur which could result in: <ul style="list-style-type: none"> <li>• sediment entering a riparian feature, or</li> <li>• a material adverse effect on another forest resource,</li> </ul> and that revegetation will serve to materially reduce the likelihood of such erosion.
FPPR s.50	Unless otherwise specified in an FSP, a person must not construct a road in a riparian management area unless: <ul style="list-style-type: none"> <li>• locating it outside would create a higher risk of sediment delivery to the riparian feature,</li> <li>• no other practicable option exists for locating the road, or</li> <li>• the road is part of a stream crossing.</li> </ul> Unless otherwise specified in an FSP, a person must not carry out road maintenance activities beyond the clearing width of the road, except if necessary to maintain a stream crossing. Unless otherwise specified in an FSP, a person who is authorized in respect of a road must not remove gravel or other fill within a riparian management area during construction, maintenance, or deactivation of the road, unless: <ul style="list-style-type: none"> <li>• the gravel or fill is within a road prism,</li> <li>• the gravel or fill is a stream crossing, or</li> <li>• there is no other practicable option.</li> </ul>
FPPR s.54	A person authorized in respect of a road carrying out road construction, maintenance, or deactivation on the Coast must ensure that the activity does not cause fan destabilization which has a material adverse effect on a forest resource.
FPPR s.55	Unless otherwise exempted, an authorized person who builds a stream crossing as part of a road or a temporary or permanent access structure must locate, build, and use the crossing in a manner that: <ul style="list-style-type: none"> <li>• protects the stream channel and stream bank adjacent to the crossing, and</li> <li>• mitigates disturbance to the stream channel and stream bank at the crossing</li> </ul>
FPPR s.56	<ul style="list-style-type: none"> <li>• A person authorized in respect of a road carrying out road construction, maintenance, or deactivation must ensure that the activity does not result in a failure to maintain fish passage in the stream.</li> <li>• A person who maintains a fish stream crossing built after June 15, 1995, must ensure that the crossing provides for fish passage.</li> <li>• Despite 1 and 2 above, a person referred to above may temporarily block fish passage to construct, maintain, or deactivate a road, including a stream crossing, if the blockage: <ul style="list-style-type: none"> <li>• does not occur at a time when fish are migrating or spawning, and</li> <li>• is removed immediately on completion of the activity.</li> </ul> </li> </ul>



Reference	Specific Requirement (wording paraphrased from relevant legislation)
FPPR s.57	Unless otherwise exempted, a person authorized in respect of a road carrying out road construction, maintenance, or deactivation must not conduct the activity at a time or in a manner that harms fish or destroys, damages or harmfully alters fish habitat.
FPPR s.59	Unless otherwise exempted, a person authorized in respect of a road carrying out road construction, maintenance, or deactivation must ensure that the activity does not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks.
FPPR s.60	An authorized person must not construct a road in a community watershed if the road construction is within a 100 m radius upslope of a licensed waterworks where the water is diverted for human consumption, unless the road construction will not increase sediment delivery to the intake
FPPR s.62	Unless otherwise exempted, a person who constructs, maintains or deactivates a road must ensure that the activity does not interfere with the subsurface flow path of a drainage area that contributes to a spring in a community watershed that has been identified by a ministerial order.
FPPR s.72	Unless otherwise exempted, a person who constructs or maintains a road must ensure that the road and structures associated with the road are structurally sound and safe for use by industrial users.
FPPR s.73	Unless otherwise exempted, a person who builds a bridge for the purpose of constructing or maintaining a road must ensure that the design and fabrication of the bridge are in accordance with the specified standards.
FPPR s.74	<p>1. A person who builds a bridge across a stream or installs a culvert in a stream for the purpose of constructing or maintaining a road must ensure that the bridge or culvert is designed to pass the highest peak flow that can reasonably be expected within the specified return period. Despite 1 above, a bridge may be constructed that does not meet the specified standard for the anticipated peak flow if:</p> <ul style="list-style-type: none"> <li>• the bridge will pass the flow that is actually expected during the time the bridge remains onsite,</li> <li>• the construction of the bridge occurs during a low flow period, and</li> <li>• any portion or component of the bridge that may be damaged by peak flow is removed before a period of high flow occurs.</li> </ul> <p>Despite 1 above, a culvert may be installed that does not meet the specified standard for the anticipated peak flow if the:</p> <ul style="list-style-type: none"> <li>• installation is temporary and will not be replaced,</li> <li>• stream is not a fish stream,</li> <li>• culvert will pass the flow anticipated while it is onsite,</li> <li>• installation occurs during a period of low flow, and</li> <li>• culvert is removed before a period of high flow.</li> </ul>
FPPR s.75	Unless otherwise exempted, a person building a bridge for the purpose of maintaining a road must carry out one or more of the specified activities to address structural defects or deficiencies of the bridge.
FPPR s.76	Unless otherwise exempted, a person who builds a culvert must fabricate all permanent culvert materials according to specified standards.
FPPR s.77	A person who builds a bridge or major culvert must retain construction data and as-built data. A person who maintains a bridge or major culvert must retain inspection reports.
FPPR s.78	Unless otherwise exempted, a person who constructs or maintains a road must ensure that the clearing widths are the minimum necessary to accommodate the road, having regard to all of the following: safety of industrial users; topography; drainage and stability in the area; and the specified operational requirements.





Reference	Specific Requirement (wording paraphrased from relevant legislation)
FPPR s.79(2)	Unless otherwise exempted, a person must maintain the road and its associated structures until: <ul style="list-style-type: none"> <li>• the road is deactivated,</li> <li>• the district manager notifies the person that the road will be used by other users and deactivation is not required,</li> <li>• a road permit or special use permit for the road is issued to another user, or</li> <li>• the road is declared a Forest Service Road.</li> </ul>
FPPR s.79(3) and (4)	The government must maintain a Forest Service Road and any associated structures until it is deactivated, OR, by district manager order, all or part of the maintenance obligations are assigned to the holder of a road use permit authorizing use of the road.
FPPR s.79(6)	A person required to maintain a road must ensure that the: <ul style="list-style-type: none"> <li>• structural integrity of the road prism and clearing width are protected,</li> <li>• drainage systems of the road are functional, and</li> <li>• road is safe to be used by industrial users.</li> </ul>
FPPR s.79.1	A “minor salvage operation,” for use of a road that is exempt from section 22.1 of the Act to require a road use permit or road permit: <ul style="list-style-type: none"> <li>• must notify permit-holders prior to use and contribute to maintenance, and</li> <li>• is required to maintain the road if there is no permit-holder.</li> </ul>
FPPR s.79.2	A “minor salvage operation,” for use of a road that is exempt from section 22.1 of the Act to require a road use permit or road permit: <ul style="list-style-type: none"> <li>• must notify permit-holders prior to use and contribute to maintenance, and</li> <li>• is required to maintain the road if there is no permit-holder.</li> </ul>
FPPR s.80	Specifies maintenance requirements for persons exempted from the requirements to have an agreement.
FPPR s.81	Provides clarity about reduced maintenance obligations, specified in s.79(6), for “wilderness roads” level of maintenance.
FPPR s.82	A person who deactivates a road must: <ul style="list-style-type: none"> <li>• barricade the road surface to prevent access by motor vehicles (other than all-terrain vehicles), while making the barricade clearly visible,</li> <li>• remove bridge or log culvert superstructures and stream pipe culverts,</li> <li>• remove bridge and log culvert substructures, if their failure would have a material, adverse effect on downstream property, improvements or forest resources, and</li> <li>• stabilize the road prism and clearing width of the road.</li> </ul> If the road specified above was used under the authority of a road permit or a cutting permit under a tree farm licence, then the holder of the licence is responsible for maintaining the stability of the road or part of the road that was deactivated.
FPPR s.83	During the period that the road is being deactivated, a person must post a sign to warn users about the deactivation.



**Roads – Information Requirements**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
FPPR s.77(1)	<p>A person who builds a bridge or major culvert for the purpose of constructing or maintaining a road must prepare or obtain:</p> <ul style="list-style-type: none"> <li>• Pile driving records</li> <li>• For new materials, mill test certificates, fabrication drawings, concrete test results</li> <li>• Soil compaction results</li> <li>• Other relevant field and construction data</li> </ul> <p>Prepare</p> <ul style="list-style-type: none"> <li>• As-built drawings of the bridge or major culvert</li> <li>• Retain the information related to above until the structure is removed, or the date the person is no longer required to maintain the road.</li> </ul>
FPPR s.77(2)	A person responsible for maintaining a road must retain a copy of inspection records for a bridge or major culvert, associated with the road, while the structure is on site, and for 1 year after it is removed.
FPPR s.77(3)	A person, who is no longer required to maintain a road as a result of the district manager cancelling the applicable agreement, must submit to the DM the documents referred to in subsection (2).

**Roads – Notification Requirement**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
<i>FRPA</i> s.22.1(7)	The holder of a range use permit, in the case of a Forest Service Road, and other industrial users of road permit, woodlot licence or special use permit roads must give five days' clear notice to the holder of the range use permit, road permit, woodlot licence or special use permit, or to the minister in the case of a Forest Service Road, if no one has designated responsibility for maintenance, PRIOR to using the road.
<i>FRPA</i> s.22.3	The holder of a road permit, woodlot licence and, in some cases, a range use permit may, by written notice, require another user to contribute to maintenance costs, for the use of a road that the agreement-holder is obligated to maintain.
FPPR s.79(7)	The holder of a range use permit who is required to maintain a Forest Service Road must give the district manager 30 days' notice before building or installing a bridge or major culvert, or before replacing or adding a culvert in a fish stream.
FPPR s.84	Unless otherwise exempted, a person who is authorized in respect of a road must notify water licensees or their representatives at least 48 hours before commencing road construction or deactivation in a community watershed.
FPPR s.85	Unless otherwise exempted, the holder of an agreement must notify the district manager prior to commencing construction of a road that is not a temporary access structure. The notice must specify the location (including any administrative identifier that pertains to the location), a contact name, and the projected start date.



**Roads – Reporting Required**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
FPPR s.86(2)	The holder of an agreement is no longer required to submit road information. Section 86(2) of the FPPR has been repealed (BC reg 104 2008).

**Roads – Powers of Intervention**

Reference	Specific Requirement (wording paraphrased from relevant legislation)
<i>FRPA</i> s.22.2(2) to (4)	The district manager for a Forest Service Road, or the holder of a road permit/woodlot licence of a permitted road, with prior consent of the district manager may close a road, restrict use on the road, remove a vehicle or animal from the road at the expense of the owner, IF it is likely that use of the road would cause significant damage to the road or significant sediment delivery, or endanger property, public health or public safety, or if the presence on the road of a vehicle or animal would likely cause damage to the road or significant sediment delivery or endanger life or property. The Minister may specify expenses that must be paid by non-industrial users to use a road.



## **1.3 Transition to *FRPA***

### **1.3.1 Sources of information**

Professionals, including government and licensees/BCTS staff, should ensure they understand the rules and requirements that apply to transition. Licensees/BCTS should contact their local MFR District staff if there are any questions regarding the transition provisions. Common sense should prevail – the transition period and requirements are not intended to make operations complicated, difficult or to create barriers to doing the right thing on the ground.

*FRPA* bulletins are available to explain transition. These bulletins are available on the PFIT website at <http://www.for.gov.bc.ca/rco/pfit/Bulletins.htm>. Two of the *FRPA* bulletins related to transition and the steps to follow to make cutting/road permit applications are as follows:

- *FRPA* General Bulletin # 7 – Interpreting Section 196 of the *Forest and Range Practices Act* for major Licences and BC Timber Sales; and
- *FRPA* General Bulletin #13 – Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications.

### **1.3.2 Record keeping during transition**

During the transition from the FPC to the *FRPA*, licensees/BCTS and MFR personnel will need to keep clear and accurate records on which standards apply to which cutblocks harvested and roads constructed. They will need a plan to manage the various areas and the corresponding legislation they could be operating under:

- Blocks and roads built under an approved FDP under the Code;
- Blocks and roads under an approved FSP under *FRPA*; and
- Transitional blocks and roads (e.g., 196(1) and 196(2) areas).

Knowing which legislation applies to a cutblock and/or a road will help licensees/BCTS to manage their obligations and C&E personnel to inspect under the applicable legislation. A list in the FSP, or a notation on a site plan, are two ways to help clarify which group of the laws each block/road falls into in terms of applicable legislation – especially if any requests have been made under section 197(7) as to which standards apply (FPC or *FRPA*). The FSP Tracking System can also be consulted.

Communications between personnel will also be important to ensure staff know what operational plan and corresponding legislation they are working, inspecting or monitoring under.



## **1.4 Communications**

One of the key success factors in achieving the vision of *FRPA* is the communication and positive working relationships between the various stakeholders involved in the use of Crown land and resources. All parties need to build and maintain trust in each other as they fulfill their roles under *FRPA*. On-going communication, use of rationales, information sharing and positive working relationships will best support the results based and professionally reliant *FRPA* regime.

*FRPA* is not a prescriptive forest management model but a shared model based on trust, professional reliance and current science and technical knowledge. Communication and positive working relationships are fundamental to this shared model – including relationships amongst professionals, licensees, between industry and government and with the public, First Nations, and other stakeholders. Communications and good working relationships will help develop trust with your stakeholders. It will also help leverage the successes, resources and best thinking of all parties leading to a wider range of opinions and perspectives for use in decision-making and the resolution of issues that may arise.

The development of relationships is an ongoing process based on honesty, respect, ongoing dialogue and the sharing of common goals. It isn't about agreeing with each other on every issue, or giving blind deference to the opinions of other professionals, but recognizing and respecting differences in opinions while trying to find a common understanding and balance. This can only be accomplished by discussing, developing and providing rationales, sharing opinions and making adjustments to accommodate the interests of other parties.

The discussion paper titled “The Expectations that Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation”, contains information on the legal and non-legal expectations for forest and range management in BC. The expectations include communications amongst the major stakeholders. A copy of the paper can be obtained on the MFR website at:

<http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.

Additionally, two professional reliance reports, located in the “Publications and Forms” tab on the ABCFP website, provide more insight into professionally reliant communications and working relationships. They are available at:

[http://www.abcfp.ca/publications\\_forms/publications/documents/report\\_PR\\_Workgroup.pdf](http://www.abcfp.ca/publications_forms/publications/documents/report_PR_Workgroup.pdf), and

[http://www.abcfp.ca/publications\\_forms/publications/documents/PRTF-FromConceptToPractice\(July%202006\).pdf](http://www.abcfp.ca/publications_forms/publications/documents/PRTF-FromConceptToPractice(July%202006).pdf)<sup>2</sup>

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<sup>2</sup> See ABCFP web site: [http://www.abcfp.ca/publications\\_forms/publications/committee\\_reports.asp](http://www.abcfp.ca/publications_forms/publications/committee_reports.asp)



Supporting professional communications, the ABCFP Code of Ethics identifies responsibilities of forest professionals to the public, the profession, the employer/client and to other members:

[http://www.abcfp.ca/regulating\\_the\\_profession/bylaws/documents/ABCFPCodeOfEthics.pdf](http://www.abcfp.ca/regulating_the_profession/bylaws/documents/ABCFPCodeOfEthics.pdf)

The ABCFP identifies that the purpose of a rationale is to support a decision or action, avoid a misunderstanding, demonstrate due diligence and clearly explain the intent so the decision or prescription can be understood and implemented. The guidance document “Guidance for Professional Quality Rationales and Commitments” (September 2008) can be found on the ABCFP website at:

[http://www.abcfp.ca/regulating\\_the\\_profession/documents/Pro\\_Quality\\_Rationales.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Pro_Quality_Rationales.pdf)

#### **1.4.1 Licensees/BCTS/government communicating with the Public**

Licensees/BCTS will have developed relationships with the public while creating the FSP. When operating under the approved FSP, these relationships should be continued and enhanced and will provide benefits to all parties through improved trust, prevention of issue development, or early identification and resolution of issues.

To assist forest professionals’ in their awareness of the important forces that evolve and exist within societal expectations for management of our forest resources, the ABCFP provides guidance to its members in the document:

Guidance for Managing Non-Statutory Expectation in Forest Practices (2009) -

[http://www.abcfp.ca/regulating\\_the\\_profession/documents/Non-Stat\\_Expectations.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Non-Stat_Expectations.pdf)

Additionally, responsibilities of forest professionals to the public are detailed in the ABCFP Code of Ethics:

[http://www.abcfp.ca/regulating\\_the\\_profession/bylaws/documents/ABCFPCodeOfEthics.pdf](http://www.abcfp.ca/regulating_the_profession/bylaws/documents/ABCFPCodeOfEthics.pdf)

It is important for both industry and government to take the time and ensure the public understands the legal requirements in *FRPA* as well as the public’s role in the stewardship of Crown land. An informed public will provide better feedback in the planning process and minimize the potential for issues down the road. Licensees/BCTS can also refer the public to a brochure titled “Be Heard: Get Involved in Forest Stewardship Review” for more information on the public’s role in *FRPA*. The brochure is available on the *FRPA* website at: [http://www.for.gov.bc.ca/code/training/frpa/FSP\\_brochure.pdf](http://www.for.gov.bc.ca/code/training/frpa/FSP_brochure.pdf)

Information on communicating with the public during the FSP review and comment phase can be found in Part 4 of Volume I of the AGFSP (Preparation and Approval of an FSP).



Tools and techniques used by licensees and BCTS to aid their communications with the public include the following:

- Sharing site plan and operational plan information with those that have expressed an interest.
- Using community events, open houses and other public forums to explain and answer questions on *FRPA* and present their plans for operations.
- Maintaining a database of interested members of the public.
- Building on relationships developed during the formulation of the FSP and involving new players.
- Understanding the types of issues and information the public in their area likes to see and in what level of detail and format (e.g., maps, site tours).
- Providing more detail than less to encourage more feedback; and
- Setting expectations with the public in terms of what they are commenting on and what the licensees/BCTS will do with the comments received.

#### ***1.4.2 Licensees/BCTS/government communicating with First Nations***

The Forest Stewardship Plan (FSP) is part of a continuum in the consultation process with First Nations on proposed decisions made by statutory decision makers with the Ministry of Forests and Range. The duty to consult is a legal duty which lies with the government. An FSP approval signifies that statutory requirements under the *FRPA* have been met and that First Nation consultation on the proposed FSP has been adequate. However, further information sharing and consultation may be required after approval of the FSP as more detailed operational information becomes available. It is always prudent to maintain ongoing information sharing with First Nations following the FSP approval as this can also assist in building positive working relationships and trust with First Nations.

A strategy that may be utilized by licensees and the government is to establish consultation and information sharing arrangements with First Nations to set expectations for the communications that will occur after the FSP is approved—including the types of information that will be shared, and the process for sharing, and the care of that information when it is received (i.e.: understanding confidentiality requirements). The emphasis should be on keeping communications open and on-going post FSP approval. Building and maintaining an understanding of local First Nations internal structures and their information needs will help facilitate effective communications and information sharing. Recognizing resource capacity constraints and learning styles of First Nations can also help the licensees/BCTS build presentations, etc. that are tailored to First Nations needs.



There are various opportunities to share information and/or communicate with First Nations after FSP approval including:

- in response to First Nations' requests for operational information or as a proactive sharing of information that might be of interest to First Nations, it is recommended that meetings occur between BCTS staff or licensee representatives and district staff to jointly discuss the ability and process for providing detailed operational information to First Nations, to discuss the preliminary assessment information developed for the FSP and what the assessment suggests regarding the strength of interests within proposed operating areas, the potential impact that proposed operations may have on those interests, and what further consultation steps and/or accommodation may be necessary to address those interests;
- as part of the process for declaring areas to the MFR, the licensee can also provide the site level information to First Nations;
- during the development of their site plans, the licensee/BCTS may have an opportunity to review detailed operational information with First Nations;
- during the continued consultation process, before issuance of a cutting permit, road permit or timber sales licence, the MFR may provide operational information to First Nations. The district manager/TSM may need to obtain additional information from the licensee/BCTS staff in response to specific requests for information from First Nations; and
- as part of a strategy for cultural heritage resources objectives, the licensee/BCTS may arrange to provide information to First Nations on an ongoing basis as plans are developed and the aboriginal interests are considered. If the MFR is made aware of this process and if the information provided by First Nations and how it was considered in the plans is provided to the DDM, it can contribute to the evaluation of the adequacy of consultation.

#### **1.4.2.1 Efficiencies and Effectiveness Opportunities**

As mentioned above, it is suggested that licensee, BCTS and MFR personnel discuss the preliminary assessment information, the existence and strength of aboriginal interests within the proposed operating areas, and whether further deeper consultation is required prior to issuing a CP or RP or TSL. This approach or any other approach that is adopted should be discussed with First Nations up-front (e.g., during the FSP review and comment phase). The preliminary assessment does not need to be shared again with First Nations. Some districts and licensees have zoned and mapped areas where there may be a high potential for infringing upon a First Nation's aboriginal interests (e.g., areas around water and transportation routes) and areas where there is a low potential for infringing on these interests. By using this mapping tool, licensees and MFR staff are able to determine the level of information sharing and consultation that may be appropriate. Where accommodation measures are considered necessary to address aboriginal interests impacted by proposed operations, these accommodation options should be shared and discussed with the First Nation.





Each District Manager must determine and ensure the government's obligation to adequately consult with First Nations is met. District Manager's are encouraged to contact the Aboriginal Affairs Branch if they have any questions about the adequacy of the consultation prior to making any decisions.

#### **1.4.2.2 Licensees and BCTS sharing information with First Nations**

Sharing information and increased communication with First Nations will help build relationships—resulting in First Nations becoming more engaged in the plans and operations of licensees/BCTS. Several licensees/BCTS have established agreements or memorandum of understandings for referrals and information sharing around cultural heritage resources.

Efforts by licensees or BCTS planners to share information with First Nations before an application for a CP, RP or TSL is submitted (e.g., declared areas, site plans, operations plans) may support the decision-maker's consideration of the adequacy of consultation with First Nations prior to issuance of any corresponding CP, RP or TSL and may reduce the amount of time for licensees or BCTS to obtain authorities to begin work. The licensee or BCTS staff should submit their information sharing activities undertaken, including the actions taken to accommodate aboriginal interests and issues raised, as part of the CP, RP or TSL submission package.

**Sharing information as part of a strategy in an approved FSP:** Some licensees/BCTS may propose strategies in the FSP on how they will provide information and communicate with First Nations on an ongoing basis after FSP approval. It is important that district staff are aware of any strategies and subsequent actions undertaken to address aboriginal interests and concerns raised as it may assist MFR decision-makers in assessing whether the appropriate level of consultation has been met and may assist in the timely issuance of cutting permits, road permits or timber sales licenses. The licensee, BCTS and the DDM may jointly develop communication strategies (including how preliminary assessment information and accommodation options are shared and discussed with a First Nation) in order to share efforts in communicating with First Nations which allows an efficient process of communicating and sharing information with First Nations.

**Sharing information when developing the site plan:** The site plan is an excellent tool to assist licensees/BCTS staff to communicate and share information with First Nations. Sharing and discussing the site plan with First Nations can assist the licensee/BCTS to meet FSP obligations for sharing information with First Nations as well as identify information that is important for the licensee to know (e.g., location of cultural heritage resources). This information sharing includes presentation of detailed plans to indicate harvest and road building activities as well as areas that won't be harvested—this approach makes clear both the short term and longer term harvesting proposals.



**Sharing information when developing the operations plan or declaring an area:** The operations plan and/or declared area process may also be used by licensees to facilitate information sharing with First Nations to support the consultation obligations for the CP and RP.

### **1.4.2.3 Government (including BCTS) consultation with First Nations**

Additional consultation with First Nations may be required after FSP approval.

Situational examples include:

- When a review of the preliminary assessment completed for the FSP suggests that there are aboriginal interests that will be impacted by the proposed operations;
- when additional detailed information regarding aboriginal interests affected by the proposed amendment requiring approval has been made available by the First Nation to the licensee or MFR;
- when the First Nation requests detailed relevant operational information that was not available at the time the FSP was approved;
- when the licensee/BCTS has indicated a commitment for further information sharing processes with First Nations;
- when there has been some form of commitment by government to a specific consultation process that identified consultation at this stage of the development process (e.g. consultation protocol, or interim measures agreement);
- when accommodation options to address known or newly identified aboriginal interests do not appear to have been discussed with the First Nation or adequately considered in the mind of the decision-maker at the time of the CP/RP/TSL review; and
- any other situation that flags a concern by the decision-maker that triggers additional First Nation consultation activities.

**Consultation when reviewing an FSP amendment requiring approval:** Prior to making a determination with respect to an FSP amendment requiring approval, the DDM must consider whether the First Nations consultation process, including any accommodation, has been adequate. When considering the adequacy of First Nations consultation, the decision maker considers:

- the degree to which any First Nation likely has an aboriginal interest within the area being impacted by the decision; and
- whether the identified aboriginal interests may be impacted by the proposed amendment.

The process and requirements for consulting with First Nations on an amendment that requires approval is the same as that for consulting on the original FSP determination.



For further information regarding First Nations consultation policy direction, and specific questions in the decision-making process, please see the [Aboriginal Rights and Title Policy](#) and associated [Consultation Guidelines](#) on the MFR Aboriginal Affairs Branch website: [http://www.for.gov.bc.ca/haa/policies\\_reports.htm](http://www.for.gov.bc.ca/haa/policies_reports.htm)

**Consultation prior to issuing development authorities:** Government may be required to consult with First Nations prior to issuing a CP, RP or TSL where the proposed development may impact identified aboriginal interests. In this situation, the ministry should review the preliminary assessment completed for the FSP to determine the location and strength of aboriginal interests and the level of impact the proposed development will have on those interests to determine whether the level of consultation may need to be increased and what further consultation steps may be required. Consultation should occur early in the process to include these interests in the overall planning and to discuss with the relevant First Nations any accommodation options that may be appropriate. Timber Sales Managers at BCTS also have an obligation to ensure that First Nation consultation has been adequate prior to issuing development authorities. In these cases, BCTS and district staff should work together to share preliminary assessment and other relevant consultation information and resources in meeting the government's obligations to consult with First Nations.

It may be a good idea to document decisions regarding the appropriateness of the consultation efforts in a rationale-styled document.

More information on this process and requirement can be found in the CP and RT Administration Manual available on the Resource Tenures and Engineering Branch website at: <http://www.for.gov.bc.ca/hth/>.

#### **1.4.2.4 More information**

A discussion paper containing further information about information sharing and consultation with First Nations in the post FSP approval phase was prepared by the Northern Interior Forest Region. A copy of this discussion paper is contained in Appendix 12 of this Guide.

*FRPA* General Bulletin #1 (Forest Stewardship Planning – First Nations Information Sharing Bulletin) provides additional advice on post FSP approval consultation requirements. A copy of this bulletin can be obtained from the following website: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm). An update of this bulletin is planned for early 2009.



Training in proper communication, information sharing and consultation with First Nations should be considered if staff are inexperienced in undertaking these activities. Licensee, BCTS or MFR staff should contact their local MFR First Nations liaison staff for information on training opportunities.

A training workshop entitled “Working Together Under *FRPA*” is available from MFR’s regional aboriginal affairs managers and provides information on preparing and conducting a workshop to facilitate dialogue between local First Nations, licensees, BCTS and the MFR district offices. The workshop can be customized to address local circumstances including information sharing and consultation requirements and expectations for making operational decisions while operating under an approved FSP.

### ***1.4.3 Licensees communicating with other licensees***

Communicating regularly and maintaining good working relationships with other licensees operating in your area is important in terms of the potential to share information, ideas and resources. This helps to leverage successes and identify efficiencies in practices, avoid unnecessary duplication of effort and minimize issues at the block level.

Examples of items to discuss when more than one licensee/BCTS is operating on the landscape include:

- Minimizing the impact of overlapping FDU (e.g., protecting any investments the licensees/BCTS have made in developing areas);
- Achieving non-spatial results and strategies—looking for ways to be consistent with landscape level objectives while meeting obligations in the approved FSP. This could include items such as the location of wildlife tree retention areas; and
- Mechanisms to identify, discuss and co-ordinate the resolution of issues that may arise.

Vehicles to assist with this communication effort can include discussing and/or sending other licensees/BCTS the following information:

- site plans;
- Licensee/BCTS operations plans<sup>3</sup>; and
- current and planned declared areas – especially if FDU overlap and some planning work has been completed by the other licensee/BCTS in that particular area.

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<sup>3</sup> Licensee/BCTS operations plans are described in section 3.3 of this volume.



Venues such as TSA committee meetings, public advisory groups, information sharing meetings, certification working groups and local *FRPA* implementation teams can also play an important role in information transfer amongst licensees/BCTS operating in the same areas. Including information sharing/transfer as a standing agenda item at these forums can assist in minimising potential operational planning issues. The FSP Tracking System will also enable licensees/BCTS to identify and view overlapping FDUs between their plan and other licensee/BCTS plans. This will provide the necessary information to facilitate discussion with other licensees/BCTS to address any potential issues before getting to the cut block stage.

Venues such as TSA-level committee meetings, public advisory groups, information sharing meetings, certification working groups and local regional *FRPA* implementation teams can also play an important role in information transfer amongst licensees/BCTS operating in the same areas. Having a standing agenda item at these forums can provide for information sharing, and assist in minimising potential operational planning issues.

#### ***1.4.4 Licensees communicating with government***

Continued communications between licensees/BCTS and government after FSP approval will have a number of benefits including speedy identification and resolution of issues, and continued development of positive working relationship. Some means of communicating include:

- Providing periodic updates on activities and challenges through emails, phone conversations and/or meetings. This could enable District personnel to provide feedback based on information that the licensee/BCTS may not be aware of such as results of similar activities undertaken by licensees in other areas of the Province.
- Conducting joint site visits and monitoring activities to share ideas, demonstrate competence, discuss concerns and perceptions and assist in identifying any areas for improvement.
- Developing joint memorandum of understandings between licensees and the MFR to set expectations and communicate roles and responsibilities (e.g., MFR will review an amendment within “X” days).
- Sharing and discussing ideas and plans for incorporating innovation into practices. This could enable the government to provide feedback and/or a wider range of opinions and perspectives based on the government’s scientific and technical knowledge and observations from other licensees/BCTS activities.
- Discussing, in advance, major or complicated amendments to approved FSPs so the District can prepare the resources to review and approve the amendment. Advanced information on the amendment may also reduce the time to approve the amendment and/or share activities such as information sharing and consultation with First Nations.



- Coordinating activities for providing information to First Nations and the public as part of communications commitments or obligations in the FSP and when consulting with First Nations as part of the cutting permit or road permit issuance process. Information on the completion of any information sharing activities undertaken by the licensee can be provided to the MFR to reduce the effort and turnaround time for the MFR to complete their activities to issue cutting permits and road permits.

### ***1.4.5 Licensees communicating internally***

One of the most important jobs of the planning forester is to explain the intent and commitments in their FSP to the operational staff and contractors who will be implementing the plan. Planning foresters should take the time to explain the overall requirements in the FSP and details on the specific results, strategies, measures and stocking standards in the plan. They should also be ready to respond to any questions on the plan from the practices foresters, Public, C&E personnel, etc. An example of how one licensee has addressed the implementation of their FSP is through the use of workshops delivered by the FSP plan preparers to all managers and professionals who rely on the plan. The workshop explains what and how results, strategies, measures and stocking standards in the approved FSP apply on the ground. A supplemental document on the basics of *FRPA* helps to explain *FRPA*, *FPPR* and the concept of results, strategies, measures and stocking standards. Other tools to help communicate the obligations in an FSP include:

- an internal working version of the FSP containing the results and strategies, all additional practice requirements and links to other documents that may be applicable such as species at risk identification pictures, GAR orders;
- pre and post layout checklists to ensure layout staff are aware of all obligations and requirements;
- spatial reports listing all resource values that exist on each cutblock and road and the corresponding result or strategy;
- a final inspection form for operational staff to sign-off that they have implemented the elements of the site plan (e.g., achieved FSP results and carried out FSP strategies, followed measures); and
- an auditing program to examine a sample of cut blocks and roads for consistency with the site plan and FSP while looking for efficiencies on the ground to use as information in future FSPs and site plans.

The site plan is another document that must be communicated internally. The site plan should be written in a manner that it is complete and easy to read and comprehend. The preparer of the site plan should ensure it relates to the operational staff and conduct any information or pre-work sessions necessary to ensure those implementing the plan fully understand the intent and direction. The development of supplemental, simplified user instructions for some of the more complex technical specifications in the plan may be a good idea to ensure comprehension by those implementing the plan.



Further advice and suggestions on communicating internally can be found in section 1.5 of this guide – Professional Reliance. This section covers processes, training, documentation and other tools the licensee/BCTS can use to communicate internally.

#### ***1.4.6 Licensee/BCTS communicating with other (non-timber) tenure holders***

As with the Public and First Nations, licensees/BCTS must communicate their plans and activities with other tenure holders to identify and resolve issues before they impact operations.

Other tenure holders such as guide outfitters and lodge operators should be encouraged to work together to identify and convey issues in a consolidated way to the licensee/BCTS and/or the MFR.

#### ***1.4.7 Professionals communicating with each other***

Professionals advising government and/or licensees need positive working relationships with their clients and their peers as one of the fundamental components of professional reliance. Communications is one of the key elements of building and maintaining these positive working relationships. Public and employer trust in the use of professionals, and between professionals, will also be built by regularly communicating plans, activities and results with fellow *FRPA* stakeholder and partners. To maintain trust in professional reliance, professionals and their associations, need to support each other with information and advice while reprimanding professionals who are not doing a good job as defined by the standards of practice. Each professional association has a discipline process for handling complaints regarding a professional's conduct.

Regular and frequent dialogue amongst professionals is encouraged to improve decision-making by considering the thoughts and opinions of a wide range of experts that encompass current science and technical knowledge. Discussing management options and tradeoffs with peers in the field is another way to expand judgment and decision-making abilities.

As a fundamental concept of professional reliance, professionals will give weight and credibility, known as “respectful regard” or “deference”, to the opinion or work products of other professionals. Choosing an appropriate degree of deference should be based on an objective assessment of reasonableness, including the demonstrated expertise and



credibility of the individual and the persuasiveness of their opinion. Blind deference is inappropriate when it comes to accepting professional judgments or work product.<sup>4</sup>

Communities of practice are another way for professionals to communicate with each other. Communities of practice are groups of professionals who share a concern or passion about a topic area and want to deepen their knowledge and expertise in the area by interacting on an ongoing basis. Topic areas can cover a wide range of subjects such as *FRPA* concepts regarding innovation, freedom to manage and how to incorporate scientific/technical information while factoring in other economic, social and environmental expectations. These communities of practice are excellent forums for getting together and “bouncing” ideas around while sharing experiences and knowledge. Those professionals interested in establishing or joining a community of practice should ensure the community has a clear focus, an emphasis on relationships and working together to practice, apply and refine the information discussed within the community. Professionals should contact their professional association for more information on establishing/joining a community of practice. More information on communities of practice can be found on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Communities%20of%20Practice.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Communities%20of%20Practice.htm).

## **1.5 Professional reliance**

The implementation of *FRPA* has brought about an increased emphasis on forest and other professionals – relying on professional expertise to manage Crown land and resources.

This section contains a summary of the roles and responsibilities of professionals when managing Crown land and resources. More information can be found in the discussion paper “Expectations That Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation” report prepared by Roberta Reader. The discussion paper can be obtained from the MFR website at:

<http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.

### ***1.5.1 Professional reliance in planning***

Professional reliance in planning can relate to prescribing foresters, engineers, and other professionals who undertake the following:

- Using guidance materials developed by peers, professional associations and other organizations to help write quality plans that are easy to implement. The guidance materials might include current science and technical information, non-legal LRMPS, or process information to develop quality plans that are easy to

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<sup>4</sup> From ABCFP Reports on Professional Reliance





- comprehend and implement. For example, plans that are written in an operational and forest management slant are easier to implement than FSPs with a legal slant.
- Using science and best practices to continually improve the results, strategies and measures proposed in plans. The FSP Tracking System can help planners review plans from other licensees/BCTS to identify innovative and/or best practices that might be applicable to their plan.
  - *Writing rationales and providing documentation to support plans and decisions.* The rationale includes a reasonableness test – considering what others would do in the same situation, the application of past learning, a self-assessment to review the thought patterns leading to the decisions and the steps taken to review these decisions with other professionals and decision makers;
  - *Looking for opportunities in plans to be innovative and reduce costs while providing operational flexibility;*
  - Considering the use of peer reviews when developing plans to obtain an outside perspective, ensure readability and completeness of the plan along with the sound use of current science and technical information; and
  - *Providing training, communications and supporting materials* such as checklists to help explain the FSP to those developing site plans and implementing the FSP .

The ABCFP website includes relevant guidance documents, including:

- *Professional Reliance Principles for FRPA Operational Plans and Declarations (2007)* at:  
[http://www.abcfp.ca/regulating\\_the\\_profession/documents/guideline\\_FRPA%20OpPlansandDecs\(2007\).pdf](http://www.abcfp.ca/regulating_the_profession/documents/guideline_FRPA%20OpPlansandDecs(2007).pdf); and
- *Guidance for Professional Quality Rationales and Commitments (2008)* at:  
[http://www.abcfp.ca/regulating\\_the\\_profession/documents/Pro\\_Quality\\_Rationales.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Pro_Quality_Rationales.pdf) This document provides more information on rationales to support professionals competent decisions and their associated accountability

Additionally, the ABCFP website contains reports relating this topic, including:

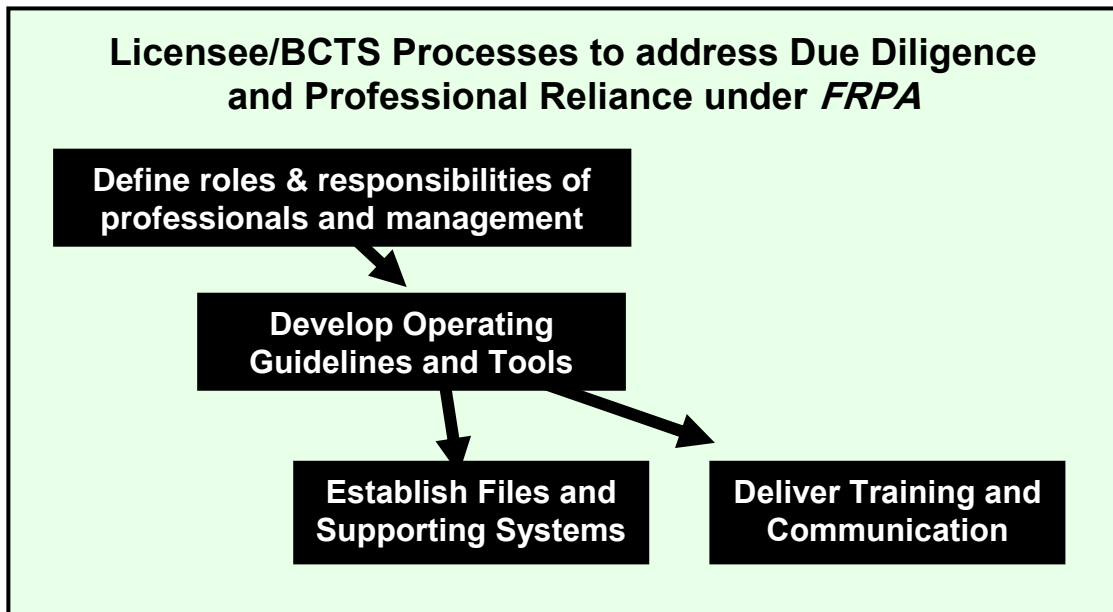
- *Applying Professional Reliance Under FRPA (2008)* at:  
[http://www.abcfp.ca/publications\\_forms/publications/documents/report\\_PR\\_Workgroup.pdf](http://www.abcfp.ca/publications_forms/publications/documents/report_PR_Workgroup.pdf); and
- *Professional Reliance in Forest and Range Management in BC – From Concept to Practice (2006)* at:  
[http://www.abcfp.ca/publications\\_forms/publications/documents/PRTF-FromConceptToPractice\(July%202006\).pdf](http://www.abcfp.ca/publications_forms/publications/documents/PRTF-FromConceptToPractice(July%202006).pdf)

The diagram below illustrates an approach licensees/BCTS can take to develop internal processes and documentation that encourages appropriate professional reliance and due



diligence while ensuring plans meet the legal requirements and obligations and are developed through an efficient and effective process.

Figure 1: Process to ensure due diligence



**Define Roles and Responsibilities of Professionals and Management:** Licensees, BCTS and MFR can proactively facilitate workshops to discuss and agree on the respective roles of tenure holders/government and professionals relating to stewardship. These workshops can lead to agreements or understandings between management and professionals on their respective roles and responsibilities for ensuring that both the employers’ and the professionals’ stewardship obligations are met. These agreements could include arrangements to ensure the legal requirements of *FRPA* are met along with checks and balances for due diligence and operating procedures. Checklists can be identified and developed to help reinforce the obligations of management and professionals (e.g., don’t change a plan unless you have approval from the author, manage risks – don’t avoid or “over-address”). These workshops can use the *Expectations That Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation* discussion paper prepared by Roberta Reader as a basis for the discussion. A copy of the discussion paper can be obtained from the MFR website at: <http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.



The table on the following pages summarizes the hierarchy of expectations for licensees and professionals making forest and range decisions on Crown land as described in more detail in the discussion paper “Expectations That Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation” available from the MFR website at: <http://www.for.gov.bc.ca/code/training/FRPA/looking.html>. These expectations can be used to assist licensees and professionals discuss and agree on their roles and responsibilities in post-FSP approval planning and implementation.



Table 2: Summary of expectations for decision-making and activities

Legal Realm	Licensees, BCTS, and MFR should...	Professionals should...
Statutory Regimes	Understand the Legislature’s expectations as set out in the legislation.	Understand the legislation that applies to their employer or client and provide advice and assistance that is designed to ensure compliance with the legislation.
Statutory Regimes (Professionals)	Recognize when to employ appropriate professionals, know how to select the most appropriate professional, and take reasonable steps to ensure they act within their scope of expertise.	Understand and meet or exceed the standards of conduct and competence, and the standard of care, set by their professional association. Never work outside the scope of their expertise. Consult or collaborate with other professionals where appropriate.
Common Law	Adhere to the appropriate common law standard of care.	Avoid exposing their employer or client to civil liability and be aware of the higher standards that professionals are generally held to compared to non-professionals.
Common Law (Professionals)	Generally, not applicable to employers unless they are professionals themselves or they have reason to bring an action against a professional in their employ.	Meet/exceed the common law standards of care, which is shaped by the foremost experts in a given field. Never work outside their scope of expertise. Consult or collaborate with other professionals where appropriate.
Societal Expectations	Consider expectations of the public when making decisions and carrying out activities.	Understand the aspect of the public interest that their profession is charged with protecting and the ideals of their profession. These ideals go beyond the standards set by a professional association and reflect, as well as shape, the expectations of society and professional peers.
Scientific/Technical Knowledge	Incorporate current scientific and technical information in decision-making. Well-crafted guidance documents and/or well-qualified professionals (experts) can help a tenure holder to do this.	Incorporate current scientific and technical information in advice provided in support of decision-making by government officials or tenure holders. While well-crafted guidance or other documents can help a professional do this, they are no substitute for professional expertise. If a professional lacks the requisite expertise, they should turn to a better qualified professional. Professionals with the requisite expertise can also play a role in disseminating scientific and technical information by developing guidance or other documents.



**Develop Operating Guidelines and Tools:** Guidance for professionals employed by licensees/BCTS could be developed by licensees/BCTS. This guidance could contain and describe internal processes for implementing the FSP – from identifying roads and cut blocks through to constructing, harvesting, and silviculture practices.

This guidance material should be treated as guidelines, not policy and should be regularly reviewed and updated to reflect new findings, lessons learned, etc. This guidance could include:

- **Operating guidelines** – one or more page descriptions, for each task in the planning and practices processes (e.g., road construction, deactivation), listing the application legislation, the standard operating procedures, tools to help complete the task, assessment guidelines describing the situations where assessment should be conducted as well as other sources of information;
- **Route cards** – completed by planners to transfer information in the FSP to the implementation group. The route cards build on information in the site plan on how results and strategies apply to the site as well as assessments and information sharing/referrals that are recommended;
- **Checklists** – developed by planners as a due diligence tool for operational staff and contractors to ensure the necessary steps and activities are undertaken when implementing the FSP (e.g., species at risk checklist); and
- **Rationale guidance** – advice on drafting rationales for actions considered and decisions made. This guidance is for internal use in documenting actions and thought patterns along with any additional relative information (e.g., options considered, factors used/not used, peer reviews conducted, risk management considerations).

**Establish Files and Supporting Systems:** Systems can be setup internally to track commitments and activities as well as amendments to plans and changes in legislation (relative to the effective dates of plans). Files may include the FSP, site plan, permit information, rationale, maps, due diligence materials, communication activities and results and EMS documentation (pre-work, inspections, investigations).

**Deliver Training and Communications:** Activities may include:

- Explaining the FSP and results and strategies to operational staff and contractors;
- Explaining, in plain English, the structure and legal requirements of *FRPA* to help the operational staff and contractors understand what the *FRPA* and FSPs are trying to do and the associated obligations. Reminders and tips are included in the explanation along with any guidance available to assist the operational staff and contractors when operating on the ground;
- Training in technical skills for conducting the necessary assessments (e.g., identifying habitat for species at risk, invasive plants);
- Sharing information and referring plans to other stakeholders and interested parties based on the resource values that are located in, or may be impacted by, the plan area and its activities. This includes meeting with First Nations groups, other



groups with legal rights and other interested parties to identify resources to plan and operate around.

Professionals should take advantage of opportunities to ensure the Public understands *FRPA* – its requirements, goals and benefits. An informed Public will provide better feedback in the planning process and ensure a common level of understanding that should minimize the potential for issues down the road. Key messages to communicate to the Public include the following:

- *FRPA* does not result in a big change on the ground after the FSP is approved; and
- The public has an opportunity and responsibility to participate in the review phase of a draft FSP (and amendment requiring approval) and provide comments in a clear and constructive manner. Members of the public should be encouraged to review these plans and stay engaged after FSP approval to ensure their concerns are addressed. The MFR has developed a brochure titled “Be Heard: Get Involved in Forest Stewardship Review” that describes the opportunities for the public to participate in the preparation and review of Forest Stewardship Plans under *FRPA*. The brochure is available from the MFR website at [http://www.for.gov.bc.ca/code/training/FRPA/whats\\_new.html](http://www.for.gov.bc.ca/code/training/FRPA/whats_new.html).

#### **1.5.1.1 Understanding the public’s interest in planning**

At the heart of the professional’s obligation is the social commitment to bring the public’s interest to bear on their practice, and practice with competence, independence and integrity. The public is a large group that has a wide range of opinions, and the opinions may change quickly. Professionals should not aim to completely understand all the interests nor balance all the competing interests in an area. Instead, they should focus on identifying and considering the public’s interests and then make an informed decision for which they are accountable.

Tools to assist a professional’s understanding of the public’s interest in an area include the following:

- Establishment of positive relationships with all members of the public. This will help you build credibility and trust with the Public in your ability to manage Crown land and resources as well as provide a wide range of input and perspectives when addressing issues.
- Proactive consultation with members of the public – including First Nations (meaningful consultation with First Nations is an evolving legal requirement).
- Clear communication with your local constituents (don’t be afraid to ask for help from management, peers and professional associations).
- Being aware of current events and social, political, cultural and economic directions that might conflict with or support your plans. Be aware of alternative interests.
- Listening actively and considering all input. Consider whether consensus is possible. Be responsive to specific concerns.



- Documentation – use your rationale section to document actions taken to identify the public interest and issues or drivers that you identified as significant and considered in your plan/decision.

More information on basic obligations and how to identify and consider the public's interest can be found in the ABCFP's guidance document titled "Interpreting the Public's Interest" (May 2002 – update in progress) available on the ABCFP's website at:

[http://www.abcfp.ca/regulating\\_the\\_profession/policies\\_guidelines.asp](http://www.abcfp.ca/regulating_the_profession/policies_guidelines.asp).

### ***1.5.2 Professional reliance in operations***

Professional reliance in operations can include professionals undertaking the following:

- Using guidance materials developed by their peers, professional associations and other organizations to help them implement practices and activities. The guidance materials include current science and technical information and the corresponding procedures and tools to implement.
- Developing, and using, roles and responsibilities matrices for conducting practices in both industry and government so everyone has a common understanding of their roles..
- Looking for opportunities to be innovative and reduce costs while providing operational flexibility. This includes incorporating lessons learned and other research findings into current and future operations.
- Spending time on the ground observing and discussing issues with other professionals and forest workers. This provides professionals with a wider range of opinions and information – leading to better quality decision making.
- Providing training, communications and supporting materials to help operational staff and contractors understand how to implement the plans.
- Developing guidance materials for others to use based on their experiences and knowledge.

## **1.6 Monitoring**

### ***1.6.1 Overview***

Monitoring can be an effective tool to build trust amongst stakeholders – a way to measure and communicate the results of implementing a plan (e.g., plan was implemented as intended and the desired results achieved). Monitoring can also set a base line for further innovation as well as promote discussion between professionals, licensees/BCTS and government. Licensees/BCTS can use monitoring to collect the data which backs up their plans – and to prove they did what they said they would do in their FSPs (e.g., due diligence).



Monitoring activities should produce reports and information that can be used to create and propose innovative forest practices, to adapt management practices and to improve decisions related to operational plan approvals. Feedback from monitoring should be given to impacted parties including licensees/BCTS and the professionals who prepared the plan. Results of monitoring activities can also be used for other purposes such as adjusting Timber Supply Review (TSR) assumptions and providing input into legislative updates. Personnel who conduct monitoring activities need to ensure the findings are communicated to others. This can be accomplished through publications, workshops, websites and email distribution lists.

When developing a process for monitoring an area or activity, personnel should ensure they are clear in understanding what they are monitoring for and what the results of the monitoring activities will be used for.

Communication and coordination with other monitoring groups is highly recommended. Monitoring schedules should be discussed and coordinated to avoid duplication with other monitoring activities and to minimize the disruption to organizations being monitored.

### ***1.6.2 Types of monitoring activities***

There are several organizations conducted different types of monitoring activities. Some of these activities include the following:

- **Joint monitoring** – licensees are working with the MFR to jointly monitor results.;
- **Forest and Range Evaluation Program (FREP)** – this program involves resource stewardship monitoring and effectiveness evaluations by government at the district, regional and provincial levels. All eleven *FRPA* values will have monitoring and evaluation indicators and methodologies developed within the next several years. The FREP website contains more information on the types of evaluations conducted and reports produced under this program:  
<http://www.for.gov.bc.ca/hfp/frep/index.htm>;
- **Certification** – as part of a licensee’s certification program, monitoring activities are undertaken to measure the criteria and indicators identified in their planning activities;
- **Forest Practices Board** – conducting monitoring activities is part of their mandate. Their activities can be strategic as well as at the local level. Monitoring activities by the Board have resulted in changes in government’s and some licensee’s practices;
- **Licensee monitoring** – some licensees and BCTS units are conducting their own monitoring activities on their practices to confirm if results are achieved as intended. New or enhanced monitoring systems may be required for complex (alternative) results and strategies;





- Professional associations – for example, the Continuing Competency Program of the ABCFP includes three (monitoring) elements: Self-Assessments, Peer Reviews, and Practice Reviews; and
- **Other types of monitoring** – other agencies and organizations may design and conduct monitoring activities for a variety of reasons. This includes MFR regional offices monitoring district activities and programs, compliance and enforcement monitoring programs and monitoring activities by Environmental Non-Governmental Organizations (ENGOs).

## **1.7 Guidance Material**

Guidance documents communicate current science and technical information for the purposes of decision-making and/or carrying out practices. Guidance material can take many forms – some examples are PFIT bulletins, regional bulletins such as CRIT guidance, ABCFP guidance documents and in-house material provided to operational staff. Guidance materials should be checked before planning and implementation as they are continually being developed and updated.

Authors of guidance material should consider their target audience in the format and content of their materials. The most effective guidance documents are those that communicate in a way that is easy to understand and use. They should assist decision-makers as opposed to controlling their actions.

### ***1.7.1 Developing guidance material***

Good guidance documents should provide information and advice without “controlling” or requiring “one rule for all”. Guidance material should point to the legislative requirements and provide issues, options and alternatives to consider without setting a minimum bar or standard for performance. The use of innovative approaches and practices should be mentioned in guidance documents to encourage professionals to consider and apply if appropriate.

In cases where it may take a while to research, draft and review the guidance material, authors should consider developing interim guidance or policies to give practitioners something to use, discuss or experiment with until the material is released.

The format of the guidance material is an important consideration. Authors should analyze their target audience to determine the best ways to communicate the information. Route cards and checklists are useful documents, or companion tools to other documents, especially given levels of staff turnover.

Once a guidance document has been developed, it should undergo a complete review process including a thorough review by all parties. For example, each piece of guidance



that comes from PFIT goes through a rigorous and consistent review process before formal release.

Each piece of guidance should be dated and clearly state if it is revising an earlier piece. The author of any particular piece of guidance is responsible for its content and should be clearly identified in the guidance along with contact information.

There are many ways to provide guidance material both internal and external to your organization – including websites and distribution lists. For example, each *FRPA* bulletin developed by PFIT is circulated with a cover memo internally and externally with a very broad distribution, and then posted on the PFIT web site. In terms of *FRPA* advice, the PFIT web site is invaluable for posting and communicating the availability of guidance material.

Authors should consider how to roll-out the material to ensure practitioners are aware of the information. Some districts have steering committees that act as a “clearing house” for distributing guidance that applies to that district – including distributing information to licensees in the area.

Developers of guidance material should regularly review the websites they use to post material to ensure the content is up-to-date. For example, PFIT reviews its web site regularly for keeping it “clean” – including removal of material that has become inaccurate or replaced by newer information. Old information is kept for historical purposes and new information is clearly identified if it replaces other advice.

### ***1.7.2 Using guidance material***

There is a wealth of information in the non-legal realm for practitioners to consider when planning and implementing practices on the ground. Information is constantly being drafted, updated and released. Utilizing guidance materials can provide evidence of due diligence in planning and implementing practices, and support your professionally reliant practices.

When considering whether to use a guidance document or not, professionals should assess the content and its supporting arguments, analysis, proofs, etc. provided by the author. Good guidance material should provide:

- **Information** – useful in supporting decisions or carrying out an action; or
- **Advice** – helpful in determining how best to make a decision or carry out an action.



The following questions can assist professionals to evaluate whether they should use a particular guidance document:

- Is it clear what the guidance is trying to cover and who it applies to (e.g., Does it apply to you and your situation? Is it current)?
- Is the guidance compelling and persuasive (do you want to use it)? Is the right expertise brought into play?
- Has the material been reviewed by others with appropriate expertise?
- Is the form and tone appropriate for the material covered? Are the messages complete and clear?

It is important to watch for "draft" advice that is out for review rather than finalized. Unless you are intimately familiar with the author and/or the development process for the "draft" document, you will have no way of knowing the accuracy and reliability of "draft" advice. Using this information could put you at risk of using inaccurate, incomplete or unprofessional advice. If in doubt, check with the author or contact identified in the document to confirm the content and how you intent to use it.

Professionals looking for any applicable guidance material should look to the various websites maintained by the professional associations, industry and government organizations, research institutions, etc. The PFIT website is a good place to start [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/index.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/index.htm).

Examples of documents recently developed or under development for use in working with *FRPA* include the following:

- Administrative Guide for FSPs (Volume II: Operating Under an Approved FSP) containing information and advice on administering and implementing an approved FSP (this document);
- The Wildlife Tree Retention (WTR) guidance document containing information for writing results and strategies as well as how to approach any exemptions that may be requested; and
- Regional and district implementation guidance documents developed by cross-organization committees containing representatives from industry, government and the professional associations. For example the Coast Region Implementation Team (CRIT) has developed guidance documents for silvicultural systems, stocking standards and GAR orders in the MFR's Coast region.

As a professional, whatever you felt was important in supporting the choices you made in the preparation of an FSP or site plans should be documented. Guidance material should be reviewed and a professional should rationalize why they used or didn't use the guidance. Guidance should not be used blindly (blind deference) – consider using guidance if you find it to be compelling on its own merits, but you alone are ultimately responsible and accountable for the advice you give, the actions you take, and the decisions you make. Should you, as a professional, be asked to carry out work that is



beyond your experience or competence, it is appropriate to either decline the assignment, or to acquire the assistance of another professional who is qualified to conduct the work.<sup>5</sup>

To help demonstrate that your professional judgement can be relied upon

- Adhere to scientific/technical principles underlying your profession,
- Ensure the analysis of issues is rigorous and complete while avoiding unsubstantiated assumptions, bias and logic gaps,
- Willingly answer and address reasonable, respectful challenges with sound rationale.

### **1.7.3 More information**

More information on developing and using guidance materials can be found in Appendix 4 of the discussion paper titled “The expectations that affect the management of public forest and range lands in British Columbia: Looking outside the legislation” available on the MFR website at <http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.

PFIT has prepared an advice document on the web site for others to consider and follow in the development of guidance. The document titled “Guidance to Government staff in providing Information in Support of *FRPA* Implementation” can be obtained from the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/FRPA%20General%20Guidance.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/FRPA%20General%20Guidance.htm).

Practitioners with issues should contact their regional PFIT contact—names are available in the PFIT Terms of Reference on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/index.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/index.htm). A form is available to document the issue. The form for the policy secretariat can also be used. The completed form should be submitted to the regional PFIT contact, the chair of the issue sub-team or Brian Westgate ([Brian.Westgate@gov.bc.ca](mailto:Brian.Westgate@gov.bc.ca)). The issue will be forwarded to the issue sub-team for tracking and resolution.

Depending on the issue, practitioners may also wish to contact their professional association.

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<sup>5</sup> From ABCFP 2006 report on Professional Reliance



## **1.8 Encouraging Innovation**

Encouraging innovation is one of the key goals of the *FRPA* as it can lead to benefits in cost savings, operating efficiencies, enhanced environmental values, competitive advantage, new product development, etc. Innovation in activities and practices that relate to social, environmental and economic values should be encouraged. This can include licensees/BCTS proposing innovative results, strategies, measures and/or stocking standards in their FSP (providing they meet the *FRPA* approval tests) and/or using innovative ways to implement the results, strategies, measures and stocking standards in an approved FSP (e.g., “how” results/strategies apply to the site).

Licensees/BCTS, government and professionals should look for ways to adjust internal processes to encourage innovation and report out on innovative ideas and practices for others to learn from. Feedback loops and adaptive management processes that allow for corrective active are key elements of processes that foster innovation.

When identifying innovative practices, planners and operations staff should be encouraged to step back and consider ideas outside of the normal realm of operations – while staying within the realm of legislation. Keeping up to date on monitoring groups and research and development activities undertaken internally and by other organizations and peers is fundamental to identifying and assessing potential innovative activities and practices. Collaboration, brainstorming sessions and reviewing practices in other industries, as well as between forest licensees, can also identify innovative ways of operating as well as reviewing approved FSPs from other licensees/BCTS. The FSP Tracking System can also help planners review approved FSPs from other licensees/BCTS to identify innovative results, strategies, measures and stocking standards that might be applicable to their plan..

Because due diligence is an important aspect of professional reliance, and is also a defence available under *FRPA*, documentation of considerations and monitoring plans can provide support for innovative choices. When considering an innovative activity or practice, the lead practitioner should identify the benefits and risks associated with implementing the new activity or practice. Monitoring programs will help to minimize the risk of the new activity or practice and should be defined, if necessary, along with the type and amount of data to collect in order to assess the effectiveness of the new activity or practice. The level of documentation and communication for proposing, approving and implementing new practices should be identified early and will vary from practice to practice depending on the nature and associated risk of the innovation.

Licensees/BCTS should talk to District personnel well in advance of any approval process when considering an innovative approach or practice. Good communication with the MFR will avoid the perception that punitive penalties in compliance and enforcement discourages innovation. A good dialogue and understanding with MFR on what you are trying to do and your due diligence activities will go a long way in minimizing risk and potential enforcement actions from the MFR.



Executive and management support is also extremely important when implementing innovative activities and practices. Planners and operations staff need to work with management and executive to identify and manage the risks associated with innovative practices. This can be accomplished through regular updates and maintaining an open dialogue.

## **1.9 Compliance and Enforcement**

### ***1.9.1 Overview***

From a compliance and enforcement perspective, many things remain the same under *FRPA* as they were under the Code:

- Inspection planning and resource allocation uses a similar risk and priority based approach.
- Tools and enforcement powers are approximately the same.
- Planning information available to C&E personnel is approximately the same – for example, one operational plan (FSP instead of FDP) is submitted to MFR for approval. Site plans are prepared prior to harvesting or road construction, not submitted to MFR for approval, however, made available when requested.

Some compliance and enforcement related changes between *FRPA* and the Code include:

- Expectations that communication and a positive working relationship between compliance and enforcement personnel and licensees/BCTS is now more important, reflecting the professionally reliant foundation of *FRPA* legislation.
- Processes for planning and conducting inspections on *FRPA* blocks and roads – including inspecting results, strategies, measures, stocking standards, notifications and reporting requirements essentially are very similar to what occurred under the Code. Some new processes, tools and data will be developed to do the analysis on landscape level obligations for multi-year, multi-licensee FSPs. Most of these new processes will be, in part, dependent on the various types of results or strategies in effect.

Compliance and enforcement personnel will, in general, schedule inspections similarly for *FRPA* blocks and roads as done for Code blocks and roads. There may be some changes to this process to deal with requirements for areas under multi-district FSPs.

### ***1.9.2 Licensees/BCTS and the C&E Program***

#### **1.9.2.1 Working with MFR on Inspection Planning**

Licensees/BCTS can be proactive in working with the government for its inspection planning processes. For example, licensees/BCTS can propose, in their FSP, dates on when the licensee /BCTS will provide information to the MFR for reporting and or



demonstrating achievement of their respective result or strategy or measure. This allows the licensee/BCTS to schedule and collect the necessary information at their convenience while providing input into how they achieved their requirement.

### **1.9.2.2 Defences under *FRPA***

The defences available under *FRPA* are:

1. Due diligence;
2. Officially induced error; and
3. Mistake of fact.

These defences are summarized below. More information on these defences can be obtained in the C&E Advice Bulletins available from the C&E website at:

<http://www.for.gov.bc.ca/hen/bulletins/advice.htm>.

#### ***Due diligence***

To support defences of due diligence, many licensees/BCTS are ensuring they have the proper processes in place, utilizing the right personnel with proper oversight, communicating commitments in their FSP, gathering and using all the relevant information and keeping good records of decisions, actions and rationale.

In addition to being an available defence under *FRPA*, due diligence is one of seven Standards of Practice identified in ABCFP Bylaws. It requires ABCFP members to be prudent and do all work with constant and careful attention. The due diligence standard of practice falls under the realm of the Foresters Act and is therefore related to, but not the same as, the due diligence defence specified in *FRPA*.

#### ***Officially induced error***

The defence of officially induced error arises where a contravention or offence occurred as a result of a person having relied on the erroneous advice of a government official who is normally involved in the administration of the law in question.

#### ***Mistake of fact***

Mistake of fact may apply as a defence under *FRPA* if the person who is alleged to have committed the contravention had, at the time of the contravention, an honest but mistaken belief in a fact or set of facts which, had the facts been true, would have resulted in no contravention.



### 1.9.3 Government and the C&E Program

In the review and approval process, compliance and enforcement personnel may assist the DDM in the review of the results and strategies in a submitted FSP (e.g., reviewing the results/strategies for being measurable and verifiable). This review of results and strategies in the submitted FSP can also assist compliance and enforcement personnel to obtain an early understanding of what the licensee/BCTS is proposing – giving useful understanding for the subsequent C&E inspection planning process. The web-accessible and central storage of FSPs, and subsequent amendments, helps to ensure everyone can access and view the correct documents. C&E personnel will need “reviewer” access level in the FSP Tracking system (obtained at <http://www.for.gov.bc.ca/his/fsp/access.htm>). Some examples are listed in the table below.

Activity	Description
View administrative information	View the MFR districts covered in the plan area, the agreement holders included in the FSP and the effective start and end dates for the plan.
View approved FSP legal document	View the approved FSP including the results, strategies and measures.
View approved stocking standards	View the approved stocking standards that the licensee/BCTS can use in RESULTS to assign to openings.
View approved forest development units	Locate and view the forest development units. The information is displayed spatially through a link to MapView that will enable personnel to use the functionality of MapView to view other resource information in the area such as ungulate winter range, wildlife habitat areas, community watersheds, etc.
View any declared areas under section 14(4) of the FPPR	Locate and view, spatially, areas where the licensee/BCTS has completed the necessary activities and evaluations and has declared the area to receive planning protection against future mandatory amendments, changes in legislation, etc. See the section on declared areas in this Guide for more information.
View any <i>FRPA</i> section 196 areas	Locate and view areas the licensee/BCTS has identified under <i>FRPA</i> section 196(1) and section 196(2)—including their spatial locations and a link to the MapView application in order to view the areas.
View DDM decision letter	View the DDM’s approval letter containing the signature, approval and effective dates and any rationale for the approval.
View approved amendments	View all approved amendments including those that have been submitted without DDM approval.





Site plans may also be a useful source of information to assist in planning and conducting an inspection. The site plan will contain information on how the results and strategies, measures and stocking standards will be carried out on the site, based on any assessments that have been done. Other sources of information to assist in inspections can be found in various MFR websites and applications (e.g., LRDW, Forest Tenures Administration system, RESULTS) as well as other documents such as the cutting permit or road permit.

Communications and a positive working relationship between the compliance and enforcement personnel and the licensee/BCTS will assist in the inspection process. Licensees/BCTS may find it to their benefit to provide information in a timely fashion when it is requested, as well as by providing accurate and timely information as and when required by the legislation. C&E may assist in fostering this working relationship, when and where appropriate to do so, by providing advance notice to the licensee/BCTS on when a multi-site or landscape issue may be inspected in order to enable the licensee/BCTS to collect and or prepare the necessary information in advance for the inspection. A positive working relationship will also facilitate the necessary dialogue to ensure a common understanding on the obligations and intent for a site.

In addition to compliance and enforcement relating to FRPA and its associated legislation by government staff, each profession is also responsible for enforcement and discipline relating its own members. For information regarding enforcement of the Foresters Act and its associated bylaws, refer to the ABCFP website:

[http://www.abcfp.ca/regulating\\_the\\_profession/act\\_enforcement.asp](http://www.abcfp.ca/regulating_the_profession/act_enforcement.asp)

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## **2 Managing *FRPA* values under an approved FSP**

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### **2.1 Forest and Range Practices Act (*FRPA*) value regime**

The provincial government has identified a number of resource values (see Table 1) in the legislation to which government may assign objectives. This is the *FRPA* value regime. Agreement-holders operating under an approved FSP are responsible for recognizing and managing, conserving and/or protecting the *FRPA* resource values identified in the legislation for which the Lieutenant-Governor-in-Council may make regulations prescribing objectives:

- soils,
- visual quality,
- timber,
- forage and associated plant communities,
- water,
- fish,
- wildlife,
- biodiversity,
- recreation resources,
- resource features; and
- cultural heritage resources.

Volume I of the AGFSP contains the *FRPA* Value Matrix (Table 1) illustrating the parts of the legislation that apply to the different *FRPA* resource values. The table below contains an extract of the *FRPA* Value Matrix covering practice requirements that must be met when operating under an approved FSP. .



**Table 3: FRPA value matrix (practice requirements extract)**

Table 3: FRPA value matrix (practice requirements extract)

Abbreviations:

CWS – community watershed  
FPC – Forest Practices Code  
FSP – Forest Stewardship Plan  
GAR – Government Actions Regulation  
MAL – Ministry of Agriculture and Lands  
MoE – Ministry of Environment  
OSBG – Objectives Set By Government

PAS – Permanent Access Structure  
RMA – Riparian Management Area  
RMZ – Riparian Management Zone  
RRZ – Riparian Reserve Zone  
UTO – Undertake To Comply  
VQO – Visual Quality Objective

Value	Practices requirements with no ability for FSP to propose alternative <sup>6</sup>	Provisions for exemption
<b>1) Soils</b>	s.37: Must not cause landslides s.38: Must not cause gully processes s.39: Must maintain natural surface drainage s.40: Must revegetate soils	None
<b>2) Visual Quality</b> (including scenic areas, VQO)	n/a	n/a
<b>3) Timber</b>	s.41: Must destroy brood if concentrated s.42: Use of livestock s.43: Must comply with chief forester standards or alternative for use of seed; must keep records of seed use s.44(1) and (2): Must establish a stand	s.12(8) Exempted from FSP having to provide results/strategies for timber objective s.91(1): Exemption s.44(3): Exemption from s.29 of FRPA (establishing a free growing stand)
<b>4) Forage and associated plant community</b> (including invasive plants and natural range barriers)	n/a	n/a

<sup>6</sup> Unless otherwise noted, the sections (s.) noted are from the Forest Planning and Practices Regulation (Last Amendment: B.C. Reg. 106/2009).



Value	Practices requirements with no ability for FSP to propose alternative	Provisions for exemption
<p><b>5) Water</b></p> <p>- Fisheries-sensitive watersheds</p> <p>- Community watersheds</p>	<p>s.54: Fan destabilization s.60(1): Licensed waterworks s.62(2): Roads in a CWS if spring identified s.63: Fertilizer in a CWS</p> <p>See "Water" above</p> <p>s.58: Use of livestock in riparian areas s.60(1): Licensed waterworks s.62: Roads in a CWS s.63: Use of fertilizers</p>	<p>s.55-57, s.59-63: Minister may grant exemptions to some practice requirements s.91(1): Exemptions apply in certain circumstances</p> <p>s.91(1)(a)(ii)</p> <p>s.91(1)(a)(ii)</p>
<p><b>6) Fish (including riparian areas)</b></p>	<p>s.54: Fan destabilization s.55: Stream crossings s.56: Fish passage s.57: Protection of fish habitat s.58: Use of livestock in riparian areas</p>	<p>s.91(1) Exemptions apply in certain circumstances</p>
<p><b>7) Wildlife</b></p> <p>- Wildlife habitat features</p> <p>- General Wildlife Measures</p>	<p>s.70(2): Must ensure that the activity does not damage or render ineffective a wildlife habitat feature</p> <p>s.70(2): Must ensure primary forest activity does not damage, etc.</p>	<p>s.92(2): MoE exemptions</p> <p>s.92(2): MoE exemption</p>
<p><b>8) Biodiversity</b></p>	<p>s.68: Must retain coarse woody debris.</p>	<p>s.91(1): Exemption for s 68 coarse woody debris s.91(4): Exemption for s.67 restrictions on harvest of wildlife trees</p>
<p><b>9) Recreation resources</b></p>	<p>s.58: (FRPA) Minister may restrict or prohibit both non- and recreational use</p>	
<p><b>10) Resource features</b></p>	<p>s.70: Must ensure that the activity does not damage or render ineffective a resource feature</p>	<p>s.91(5): Exemption</p>
<p><b>11) Cultural heritage resources</b></p>		<p>s.91(2): Exemptions may apply to minor tenures</p>



## **2.2 Overlooked objectives for *FRPA* values**

If any established objective for a *FRPA* value was overlooked during the development and approval of the FSP, the following options are available to ensure the *FRPA* values applicable to the plan area are adequately managed, protected or conserved:

- Voluntary amendment by licensee/BCTS – if the licensee/BCTS identifies the oversight, they can prepare and submit an amendment, requiring approval, to the DDM to address the objective in question;
- Voluntary amendment request by DDM – if the DDM identifies the oversight, they can notify the Licensee/BCTS and discuss the option of a voluntary amendment by the licensee/BCTS to address the objective in question; or
- Professional reliance – once the professional or professionals who prepared the plan are aware of the oversight, they can take responsibility for protecting, managing or conserving the corresponding *FRPA* value. This could result in the professional adjusting the corresponding harvesting, road construction, or silviculture activities to address the oversight. Failure of a professional to manage appropriately for a known oversight in the FSP may be an issue to take forward to the professional association (e.g., if a professional continues to follow a result/strategy that is known to not be consistent with an established government objective).

## **2.3 Managing visual resources**

Information on managing visual resource values in the FSP is available in the *FRPA* bulletin number 9 – Managing Visual Resources. This bulletin can be obtained from the following website:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm)

The custodianship and responsibilities for Visual Landscape Inventory (VLI) information includes the following:

- Operations Division of the MFR is responsible for conducting VLI fieldwork, establishing visual quality objectives (VQOs) and ensuring the information is uploaded to the LRDW in a timely manner.. Note that a result or strategy must be written for any legally established VQO, regardless of when it is loaded into the LRDW.
- Forest Practices Branch of the MFR is the data custodian – responsible for establishing province-wide policy, procedures, standards and rules for the collection, storage and retrieval of business information.
- Information Management Branch of the MFR is the application custodian – responsible for helping staff working with visual information to meet their business needs, including sponsoring the development, maintenance and support of an application for entering, maintaining and populating the Land and Resources Data Warehouse (LRDW) with VLI information.



- Integrated Land Management Bureau (ILMB) of the Ministry of Agriculture and Lands is responsible for managing the digital VLI data in the LRDW. The LRDW is the principle depository for all government agency spatial data including VLI.

More information on the roles and responsibilities for the VLI is available on the MFR's Visual Resource Management website at

<http://www.for.gov.bc.ca/hfp/values/visual/index.htm#roles>.

New VQO orders since 2005 are posted on the MFR website at:

<http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAregs/govact/GAR-ORDERS.htm>.

They can also be viewed on MapView at <http://www.for.gov.bc.ca/mof/mapview.htm>

For more information, contact Jacques Marc, Senior Visual Resource Management Specialist, Forest Practices Branch, MFR at (250) 387-8481 or [jacques.marc@gov.bc.ca](mailto:jacques.marc@gov.bc.ca).

## **2.4 Protecting recreation resources**

Within the FSP, recreation resources can be protected in these manners:

- Resource features – if initiated by a GAR order, the practice requirement under section 70 of the FPPR must be followed (e.g., practices must not damage or render ineffective the resource feature).
- Recreation site or trail objective – if the Minister of Tourism, Sport & the Arts establishes an objective for an interpretative forest site, recreation site or recreation trail under section 56 of the *FRPA*, the FSP must contain results and/or strategies consistent with the objective (if applicable to the area under the FSP).

The above situations apply to only a portion of the recreationally important sites or areas throughout BC. The licensee may know about, or public input may have revealed, other recreationally important areas within the FSP area. Professionals should be mindful of their professional obligations and be cognizant that modifying operations plans or otherwise “managing” these other recreational resources can be an excellent way of building rapport and trust with the public.

## **2.5 Protecting cultural heritage resources**

In order for the licensee/BCTS to protect cultural heritage resources, they must know where the resources exist. Examples of tools and approaches that licensees/BCTS can use to identify cultural heritage resources include the following:

- **Information sharing with First Nations** – licensees/BCTS can meet with First Nations on an annual or regular basis to share information on proposed activities. The process should start with the licensee/BCTS sending a letter to the First Nations group asking for a meeting to determine if any known resource values



exist in the area of proposed developments. The letter should include a map showing the proposed developments. A copy of the letter should also be sent to the MFR asking if they (MFR) have any information. At the meeting, the First Nations may ask for additional information from the licensee/BCTS to assist them in providing information they may have – some of which the licensee/BCTS may not be able to provide due to a variety of reasons.

- **Maintain a database of known cultural heritage resources** – licensees/BCTS can maintain a database containing information on cultural heritage resources in their area of operations. This database can be updated as resources are identified and then used in future planning activities.

## **2.6 Protecting wildlife**

### ***2.6.1 Licensee/BCTS tracking and reporting WTR areas***

Licensees and BCTS must track and report their wildlife tree retention (WTR) areas. Section 86(3) of the FPPR requires that licensees/BCTS report to the District Manager, before June 1 of each year, the location and approximate size of all wildlife tree patches on areas in which timber harvesting was completed during the previous reporting period (year). This information is submitted to the RESULTS application and stored spatially in the Land and Resource Data Warehouse (LRDW). It is then very important that other licensees and BCTS use this information in the LRDW to identify WTR areas that will be set up in the area they are operating. The co-operation of each other is important for the individual and cumulative effect in meeting resource management needs for wildlife trees. The MFR can also use this information to make a licensee/BCTS aware they have placed a cutblock in a wildlife tree retention area and promote dialogue to resolve potential conflicts before issuing the cutting permit.

More information on submitting WRT information to RESULTS can be found in the *FRPA* General Bulletin # 8 – Wildlife tree retention (WTR): Interim guidance for district and licensee staff available on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm).

The *FRPA* Bulletin #15 – [Managing and Tracking Wildlife Tree Retention Areas under \*FRPA\*](#)) contains information to clarify and provide guidance on how wildlife tree retention areas are managed and tracked under *FRPA*.

It is up to the licensee/BCTS to track their WTR areas to ensure the results and strategies in their approved FSP are met. Licensees/BCTS who operate in areas with more than one licensee/BCTS should talk amongst themselves regarding meeting their WTR area targets. Nobody wants to see one licensee/BCTS harvesting another's wildlife tree retention area. It is also important to set up communication between licensees/BCTS when operating in the same area to deal with the time lag of information reported through RESULTS and shown in the LRDW. Another licensee's/BCTS current year's activities



may not have been submitted to RESULTS at any point in time and there is a risk an unreported WTR area exists in the area proposed for harvesting. TSA steering committee meetings and other cross-licensee/BCTS meetings can be useful vehicles for ensuring the latest information is shared and any issues with WTR areas are addressed.

### ***2.6.2 Government handling WTR areas***

The government does not have an obligation to track WTR areas. This is a licensee/BCTS obligation. The compliance and enforcement's inspection program will check the actual WTR area against the amounts specified in the results or strategies in the approved FSP.

Personnel who are reviewing the cutting permit application will use the information in the LRDW to check for any conflicts with WTR areas reported to RESULTS. Any conflicts should be sent to the corresponding professional(s) to be addressed. A cutting permit cannot be refused to be issued as a result of this conflict. However, if harvesting goes ahead, it could prevent another licensee/BCTS from meeting their FSP commitments and overall fail to manage the wildlife resource properly.

The *FRPA* Bulletin #15 – [Managing and Tracking Wildlife Tree Retention Areas under \*FRPA\*](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm)) contains information to clarify and provide guidance on how wildlife tree retention areas are managed and tracked under *FRPA*. The bulletin is available from the PFIT website at:  
[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm).





## **3 Plans and Permits under an Approved FSP**

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### **3.1 Overview**

#### ***3.1.1 Introduction***

This section of the Guide provides information and advice on the plans and permits that must be developed by licensees and BCTS under their approved FSP. This includes the site plan and an application for a cutting permit or road permit. Licensees/BCTS can also develop operations plans – not legally required under *FRPA* but designed to show how the FSP will work on the ground and the link between the approved FSP and the site plan. It can also be used to guide communications within the licensee/BCTS and externally to the Public, First Nations and other stakeholders.

Section 1.5 – Professional reliance, of this Guide, contains information and examples of the use of professionals in developing these plans and permits. Section 1.7 – Guidance material, contains material about using information in the non-legal realm, such as current science and technical information, to develop plans. Section 1.8 – Encouraging innovation contains information to assist professionals incorporate innovative practices and concepts into their plans.

The process for developing these plans and permit applications can provide opportunities to communicate with the Public, First Nations and other stakeholders as part of the Licensee's/BCTS information sharing activities. More information on using plans and permits to share information with partners and stakeholders can be found in section 1.4 – Communications, of this Guide.

#### ***3.1.2 Use of peer reviews***

The use of peer reviews in the development of plans and permit applications is a professional's and licensee's responsibility. This can be achieved through many different avenues such as a licensee's Standard Operating Procedure (SOP), professional reliance, etc. For example, one licensee has developed a guidance document that spells out responsibilities of the employer and professionals in planning – including identifying whose responsibility it is to determine which documents should be peer reviewed and if other professionals with specialised expertise should be involved.

#### ***3.1.3 Culture shift in planning under FRPA***

*FRPA* is a significant enough change in the planning aspects that it will require a culture shift in roles, responsibilities and business processes. It requires a shift away from process towards the use of professionals and information in the non-legal realm to develop and



implement plans that meet the requirements in legislation as well as the *FRPA* goals of innovation and flexibility. It will take time to fully shift to a results-based regime and the culture shift will be a topic of discussion for a few years to come.

One of the biggest culture shifts in planning under *FRPA* is the development of the FSP. Licensees, BCTS and MFR district staff need to work differently when developing, reviewing, and approving an FSP (relative to the Forest Development Plan under the Code). This includes exchanging information and setting expectation early in the planning process while reducing interaction during the plan development phase.

As we continue with *FRPA*-related change, the culture shift includes more dialogue amongst professionals and increased reliance on information in the non-statutory realm as results, strategies, measures and stocking standards in the approved FSP are implemented. This dialogue and information will assist licensees and BCTS develop site and operations plans that take advantage of current scientific and technical knowledge, leverage successes and lessons learned while providing innovation and flexibility to adapt to local conditions – all this while meeting the environmental standards outlined in legislation and forest certification schemes.

The culture shift is also about communications and maintaining positive working relationships – ensuring we understand and are fulfilling our roles under *FRPA* and building trust in each other. Regular and frequent communication between government, industry, other tenure holders and the Public/First Nations will help build this trust and avoid “duplication of effort”, “checking the checker” and other drains on resources. A positive working relationship will also help parties quickly identify and resolve issues that arise. In addition, respectful regard and proper use of deference will support the communications aspect of this culture shift. More information on the necessary culture shift is available in section 1.4 on communications.

Government and licensees/BCTS personnel are encouraged to be proactive in assisting the public and stakeholders, including non-timber tenure holders, guide outfitters, trappers, etc., to understand the *FRPA* model. These parties are key partners in *FRPA* and we need to assist them in understanding how forestry under *FRPA* operates and to encourage their active and positive involvement in fulfilling their roles under *FRPA*.

More information on this culture shift can be found in the discussion paper titled “The Expectations that Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation” available on the MFR website at: <http://www.for.gov.bc.ca/code/training/FRPA/looking.html>. In addition, each professional association has information to help their members in the culture shift to operating under *FRPA*. For example, the Association of BC Forest Professionals (ABCFP) has several documents for their members including:

- Applying Professional Practice under *FRPA* (2008) – a report intended to assist in the transition of professionals into the realm of *FRPA* and professional reliance. It is available at:



[http://www.abcfp.ca/publications\\_forms/publications/documents/report\\_PR\\_Workgroup.pdf](http://www.abcfp.ca/publications_forms/publications/documents/report_PR_Workgroup.pdf)

- Professional Reliance in Forest & Range Management in BC (2006) – This report is intended to encourage a common understanding of professional reliance, and includes a section on the topic of “deference”, related to respectful regard. It is available at:  
[http://www.abcfp.ca/publications\\_forms/publications/documents/PRTF-FromConceptToPractice\(July%202006\).pdf](http://www.abcfp.ca/publications_forms/publications/documents/PRTF-FromConceptToPractice(July%202006).pdf) .
- Standards of Professional Practice: Guidelines for Interpretation (Update 2004) – available at:  
[http://www.abcfp.ca/publications\\_forms/regulating\\_the\\_profession/bylaws/practice\\_standards.asp](http://www.abcfp.ca/publications_forms/regulating_the_profession/bylaws/practice_standards.asp).

Professionals are encouraged to contact their associations for information and assistance with any questions, issues, etc. on the culture shift and resulting roles and responsibilities when operating under *FRPA*.

### ***3.1.4 Communications in planning***

Licensees, BCTS and government are encouraged to communicate with all stakeholders who use Crown land and resources when developing their plans. Communications on an early and ongoing basis will help to build the necessary trust and relationships with major stakeholders and partners, including members of the public, First Nations, other licensees, the MFR and other government agencies.

Licensees, BCTS and government agencies should look at their internal business processes and ensure they incorporate activities involving ongoing dialogue and communications to keep major stakeholders and partners informed and involved in what happens after the FSP is approved.

Site planning activities are an excellent way to maintain communications and dialogue. Licensees and BCTS are encouraged to prepare and take the time to explain how forest development units in the FSP evolve into roads and cutblocks while soliciting feedback and questions from others who may not be familiar with *FRPA* and how it works.

Tools such as memorandums of understanding for sharing information and systems to plan and track communications activities can help licensees, BCTS and government utilize communications to build the necessary trust and positive working relationships.

More information on communications in the planning phase can be found in section 1.4 – Communications of this Volume of the AGFSP.



## 3.2 Expectations for decision-making

A discussion paper titled “The Expectations that Affect the Management of Public Forest and Range Lands in British Columbia: Looking Outside the Legislation”, contains information on the legal and non-legal expectations for forest and range management in BC. The discussion paper aims to trigger the necessary dialogue between tenure holders, government officials and professionals to help gain a common understanding of the expectations in each of the components that influence decisions on managing Crown land and resources.

The discussion paper was prepared for the Ministry of Forests and Range and the Ministry of Environment by Roberta Reader (February, 2006). A copy of the paper can be obtained on the MFR website at:

<http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.

In addition, the following document is available on the ABCFP website:

**Guideline for Managing Non-Statutory Obligations (2009)** – This document is intended to help members understand the significance of non-statutory expectations, outside the legal realm of “must do”. It is available at:

[http://www.abcfp.ca/regulating\\_the\\_profession/documents/Non-Stat\\_Expectations.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Non-Stat_Expectations.pdf)

## 3.3 Operations Plans

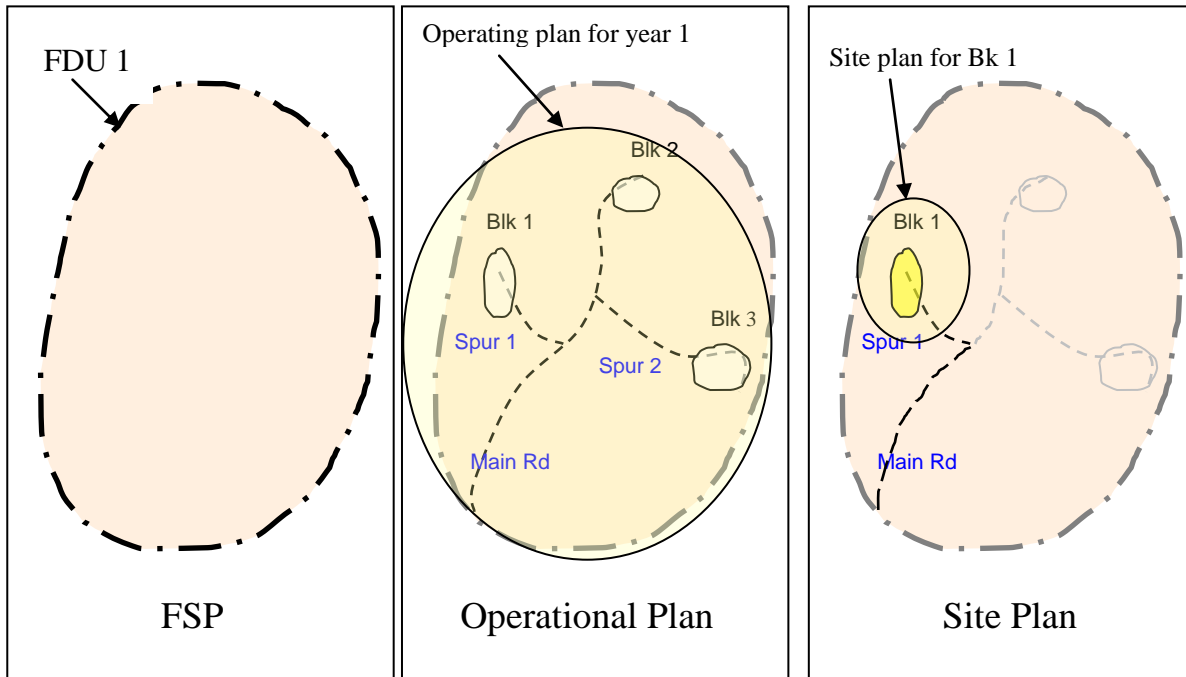
### 3.3.1 Overview

An *operational plan* is defined in *FRPA* as a forest stewardship plan, woodlot licence plan, range use plan or range stewardship plan. This is not to be confused with operations plans which can be used by licensees/BCTS to assist in the development of areas – identifying the cut blocks and roads proposed for a specific area and the corresponding activities that need to be undertaken to develop those cut blocks and roads (e.g., assessments, information sharing and referrals).

Operations plans are a type of plan that fits between the approved Forest Stewardship Plan (FSP) and the site plan. The FSP identifies the locations of forest development units (FDUs) where harvesting and road construction may occur but does not identify proposed cutblocks and roads. The site plan describes how the results, strategies, measures and stocking standards in the FSP apply to the site (i.e., specific cutblock or road). The operations plan contains information between the two types of plans – typically identifying the cutblocks and roads proposed for an area (e.g., within an FDU). There could be many site plans linked to an operations plan and one or more operations plans linked to an FSP.



Figure 2: Operational Plans and how they fit with FDU and FSPs



The operations plan serves as a communications tool listing the cutblocks and roads in an area such as a FDU, landscape unit, watershed, etc. The operations plan also serves as a tracking tool to identify and track progress against the various activities that need to occur when developing an area. It also helps establish a process for transferring FSP commitments to individual cut blocks and roads.

The operations plan can be customized to serve the unique needs of each licensee/BCTS. There are no requirements in legislation for the plan. The area under the plan and the contents of the plan can be defined by each licensee.



### ***3.3.2 Licensees/BCTS developing an operations plan***

#### **3.3.2.1 Development process**

Creating an operations plan is a complex process that has many components that are specific to the individual licensee and the particular forests involved. Details such as wood profile required for a mill, the health of the forest (beetles?), market conditions, and the Licensee's management philosophy all would apply. Additional details, more specifically related to the FSP may include:

- Identifying and assigning proposed cut blocks and roads to the operations plan
- Identifying FDUs that apply to them.
- Determining the results, strategies, and measures that apply to the roads and blocks.
- Identifying assessments and other development activities to be conducted for each cutblock and road.
- Identifying any communications requirements through the overlay of cutblocks and roads with maps of known stakeholders (e.g., First Nations, licensees/BCTS, other licensed stakeholders and interested parties).
- Conducting information sharing and referrals.
- Reviewing and approving the plan.
- Conducting internal information sessions to explain the content of the operations plan. Plans could also be posted on the licensee's/BCTS website for others to view.

#### **3.3.2.2 Content of an operations plan**

Suggestions for the content of an operations plan include the following:

- Tables – List of blocks and roads in the plan area. The amount of detail will vary dependant on needs of the organization but may include volume, area, FDU's, results and strategies that apply and other details. Tables could also include communications and obligations with respect to First Nations and stake holders.
- Maps – Depending on the organizational needs, maps of 1:20,000 to 1:50,000 may serve the purpose and could include blocks, roads, WTA's, OGMA's and other details considered useful. These are an excellent communications tool for apprising stakeholders of planned activities and soliciting feedback.
- Text – Describe the planned operations, the period of the plan, the spatial extent, and other details as necessary.



## 3.4 Site plans

### 3.4.1 Overview

The site plan is a legal plan required under *FRPA* that shows how the results and strategies, in the approved FSP, apply to the site. The site plan is a legal requirement for all cutblocks **and** roads under an approved FSP. The site plan does not require government approval but is a good process and tool to communicate how the results, strategies, measures and stocking standards in the approved FSP apply to the site. It also is a good process or tool to demonstrate due diligence on the part of the licensee/BCTS. The plan should have a clear link to the obligations set out in the approved FSP as well as containing any additional information to assist the licensee implement their results, strategies and measures, stocking standards, practice requirements and other operational requirements.

The site plan has many operational uses including:

- Internal communications within licensee/BCTS personnel on the plans for a specific site.
- Communications to external stakeholders such as First Nations, public, etc. See Part 5 of this document (Managing Cultural Heritage Resources) and Part 6 (Communications) for more information.
- Risk assessment and information for inspections conducted by compliance and enforcement personnel.
- Input into monitoring activities conducted under the Forest & Range Evaluation Program (FREP).

#### Some words about *road* site plans:

Site plans for roads are a legal requirement, but need not be cumbersome or time consuming to create. In the shift from the paper-heavy Forest Practices Code environment, many required planning or approval steps were dropped or streamlined. One of the streamlining initiatives was the removal of the requirement to show roads and blocks on forest development plan (FDP) maps. Site plans for roads were introduced by *FRPA* in part to provide a way for interested parties to view planned road development since they could no longer view the planned development on FDP maps.

There are several ways to simplify road site plans while complying with content requirements and providing useful documents:

1. Devise a custom template for your road site plans.
2. Include several roads in one site plan document.
3. Include external roads with a cutblock site plan.



### 3.4.2 Licensees/BCTS developing the site plan

#### 3.4.2.1 Development process

The site plan must be completed prior to the start of any timber harvesting or road construction. Although site plans have specific legal requirements as outlined in FRPA s.10, and FPPR s.34 – professionals devising these plans must be aware that additional information will almost always be needed to ensure that:

- The site plan is comprehensible to those who may read it (Members of the public, First Nations, non foresters, etc).
- The site plan provides sufficient information to those that will implement it (staff, logging contractors, planters etc).

Additional material to put in the site plan will vary depending on the needs of the users, the complexity of the plan, and the risks to *FRPA* values – if a large risk to a value, more information should be analyzed and provided. If there is a small risk, then less information may be necessary. Ensure that the site plan is consistent with the approved FSP, practice requirements in the *FRPA*, or with other items that must be addressed (e.g., assessments conducted, and their findings if part of an obligation in a result/strategy in the approved FSP).

A professional completing or signing an site plan will have spent considerable time on site (or depended on trusted staff or consultants) to provide needed site information and formulate plans for harvesting, and post-harvest treatments. This information needs to be passed on to those that will implement the plan. For example, the prescribing forester may have noted steep slopes and heavy snowfall that influenced his or her reforestation prescription. Rather than simply state the stocking standards that will apply, it may be advantageous to go beyond this and fill out the planting plans with more information.

Rather than saying:

SU	NAR	Standards ID #	Other Performance Standards
1	11.0 ha	29637	

Add some more information – ensure your experience and knowledge gets to the implementers of the plan! For example:

SU	NAR	Standards ID #	Other Performance Standards
1	11.0 ha	29637	
<p><b>Comments:</b> Although Douglas-fir is a preferred species for this site, do not use on the portions of this block with slopes over 50%. Snow creep has been very damaging to Douglas-fir planted on similar sites nearby. Instead, use other approved species on the steep slopes. Additionally – ensure seedlings are planted below stumps and other natural obstructions to minimize snow-creep damage. Do not plant until the logged block has gone through one complete winter after harvest – this will ensure that slash has settled and is less likely to damage seedlings.</p>			





Site plans for roads should be developed and signed by a professional forester with input from other professionals if necessary (i.e. professional geoscientist or engineers). For information specific to crossings in relation to road site plans, see the guidance document developed by the Joint Practises Board (ABCFP and APEGBC).

- *Guidelines for Professional Services in the Forest Sector – Crossings* (Revised 2008) – This document provides general standards for professional practice in regard to crossings. It is available at:  
[http://www.abcfp.ca/regulating\\_the\\_profession/documents/guidelinesforestcrossings\\_2008.pdf](http://www.abcfp.ca/regulating_the_profession/documents/guidelinesforestcrossings_2008.pdf)

For information specific to terrain stability issues, see the JPB guidance document

- *Guidelines for Management of Terrain Stability in The Forest Sector (2008)* – This document provides guidance for managing terrain stability issues and is available at:  
[http://www.abcfp.ca/regulating\\_the\\_profession/documents/Management\\_Terrain\\_Stability.pdf](http://www.abcfp.ca/regulating_the_profession/documents/Management_Terrain_Stability.pdf)

During the road planning and layout process, like the cutblock site plan process, the professional will have spent considerable time on site (or depended on trusted staff or consultants) to obtain needed site information. The road site plan can be an excellent tool to ensure that observations, site level decisions, and building specifications are conveyed to those that will actually build the road.

Site plans are not included in the definition of operational plans and are not approved by government. These plans are also not subject to notification or review and comment requirements. If requested, licensees/BCTS must share the site plan with members of the public. Licensees/BCTS may also want to bring copies of the site plan to any public forum they participate in to address any questions on the site plan that may arise.

Site plans must be maintained until:

- the plan holder has met the requirements in respect of the area to which the plan relates (e.g., free growing declaration); or
- the plan holder has been relieved under section 108 [*government may fund extra expense or waive obligations*] of the Act of the requirements in respect of the area to which the plan relates.

### **3.4.2.2 Developing a site plan ahead of the approval date for the FSP**

Organizations such as BCTS that consider developing site plans ahead of the corresponding FSP being approved are making a risk management decision. Site plans must show how the results, strategies, measures and stocking standards in the approved FSP apply to the area covered by the site plan. Changes in any of these elements (e.g., results, strategies, measures, stocking standards) during the FSP review and approval process could impact the site plan if developed before the FSP is approved. The



licensee/BCTS will need to review any site plans developed before the FSP is approved to ensure they reflect the actual obligations in the approved FSP.

### **3.4.2.3 Site plan content requirements**

There are legal requirements for a site plan including the content requirements listed in section 10 of the *FRPA* and section 34 of the *FPPR*:

- Identify the approximate locations of cutblocks and roads. A site plan may apply to one or more cutblocks and roads whether within the area of one or more forest stewardship plans.
- Identify how the intended results or strategies described in the forest stewardship plan apply to the site. This goes beyond “what” results, strategies and measures apply. The site plan must explain “how” the results, strategies and measures listed in the FSP will be applied to the site.
- Identify the standards units for the areas under the site plan and the corresponding stocking standards and soil disturbance limits that apply to those standards units.

The site plan must be consistent with the *FRPA* and forest stewardship plan that is in effect on the starting date of the harvest authority being applied for;

Non-legal requirements for a site plan are the licensee’s/BCTS responsibility to determine based on their unique situation. The site plan can include additional information that shows how the site plan is consistent with other documents (e.g., LRMP that is not approved), internal Standard Operating Procedures (SOPs) and other information to ensure the site plan is correctly implemented on the ground. For example, the plan should stand on its own and provide enough information so that others can follow if the plan preparer is not available when harvesting or building the road.

Examples of *FRPA* site plans can be found in Appendix 1 of this AGFSP.

### **3.4.2.4 Applying FSP content to the site plan**

The site plan must describe how results or strategies in the approved FSP apply to the site. It is the responsibility of the licensee/BCTS and role of the professional to determine how to describe the results, strategies, measures and stocking standards in an approved FSP in the site plan.

Tools used by some licensees/BCTS to apply content in an approved FSP to a site plan include the following:

- **Staff training** – explaining the overall requirements in the FSP and details on the specific results and strategies in the plan. Additional training can be delivered by experts on specific subjects such as species at risk for *FRPA* section 7 notices.



- **Field guides** – developed and used to describe how to identify items of interest for the corresponding result/strategy such as identifying nests and other habitat of Species at Risk for *FRPA* section 7 notices.
- **Operating policies and procedures** – outlining standard practices and approaches to specific operations on site.
- **Assessments** – used to identify items of interest for the corresponding result/strategy such as identifying species at risk in the plan area (using the field guides) and determining how much to protect versus harvest on a specific Forest Development Unit. The information collected in the assessments is then analyzed and used in the development of the areas under the site plan (e.g., where to harvest, construct roads).
- **Systems** – used to monitor and to track items of interest for the corresponding result/strategy such as tracking the depletion of habitat for species at risk to ensure notice and FSP requirements were being complied with.

#### **3.4.2.5 Applying results/strategies if practice requirements used in the FSP**

How much detail should the site plan contain if the FSP uses the practice requirements for results and/or strategies?

The site plan should contain enough detail such that the reader of the site plan can understand “how” the results/strategies (practice requirements) apply to the site. For example, if the practice requirement for the soils objective is proposed, then the site plan should identify where the sensitive soils are and confirm that they will be under the 5% disturbance limits. As another example, if the licensee/BCTS proposed the practice requirements for the wildlife objective, the site plan could describe how the general wildlife measures (GWM) are being applied to the wildlife habitat areas with roads and or harvesting activity.

#### **3.4.2.6 Documenting rationale**

A rationale in the site plan is not required; however, there may be a situation when supporting documentation is warranted. For example where there is a threshold value for a species such as Marbled Murrelets. You may need supporting documentation to demonstrate compliance with the threshold levels.

#### **3.4.2.7 Road Site Plans**

As noted in section 3.4.1 above, site plans are required for roads as well as cutblocks. Site plans for cutblocks usually include in-block roads – in such a case, there is no need to do an additional site plan for roads. Where roads are not included in cutblock site plans, then a road site plan must be created.



FRPA and the FPPR do not differentiate content requirements between road and block site plans, but stocking standards and many results and strategies often do not apply to roads, therefore the FPPR s. 34(1) content requirements often will not apply to road site plans. So, the road SP document usually is very simple and may consist of little more than a location map.

Some options to consider when creating road site plan's are:

- **Create a template** for your organization. Since road site plan's are often very simple, and content is often similar for different roads, a template can usually be a one-page document (plus attached map) with minimal information to add for each road.
- Combine **multiple roads in one site plan** (sometimes called a master site plan). While this would require more up front development work, it could reduce the total number of road site plans that must be prepared. It could be set up to allow for future amendments to incorporate new road headings through time. For the purpose of informing the public, a master site plan could provide a better “strategic” view of future road construction activity. The road SP sample in Appendix 1 is structured to work in this regard.
- **Add roads to cutblock site plans**. This will create “panhandles” in the cutblocks. The advantage is one document covers a road and cutblock. However, there may be some disadvantages too. For example, the site degradation calculations will show abnormally high proportions of site degradation which may require additional explanation. As well, the mapping can create practical difficulties (fitting long road sections onto a large-scale cutblock map).

Road site plan examples are shown in Appendix 1.

#### **3.4.2.8 Signing and sealing the site plan**

Professionals are required to sign/seal professional documents as per the bylaws of their respective professional association. For example, Bylaw 10 of the Association of BC Forest Professionals requires that a Registered Professional Forester sign and seal all documents, including plans, they develop – either individually or under their supervision. Therefore, a site plan for a cut block and/or road must be signed and sealed by a professional.

#### **3.4.2.9 Tools and techniques**

Tools and techniques to assist the development of site plans include the following:

- Utilizing communities of practice for site planning as a tool to develop and expand on the availability of guidance in this area. More information on



- communities of practice can be found in section 1.4.7 – Professionals communicating with each other.
- Conducting group collaborative planning – collaborating with other licensees and professionals in the development of site plans. This will enable better coordination of activities and resources. This includes pooling of resources (i.e., FIA) to coordinate investments.
  - Using peer reviews and documenting the rationales for decisions made in the plan to increase the quality and readability of the plan.
  - Tracking and referencing site plans to corresponding versions of the legislation and FSP.
  - Setting internal standards higher than the legal practice requirements in FPPR and standards in other areas such as certification requirements.
  - Fostering a culture of innovation in plans to provide operational flexibility, reduced costs and/or faster regeneration of sites.
  - Communicating the site plan to operational staff and contractors to ensure they understand the plan and how to implement on the ground.

#### **3.4.2.10 Incorporating innovation in the site plan**

You can be as innovative as you want in a site plan as long as you are consistent with the approved FSP and other requirements in legislation. An amendment to the FSP may be needed if any innovative concept or practice you propose will make the site plan inconsistent with the approved FSP.

#### **3.4.2.11 Information sharing with First Nations**

There are no legal requirements for information sharing with First Nations when developing a site plan. However, there are many benefits to involving First Nations during the development of site plans. These benefits include:

- Providing opportunities for First Nations to provide feedback and information on the area before too much investment has been realized.
- Sharing of planning information with First Nations to ensure issues are addressed early.
- Relationship building.
- The potential to streamline the cutting and road authority processing.

Examples of the types and format of information and maps to use in sharing the information in a site plan with First Nations are provided on the MFR's Aboriginal Affairs Branch website at <http://www.for.gov.bc.ca/haa/index.htm>.



#### **3.4.2.12 Commitments in FPC site plans**

Information and guidance on addressing commitments in FPC site plans during the transition to the *FRPA* world is provided in the following *FRPA* bulletins available on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* General Bulletin # 7 – Interpreting Section 196 of the Forest and Range Practices Act for major Licences and BC Timber Sales; and
- *FRPA* General Bulletin #13 – Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications.

#### **3.4.2.13 Changes to the site plan**

Site plans must be consistent with the most current version of the FSP (e.g., incorporate new legislation, new orders and objectives set by government) until:

- 1) a cutting permit or road permit is issued,
- 2) a TSL is issued that does not provide for cutting permits,
- 3) a FLTC is issued by a timber sales manager under section 47.6(3) of the *Forest Act*,
- 4) or a declared area is amended into the FSP.

Once any of these are issued/amended, the licensee/BCTS does not need to change their site plan.

Any changes to the site plan that the licensee/BCTS choose to make can be addressed through internal controls. Keeping the site plan current is the role of the appropriate professional.

#### **3.4.2.14 Communicating the site plan to operational staff**

The licensee should ensure their staff are cognisant of the obligations in the approved FSP and the site plan. Although this is a licensee's decision, various options exist to assist planners communicate this information to operational staff and contractors including:

- on the ground training of field staff both at the professional and technical levels;
- use of operating policies and procedures; and
- simplified user instructions for some technical specifications.

One licensee has held workshops for all managers and professionals, given by authors of the FSP, to explain how results/strategies apply on the ground.



### ***3.4.3 Access to site plans***

#### **3.4.3.1 Government access to the site plan**

Requesting site plans may be appropriate for some government groups (e.g., MFR, MoE, DFO, Forest Practices Board) where there is a need for more site level information in addition to that provided in the FSP. This includes access by inspectors in the Compliance and Enforcement program looking for information to assist in planning an inspection or by other MFR personnel for waste assessment purposes.

Licensees/BCTS and government personnel should cooperate with each other to ensure that, when a site plan is required, the necessary information is shared in a timely, convenient and efficient manner for both parties.

It is not expected that every site plan will end up in the MFR office. This should be the exception rather than the rule. For example, site plans should not be required as part of the cutting permit/road permit issuance process.

#### **3.4.3.2 Public access to site plans**

Site plans, according to FRPA s.11, must be made available to the public “on request at any reasonable time at the holder's place of business nearest to the area under the site plan.” This should be viewed as an opportunity for sharing information with those who may be affected by the operations.



## **3.5 Cutting Permits and Road Permits**

### **3.5.1 Overview**

The process for developing and issuing cutting/road permits under the *FRPA* is the same as the process used under the Code. The basic process and information requirements for issuing permits are described in more detail in the Cutting Permit and Road Tenure Administration Manual available on the Resource Tenures and Engineering Branch website at: <http://www.for.gov.bc.ca/hth/documents/>.

For example, any permit application must be consistent with the approved FSP and current legislative requirements (*FRPA* practice requirements, GAR orders, etc.). Licensees may have some additional activities and documentation for professional reliance and due diligence purposes (e.g., internal checks and peer reviews).

The permit application is a tenure administration document – the authority for which flows from the *Forest Act*, not *FRPA*. However, the permit application may also be used to facilitate an analysis of the cumulative effect of overlapping FDU.

Several MFR district personnel have reported using the permit application as a communications tool to discuss any “red flags” with the licensee/BCTS in a non-adversarial, proactive discussion to help both parties understand the obligations of the associated FSP.

### **3.5.2 More information**

Additional information and guidance is provided in the following *FRPA* bulletins available on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* General Bulletin #13 – Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications.





## 4 Post-approval administration

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### 4.1 Declaring areas

#### 4.1.1 Overview

Licensees/BCTS can use “declared areas” to obtain full planning protection for areas within an FDU where they have made stand level investments. Full planning protection provides an exemption to the areas declared from the mandatory amendment requirements in section 8 of the *FRPA* (see section 5.1.2 – Mandatory amendments of this Guide). See section 4.4 – Protection of areas for more information on protecting investments in planning block and roads.

The provisions and requirements for declared areas are covered under section 14(4) of the *FPPR*, which states that:

*“A person who prepares an FSP may identify an area as a declared area if, on the date that the area is identified, **both** of the following apply:*

- *the area is located in an FDU that is in effect, **and***
- *all of the activities and evaluations that are necessary in relation to inclusion of cutblocks and roads in the area have been completed.”*

Declaring areas can provide licensees/BCTS with an inventory of areas from which they can pick and choose proposed cutblocks and roads when applying for harvest authority, however an area having declared status does not provide sole rights to the area. Harvest rights are only conferred through the license agreements and generally exercised with the issuance of a cutting permit (CP), road permit (RP) or Timber Sale License (TSL).

An approved FSP must be in place before areas can be declared, however a declared area does not need to be in place prior to issuing a CP, RP or TSL. Areas that meet the declared area definition are amended into the FSP and do not require Delegated Decision Maker (DDM) approval in doing so. Declared areas come into effect on the date the plan is amended and a copy is provided to the DDM.

Declared areas should also serve as information to other agreement-holders operating in the same area, especially if FDUs overlap and some planning work has already been completed by the other agreement-holder in that particular area.

Cutting permits and road permits are issued on a first come basis. Even if there has been some planning work carried out by an agreement-holder, unless a cutting or road permit has been issued, there is nothing to stop another agreement-holder who’s FDU overlaps



the area from applying and receiving a cutting or road permit in the same area. Communication between licensees/BCTS is important to avoid any issues that may arise from obtaining a cutting or road permit in an area with overlapping declared areas – working together in a spirit of cooperation is one of the underlying principles of *FRPA*.

It should be noted that there is no requirement for areas to be “declared” prior to issuance of cutting permits or road permits.

Section 196(2) areas may not be amended into the FSP as declared areas until all of the assessment work required under section 14(4) of the FPPR has been completed.

See section 4.4 of this *Guide* for more information on planning protection associated with section 196 areas.

The ABCFP includes guidance on its website that relates to declarations:

- *Professional Reliance Principles for FRPA Operational Plans and Declarations* (2007) – This document includes discussion of roles and responsibilities for forest professionals involved with declarations, and can be accessed using this link: [http://www.abcfp.ca/regulating\\_the\\_profession/documents/guideline\\_FRPA%20OpPlansandDecs\(2007\).pdf](http://www.abcfp.ca/regulating_the_profession/documents/guideline_FRPA%20OpPlansandDecs(2007).pdf).

#### **4.1.1.1 Size implications of declared areas**

There are no legislated size limits on FDU or declared areas. However, the size of declared areas may be limited by the activities and evaluations that must be completed in order to declare an area. For example, the costs and time to complete the activities and evaluations may limit the size of the declared area. Licensees/BCTS may want to undertake activities and evaluations and declare an area slightly larger than their proposed block or road in order to provide flexibility if they need to change the boundaries of their proposed block or road and yet still maintain planning protection. The licensee/BCTS, together with the professionals assisting them with the planning activities, should decide this.

A small FDU could conceivably be a declared area but generally FDUs were thought to be landscape level scale versus the declared area which was envisioned to be closer to stand level.

#### **4.1.1.2 Overlapping declared areas**

Overlapping declared areas are not an issue. An area that has been declared only has planning protection – it does not have any harvesting rights. If two or more licensees/BCTS choose to independently invest in required assessments, that is a business decision they can make, unrestricted by *FRPA*. Generally, declared areas are made at the cutblock or road level but could be larger to facilitate operational flexibility. If the



declared area is larger than a cutblock or road, then the activities and evaluations will need to be completed for the larger area – not just the cutblock or road area.

The substantive issue lies with who gets the harvest authority. Harvesting rights are conferred when cutting permits and road permits are issued. Subject to the licence agreement, and any restrictions in the applicable FSP, the first licensee who applies for the harvest authority will get the harvesting rights to the timber – provided the corresponding CP or RP is issued. Even if there has been some planning work carried out by a licensee/BCTS, unless a cutting or road permit has been issued there is nothing stopping another licensee/BCTS whose FDU overlaps the area from applying and receiving a cutting permit or road permit for that area.

#### **4.1.1.3 Declaring *FRPA* section 196(1) and (2) blocks**

Section 196(1) areas (Category ‘A’ blocks with all required assessments complete) carried over from a Forest Development Plan (FDP) already have full planning protection and do not need to be identified as declared areas.

Section 196(2) areas may not be amended into the FSP as declared areas until all of the assessment work required under section 14(4) of the FPPR has been completed.

Additional information and guidance on declaring section 196(1) and (2) blocks is provided in the following *FRPA* bulletins available on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* Administration Bulletin # 2 – *Administration of Declared Areas under Section 14 of the Forest Planning and Practices Regulation*; and
- *FRPA* General Bulletin # 7 – *Interpreting Section 196 of the Forest and Range Practices Act for major Licences and BC Timber Sales*.

The *FRPA* General Bulletin #13 – *Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications* also touches on declared areas (as well as the BCTS version of Bulletin #13 which is currently under development).

#### **4.1.2 Licensees/BCTS declaring an area**

##### **4.1.2.1 Submitting declared areas**

The steps a licensee/BCTS could follow in declaring an area include the following:

1. Identify the area of interest that you want to protect from mandatory amendments and changes in legislation. If you are planning on harvesting a block right away, you may not want to declare the area. The chances of a mandatory amendment or change in legislation impacting your planned cut block or road is much smaller when you plan to harvest right away than if you



- are developing your blocks and roads now but may not apply for cutting permits/road permits for several months/years.
2. Check the status of the area you are considering declaring. Are you able to harvest or construct roads in that area (e.g., parks, protected areas, reserves)?
  3. Talk to other licensees/BCTS operating in the same area to see if they have any declared areas or harvesting/road activity that might conflict with your area. You don't want to impact other licensee's/BCTS ability to achieve their results, strategies, measures and stocking standards and vice versa (e.g., impact any wildlife tree patches established by another licensee/BCTS).
  4. Identify and complete the necessary activities and evaluations (see below for more information).
  5. Declare the area by submitting an amendment not requiring approval to the government through the FSP Tracking System. See the *Amending an Approved FSP User Guide* for details on how to submit an amendment to declare an area – available on the FSP Tracking System website at: <http://www.for.gov.bc.ca/his/fsp/userGuides/>.

Licensees/BCTS can declare an area through an amendment to their FSP. If the licensee/BCTS submits an amendment solely to declare an area, then the amendment does not require DDM approval. *FRPA* requires that a copy of the amendment be provided to the DDM as soon as practicable after it has been incorporated into the FSP (See *FRPA Bulletin # 3 – Use of the Term “Practicable” under the Forest and Range Practices Act (FRPA) and Regulations* available on the PFIT website at: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm)). Declared areas come into effect on the date the plan is amended and a copy is provided to the DDM.

Licensees/BCTS can submit their amendments for declared areas to the government via the FSP Tracking System. These amendments do not require government approval and will be automatically stored and linked with the corresponding FSP. Government personnel can easily identify amendments submitted without approval as well as identifying and viewing the areas declared within an approved FSP. More information on submitting and viewing declared areas can be found in section 5.1.3. of this Guide and in the *Amending an FSP User Guide* available on the FSP Tracking System website at: <http://www.for.gov.bc.ca/his/fsp/userGuides/>.

Declaring an area can serve as a good communications tool for sharing information with First Nations and other licensees/BCTS with overlapping FDUs. See section 1.4.2 Licensee/BCTS/government communicating with First Nations, and section 1.4.3 – *Licensees communicating with other licensees*, for more information on using the declared area process as a communications tool.



#### **4.1.2.2 Activities and evaluations for declared areas**

All the necessary stand level activities and evaluations must be completed before declaring an area (i.e., those necessary to complete final block layout).

*FRPA* does not specify the activities and evaluations that must be completed. What might constitute “all the activities and evaluations necessary” may vary across the province based on the complexity of the area. Licensees/BCTS should have a discussion with their District Manager to come to a common understanding on the investment required before an area can be declared. The list of assessments previously required under the FPC (including, stand level assessments as outlined under sections 16, 17, 36.1 and 37 of the *OSPR*), may form the baseline of the “activities and evaluations” required.

#### **4.1.3 Government processing declared areas**

##### **4.1.3.1 Monitoring the declared area amendment**

An amendment for a declared area does not require DDM approval. However, the DDM may want to monitor declared areas to assess if activities and evaluations have been completed and to ensure they are consistent with the definition of an amendment not requiring approval. At the same time, MFR personnel may also review the amendment to confirm the completeness of the submission (e.g., spatial information for the declared area has been submitted and loaded into the LRDW).

This monitoring could be done as part of the Compliance and Enforcement inspection process or as periodic spot checks by tenures staff, for example by selecting a declared area and confirming with the licensee/BCTS that the necessary activities and evaluations were completed. The FSP Tracking System will assist DDMs with this activity by identifying amendments submitted without approval and providing easy access to the information on the areas declared.

Should the DDM find an area that was declared without all the activities and evaluations complete, they can pursue the matter through section 31 of the *FPPR* (Amendment wrongly made).

The DDM will give the licensee/BCTS an *Opportunity To Be Heard* (OTBH) prior to making any determination that the identification of the declared area was done in error. If the declared area was done in error, the DDM can declare the amendment to be without effect and if relevant, require the holder to suspend operations that are not authorized in the absence of the amendment.

DDMs should ensure they have setup the District Notification feature in the FSP Tracking System for all appropriate personnel in their district. The District Notification feature



automatically sends an email to all personnel on the distribution list any time an amendment is submitted to the FSP Tracking System. Using this feature will make it easier for MFR personnel to be aware of any amendments that are submitted for declaring an area.

## **4.2 Orders – for Objectives set by Government**

Professionals should review all orders to determine the impact on their FSP such as whether they will need to prepare a mandatory amendment if the order applies to an area under an approved FSP. See section 5.1.2 – Mandatory amendments, of this Guide for more information.

The order will typically identify the date the order, and corresponding objective, takes effect. It may also list the requirements for incorporating the objective in a new FSP (e.g., four month period for section 16(2) of *FRPA*) and requirements for amendments to existing FSPs (e.g., mandatory amendment in 6 months). Cutblocks and roads with planning protection (e.g., declared areas, section 196(1) areas) are exempt from mandatory amendments as are areas with cutting permits and road permits issued.

When reviewing an order, the rationale prepared by the DDM can be a good source of information to help understand the intent of the order. Professional dialogue to clarify the intent of the order, both during and after the review and comment / consultation period, will also lead to a better understanding of how the order was intended to work.

District objectives matrices may be one source of information for identifying objectives established under order. The objectives matrices can be accessed via the PFIT website at: [http://www.for.gov.bc.ca/hts/fspdev/DISTRICT\\_CONTACTS.htm](http://www.for.gov.bc.ca/hts/fspdev/DISTRICT_CONTACTS.htm). GAR orders can also be found on the following website: <http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAregs/govact/GAR-ORDERS.htm>.

Professionals looking for advice and information on developing orders should refer to the GAR Policy and Procedure Manual available on the PFIT website at: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/GAR%20Memo%20and%20Manual.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/GAR%20Memo%20and%20Manual.htm). A similar guide for objectives under the Land Use Objectives Regulation is under development and will be available soon.

Appendix 11 of the Guide contains a checklist for the implementation of a GAR order.

In addition, *FRPA* Administrative Bulletin # 7 – Considerations for Making Orders under section 9 of the *Forest and Range Practices Act* and section 19 of the Forest Planning and Practices Regulation: Cumulative Effect of multiple Forest Stewardship Plans: Proportional Targets contains information for consideration when making orders that might impact multiple FSPs on the same area under the order. The bulletin is available on the PFIT website at: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm).



#### 4.2.1 Transition options to address anticipated land use objectives

A key element of managing forest and range resources on Crown land is the establishment of land use objectives (LUOs) to guide forest management planning and practices. Options for licensees/BCTS to transition their Forest Stewardship Plan (FSP) and/or practices to address anticipated land use objectives (LUOs) include the following:

- **LRMP planning agreements**—LRMP planning processes can establish agreements signed by all participants that involve licensees/BCTS committing to the spirit and intent of the planning process including transitioning their plans and practices to implement any LUOs identified in the planning process;
- **FRPA Section 196**—cutblocks and roads from an approved Forest Development Plan (FDP) can be rolled over into a FSP and be deemed approved. If the required assessments are complete on these cutblocks and roads (e.g., *FRPA* s.196(1)), then these areas are protected from any mandatory amendments when the LUO are established. If the assessment are not complete (i.e., *FRPA* s.196(2)), then these cutblocks and roads do not have planning protection and the FSP must be amended once the LUOs become effective. The order establishing the LUO will specify the timeframe for the amendment – otherwise the default timeframe is two years;
- **Declared areas**—planning protection is provided to any areas declared under section 14(4) of the FPPR. Once these areas meet the requirements of section 14(4) of the FPPR and declared through an amendment to an approved FSP, they do not have to be amended when the LUO becomes effective;
- **Results/strategies for draft LUOs**—it is possible for licensees/BCTS to propose, and for the DDM to approve, results or strategies for draft LUOs where the draft LUO is materially consistent with established legal objectives under the FPPR. Licensees/BCTS should discuss this option with the DDM prior to the submission of their FSP;
- **FSP supporting documentation**—if there are no means to propose or approve results or strategies for draft LUOs, the licensee/BCTS can communicate their intention to voluntarily implement draft LUOs by including additional operational commitments in their supporting documentation to the FSP. These commitments are not binding from a legal perspective but explain how the licensee/BCTS will operate in relation to the new management direction;
- **Operational activities**—the FSP and supporting documentation can be silent on the LUO but licensees/BCTS can manage to the spirit and intent of the LUO as long as they do not conflict with a legal practice requirement or a commitment in the approved FSP; and
- **Professional reliance**—professionals responsible for forest management planning and practices decisions have to prepare themselves to deal with pending LUOs and the associated legal requirements to amend FSP results or strategies. Professionals are encouraged to seek opportunities to address new, or soon to be new, LUOs as long as they are not in conflict with the current legislation.



### **4.3 FSP extensions**

An FSP extension is simply an extension of the term of an approved FSP. If little has changed within the FDU and the licensee/BCTS is satisfied with the commitments made within their FSP, an extension may be a simple way to continue operating under the plan.

The DDM has discretionary authority to extend an FSP under FRPA s. 6(2). The approval tests for an FSP extension decision include prescribed and discretionary tests. The prescribed tests are the requirements identified in the *Forest Planning and Practices Regulation* (FPPR) s. 28 that must be met for the FDU, results and strategies. The discretionary tests include a consideration of the other content elements of an FSP that is being extended, including the stocking standards and measures.

As a best practice, licensees/BCTS and MFR staff should engage in up front communication of any considerations that may affect the ability of an FSP to meet the extension approval tests. The significance of the considerations could vary depending upon the term of the extension and this should be a part of the discussion. It is not recommended that every element in an FSP be re-adjudicated at the time of an extension determination. Ultimately, the DDM must be satisfied that the FSP meets the tests and has the discretion to approve, or not, the extension request.

The FRPA General Bulletin [An Overview of FSP Extensions](#)<sup>7</sup> will provide information regarding extension approval tests, public review and comment, First Nations consultation, and principles to guide the extension process.

As of March 2010, a proposed change to the FSP Tracking System has not been completed. Until this change is made, FSP Holders should not use the FSPTS to submit FSP Extensions. Forest District staff should use the following procedure:

- 1) Process the extension on paper only – do not use the FSPTS
- 2) Send the following information to [Del.Williams@gov.bc.ca](mailto:Del.Williams@gov.bc.ca) at Resource Tenures Branch:
  - FSP number
  - Request date
  - Approval date
  - Term or new expiry date
  - Attachments (i.e. request letter and DDM reply letter)
- 3) Resource Tenures Branch will:
  - Manually update the FSPTS with new expiry dates
  - Maintain a ledger of all FSP Extensions

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<sup>7</sup> As of March 11, 2010, this publication has been prepared and is undergoing review. It is expected to be placed on the FRPA Bulletins website soon at [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm).





- Update the FSPTS with the remaining extension data when the full extension capability is available.

Amendments required to facilitate an extension must still be made in the FSPTS. The FSPTS will remain fully functional and subsequent amendments can be made normally.

#### ***4.3.1 Changes to an extended FSP***

An FSP holder may identify components of their FSP which require revision in order to meet the extension tests, or may choose to modify some part(s) of the FSP based upon management considerations prior to an extension request. An FSP holder may prepare and submit an FSP amendment prior to an FSP extension request, or may choose to satisfy the DDM that an amendment will be made post-extension to ensure consistency of the plan with established objectives.

If there are changes required to stocking standards or measures approved in an FSP, an amendment to the FSP should be submitted prior to an FSP extension request. FRPA only enables amendments to results or strategies required to meet extension approval tests through a post-extension amendment of the FSP, to enable this, the DDM must be satisfied the FSP will be amended before approving the extension.

Once extended, an FSP may be amended following the general amendment provisions outlined in FRPA s.8 and Division 5 of the FPPR.



## **4.4 Protection of areas**

### ***4.4.1 Protection of areas: moving to the next plan***

When a current FSP in effect comes to the end of its term and a replacement is submitted to the DDM for approval, protection from mandatory amendments or changes to approved cutting permits, road permits, and FDUs is addressed by sections 7 and 19 of the *FRPA*. These sections say that, if an approved cutting authority (i.e., a cutting permit or a road permit) has been issued prior to the end of the term of the current FSP, these areas have full protection and remain valid after the end of the term of the current FSP. They also are not subject to any further review under the public review and comment provisions for the new proposed plan. Nor are they subject to mandatory amendments under section 8 of the *FRPA*.

For FDU areas not subject to a cutting or road permit, this protection is limited. Section 7(1.1) of the *FRPA* outlines the limits of this protection.

### ***4.4.2 Limited Planning Protection***

Parts of an approved FSP that pertain to a Forest Development Unit (FDU) in the approved plan are not subject to the application of the plan approval tests when a subsequent FSP is submitted for approval, subject to the occurrence of certain events within a specified time period (section 7(1) (b) of the *FRPA* and section 23 of the *FPPR*).

Under section 7(1.1) of the *FRPA*, a proposed FSP must be considered to have the District Manager's approval for the parts of the FSP that pertain to a Forest Development Unit (FDU) in an approved FSP that is in effect on the date the proposed FSP is submitted for approval – unless one or more of the following events are applicable to the FDU and the FDU is considered by the District Manager to be inconsistent with the event (e.g., the following events may cause parts of a previously approved plan that pertain to a FDU to go back through the approval process).



Table 4: Planning protection under FRPA s.7(1.1)

Event Applicable to FDU	Limited Protection is Turned Off if Event is:
New or amended enactment	Within specified period*
An objective set by government is established, varied or cancelled	Within specified period*
An objective by order under <i>FRPA</i> or the regulation (e.g., GAR) is established, varied or cancelled for: <ul style="list-style-type: none"> <li>• wildlife habitat areas</li> <li>• water quality</li> <li>• fisheries sensitive watersheds</li> </ul>	Within specified period* Within specified period* Within specified period*
A community watershed designation in or adjacent to the FDU is added, varied or cancelled by order	Within specified period*
Timber in the vicinity of the FDU has suffered catastrophic damage	Within specified period*

\* The specified period within which the specified event has to have occurred in order to turn off limited protection:

- **begins** – four months before the date the existing plan is submitted for approval; and
- **ends** – four months before the date the proposed plan is submitted for approval.

**NOTE:**

The events listed below were subject to the limited protection provisions until December 31, 2005. As this date has past, the limited protection provisions no longer apply. The events are as follows:

- an objective by order under *FRPA* or the regulation (e.g., GAR) for:
  - interpretive forest sites, recreation sites or trails under s.56(3) of *FRPA*;
  - ungulate winter range;
  - lakeshore management zones; and
  - visual quality.

Even if these areas are considered approved in the new FSP, under section 196(2) of the *FRPA*, the licensee/BCTS should not assume that protection will apply. If the licensee/BCTS wants full planning protection under a declared area, the licensee/BCTS will have to complete all of the assessments on these areas, to comply with the requirements for a declared area. The licensee/BCTS will also have to amend the current approved plan to show the areas as being declared (no approval is required for this amendment) or obtain a cutting authority (cutting permit/road permit) for the area(s) (subject to the normal requirements for a cutting authority).

NOTE: as with cutblocks specified under section 196(1) of the *Act* (full protection), the licensee/BCTS must specify the cutblocks under section 196(2) of the *Act* in order for the DDM to understand if or where the protection provisions apply when making a determination under section 16 of the *Act*.



## **4.5 Certification of content improperly made**

Section 16(4) of the *FRPA* gives the District Manager the opportunity to re-examine the approval of an FSP if new information is made available that may impact on the correctness of a declaration made under section 16(1.01) regarding certification of prescribed content items. The subject matter that he or she may examine is listed under section 22.1 of the FPPR.

The District Manager can require an amendment to the FSP if it is determined that the FSP was approved in error. Section 16(4) also provides for the licensee/BCTS to have an Opportunity To Be Heard (OTBH) in response to a determination made under this section.

## **4.6 Exemptions**

Exemptions to some *FRPA* requirements are available to licensees/BCTS and should be considered, depending on the situation. There are some automatic exemptions under *FRPA* that can reduce workload or increase innovation. As exemptions are not part of a FSP or FSP determination, it is highly recommended that each licensee/BCTS have a system to administer and track exemptions to ensure that all involved are aware of the rules governing their forest practices.

Appendix 9 of this Guide provides an overview of the exemptions within the FPPR.

### ***4.6.1 Conditions to an exemption***

Section 112 of the *FRPA* allows the district manager to add conditions to an exemption to a *FRPA* requirement. For example, if a district manager issues an exemption to generate a free growing stand in an area under bark beetle suppression activities, the district manager could attach a condition such as “provide the MFR with a map showing the approximate locations where the salvage operations were conducted”.



## **4.7 Staying current with changes in legislation**

There is a subscription service available to receive automatic notices of amendments to legislative. The link to sign up is attached:

<http://www.for.gov.bc.ca/his/listserv/officialnoticessignupform.htm>.

Current versions of legislation are available at:

<http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>.

Organizations will need good internal communications vehicles to ensure applicable personnel within their organization are aware of any changes in legislation and what legislation is in effect at any point in time. For example, a licensee could have all legislative changes posted on their internal Intranet site which is available for all their professionals. Generally CFPA/COFI produces a legislative update which explains significant implications to licensees and professionals. This update is also posted on their internal intranet site.

In addition, licensees/BCTS and MFR personnel should continually monitor case law for precedence. Case law can change quickly—potentially impacting consultation obligations and activities. More information on this can be found in the discussion paper prepared for the Ministry of Forests and Range and the Ministry of Environment by Roberta Reader (February, 2006). A copy of the paper can be obtained from the PFIT website at:

<http://www.for.gov.bc.ca/code/training/FRPA/looking.html>.

## **4.8 Ministerial powers of intervention**

Section 77 of *FRPA* provides the Minister of Forests and Range intervention powers to order a holder of a license to remedy, mitigate, or stop an act or omission that is believed will result in a contravention and will (or probably will) cause:

- A catastrophic impact on public health or safety,
- A free growing stand not being established, or
- An adverse impact on the environment.

There are also provisions in this section that allow intervention when transport of beetle-infested timber will cause an adverse impact on the environment. This power has been delegated.

Section 77.1 of *FRPA* also provides powers of intervention, but in cases related to aboriginal right or title. More specifically, under s.77.1 the Minister of Forests and Range has intervention powers to vary or suspend activities if the Minister concludes, on the basis of information that was not available to the person who made the approval determination, that a forest or range practice in an approved operational plan will result in a potential unjustifiable infringement of an aboriginal right or title in the area. This power has not been delegated.



In a situation where a First Nation is unwilling to bring forward aboriginal interests information during the consultation process, but makes that information available after the plan has been approved, then that information will be considered in conjunction with information that was available, known and considered during the plan approval process. It will be necessary, as a first step, to determine whether the information brought forward is indeed new. If the information is considered to be new and not previously available, then this provision may apply.

In this situation, the minister must notify the FSP holder of the previously unavailable information. By giving an order to the licensee/BCTS, the minister may then vary or suspend the operational plan, forest or range practice, or cutting or road permit.

Under section 77.1(2) of the *FRPA*, this First Nations provision also applies to an area that was exempt from the requirement to have an operational plan.

Finally, section 77.1(4) of the *FRPA*, provides that any additional expenses incurred by the licensee/BCTS as a result of an order made under section 77.1, will be reimbursed by the government to the extent provided for in the regulations.



## 5 Amending an Approved FSP

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### 5.1 Overview

#### 5.1.1 Introduction

There are three types of amendments to approved FSPs under *FRPA*:

- mandatory amendments required under section 8 of the *Act* and section 32 of the FPPR,
- amendments that do not require approval (per section 20 of the *FRPA*); and
- amendments that require approval (per section 29 of the FPPR).

**Note:** Under section 5 of the *FRPA*, any amendment to an approved FSP that involves mapping will be subject to any map scale and format standards determined by the DDM. See section 3.8.1 of Volume I of the AGFSP for more information on map scale and format.

#### 5.1.2 Mandatory amendments

##### 5.1.2.1 Overview

Section 8 of the *FRPA* states that, subject to subsection (2), within two years or other timeframe as outlined in section 8(1.1) (b), after the occurrence of an event described in section 7(1.1) (a) (i), (ii) or (iii) that affects an area under an FSP, the licensee/BCTS must submit to the District Manager an amendment to the plan, in accordance with the regulations, to take into account that event.

Subsection (2) of section 8 of the *FRPA* allows for a different timeframe to be specified for mandatory amendments if it relates to a:

- a) objective for a wildlife habitat area established under the regulations, or
- b) objectives set by government (OSBG) per the definition.

The following table summarizes the requirements for mandatory amendments for each of the various events applicable to an FSP.



Table 5: Mandatory amendment triggering events

Event Applicable to FSP	Mandatory Amendment
New or amended enactment	Within 2 years or longer if specified in enactment
An objective set by government is established, varied or cancelled	Within 2 years or longer if specified in objective. If a land use objective – as specified in objective
An objective by order under <i>FRPA</i> or regulation (e.g., GAR) is established, varied or cancelled for:	
<ul style="list-style-type: none"> <li>▪ interpretive forest sites, recreation sites or recreation trails under s.56(3) of <i>FRPA</i></li> </ul>	Until December 31, 2005 – within 2 years or longer if specified in order
<ul style="list-style-type: none"> <li>▪ wildlife habitat areas</li> </ul>	Within 2 years or as specified in order
<ul style="list-style-type: none"> <li>▪ ungulate winter range</li> </ul>	Until December 31, 2005 – within 2 years or longer if specified in order
<ul style="list-style-type: none"> <li>▪ lakeshore management zones</li> </ul>	Until December 31, 2005 – within 2 years or longer if specified in order
<ul style="list-style-type: none"> <li>▪ water quality</li> </ul>	Within 2 years or longer if specified in order
<ul style="list-style-type: none"> <li>▪ fisheries sensitive watersheds</li> </ul>	Within 2 years or longer if specified in order
<ul style="list-style-type: none"> <li>▪ visual quality</li> </ul>	Until December 31, 2005 – within 2 years or longer if specified in order

Unless they are exempted, all mandatory amendments required under section 8 of the *FRPA* are subject to the full public review and comment requirements in legislation. However, under section 32 of the *FPPR*, the District Manager may exempt a licensee/BCTS from the requirements for public review and comment of the required mandatory amendments if they are satisfied that the requirement is not practicable given the circumstances or conditions applicable to a particular area. For example, the review and comment requirements could probably be exempted if the mandatory amendment is for a new Wildlife Habitat Area (WHA) and all that has changed in the FSP is a revised map with no repercussions to the plan. However, the DDM must also be satisfied that the exemption is not contrary to the public good.

As described in section 19(2) of the *FRPA* and section 32.1 of the *FPPR*, mandatory amendment requirements do not apply to cutting permits, road permits, timber sales licences, declared areas, section 196(1) cutblocks and roads, or areas with issued forestry licences to cut under a pulpwood agreement. Section 196(2) cutblocks and roads are not protected from mandatory amendments (see section 4.4 – Protection of areas of this Guide for more information).





### 5.1.2.2 Changes in location of blocks with planning protection

If the location of a block with planning protection under section 196(1) needs to change, for any reason, it may not continue to have planning protection from the *FRPA* section 8 mandatory amendments (e.g., changing the location as a result of information sharing with First Nations). If the new location for the block is outside of the original section 196(1) area, then the original planning protection does not apply. The licensee/BCTS will need to conduct the necessary activities and evaluations and then declare the area under section 14(4) of the FPPR in order to maintain planning protection on the new area. If the new location for the block is still within the original section 196(1) area, then the planning protection will be continued.

More information and guidance is provided in the following *FRPA* bulletins available on the PFIT website at:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* General Bulletin # 7 – Interpreting Section 196 of the Forest and Range Practices Act for major Licences and BC Timber Sales; and
- *FRPA* General Bulletin #13 – Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications.

### 5.1.2.3 Timeframes for mandatory amendments from government objectives

When the government establishes or changes government objectives, licensees/BCTS with approved FSPs have a specified period upon which they must amend their approved FSP to be consistent with the new objective. This only applies if the area under the approved FSP is impacted by the new or changed objective. The timeframes for preparing and submitting these mandatory amendments can be different between each objective.

The following table is designed to help licensees/BCTS determine the timeframe for when their FSPs must be amended to be consistent with the new/changed objective.



Table 6: Determining timeframes for submitting mandatory amendments

Timeframe	Condition	Description
Immediate	If submitting an amendment related to an objective that has recently been changed	If amending an FSP result or strategy that is related to a recently changed government objective, the FSP amendment must be consistent with the changed objective.
Order specific	Timeframe specified in Order	Section 8(2) of the <i>FRPA</i> enables the Order establishing the objective for a wildlife habitat area or objective under the <i>Land Act</i> to specify a timeframe for licensee/BCTS to <u>prepare and submit</u> a mandatory amendment. If the order does not specify a timeframe, then the “default timeframe” specified in section 8(1.1) of the <i>FRPA</i> applies (i.e., 2 years).
Two years or longer	“Default timeframe” specified in legislation	Section 8(1.1) of the <i>FRPA</i> specifies a period of two years, or longer if specified in the Order or objective, for the licensee/BCTS to prepare and submit a mandatory amendment.

For example, the South Central Coast Order from the Ministry of Agriculture and Lands establishing Land Use Objectives for Ecosystem Based Management (EBM) within the North and Central Coast area specified a six month timeframe for mandatory amendments. Licensees/BCTS with approved FSPs in this area were provided six months to prepare and submit an amendment for approval by the District Manager. If the order had not specified this timeframe, the licensees/BCTS would have used the “default timeframe” specified in *FRPA* of two years in which to prepare and submit the amendment. A copy of the order can be found on the following website:  
<http://www.mediaroom.gov.bc.ca/DisplayEventDetails.aspx?eventId=389>

Mandatory amendments must be prepared and submitted for approval as specified in the timeframe in the order or legislation. Until the amendment is approved by the DDM, the licensee/BCTS will continue operating under their previous FSP. Licensees/BCTS should avoid using this time gap as an opportunity to process declared areas and section 196(1) areas to avoid the mandatory amendment requirements. Rather, licensees/BCTS, and the professionals they use to maintain their plans, should focus on working with the intent of the mandatory amendment

### **5.1.3 Using the FSP Tracking System to submit and review amendments**

The FSP Tracking System supports all the business processes associated with developing, reviewing, approving and amending an FSP – including the submission of stocking



standards defined in the FSP – a function that historically was performed in the RESULTS application.

The FSP Tracking System has been designed as a simple but powerful tool to support licensees/BCTS and government personnel during the FSP amendment process:

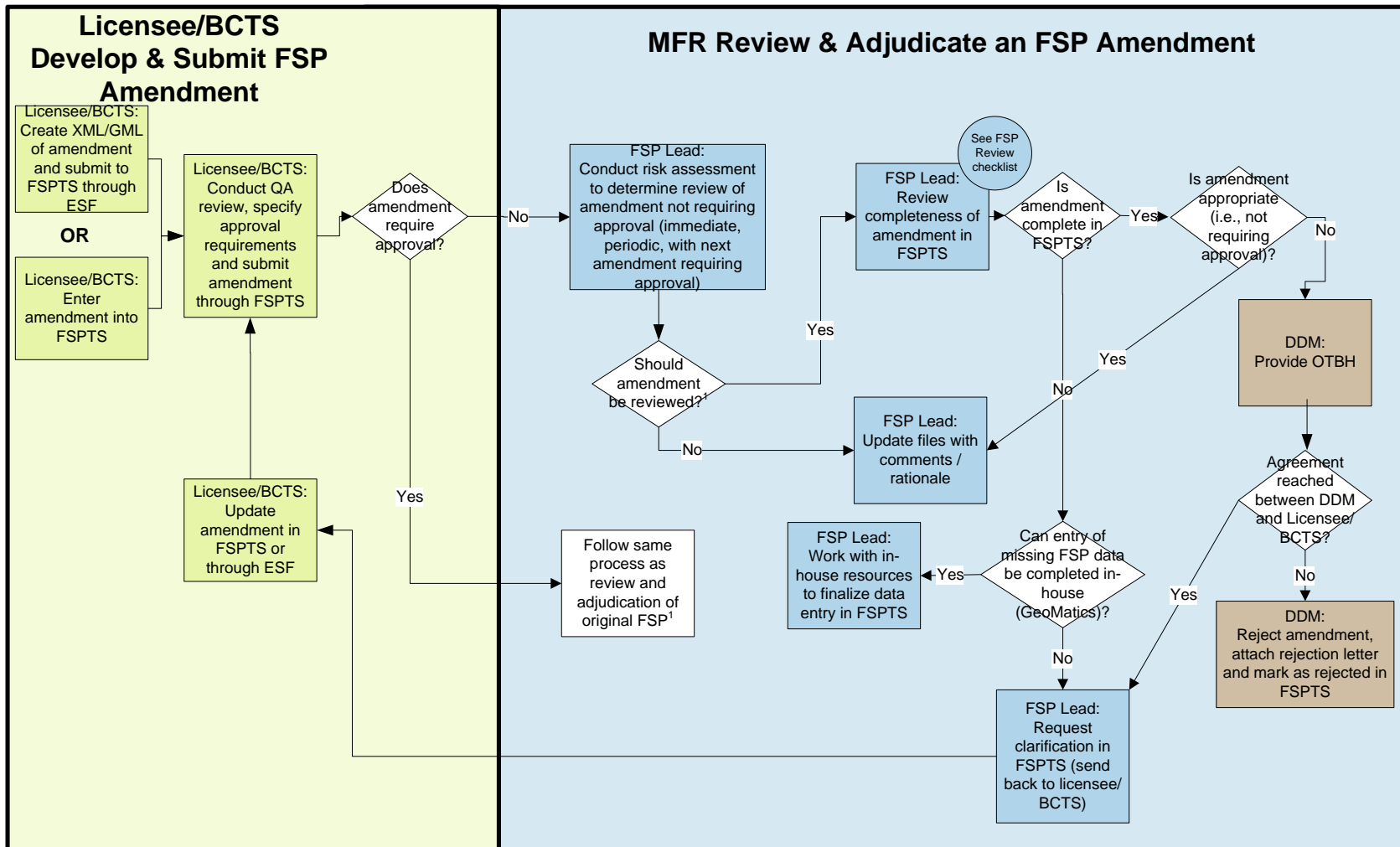
- Licensees/BCTS should submit their FSP amendments electronically to the government via the FSP Tracking System. They can also use the FSP Tracking System to view their amendments and FSPs/amendments from other licensees.
- MFR personnel use the FSP Tracking System during the amendment review and approval process as well as to submit paper-based amendments received from smaller licensees who have agreements to do so with the District Manager.
- Both licensees/BCTS and government personnel can use the FSP Tracking System to find and view approved FSPs and amendments – including the spatial location of FDU's and declared areas.

Amendments require a legal document as part of the attachment. This can be a complete and consolidated FSP containing the original FSP plus the amended section(s) or a “1-pager” listing just the amended parts of the plan. If several “1-page” amendments are submitted in a row, licensees/BCTS are encouraged to submit a consolidated FSP (updated FSP with all amendments incorporated) with their next amendment to aid the reader of the FSP—enabling the reader to easily get a complete picture of the plan vs. having to read the original FSP and a series of “1-page” documents.

The FSP Tracking System is designed to track all types of amendments – including those that require approval and those that do not. The application makes it easy to identify and monitor both types of amendments. The process is documented in the training materials for the FSP Tracking System and in the “Amending an FSP User Guide” and the “Reviewing and Adjudicating an FSP User Guide”. These materials are available on the FSP Tracking System website at: <http://www.for.gov.bc.ca/his/fsp/userGuides/>.

DDMs should ensure they have setup the District Notification feature in the FSP Tracking System to receive an automatic email notification whenever an amendment is submitted to the FSP Tracking System. This will assist MFR personnel become aware of when an amendment to an approved FSP is submitted – regardless of whether it requires DDM approval or not.

An overview of the FSP Tracking System is provided in section 1.4 of Volume I of the AGFSP. Training and support for using the FSP Tracking System application is available on the FSP website at: <http://www.for.gov.bc.ca/his/fsp/training.htm>.



<sup>1</sup> If an amendment to a multi-district FSP, follow the plan for communicating and reviewing the amendment across all districts in the plan area.



## 5.2 Licensees/BCTS preparing an amendment

Part 3 of Volume I of the AGFSP contains information and requirements for the development of the original FSP. Some of the information and requirements for developing the original FSP also applies to amendments (as indicated in the text). The following sections contain additional information pertaining specifically to developing amendments to approved FSPs.

### 5.2.1 Determining if amendment requires approval

The requirements for amendments in *FRPA* are intended to create greater efficiencies for both licensees/BCTS and government. Other than mandatory amendments required under section 8 of the *Act*, the licensee/BCTS decides if an amendment requires approval or not.

To decide if an amendment requires approval or not, licensees/BCTS must apply the two tests in section 20(1) of the *FRPA*. The proposed amendment must:

1. **Conform to the requirements under section 5 of *FRPA*** (e.g., include a map, results and strategies consistent with government objectives, identification of FDU, stocking standards **and** measures for invasive plants and protection of natural range barriers).
2. **Not materially change the intended results and/or strategies** specified in the plan. This is a test that requires some discretion on the part of the licensee/BCTS. If a proposed amendment constitutes a material change, then it has to be approved by a DDM. A “material change” should be understood in terms of the significance of its impact or effect on the things to which it relates. Not all changes are material changes. If a change would reasonably be expected to have a significant effect or impact on the things it relates to, and thus have the potential to affect an approval decision if one were made, then it should be considered a material change.

If any of the circumstances in section 29 of the *FPPR* apply, then the proposed amendment requires the DDM’s approval – these circumstances are as follows:

- The addition of a new FDU or a material change to an existing FDU.
- The addition of a new result or strategy or a material change to an existing result or strategy described in section 12.2 to 12.5 of the *FPPR*.
- A change to a result or strategy in respect of which a remediation order under section 74 of the *Act* is outstanding.
- A change to the regeneration date, free growing date, free growing height or stocking standards that apply to an area in a manner that would be a significant departure from that originally approved in the plan.
- A matter referred to in section 8 (1) of the *Act* (mandatory amendments).



In determining whether the amendment meets the tests for requiring approval, the licensee/BCTS can consider the following:

- Information and comments from the initial FSP review and comment phase as well as comments and rationale from the review and approval process. Were there any potential concerns raised that become more important as a result of the changes proposed in the amendment? Or, would concerns been raised if the original plan contained the proposed amendments? What is the likelihood of the amended plan being consistent with objectives and achieving results/strategies based on comments received?
- Is there a need for review and comment? Are the changes significant enough that the Public, resource agencies, stakeholders, First Nations or other parties be advised and be given an opportunity to comment on the proposed amendments?

Discussion between the MFR and licensee/BCTS personnel is encouraged when any proposed amendments are unclear, in order to confirm whether the amendments require approval or not. It is the licensee's/BCTS decision whether an amendment requires approval or not and up-front discussion can potentially avoid issues down the road should the DDM decide the amendment was submitted incorrectly.

Licenseses/BCTS should document the considerations and process (rationale) used to decide whether an amendment requires approval or not. This documentation could be useful, for example, if any Opportunity To Be Heard (OTBH) is held in response to reviews by the DDM under section 31 of the FPPR. Section 31 of FPPR provides for the DDM to review amendments submitted without approval and, if incorrectly submitted, may declare the amendment without effect and suspend operations that are not authorized in the absence of the amendment.

Procedures for the approval process for amendments to multi-district FSPs are covered in section 5.3.4 – Amendments to multi-district FSPs in this Guide.

### ***5.2.2 Amendments not requiring approval***

Under section 20(2) of the *FRPA*, licensees/BCTS are required to submit copies of all amendments to the DDM even if an amendment does not need DDM approval. This can be done through the FSP Tracking System – see section 5.1.3 – Using the FSP Tracking System to submit and approve or reject amendments.

Although there are no requirements for licensees/BCTS to provide notification or opportunities for review and comment on amendments not requiring approval, it is still advantageous for the DDM to have access to these amendments. Some reasons include:

- Enabling the DDM to more readily exercise his or her discretion under Section 20(3) of *FRPA*. This section provides the DDM with powers to review



- amendments made without approval and to determine them to be without effect if they were made incorrectly.
- Providing the DDM with a reliable source to go to when, for example, concerns are raised by the public or other stakeholders.
  - Reducing the administrative workload of licensees/BCTS caused by DDM requests for information about current amendments to the FSP

### **5.2.2.1 Declaring an area**

Amending an FSP to include a declared area does not require DDM approval. This type of amendment does not have effect until the notice is received by the district manager. More information on declaring areas can be found in section 4.1..

### **5.2.2.2 Changes to a holder or licence**

The holder(s) of an FSP can add or remove another plan holder or a particular licence from an approved FSP through an amendment that does not require approval – providing there are no other changes to the FSP. The legislation provides that a FSP:

- can apply to more than one holder and to more than one licence;
- must meet the prescribed requirements; and
- may be amended.

For example, if a licensee wishes to add another licensee or BCTS into their approved FSP, they can submit an amendment, not requiring approval, identifying the new licensee and their contact information. In the case of a single plan holder who is no longer in business, another licensee can take over the FSP by submitting an amendment, not requiring approval, identifying the new holder of the FSP, the corresponding contact information and the professional amending the plan.

An exception may be in the case of a First Nations group signing onto an approved FSP that involves an area(s) that covers another First Nation's territory. This type of amendment may not require approval but should be discussed in advance with the corresponding DDM for confirmation. It may be prudent to share information and/or consult with the impacted First Nations group to ensure adequate consultation.

Appendix 6 of this Guide contains a sample letter from the licensee/BCTS to the DDM requesting inclusion in the FSP. The letter should be signed by the person required to prepare the plan.



### **5.2.3 Amendments requiring approval**

Amendments requiring DDM approval are similar in process requirements to the original FSP. Part 4 of Volume I of the AGFSP contains more information and requirements for the review and comment process for an FSP. These information and requirements also apply to amendments requiring approval.

#### **5.2.3.1 Changes in FDUs**

If the licensee/BCTS wishes to pursue development outside of an FDU in an approved FSP, they may either:

- Submit an amendment to their FSP changing the boundaries of their existing FDUs or adding new FDUs. This amendment would require DDM approval if the FDU(s) materially changed.
- Abandon the approved FSP and submit a new FSP that describes the total extent of their revised development plans – subject to any new orders/objectives and legislative requirements that are in effect.

A material change to an FDU in an approved FSP is an amendment requiring DDM approval (FPPR s.29(b)). To determine whether an area or size change to an existing FDU is significant enough to be considered a “material change”; one needs to consider the possible effect or impact of the change on the plan and its outcomes:

- Can the licensee/BCTS continue to carry out or achieve the holder’s obligations under the plan, including those related to results, strategies, measures, and stocking standards? If uncertain, then the amendment requires DDM approval.
- Does the change impact whether or not the Crown had fulfilled its duty to consult with First Nations, or whether or not the licensee/BCTS had fulfilled its obligations to First Nations and the public concerning review and comment? If so, the amendment requires DDM approval.

#### **5.2.3.2 Changes in results or strategies**

A material change to a result or strategy in an approved FSP requires DDM approval. For the purposes of section 20(1)(a)(ii) of *FRPA*, a material change to a result or strategy depends on the possible effect or impact of the change on the plan and its outcomes. If the change would reasonably be expected to impact any of the following items listed below, then the amendment would very likely constitute a material change requiring DDM approval:

- the consistency of the plan’s results and strategies with established objectives;
- the cumulative effect of the changed result/strategy with other results/strategies if multiple FSPs in the area; and
- whether the plan meets the statutory definition of “result” or “strategy” (e.g., measurable, verifiable).





Changing a result or strategy from the default practice requirements (i.e., undertake to comply) to an alternative result or strategy requires DDM approval.

Depending on the specifics of a particular change, the DDM may limit the consultation period for an amendment, based on the perceived level of material change. However, notice must be published, and First Nations consultation consistent with the degree of change in the amendment completed.

### **5.2.3.3 Changes to a licence(s)**

Changes to a licence, be it in the form of the agreement, or the holder of the licence, may have different impacts on FSP requirements.

If the holder of an FSP has their licence(s) converted to a different form, or acquires a new licence, and the following criteria are met there is no FSP amendment likely to be required and that FSP will apply to the new licence:

1. The licence type is described under FRPA S. 3(1),
2. The area associated with the new licence is entirely contained within the approved FDU(s) of the FSP, and
3. The holder of the FSP is the holder of the licence.

If all these criteria are met the results, strategies, measures, and stocking standards approved under that FSP will apply to operations under the new licence.

If any of these criteria are not met an amendment to the FSP will be required to ensure consistency of the FSP with FRPA S. 3(1) before a CP can be issued. This may take the form of amending the new holder of the licence into the FSP (as discussed in Section 5.2.2.2 of this guide), or amending the FDU (as discussed in Section 5.2.3.1 of this guide). The holder of the FSP may also choose to amend the results, strategies, measures, or stocking standards of the FSP based upon a change in management regime desired under the new licence.

It is important to note that part of the original FSP approval determination included the test, under FRPA 5(2), of consistency with timber harvesting rights granted by government for the timber supply area, community forest area, tree farm licence area, or pulpwood area to which the plan applies. Since a new licence acquired by the FSP holder changes that scenario, there is a small potential that the FSP may not be consistent with FRPA S. 5(2). There is currently no legal mechanism to require an amendment to the FSP for this reason, but the forest professional signatory to the plan should be aware of this scenario and take any required steps to remedy the inconsistency.



#### **5.2.3.4 Amending stocking standards**

Amendments to stocking standards in an approved FSP will require DDM approval (e.g., regeneration date, free growing date, free growing height or other changes that are a significant departure from stocking standards from those in the approved plan).

#### **5.2.3.5 Amending FPC blocks and roads**

Amendment requirements for cut blocks and roads approved in a forest development plan are addressed in section 197 of the *FRPA*. Depending on the status of harvesting and road construction activities, different legislation, and amendment requirements, will apply to these areas.

The licensee/BCTS has the following options for amending FPC blocks and roads:

- Keep the cut block or road under the FPC. All amendments to site level information must be done as per the amendment requirements of the Code.
- Amend the cut block or road into an FSP.
- Maintain the original cut block or road under the FPC and amend the new part into the FSP.

If harvesting or road construction begins after the cut blocks and/or roads are brought into the FSP, the licensee/BCTS must follow the requirements of *FRPA* including the amendment requirements of *FRPA* (section 197(6) of *FRPA*).

If the area was harvested or subject to a cutting permit before the cut block or road was brought into the FSP, the site level information under the forest development plan continues to apply to the cutblock (section 197(2) of *FRPA*). In this situation, amendments to the site level information that are brought over from the Code are to be done in accordance with the Code requirements for amendments (section 197(8) of *FRPA*).

Amendments to stocking standards are covered in section 197(5) of *FRPA*. If harvesting started before the cutblock is brought into the FSP and the licensee/BCTS is required to establish a free growing stand, the licensee/BCTS can specify new stocking standards in the FSP or continue to use the original stocking standards in the FDP. Accordingly, amendments to stocking standards must meet Code requirements if the original stocking standards are being used – otherwise the *FRPA* requirements for amendments apply (section 197(5) of *FRPA*). NOTE: amendments to stocking standards under an FSP will require DDM approval.



#### **5.2.4 Signatures on an amendment**

Under section 3(1) and 5(3) of the *FRPA*, a person who wants to harvest timber or construct a road must prepare *and sign* an FSP and any amendments to it. If that person is not a corporation, then he or she must sign the FSP and amendments personally. If the person is a corporation, then an individual (one or more) with authority to sign on behalf of the corporation must sign the FSP and amendments. A list of persons with authority to sign on behalf of the corporation should be available from the corporation.

*FRPA* does not distinguish between the signing of amendments that require approval and those that do not. Section 5(3) requires the FSP and amendments to it to be signed. Therefore, all amendments, regardless of the requirement for DDM approval or not, require the signature of the person (licensee/BCTS) who is submitting the amendment.

In addition to the requirement for corporate sign-off on FSPs and FSP amendments, forest professionals preparing these documents are expected to meet the requirements of the Foresters Act and its associated bylaws. Section 9 of the *Forester's Act* and its related Bylaw #10 require forest professionals to sign and seal their work product. However, because the requirement for a preparing professional to sign a FSP, or amendment, is not part of the *FRPA* approval test, the failure of the preparing professional to sign the FSP or amendment is not grounds to refuse approval of the FSP. The failure to sign should be brought to the professional's, the licensee's, and if necessary, the professional's governing body's attention.

If the FSP is a multi-licensee, then the signature of an authorized signatory for the plan would be required for any amendment. Legally, all signatories to the plan are liable for the signed off content of the plan.

A signing matrix may be used to identify who needs to sign the amendment and under what circumstances. For example, identifying who signs amendments to multi-district and/or multi-licensee FSPs (e.g., who signs for the licensee(s)/BCTS, who signs for the professionals preparing the amendment). Amendments submitted to the DDM must be signed by a person authorized to do so.

#### **5.2.5 Review and comment requirements**

Proposed FSP amendments that require DDM approval are subject to the notification and review and comment provisions of the FPPR. By order, the Minister may grant an exemption from the requirement to publish a notice under 20(1) of the FPPR. The authority to make an order under this section has been delegated to the district manager and the regional staff manager. If such an order is made and the amendment is approved, the person exempted under the order must publish in a newspaper a notice specifying that the amendment has been approved without having been made publicly available for



review and comment, and the date on which operations under the plan are authorized to begin (FPPR S.20(4)). The newspaper must be one that circulates in or near the geographic area associated with the amendment or if no newspaper circulates in the area, then a newspaper that circulates nearest to that area.

Section 20(5) of the FPPR specifies that a person who proposes an amendment to an FSP in respect of section 16 (change in stocking standards) is not required to publish a notice in a newspaper.

Unless they are exempted, all mandatory amendments required under section 8 of the *FRPA* are subject to the full public review and comment requirements in legislation. However, under section 32 of the FPPR, the minister (delegated to the district manager) may exempt the holder of an FSP from the requirements for public review and comment of the required mandatory amendments, if he or she is satisfied that the requirement is not practicable, given the circumstances or conditions applicable to a particular area.

### **5.2.6 Tools and techniques**

Some suggested tools and techniques that licensees/BCTS can use to assist them prepare and submit amendments efficiently while meeting the *FRPA* requirements are listed below. These suggestions are based on experiences and feedback from other licensees/BCTS:

- Develop a site plan field form to capture amendment requests at the site level.
- Develop an administrative process for amendments to the site plan and any corresponding changes to the FSP (e.g., amend FSP to bring in new information identified at the site level).
- Use forest management software package (e.g., Genus) to capture and store the latest information on the plan and site.
- Develop and use block and road checklists for compliance, due diligence and information tracking purposes – for example to capture assessments conducted and any variances.
- Conduct periodic analysis on *FRPA* values. For example, conduct a yearly analysis on the status of blocks and roads in the plan area against biodiversity values. Setup and utilize a “report card” in your forest management software to store the analysis of actual information against the resource values and results/strategies in the FSP.
- “Package” amendments. Amendments such as boundary changes in FTA take time and resources to complete. Some applications, such as FTA, only permit the licensee/BCTS to submit one amendment at a time. Identifying and packaging these types of amendments together will help minimize any constraints such as FTA submission requirements and make more efficient use of resources when preparing and implementing the amendment.



## 5.3 Government reviewing and approving amendments

Part 5 of Volume I of the AGFSP contains information and requirements for the review and approval/rejection process for an FSP and an amendment that requires approval. The sections below contain additional information pertaining specifically to reviewing and approving amendments to approved FSPs.

### 5.3.1 Professional Reliance when reviewing FSPs amendments for approval

Forest professionals who are responsible for preparation of FSPs, and FSP amendments, are professionally accountable for the quality of their plans. Similarly, forest professionals who are responsible for the review of FSPs, and FSP amendments, are professionally accountable for the quality of their reviews. Both the prescribing and the reviewing forest professionals have professional responsibility for the quality of their interactions and dialogue. Further detail regarding professionally reliant reviews of FSP amendments is in Part 5 of Volume 1.

### 5.3.2 Approval of FSP amendments – general

Section 16 of the *FRPA* provides that the minister (delegated to District Manager or Regional Staff Manager) *must* approve an FSP amendment if it conforms to the requirements of section 5 of the *FRPA*. Among the key tests for approving FSP content are:

- **Results and Strategies** – where alternate results and/or strategies are being proposed, they must meet the requirements of the definitions of the terms (e.g., measurable, verifiable) and be consistent with the objectives to which the results or strategies relate to the extent practicable.
- **Stocking Standards** – if new or modified stocking standards are proposed in the amendment, they must specify applicable regeneration dates and stocking standards that:
  - will result in the area being stocked with species and to a density that is consistent with maintaining or enhancing the supply of commercial timber and with the applicable timber supply analysis and forest management assumptions; or
  - stocking standards that are reasonable having regard to the future timber supply for the area; and
  - applicable free growing heights that are sufficient to demonstrate that the crop trees are growing well and likely to continue to do so.
- **Measures** – the amended FSP must continue to specify measures that:
  - prevent introduction or spread of invasive plants, if likely to be caused by the holder of the FSP; and
  - mitigate the removing or rendering ineffective of natural range barriers.



Under section 17 of the *FRPA* (Approval in emergency cases), the District Manager has administrative powers to approve an amendment to an FSP in an emergency, even if the amendment does not comply with section 16 of the *FRPA*.

The appendices contain the following samples for use in reviewing an FSP amendment requiring approval:

- Appendix 2: FSP amendment checklist;
- Appendix 3: Example of an FSP amendment approval letter;
- Appendix 4: Sample FSP amendment Opportunity To Be Heard (OTBH) Invitation letter;
- Appendix 5: Sample FSP amendment rejection letter;
- Appendix 6: Sample letter to add a licensee;
- Appendix 7: Example rationale to support an FSP amendment approval; and
- Appendix 8: Example of a district request for additional information during a FSP (amendment) review.

A summary of the basics of administrative law can be found in Appendix 5 of Volume I of the AGFSP.

**OTBH Process:**

The opportunity to be heard should follow administrative law principles widely acknowledged and applied by the MFR, including the following (see Appendix 5 of Volume I for more information):

- right to know the case against the licensee/BCTS (following step 2 noted above, the MFR must confirm in writing what remaining uncertainties / questions exist in the context of the *FRPA* legislation requirements for FSP amendment approval tests).
- sufficient time for the licensee/BCTS to develop a written response.
- submission of written documents to the Delegated Decision Maker.
- oral hearing if requested by the licensee/BCTS.
- written decisions and rationale by the DDM (required by *FRPA*).

### ***5.3.3 Timeline for Reviewing/Approving an FSP or amendment***

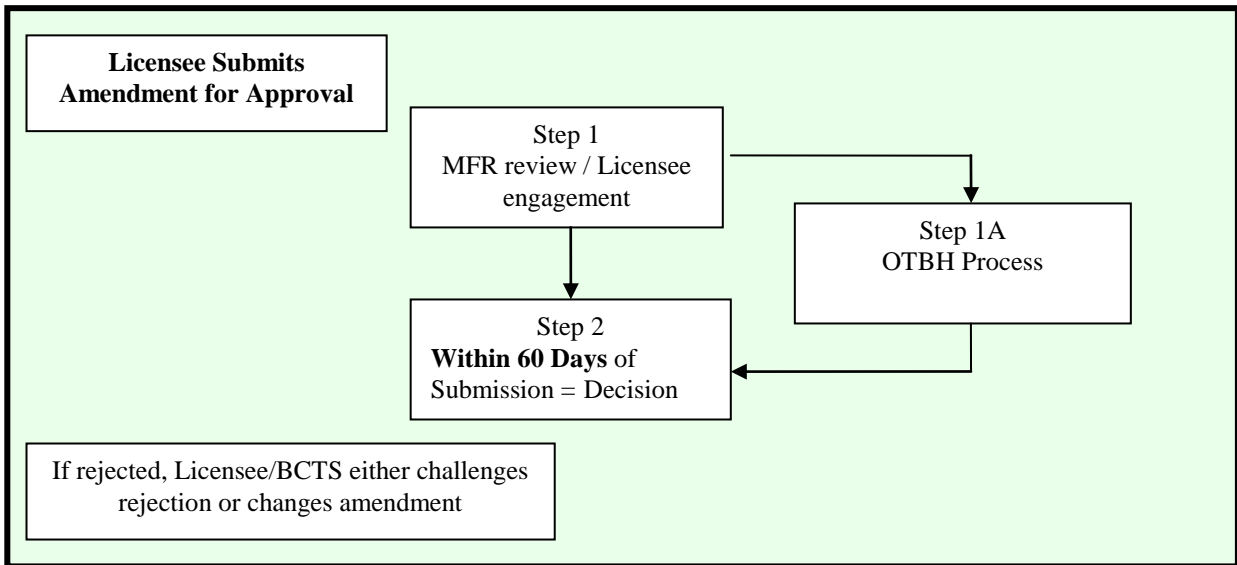
This process should attempt to fall within the following suggested provincial timelines recognizing that in some situations, such as where extensive First Nations Consultation<sup>8</sup> is required, there are complex OTBHs, or the FSP submission has problems, the timelines may not be feasible.

<sup>8</sup> First Nations Issues: This process should be consistent, and integrated, with the process for First Nations Information Sharing as set out in the *FRPA* Administration Bulletin # 1 available on the PFIT website at: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm).



A key precursor to a timely review is a submission that is complete, meets the content requirements, and provides enough information for an appropriate review. Poorly crafted or incomplete amendments will necessitate lengthier review processes

Figure 3: Timeline and process for review



### ***5.3.4 FSP amendment review and approval checklists***

Developing checklists can help the DDM and staff review and approve or reject FSP amendments. Checklists can promote consistency in the process at the local and regional levels, can save resources by providing a framework of critical review processes, serve to map information flows during the review process, and show the decision-maker where staff resources are needed.

Checklists could be developed for:

- timelines for review by topic area within the FSP;
- topics that require multiple agency review or input;
- areas where professional resources are needed in the review process;
- multiple submissions and overlapping FDUs; and
- management value regime review standards.

See Appendix 2 for a sample FSP amendment review checklist.



### ***5.3.5 Amendments to multi-district FSPs***

The checklist for reviewing a multi-district FSP (shown in Appendix 12 of Volume I of the AGFSP) also applies to the administration of an amendment requiring approval to a multi-district FSP.

More information on the administration of amendments to multi-district FSPs is being developed and should be released in the near future. This additional information will include the process for amendments not requiring approval (e.g., receiving and filing amendments to multi-district FSPs) and the process for those amendments that require approval.

### ***5.3.6 Monitoring amendments without approval***

MFR district personnel should periodically monitor amendments not requiring approval to ensure they meet the test of “minor”. This monitoring can be done on a periodic basis, part of a risk assessment process and/or in conjunction with the next amendment submitted for approval.

Some items to check when reviewing amendments not requiring approval include confirmation that:

- The amendment has been correctly made as per the definition of an amendment not requiring approval. . See section 5.2.2- *Amendments not requiring approval* of this guide.
- The activities and evaluations necessary to declare an area have been completed.
- The amendment is signed appropriately. See section 5.2.4 - *Signatures on an amendment* for more information on who should sign an amendment.
- The necessary information has been submitted (e.g., FSP legal document, amendment description, any supporting information) and that the appropriate spatial information is provided and loaded into the LRDW where applicable. The FSP Review Checklist used to review amendments requiring approval can also be used to review the completeness of an amendment not requiring approval.

Section 5.3.6 - Amendments incorrectly made contains more information on the process to follow if the amendment was made incorrectly.

The FSP Tracking System can assist District personnel monitor amendments submitted without approval. All amendments submitted without approval are identified on the “Search” screen within the FSP Tracking System. Links to the corresponding amendment details are provided as well. More information on reviewing and approving amendments can be found in the “Reviewing and Adjudicating an FSP User Guide” available on the FSP Tracking System website at: <http://www.for.gov.bc.ca/his/fsp/userGuides/>.





DDMs should ensure they have setup the District Notification feature in the FSP Tracking System to ensure they automatically receive emails from the application whenever an amendment not requiring approval is submitted.

### ***5.3.7 Amendments incorrectly made***

Section 31 of the FPPR (Amendments wrongly made) provides the DDM with a mechanism to address cases where an amendment has been incorrectly made.

It is the licensee's/BCTS decision whether or not to submit an amendment to a DDM for approval. MFR personnel are encouraged to discuss any amendment a licensee/BCTS is unclear about (i.e., requiring approval or not). The DDM, or other MFR personnel, should ensure they are not telling the licensee/BCTS what type of amendment it is. Specific direction given by MFR personnel could put the DDM in conflict under section 20(3) of the *FRPA*. Under this section, the DDM may take action if he or she considers that the determination was wrongly made. However, the licensee/BCTS may be able to claim officially induced error if District personnel specifically advised the licensee/BCTS what type of amendment it was.

It is important that licensee/BCTS exercise discretion in deciding whether an amendment meets the tests for amendments not requiring approval. This is important in meeting the government's objectives to increase the efficiency of the approval process. Licensees/BCTS who ignore this duty and unnecessarily forward amendments to the DDM for a decision will increase the district workload and may cause delays in the district approval process for all licensees/BCTS.

The process outlined below should be followed if it is suspected that an amendment to an FSP has been incorrectly made – for example, an amendment requiring approval has been made without approval. The consequences of finding an amendment wrongly made are significant so it is important to give the Licence Holder an Opportunity to be Heard (OTBH). The suggested process includes the following:

1. DDM makes a request to the licensee/BCTS (plan holder) for supporting information on the amendment suspected of being wrongly made.
2. DDM reviews the information from the licensee/BCTS to determine if there is sufficient ground to proceed with a determination that the amendment was wrong made (e.g., should have been submitted for approval).
3. DDM contacts licensee/BCTS, outlines the concerns and offers an Opportunity to be Heard (OTBH) with the licensee/BCTS, and signing professional, in order to ensure procedural fairness is followed and all facts are available before a determination is made.
4. DDM makes the determination by considering whether the licensee's/BCTS amendment determination (i.e., amendment made under section 20(1) of *FRPA*). If the amendment was wrongly made (should have been submitted for approval), the



DDM may issue an order to the licensee/BCTS to suspend operations under section 20(3) of *FRPA* and section 31(1) of the *FPPR*.



## **Appendix 1: Site Plan Examples**

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*Appendix 1 contains cutblock and road site plan examples. These examples have not necessarily been reviewed for legal completeness and also should be reviewed in light of your particular FSP and landbase prior to use.*

### **Cutblock Site Plans**

Of the two site plan examples for cutblocks, the first is well-designed to meet the regulatory requirements. It does not function as well as a communication tool for lay persons.

The second cutblock site plan is an example of a site plan designed to enhance communication. It was designed to:

1. Facilitate public and First Nations information sharing,
2. Ensure compliance with the FSP, and
3. Pass information on to those that will be implementing the plan.

Neither example should be used as a model for a new situation without a review of the circumstance to ensure that all important aspects are covered. The FSP in place may have a unique result and strategy that the following templates did not anticipate or the landbase involved may have considerations that are not dealt with adequately.

### **Road Site Plan**

Road site plan examples are provided. The examples have provisions for multiple roads. Road site plans are very brief documents with arguably the most important part being the map.

Again, neither example should be used as a model for a new situation without a review of the circumstance to ensure that all important aspects are covered. The FSP in place may have a unique result and strategy that the following templates did not anticipate or the landbase involved may have considerations that are not dealt with adequately.



Cutblock Site Plan example 1

A. TENURE IDENTIFICATION

ORIGINAL

LICENCE #	CUTTING PERMIT	BLOCK	UBI	OPENING NUMBER	LOCATION	LATITUDE / LONGITUDE
A82720	-	1	40BG3B5	93G027-167	Chubb Lake	53 16 35 / 122 36 39

B. AREA UNDER THE PLAN

Gross Area (TAUP)	PAS	NP	WTP	Reserves	Other	NAR
37.4	2.1	0.5	0.2			34.6

C. SOIL DISTURBANCE

SU	Max. Allowable Soil Disturbance (%)	Max. Amount TAS May Exceed MASD Prior To Rehab (%)	Max. Allowable Soil Disturbance For Roadside Work Areas (%)	Maximum Permanent Access Structures (%)
1	10		25	6
SU	CRITICAL SITE CONDITIONS THAT AFFECT THE TIMING OF OPERATIONS, AND HOW THEY AFFECT THE TIMING			
1	Operations will be conducted under conditions that will ensure soil disturbance is limited to a maximum of 10%.			

D. RESULTS OR STRATEGIES

RESULT OR STRATEGY	HOW THE STRATEGY OR RESULT APPLIES TO THE SITE
FSP - Cultural Heritage Resources	If previously unidentified cultural heritage resources are encountered during road construction or harvesting activities, operations will be ceased to the extent that the cultural heritage resources can be protected until a cultural heritage resource evaluation can be carried out as required by the Heritage Conservation Act and Sec. 10 of the FPPR.
FSP - Lakeshore Management Zones	N/A
FSP - Landscape Biodiversity PG TSA	This block is located within the A9/A11 (Moist Interior Plateau) merged BEC unit. The average age is less than 120 years and accordingly is in conformance with the "old forest retention" objective. This block is not within "old interior forest" and as such also meets the objective to retain this forest type.  The opening created by this block and the existing adjacent openings will be within the 100-1000ha size class, currently the patch size distribution for this size category is consistent with the objective to meet a target of 20% young forest patch size distribution across this landscape.
FSP - Landscape Units	This block is not located in the Old Growth Management Areas of the Dome, Slim and Humbug LU's.
FSP - Recreation Resources	N/A
FSP - Riparian	The eastern boundary is defined by a W3 classified wetland as well as an S6 classified stream (R1-S6 & R2-W3). The RMZ's associated with these features will be clear-cut and treated as per the adjacent SU/HU #1.
FSP - Soils	The soils associated with this block are mostly sandy in texture and exhibit 'high' soil hazard ratings. These soils may be operated on in any season given conditions exist that will ensure soil disturbance is limited to a maximum of 10%.
FSP - Ungulate Winter Range	N/A
FSP - Visual Quality Objectives	N/A
FSP - Wildlife	N/A
FSP - Wildlife & Biodiversity - Stand	Retain Douglas fir stems >17.5cm dbh as individuals or clumps where practicable. The basal area of the Douglas fir retained will be used to meet the WTP % since there are no adequate WTP areas adjacent to this block. The Douglas fir retention will be equivalent to a WTP representing 5.7% of the block area.  Retain deciduous stems across the block either as individuals or in clumps. Retain a target of 25 stems per hectare of coniferous regeneration/saplings where practicable and specimens of good form and vigour exist where practicable. Where coniferous stems to be retained occur in clumps these clumps should be marked and protected by way of stubbing in and/or around the 'retention clump' where practicable.
FSP - Wildlife & Biodiversity - Landscape	As per Sec 5.1.1.1 of the Prince George BCTS FSP. (Refer to Landscape Biodiversity section).
Other Resources	FSP 6.1 INVASIVE PLANTS: All roads constructed under this licence will be grass seeded post harvest using grass seed that meets or exceeds the Canada Common #1 specifications (Seeds Act R.S.C. 1985, c. S-8)
Range	FSP 6.2 NATURAL RANGE BARRIERS: Where the range tenure holder indicates that the planned harvest or road construction will remove or render ineffective a natural range barrier, BCTS will mitigate these effects.



**E. STOCKING REQUIREMENTS**

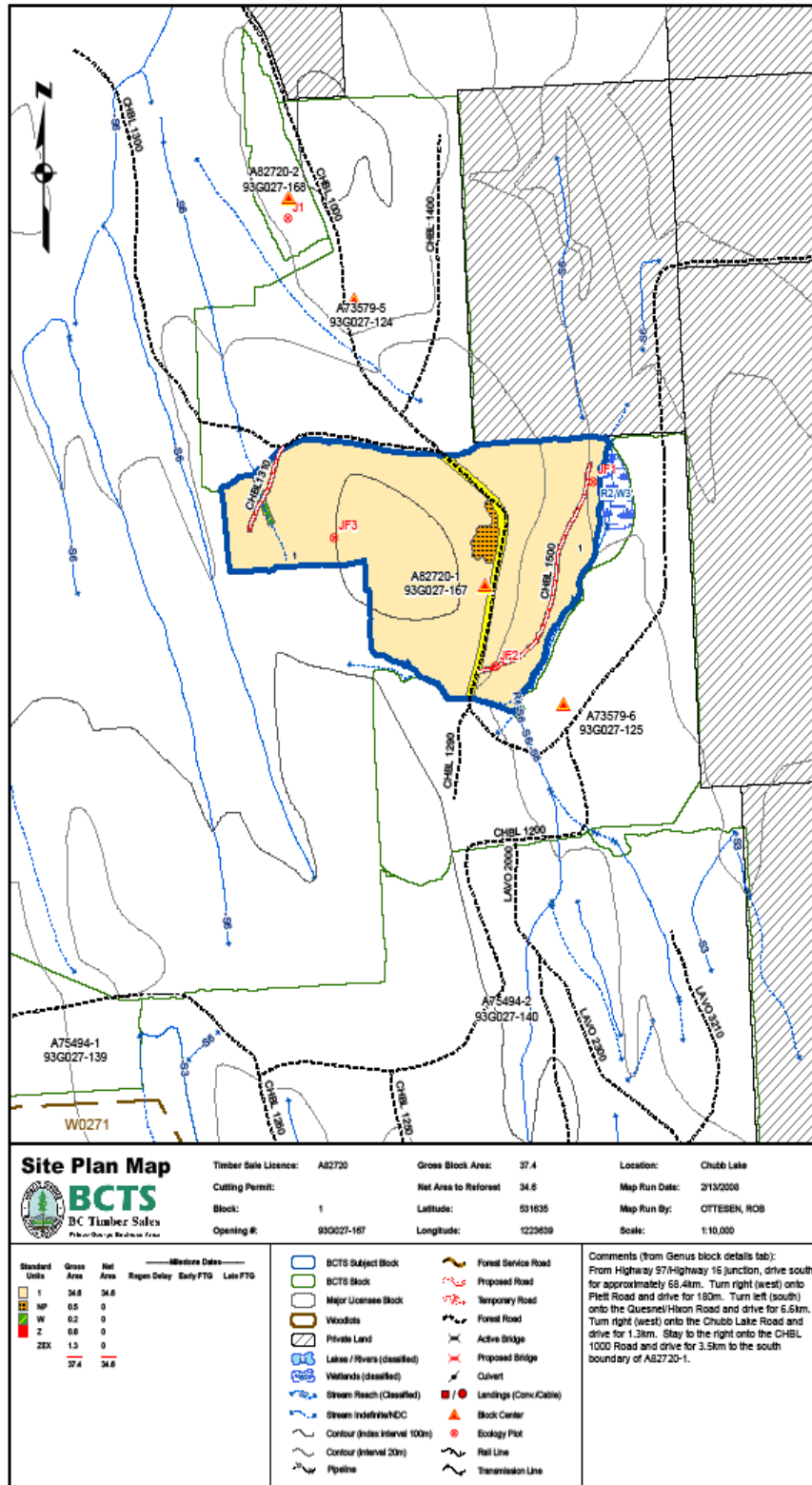
SU	NAR	STANDARDS ID #	Other Performance Standards
1	34.6	29637	
COMMENTS			

**F. ADMINISTRATION**

AMENDMENT		
Amendment number	Date Typed (Yr Mo Dy)	Map Required? (y/n)
ORIGINAL	2008 01 30	Y

RPF PRINTED NAME	RPF'S SIGNATURE and SEAL
	RPF Signature and Seal
DATE SIGNED	
2008/01/30	
<p>I certify that I have reviewed this document and, while I did not personally supervise the work described, I have determined that this work has been done to standards acceptable of a Registered Professional Forester.</p>	

Map attached forms an integral part of the site plan.



# SITE PLAN

Site Plan Date:  
January 24, 2008

## A. TENURE IDENTIFICATION AND LOCATION

DETAILS	APPROXIMATE BLOCK LOCATION
LOCATION: <p style="text-align: center; font-size: 1.2em;"><b>Upper Gold</b></p>	
LICENSE No: <p style="text-align: center; font-size: 1.2em;"><b>TFL 99</b></p>	
C.P. & BLOCK NUMBER: <p style="text-align: center; font-size: 1.2em; background-color: yellow;"><b>CP 323-3</b></p>	
MAP SHEET: <p style="text-align: center; font-size: 1.2em;"><b>82M070</b></p>	
RCFC OPENING No.: <p style="text-align: center; font-size: 1.2em;"><b>320 (323)-3</b></p>	
REGION/DISTRICT: <p style="text-align: center; font-size: 1.2em;"><b>Southern Interior/Columbia</b></p>	
FDP/FSP IDENTIFIER: <p style="text-align: center; font-size: 1.2em;"><b>320-M&amp;N</b></p>	
FS OPENING No.: <p style="text-align: center; font-size: 1.2em;"><b>82M070-_____</b></p>	

## B. SYNOPSIS

This plan is for the harvest and reforestation of a small block in the upper Gold River Valley. The block will be helicopter "clearcut". After harvest, a mixed conifer stand will be established by planting. The block occupies a mid slope position on a northwesterly aspect within the ICHvk1 biogeoclimatic zone. It will be visible from the heli- ski lodge. The expected replacement stand ( $Cw_{45} Sx_{25} FdPwHw_{30}$ ) structural goals\* at age 100 are:

Mean Diameter: 30 cm. Diameter, 250 prime: 44 cm. Top Height: 33 m Net volume: 745 m<sup>3</sup>

\*Modeling source: WinTIPSY version 3.

## C. AREA SUMMARY

AREA OF NO PLANNED REFORESTATION (ha) (NPR)										
PERMANENT ACCESS Roads & Landings	PERMANENT ACCESS Trails	WATER	SWAMP	OTHER NP	NC > 4ha	RESERVES	IMMATURE	OTHER	TOTAL NPR AREA	
0				0		2.2		0	0	
NET AREA TO BE REFORESTED (NAR) (ha)										
SU	SU AREA DESCRIPTION (for full description, see Section D)								NAR (ha)	
<b>A</b>	<b>ICHvk1 04/01: Heli harvest</b>								<b>3.8</b>	
								TOTAL NET AREA TO BE REFORESTED:		<b>3.8</b>
								TOTAL NPR AREA:		<b>2.2</b>
								TOTAL GROSS AREA UNDER TENURE:		<b>6.0</b>

## D. ECOLOGICAL INFORMATION

BIOGEOCLIMATIC AND ECOLOGICAL INFORMATION							
S U	BIOGEOCLIMATIC			SOIL TEXTURE	COARSE FRAG.	ASPECT & SLOPE	FOREST COVER From cruise
	ZONE/SUBZONE VARIANT	SITE SERIES	MOIST/ NUTR.				
<b>A</b>	ICHvk1	04/01	3-4-C	SL/SCL	30-40%	W/NW 50-85% Avg. 75%	C <sub>75</sub> S <sub>17</sub> H <sub>5</sub> B <sub>3</sub> 557m <sup>3</sup> /ha net
<p><b>COMMENTS:</b></p> <p><b>Elevation:</b> 1240 - 1500 meters</p> <p><b>Geographic Position:</b> This block lies on a mid-slope position on a northwest-facing slope in the Goldstream Valley near 34 km on the Goldstream road. It is within the ICHvk1 biogeoclimatic zone. The biogeoclimatic site series is predominantly "01" with "04" areas on the upper slopes and ridge features and "05" on the lower slopes and depressions.</p> <p><b>Climatic Influences:</b> There is heavy winter snowfall in the area.</p> <p><b>Soils and Parent Material:</b> Soils are variable ranging from SL to SCL. They are generally moderately well drained with some imperfectly drained areas on the lower slopes. Soils are brunisols or poorly developed podzols. Course fragment content is high. The duff ranges from 5 to 10 cm deep.</p> <p><b>Timber and Plants:</b> An age class 8/9 cedar stand occupies the site. The cedar is of fair quality. Hemlock becomes more plentiful on the "04" site series. The understory is thick with plentiful devil's club, yew, and ferns with some Douglas maple. The devil's club is predominant on the lower portion of the block with yew becoming more plentiful further up the hill.</p> <p><b>Productivity:</b> Site indices are estimated at: Hw - 18, Cw - 21, Sx - 24, Fd and Pw - 24. Site index estimates are based on the Ministry of Forests' SIBEC system available online at: <a href="http://www.for.gov.bc.ca/hre/sibec/">http://www.for.gov.bc.ca/hre/sibec/</a>.</p>							

## E. MANAGEMENT STRATEGIES

RIPARIAN MANAGEMENT				
RIPARIAN RESERVE ZONE				
RIPARIAN I.D.	CLASS	HARVESTING G Y/N	SU	DESCRIPTION OF THE PURPOSE AND EXTENT OF FOREST PRACTICES IN RIPARIAN RESERVE ZONE(S)
	ncd	Y	A	No reserve zone
RIPARIAN MANAGEMENT ZONE				
RIPARIAN/LAKE I.D.	MANAGEMENT STRATEGIES FOR RIPARIAN OR LAKESHORE MANAGEMENT AREAS			
S6	There are no S6 streams within the block. S6 streams are below the block and in the reserve zones. No special measures required except to maintain natural drainage and clean if necessary.			
S5	This stream flows between the block and the road system. The trees will be fully suspended as they are flown over the stream.			
Ncd's	Ensure all watercourses are free of excessive debris after harvest.			
AVALANCHE MANAGEMENT				
Reserve zones and small opening size will reduce the likelihood of avalanches within the block.				
VISUAL MANAGEMENT				
The block has been designed to resemble avalanche paths further up this small valley. A visual simulation of the view from the Lodge is provided.				

## F. CONSERVATION OF SOIL AND SITE PRODUCTIVITY

SITE DISTURBANCE			
SOIL DISTURBANCE LIMITS			
Estimated proportion of area occupied by permanent access structures:		0 %	If >7%, provide explanation and/or rehabilitation plan below:
SU	VERY HIGH COMPACTION, DISPLACEMENT HAZARD OR EROSION HAZARD.	MAXIMUM ALLOWABLE SOIL DISTURBANCE WITHIN THE NET AREA TO REFOREST <sup>1</sup>	
All	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> 5% <input type="checkbox"/> 10%	
TEMPORARY ACCESS STRUCTURES		ROADSIDE WORK AREAS <sup>2</sup>	ADDITIONAL NOTES:
<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required	
<p><sup>1</sup> If required, temporary access structures or excavated or bladed trails will not exceed 5% or 10% of the standards unit as specified above, or the licensee will rehabilitate the area to the extent necessary to bring the area back into compliance with the specified limits.</p> <p><sup>2</sup> If required, roadside work areas will not result in greater than 25% soil disturbance, or the licensee will rehabilitate the area to the extent necessary to bring the area back into compliance with the specified limits.</p>			



### G. SILVICULTURAL SYSTEM

SU	SYSTEM
A	<p><b>Clearcut (with reserves*)</b>. Up to 11% of the stems may be left standing on site if <b>safe to do so</b>. Selection of <i>leave trees</i> (by faller) will be based on these factors: safe to leave, windfirm, lower economic value and high wildlife value. It is desirable to leave some trees standing for wildlife and visual reasons; however I have left it optional because of safety concerns.</p> <p style="text-align: right;"><i>*Leaving reserve trees is optional</i></p>

### H. ANTICIPATED HARVESTING PRESCRIPTION

SU	HARVESTING METHOD
A	<b>Helicopter harvest</b> in any season.

### I. ANTICIPATED SILVICULTURE PRESCRIPTION

TREATMENTS
<p><b>SITE PREPARATION</b> None planned other than clean yarding.</p>
<p><b>REGENERATION</b> Plant with a mix of approximately <b>50% Cw, 30% Sx, 20% Pw and Fd</b>. Plant in year one to three following harvest to a target density of about 1600 stems/ha. Favour Fd and Pw on the drier areas on the upper block. On steep pitches, plant beneath obstacles to prevent snow creep damage.</p>
<p><b>BRUSHING</b> Expect <b>very high brush competition</b> levels after harvest. Competing species will likely consist of mixed shrubs, thimbleberry, ferns, alder and maple. If brush is preventing the achievement of stocking standards, one or more manual brushing treatments will be conducted in years one to eight after harvest. Alternatively, use one or more herbicide ground-based applications in years 1 to 8 following harvest as dictated by field inspections</p>
<p><b>STAND TENDING/PRUNING/FERTILIZATION</b> No treatments are anticipated.</p>

### J. SILVICULTURE STOCKING STANDARDS

SU	BIOGEOCLIMATIC ZONE	STOCKING STANDARDS ID	NOTES
All	ICH vk1 04/01	1000390	Intertree distance reduced to 1.3 metres to allow use of scarce planting micro-sites due to rockiness and untreatable slash.

### K. ADMINISTRATION

SITE PLAN ATTACHMENTS:	LICENSEE	REGISTERED PROFESSIONAL FORESTER
<input checked="" type="checkbox"/> site plan Map <input checked="" type="checkbox"/> Terrain Stability Assessment <input type="checkbox"/> Avalanche Assessment <input checked="" type="checkbox"/> Visual Modelling <input type="checkbox"/> Archaeological Assessment	<p>_____</p> <p>(Signing Authority)</p> <p style="text-align: center;">SIGNATURE</p> <p>_____, General Manager,</p>	<p>Fieldwork by _____</p> <p>I certify that this work fulfills accepted standards and that I did personally supervise the work</p> <p style="text-align: right;">_____ R.P.F. January 24, 2008</p>

----- Note: Attachments, including map, not included with this example -----

Road Site Plan Example 1:

# EXAMPLE ROAD SITE PLAN for FSP XYZ

## TENURE IDENTIFICATION

LICENSE No:	REGION/DISTRICT:
-------------	------------------

## ROAD IDENTIFICATION

FDU	Road Permit #	Road ID #	Geographic Location	Start Station (km)	End Station (km)	Length (km)

<sup>1</sup>Based on field road traverse

## RESULTS, STRATEGIES AND MEASURES

Results, Strategies, and Measures	FSP Reference	How do the intended results, strategies and measures described in FSP #__ apply to the site and how is the site plan consistent with them?
<i>Insert applicable result strategy or measure</i>	<i>Provide reference to FSP (i.e. table 3)</i>	<i>Describe how the intended results strategies and measures apply to the site and how this site plan is consistent with them.</i>

## ADMINISTRATION

SITE PLAN ATTACHMENTS:	LICENSEE (Signing Authority)	REGISTERED PROFESSIONAL
<input checked="" type="checkbox"/> site plan Map <input type="checkbox"/> Terrain Stability Assessment <input type="checkbox"/> _____	<p>_____</p> <p>SIGNATURE</p> <p>_____, General Manager, XYZ Ltd</p>	<p>I certify that this work fulfills accepted standards and that I did personally supervise the work</p> <p>_____ R.P.F.</p> <p>January 24, 2008</p>

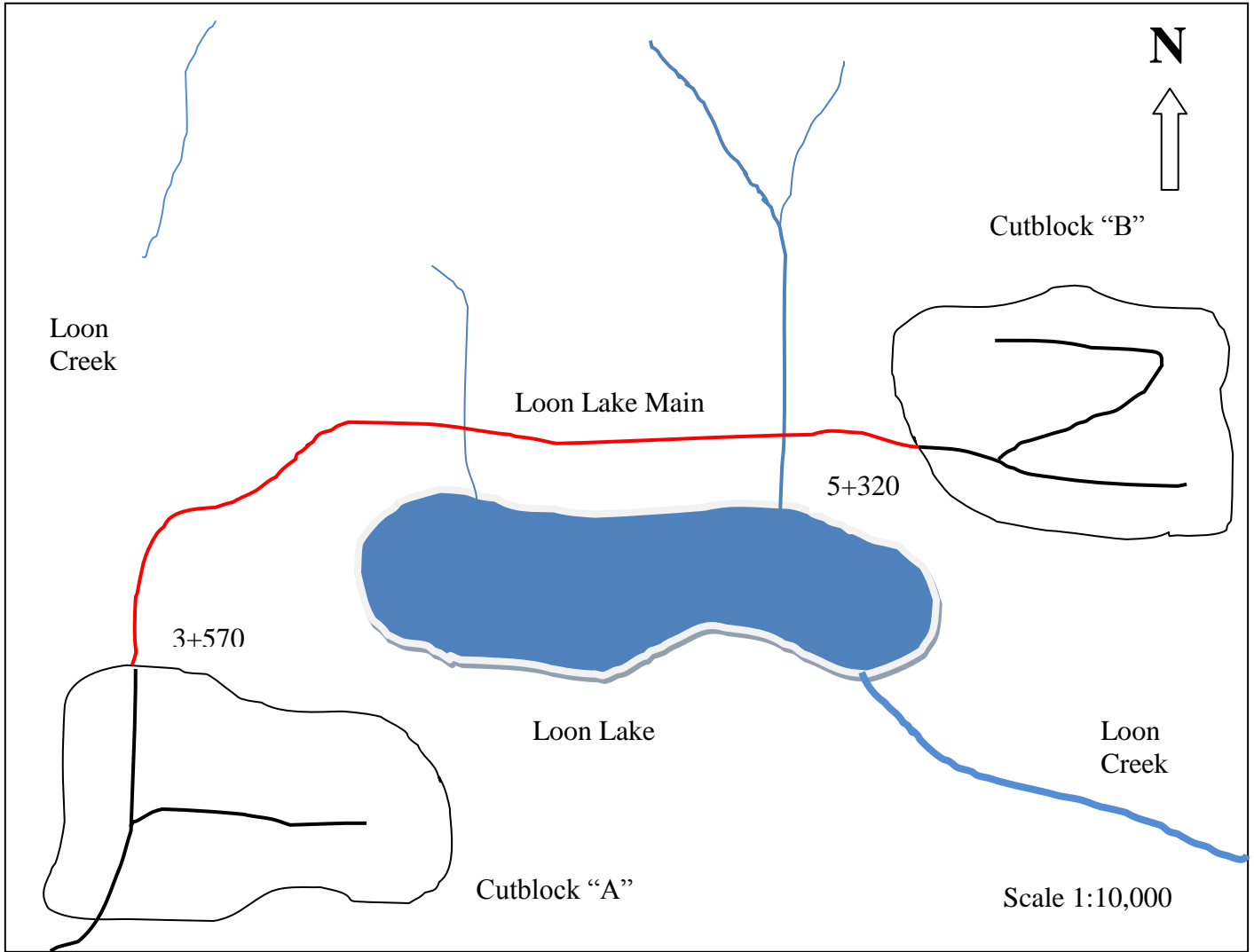
Note that this, or a similar form, can be customized for a particular tenure or geographic area. Many of the results strategies and measures that may apply will be the same across the chosen area. Some time taken to produce a suitably customized template will save time and provide opportunities to improve the relevance of the site plan.

----- Note: Attachments, including map, not included with this example -----

Road Site Plan Example 2:

**ROAD SITE PLAN**

MAP



**IDENTIFICATION**

FSP	FDU	Location	Road ID	Start Station (m)	End Station (m)	Length
Golden Goose	Mallard	Loon Lake	Loon Lake Main	3+570	5+320	1.75 km

Are there any FSP results or strategies or free to grow obligations applicable to the identified road sections? **Yes / No.**  
 If Yes, then fill out Part 2 - Additional Information (see over or attachment).

**ADMINISTRATION**

Registered Professional	RPF Signature and Seal:	I certify that the work described herein fulfills the standard expected of a member of the Association of BC Forest Professionals and that I did personally supervise the work.
Printed Name:		
Date Signed:		

Licensee Signing Authority	Signature:
Printed Name: _____ Date _____	

Part 2 – Additional Information

Road(s) Identification	Additional Information Provide information related to FRPA s. 10(2)(c ) and/or FPPR s. 34(1) as applicable. <i>(Information may be provided via the map on page one, text described below or combination of both.)</i>



## **Appendix 2: FSP Amendment Checklist**

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Licenseses/BCTS and government can develop and use checklists to assist them prepare and/or review an amendment requiring approval. Checklists can help promote consistency and save resources by creating a framework of critical information and procedural or supporting documentation. This appendix contains an example of one type of checklist that licenseses/BCTS and government could use in the preparation and review of an amendment requiring approval. The MFR can also use this checklist to review amendments submitted without approval. Spot checks or audits of these amendments may be a good idea to check that licenseses/BCTS are submitting amendments appropriately (e.g., assessments complete for declared areas, FDU and forest licence changes within approved boundaries)—as well as keeping the MFR personnel up-to-date on amendments to approved FSPs.

FSP amendments requiring approval can cover a wide range of content from proposing new results/strategies to adding new forest development units. The format of the amendment can vary from a “1-pager” listing the proposed changes to a complete new version of the FSP with the amendments incorporated.

As a result of the wide range of amendments that could be required, a common yet custom checklist for FSP amendments requiring approval is difficult to prepare. The checklist below is an example of a legal content/conformity/results and strategy review checklist for preparing and approving a complete FSP. This checklist can apply to amendments requiring approval because the amended FSP must continue to meet the requirements of the *FRPA*. Some sections of this checklist may not require much effort to review while others will be the focus on the review. For example, if the amendment requiring approval adds a new forest development unit but does not change the results and strategies, then Part C of the checklist could be skimmed (checking consistency of results and strategies with objectives).



**FSP Amendment Content Review Checklist** (Version dated April 15, 2005)

The checklist includes three parts: Part A covers the FSP content and conformity requirements; Part B covers the timber harvesting rights conformity testing; and Part C covers checking the consistency of results and strategies with objectives.

Licensee/Company: \_\_\_\_\_

FSP Area/Name: \_\_\_\_\_

Date FSP amendment submitted: \_\_\_\_\_

Description of amendment: \_\_\_\_\_

**Disclaimer:** This “content” checklist has been prepared based on the Ministry of Forests and Range December 13, 2004 unofficial consolidation of the *Forest and Range Practices Act (FRPA)* and on the Forest Planning and Practices Regulation (FPPR) effective March 18, 2005. This is current to the version date above. Ensure that any checklist you use is consistent with the applicable and currently approved legislation and regulations.

**Part A: FSP content requirements**

Part A	General	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
1	Minister's direction	FRPA s.2(2)(b)	Minister may give binding directions to DDM with respect to exercising his or her discretion.		Check delegation matrix for any applicable directions.
2	Limited Content requirements for an FSP	FPPR s.19.1	If a community salvage licence, then provisions of s.19.1 may apply. Check for any exemptions granted from Division 1 or 2 of the FPPR.		Check for any prior approved exemptions (e.g., 25(2), 91, 92, etc.).
3	Exemption from s.4(1) and 4(1)(e) of the Act	FRPA s.4(1) and FPPR s.32.3	Check to ensure that the proposed harvesting is not exempt from the requirements for an FSP under these two sections.		<b>Note:</b> s.32.2 of the FPPR are the prescribed purposes for 4(1) (e) of the FRPA.
4	Appropriateness of agreement-holder's response to public comments received	FPPR s.22(2)	Agreement-holder is required to submit copies of written comments received and their response to the comments. See Part A Conformity Requirements, item 13 for complete wording of legislative requirements.		<b>NOTE:</b> See 4.1.1.1 of the <i>Guide</i> for more information on the application of this test.



Part A	Content criteria	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
1	Map of specified scale and format showing forest development unit (FDU) boundaries	FRPA s.5(1)(a)	A forest stewardship plan must include a map that i) uses a scale and format satisfactory to the minister, and ii) shows the boundaries of all FDUs. <b>Note:</b> Check for map scale and format direction from the minister. See General section, above.		<b>Note:</b> Part ii ( <i>identification of FDU boundaries</i> ) may be a certified content item: check for any certification declarations. See checklist Part A, Content criteria, item 15 for a list of prescribed subject matter.
2	Specifies results or strategies in relation to objectives set by government (OSBG) and other objectives	FRPA s.5(1)(b)	An FSP must specify intended results or strategies, each in relation to: i) OSBG, and ii) other objectives that are established under this <i>FRPA</i> or the regulations and which pertain to all or part of the area subject to the plan. <b>Note:</b> Check for any grandparented objectives per s.181 of the <i>FRPA</i> and list per s.180 of the <i>FRPA</i> . <b>Note:</b> Also check exemption under s.12 and 91 of the FPPR. Check against Objectives Matrix for plan area.		<b>Note:</b> This is may be a certified content item: check for any certification declarations – specifically, that results or strategies specified for VQOs or an objective set for visual quality under s.9.2, grandparented under section 180, carried forward under section 181 of the FPPR, or established under the Government Actions Regulation (GAR) are consistent with that objective. See checklist Part A, Content criteria, item 15 for a complete list of subject matter.
3	Exemption from requirements for a result or strategy for timber in an FSP	FPPR s.12(8)	A person who is required to prepare an FSP is exempt from the requirements to prepare results or strategies for an OSBG for timber.		
4	Includes signature	FRPA s.5(3)	An amendment to an FSP must be signed by the person required to prepare the plan, if an individual or, if a corporation, by an individual(s) authorized to sign on behalf of the corporation.		
5	Includes results or strategies to address retention of trees in a riparian	FPPR s.12(3)	A person who prepares an FSP must ensure that a result or strategy for the objective set out in section 8 addresses retention of trees in a riparian management zone.		Content check only. Full review of result or strategy carried out in Part C of the CHECKLIST.  See <i>FRPA</i> Bulletin # 4:



Part A	Content criteria	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
	management zone				Administration of Sections 12(3) and 52 of the FPPR: Considerations regarding content requirements for Forest Stewardship Plans on the website: <a href="http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm">http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm</a>
6	Identifies specified features	FPPR s.14(3)	A person who prepares an FSP must ensure that the plan identifies, for each FDU, each of the following that are located within the FDU and are in effect four months before the date the amendment is submitted to the minister for approval: a) an ungulate winter range, b) a wildlife habitat area, c) a fisheries-sensitive watershed, d) a lakeshore management zone, including specifying the width of the zone if the zone is identified on a map accompanying the establishment of the lakeshore management zone e) a scenic area, f) a lake identified as an L1 lake under s.49 (1)(b)(ii), if the lake has been identified on a map accompanying the identification, g) a community watershed, h) an Old Growth Management Area, i) an area where commercial timber harvesting is prohibited by another enactment, j) cutting permits or road permits held by the agreement-holder, and k) road permits or timber sale licences granted by or entered into by the timber sale licence manager.		<b>NOTE: the description of any or all of these features may be certified content items, check for any certification declarations. See checklist Part A, Content Criteria, item 15 for a list of subject matter.</b>
7	FSP may identify declared areas	FPPR s.14(4)	FSP may identify declared areas. If declared areas are shown on maps, then conformity to legislated requirements must be checked per s.14(4) of the FPPR.		<b>Note:</b> This will not be applicable for initial FSPs, just replacement FSPs and amendments to either.
8	Specifies how stocking standards will apply	FPPR s.16(1)	A person required to prepare an FSP must ensure that the plan specifies the situations or circumstances that determine when s.44(1) or s.45 will apply to an area.		
9	Specifies regeneration	FPPR s.16(3)	A person required to prepare an FSP must ensure that the plan specifies, for each of		<b>Note:</b> For s.44(1)(b) this may be a certified





Part A	Content criteria	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
	data, free-growing height and stocking standards		the situations or circumstances specified under subsection (1), where a) s.44(1)(a) will apply, the regeneration date and stocking standards, b) s.44(1)(b) will apply, the free-growing height and stocking standards, c) s. 45(1) will apply, the regeneration date and the stocking standards, and d) s.45(2) will apply, the free-growing date and the stocking standards, as approved by the chief forester.		content item: check for any certification declarations. The certification should mention that the free-growing height complies with the requirements of s.22.1(2)(h).
10	Specifies stocking standards for intermediate cutting and special forest product harvesting	FPPR s.16(4)	A person required to prepare an FSP must ensure that the plan specifies stocking standards for areas referred to in s.44(4), and the situations or circumstances that determine when the stocking standards will be applied.		
11	Specifies measures to prevent introduction of invasive plants	FPPR s.17	For the purpose of s.47 of the <i>FRPA</i> , a person who prepares an FSP must specify measures in the plan to prevent the introduction or spread of species of plants that are invasive plants under the Invasive Plants Regulation if the introduction or spread is likely to be the result of the person's forest practices.		<b>Note:</b> This is may be a certified content item,: check for any certification declarations. See checklist Part A, Content criteria, item 15 for a list of subject matter.
12	Specifies measures to mitigate the effect of removing natural range barriers	FPPR s.18	For the purpose of s.48 of the <i>FRPA</i> , a person who prepares an FSP must specify measures to mitigate the effect of removing or rendering ineffective natural range barriers.		<b>Note:</b> This is may be a certified content item: check for any certification declarations. See checklist Part A, Content criteria, item 15 for a list of subject matter.
13	Provide results of and describe changes as a result of Public Review and Comment	FPPR s.22(2)	A person who submits an FSP to the minister for approval must submit with the proposed plan: a) a copy of the notice published under s.20, b) a copy of each written comment received under s.21, c) a description of any changes made to the plan as a result of the comments received under s.21, and d) a description of the efforts made to comply with the requirements of s.21(1)(c) (must provide a person whose rights may be affected by the plan with an		<b>Note:</b> The DDM has to review the submitted material for completeness and appropriateness of the agreement-holder's action with respect to responding to comments received during the public review and comment process. The appropriateness test is completed first (see checklist Part A, General item 4 for more details on applying the



Part A	Content criteria	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
			opportunity to review the plan in a manner that is commensurate with the nature and extent to which the person's rights may be affected).		appropriateness test to the "prescribed requirement" (Sec 5(1)(c) of the <i>Act</i> )).
14	Certification of content	FPPR s.22.1	A person qualified per s.22.1(1) is authorized to certify prescribed subject matter as conforming to the requirements of s.5 of the <i>FRPA</i> regarding the requirements necessary for the approval of an FSP under s.16(1.01) of the <i>FRPA</i> .		
15	Certification of content (continued)	FPPR s.22.1(2)	<p>For the purpose of s.16(1.01)(a) of the <i>FRPA</i> (which provides for certification by a person with the prescribed qualifications referred to in subsection (1) that an FSP conforms to s.5 of the <i>FRPA</i> in relation to prescribed subject matter), the following subject matter is prescribed:</p> <ul style="list-style-type: none"> <li>a) that the map referred to in s.5(1)(a)(ii) of the <i>FRPA</i> shows the boundaries of all applicable forest development units,</li> <li>b) that the intended results or strategies, specified in the plan, in relation to the OSBG for visual quality under s.9.2 of this FPPR are consistent with that objective,</li> <li>c) that the plan accurately specifies the FDUs, the areas, and the cutblocks, in accordance with s.14(1) of this FPPR,</li> <li>d) that, in accordance with s.14(2) of this FPPR, the plan accurately identifies for those FDUs, the things set out in s.14 (3) of this FPPR;</li> <li>e) that, in accordance with s.14(4) of this FPPR, the plan accurately describes each area that is identified in it as a declared area,</li> <li>f) that the measures specified in accordance with s.17 of this FPPR for the plan, to prevent the introduction or spread of species of plants prescribed in the Invasive Plants Regulation, will be effective,</li> <li>g) that the measures specified in accordance with s.18 of this FPPR for the plan, to mitigate the effect of removing or rendering ineffective natural range barriers, will be effective,</li> </ul>		If the FSP contains certified content, is there a certificate of certification included, signed by the appropriate qualified professional for the items being certified?



Part A	Content criteria	Legislation Section	Legislation requirement	Accept Y, N, N/A	Comments
			h) that the free-growing height referred to in s.44(1)(b) of this FPPR: i) is appropriate, and ii) is of sufficient height to demonstrate that the tree is adapted to the site, is growing well and can reasonably be expected to continue to do so, i) that the intended results of strategies, specified in the plan, in relation to an OSBG for visual quality, are consistent with that objective, and j) that the intended results of strategies specified in the plan in relation to a visual quality objective are consistent with that objective.		

**Additional information required to complete review (Y/N)?** \_\_\_\_\_

**If Yes, explain:**

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**Review of FSP content requirement completed (date):** \_\_\_\_\_



**Part A: FSP conformity requirements**

Part A	Conformity Criteria	Legislation	Legislation requirement	Accept Y, N, N/A	Comments
1	Term of plan included in plan and must not exceed five years	FRPA s.6(1)(a)	The term of an FSP is the period, not exceeding five years, that the person submitting the plan for approval specifies at the time of submission.		
2	FSP conforms to prescribed requirements	FRPA s.16(1)	<b>For Legislative Reference Only</b> The minister must approve an FSP or an amendment to an FSP that requires approval if he or she determines that the plan or amendment conforms to s.5. <b>Note:</b> Subject to s.7 of the FRPA.		
3	Certified content of FSP	FRPA s.16(1.01)	An FSP or amendment conforms to s.5 if a) a person with prescribed qualifications certifies that it conforms to s.5 in relation to prescribed subject matter, and b) the minister is satisfied that it conforms to s.5 in relation to subject matter not prescribed for the purpose of paragraph (a).		Prescribed qualifications are per s.22.1(1) of the FPPR.
3	FSP conforms to the FRPA, regulations, standards and objectives within specified timeframe. (four-month rule)	FRPA s.16(2) and FPPR s.12(2)	Unless an enactment, whenever enacted, or an OSBG, whenever established, includes a statement that it applies despite this subsection, an amendment to an FSP submitted to the minister for approval must be considered to have conformed to this FRPA, the regulations, the standards and the OSBG if the amendment conforms to the relevant provisions of this FRPA, the regulations, the standards and the objectives as they were <b>four months before the date of the submission of the plan or amendment requiring approval to the minister.</b>		
4	FSP made publicly available for review and comment	FRPA s.18	A person responsible for preparing an amendment to an FSP, if required by the regulations and then in accordance with the regulations, must make the amendment publicly available for review and comment before submitting the amendment to the minister for approval. <i>Check requirements under s.22(2) FPPR.</i>		
5	Declared areas must meet	FPPR s.14(5)	A person who prepares an FSP may identify an area as a declared area if, on the date the area is identified, both of the		<b>Note:</b> The description of declared areas may be a certified content item:



Part A	Conformity Criteria	Legislation	Legislation requirement	Accept Y, N, N/A	Comments
	specified requirements		<p>following apply:</p> <p>a) the area is located in an FDU that is in effect on the date of the submission of the plan to the minister, and</p> <p>b) all of the activities and evaluations needed to locate the approximate boundaries of a cutblock or road, having regard to the results or strategies that relate to the area, have been completed.</p>		check for any certification declarations. See checklist Part A, Content criteria, item 15 for a list of subject matter.
6	Must publish notice of review and comment.	FPPR s.20(1)	<p>Before a person submits an FSP to the minister for approval, the person must publish a notice in a newspaper, stating:</p> <p>a) that the amendment is publicly available for review and written comment, at the person's place of business or other specified venue,</p> <p>b) persons may attend at that place during business hours to review the amendment, and</p> <p>c) the address of the person proposing the amendment, to which address persons may submit written comments by mail or in person.</p> <p><i>Check requirements under s.22(2) FPPR.</i></p>		
7	Must provide review and comment for specified period	FPPR s.20(2)	<p>For the purposes of subsection (1), the period during which persons have the opportunity to review an amendment to an FSP begins on the date the notice is first published and ends:</p> <p>a) 60 days after that date, if no greater or lesser number of days is determined under paragraph (b) or (c), and paragraph (d) is inapplicable,</p> <p>b) a greater number of days after that date that the minister may determine if paragraph (d) is inapplicable and he or she considers that the greater number of days is necessary to provide an adequate opportunity for review and comment under s.21,</p> <p>c) a lesser number of days that the minister may determine if paragraph (d) is inapplicable and he or she considers that the lesser number of days will provide an adequate opportunity for review and comment under s.21, or</p> <p>d) 10 days after that date if all or a substantial part of the timber to which the plan pertains:</p>		



Part A	Conformity Criteria	Legislation	Legislation requirement	Accept Y, N, N/A	Comments
			i) is dead, infested with pests or otherwise damaged, or is required to be harvested to facilitate the removal of dead, infested or damaged timber, and ii) must be harvested expeditiously to prevent: A) the spread of pests, or B) a significant reduction in the economic value of the timber due to deterioration in the quality of the timber.		
8	Must publish notice of review and comment exemption	FPPR s.20(4)	If the minister waives the review period under subsection (2)(b) and the plan is approved, the person who is the subject of the order must publish in a newspaper a notice specifying: a) that the amendment has been approved without having been made available for review and comment, and b) the date on which operations under the plan have been authorized to begin.		Check for compliance if exemption been granted.
9	Must refer FSP, provide opportunity to review FSP and make effort to meet with First Nations	FPPR s.21(1)	A person who publishes a notice under s.20(1) must, during the period specified in the notice: a) if required by the minister, refer a copy of the FSP, or a portion of the plan, to any agency of government or agency of the Government of Canada, b) must provide a person who is interested in the plan with an opportunity to review the plan during business hours at the place of business of the person who published the notice, or other venue specified in the notice under s.20(1), c) must provide a person whose rights may be affected by the plan with an opportunity to review the plan in a manner that is commensurate with the nature and extent to which the person's rights may be affected, and d) make reasonable efforts to meet with First Nations groups affected by the plan, to discuss the plan.		
10	Must consider written comments	FPPR s.22(1)	A person who publishes a notice under s.20 (1): a) must consider any written comments received under s.21 that are relevant to the amendment, and b) is not required to consider		



Part A	Conformity Criteria	Legislation	Legislation requirement	Accept Y, N, N/A	Comments
			<p>comments in respect of:</p> <ul style="list-style-type: none"> <li>i) areas described in s.14 (1)(b), (c) or (d), (3)(j) or (k), or (4), or</li> <li>ii) results and strategies that relate to the areas referred to in (i).</li> </ul>		
11	Must submit copy of notice and written comments, description of changes to the plan and efforts to meet with First Nations	FPPR s.22(2)	<p>A person who submits an FSP to the minister for approval must submit with the proposed plan:</p> <ul style="list-style-type: none"> <li>a) a copy of the notice published under s.20,</li> <li>b) a copy of each written comment received under s.21,</li> <li>c) a description of any changes made to the plan as a result of the comments received under s.21, and</li> <li>d) a description of the efforts made to comply with the requirements of s.21(1) (c).</li> </ul>		
12	Regeneration date, free-growing height and stocking standards must conform to prescribed requirements	FPPR s.26(3)	<p>The minister must approve the regeneration date, free-growing height and stocking standards referred to in s.16(3), if the minister is satisfied that</p> <ul style="list-style-type: none"> <li>a) the regeneration date and the standards will result in the area being stocked with ecologically suitable species that address immediate and long-term forest health issues on the area, to a density or to a basal area that, in either case,                             <ul style="list-style-type: none"> <li>i. is consistent with maintaining or enhancing an economically valuable supply of commercial timber from B.C.'s forests, and</li> <li>ii. is consistent with the timber supply analysis and forest management assumptions that apply to the area covered by the plan on the date the plan was submitted for approval, and</li> </ul> </li> <li>b) the free growing height is of sufficient height to demonstrate that the tree is adapted to the site, and is growing well and can reasonably be expected to continue to do so.</li> </ul>		
13	Stocking standards will result in the area being stocked with ecologically suitable	FPPR s.26(4)	<p>The minister must approve the stocking standards referred to in s.16(4) if he or she is satisfied that the standards will result in the area being stocked with ecologically suitable species that address immediate and long-term forest health issues on the area, to a density or to a</p>		Or approved via s.26(5)



Part A	Conformity Criteria	Legislation	Legislation requirement	Accept Y, N, N/A	Comments
	species that address long-term forest health issues on the area, to a density or to a basal area consistent with maintaining supply over time, etc.		basal area that, in either case, is consistent with: (a) maintaining or enhancing an economically valuable supply of commercial timber from B.C.'s forests, and (b) the timber supply analysis and forest management assumptions that apply to the area covered by the plan on the date that the plan is submitted for approval.		

**Additional information required to complete review (Y/N)?** \_\_\_\_\_

**If Yes, explain:**

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**Review of FSP conformity requirement completed (date):** \_\_\_\_\_





**Part B: FSP Timber harvesting rights consistency test**

Part B	Consistency Criteria	Legislation	Legislation Requirement	Accept Y, N, N/A	Comments
1	FSP must be consistent with timber harvesting rights.	FRPA s.5(2)	An FSP must be consistent with timber harvesting rights granted by the government for any of the following to which the plan applies: i. the timber supply area; ii. the community forest agreement area; iii. the tree farm licence area; iv. the pulpwood area.		

Additional information required to complete review (Y/N)? \_\_\_\_\_

If Yes, explain:

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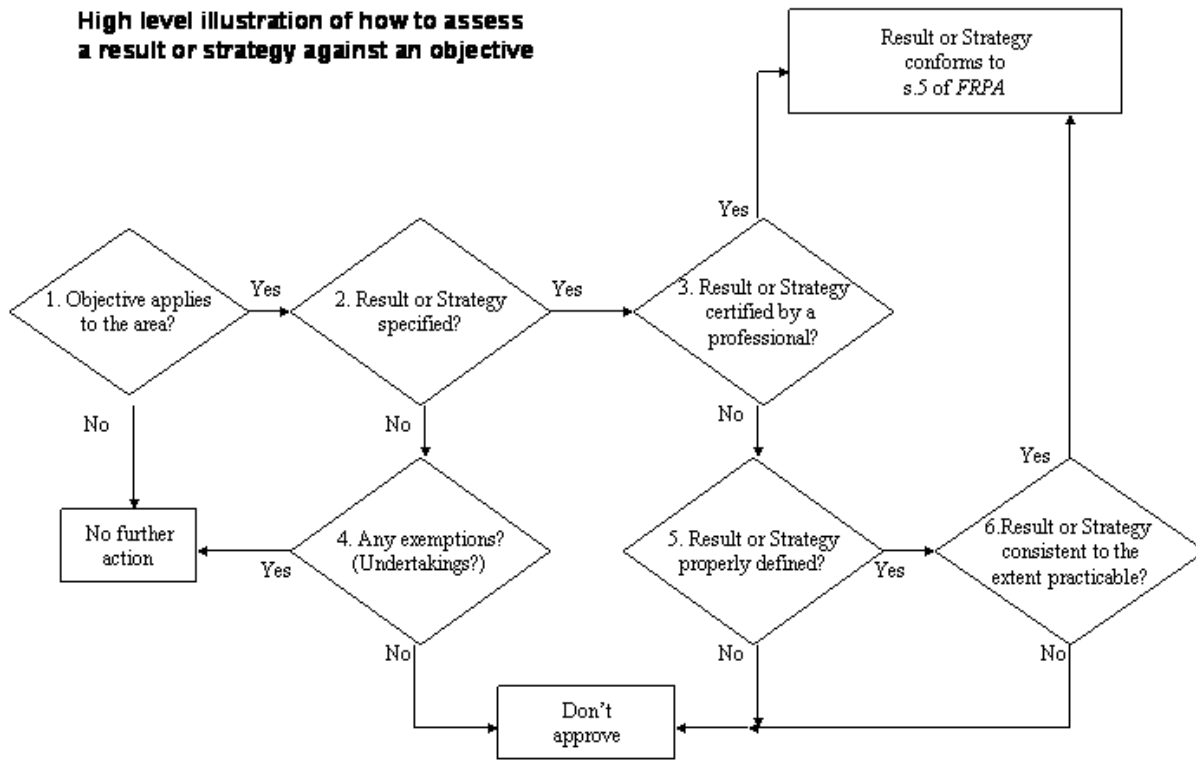
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Review of FSP timber harvesting rights consistency test completed (date): \_\_\_\_\_



### Part C: Results or strategies consistent with objectives

Recommended approach for reviewing a result and/or strategy.





Part C Notes:

- Complete Part C for **each objective** (may have multiple copies if result or strategy is broken up within FDUs).
- Check the Objectives Matrix or other district reference documentation for the complete list of objectives that are applicable to the plan area.
- Ensure that all applicable objectives are reviewed.

Objective: \_\_\_\_\_

Applicable plan area: \_\_\_\_\_

Part C	Review criteria	Accept Y, N, N/A	Comments	Request more info?
<b>Sec 1 Primary review</b>				
1	If the result or strategy relates to an objective outlined in s.22.1(2) (b), (i) or (j) per certified content items, then there is no requirement for it to be reviewed.			
2	Has the DDM made an exemption from requiring a result or strategy under s.12(7) of the FPPR?			
3	Have there been any notices or orders issued under s.7 of the FPPR? Has the <b>notice</b> made any exemption to the obligation to specify a result or strategy for an objective for wildlife under s.7(3) of the FPPR? When was notice made? If before Dec. 31, 2004, then it applies immediately; if after Dec. 31, 2004, then the four-month rule applies.		Whenever the DDM approves an <b>order</b> for ungulate winter range or wildlife habitat areas, the order itself may have a clause that sets out the exemption for the purposes of s.7(3), and, where needed, describes the extent to which the exemption applies.	
4	Does the result/strategy for wildlife tree retention (WTR) conform to guidance given in <i>FRPA</i> Bulletin # 4: Administration of Sections 12(3) and 52 of the FPPR: Considerations regarding content requirements for Forest Stewardship Plans		<i>FRPA</i> Bulletin # 4 available on the PFIT website: <a href="http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm">http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm</a>	
5	Have there been any exemptions granted under s.25(2) or 92.1 of the FPPR?			
6	Is a higher-level plan in place? Is it clear what objective(s) apply to the area for which a result or strategy must be prepared? Check the Objectives Matrix for clarity as to what objective applies.			
7	Has the objective or have the objectives to which the result or strategy applies been identified?		Applies to objectives under s.5, 8, 9 and 9.1 of the FPPR.	
8	Is a default practice requirement available? If No, then go to Sec 2.			
9	If the default practice requirement has not been used, has an alternative(s) been proposed? If Yes, then proceed to Sec 2		If an alternative result/strategy is proposed, proceed to Section 2.	



Part C	Review criteria	Accept Y, N, N/A	Comments	Request more info?
10	If the default practice requirement has been used, has the result or strategy been referenced to a FDU in an acceptable manner? Has this been done within the text or shown on a map?		If yes, then the result is deemed to be consistent with the objective but only with the area of the plan it applies to.	
11	Does the default practice requirement apply to all of the FDUs? If No, then the rest of plan area must have a result or strategy included and must be assessed for consistency using Sec 2 of this Checklist.			
<b>Sec 2 Non-Practice Requirement Result and Strategy review</b>				
1	Is the objective to which the alternative result or strategy applies been identified?			
2	If the result or strategy deals with an s.7 objective set for wildlife, have any exemptions or partial exemptions been granted under s.7(3) of the FPPR?		These apply to objectives set for a wildlife habitat area, an ungulate winter range, a general wildlife measure or a wildlife habitat feature. The MoE order itself will have a clause that sets out the exemption for the purposes of s.7(3), and, where needed, describes the extent to which the exemption applies.	
3	Has the result or strategy been referenced to an FDU in an acceptable manner? Has this been done within the text or shown on a map?			
4	Does the proposed result or strategy meet the definition of measurable or verifiable? Suggested that you use the guidance provided in C&E Bulletin # 12 to assist in answering this question. (hot link below)		See new definitions for “result” and “strategy” dated Dec. 13, 2004.	
5	Have there been any guidelines or other expert information used, or should have been used to develop the result or strategy, and have they been referenced in the plan or supporting documentation?		This is not a “legal” requirement but may be helpful in review of the result and/or strategy.	
6	Have any milestones been added that will make this verifiable or measurable?		This is not a “legal” requirement but may be helpful in review of the result and/or strategy.	
7	Have any factors from the Schedule or other factors been used?			
8	Does the result or strategy address the four W’s: What will be done? Who will do it? Where it will be done or apply to? When it will be done?			
9	Ask the question: Can you visualize a Compliance and Enforcement staff member being able to use this result or strategy during a field inspection to measure/assess the result or strategy on the ground? (This relates to the four W’s, above.)			



Part C	Review criteria	Accept Y, N, N/A	Comments	Request more info?
10	Has the consistency test been met in terms of the requirements of s.5(1)(b) of the <i>FRPA</i> (one-to-one test)? Section 25(1) of the FPPR also applies to the consistency test.			
11	Has the consistency test been met in terms of the result or strategy being consistent with the referenced objective, but also with all other objectives per section 5(1.1) of the <i>FRPA</i> (one-to-many test) and section 25.1 of the FPPR?			

**Part C Summary**

Is the reviewed result or strategy acceptable? (Y/N): \_\_\_\_\_

Rationale:

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Additional information required to complete review?(Y/N) \_\_\_\_\_

If Yes, explain:

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Review of results or strategy test completed (date): \_\_\_\_\_

**Notes:**

- C&E (CEPS) Bulletin # 12 can be found on the *FRPA* Bulletins page of the PFIT website under General bulletins: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm)
- Check to see if all of applicable objectives have been addressed in the FSP from those identified in the Objectives Matrix.
- There are two additional items to check on the FSP submission:
  - FPPR 26(a)(ii) – unless exempted under S.91, regeneration dates and standards must be consistent with the timber supply analysis and forest management assumptions that apply to the area of the plan on the date it is submitted, and
  - FPPR 91(3) – if an exemption has been granted, then if there are standards that are outside of the Timber Supply Review assumptions, is a rationale provided? Is it acceptable?



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## Appendix 3: Sample FSP Amendment Approval Letter

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Date: [date]

File: [xxx]

To: [Agreement-holder – legal name]

Your amendment requiring approval dated [date] to your approved [name of FSP] for the [area-based tenure or volume-based tenure in the xxxx timber supply area] has now been fully reviewed.

### Determination

I am satisfied that the proposed amendment to the FSP has been prepared and submitted in accordance with section [XXX] of the *Forest and Range Practices Act (FRPA)* (the *Act*) and regulations.

Accordingly, as the statutory decision-maker under section [XX] of the *Act*, I hereby am approving your amendment.

Further development taking place under [tenure] must be done in accordance with the amended FSP. Conditions regarding this development are attached or will be communicated under separate cover.

### Conditions

Conditions under which this approval is made include the following [list conditions].

If you need clarification on any aspect of this determination or conditions, please contact [contact name].

Yours truly,

[Delegated decision-maker name]

District Manager or Regional Executive Director  
[XXX] Forest District/Region



Updated March, 2008

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## Appendix 4: Sample FSP Amendment OTBH Invitation Letter

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Date: [date]

File: [xxx]

To: [Agreement-holder – legal name]

I have completed my review of your amendment requiring approval dated [date] to your approved [name of FSP] for the [area-based tenure or volume-based tenure in the xxxx timber supply area].

Based on my review, I am unable to determine whether or not your amendment requiring approval conforms to section 5 of the *Forest and Range Practices Act (FRPA)*, which is required under section 16 of *FRPA* before I can approve your amendment. Specifically, your amendment may not conform to [reference specific subsections of section 5 to which the amendment may not conform]. In addition, the interpretation section of your amendment contains a number of clauses that either create uncertainty, appear to create new rules that are not found in the legislation, or contain statements concerning the law that applies to the amendment. Some of these clauses appear to circumvent legislative provisions concerning liability, the statutory defences, and the need for FSP amendments. Approval of clauses that interpret or re-state the law, or that create new rules, is outside the scope of my authority and thus their inclusion in the FSP may very well pose a barrier to my approval of the plan. The attached document more specifically details my concerns about these clauses.

My uncertainty is based on the following: [explain the apparent deficiencies providing enough detail to ensure that the licensee clearly understands your concerns about why the legal tests may not have been met. If you are relying on information that is external to the amendment, specify what that information is. Clearly explain your reasoning and considerations so that the licensee knows the case it has to meet and can properly prepare for the OTBH.]

As the minister's delegate, I am authorized to make a determination about the approval of your amendment under section 16 of the *FRPA*. Before I make my determination, I am offering you an Opportunity to be Heard.

If you would like to use this opportunity to provide written submissions, please provide those submissions by [deadline for written submissions]. If you would prefer an oral hearing, I would be happy to accommodate you, as long as this hearing occurs no later than [latest possible date for hearing].



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*[Note to ministry staff, to be removed from any outgoing letter: The dates set for the above must be reasonable, with regard to administrative law principles of fairness.]*

If your choice is to proceed by way of an oral hearing, please contact [*contact for hearing date*] at [*area code and phone number*] by [*deadline for setting hearing date*] to arrange a suitable date and time for the hearing.

I am also willing to consider other options, such as a conference call or an informal meeting, if that is your preference. If so, please contact me at [*area code and phone number*] by [*date*] to discuss other options.

Finally, if you have any questions about the Opportunity to be Heard, such as how best to prepare for or make use of the opportunity, please feel free to contact [*contact for questions*] at [*area code and phone number*].

Please note that if you do not respond to this offer of an Opportunity to be Heard, I will assume that you have declined the opportunity. I will then proceed with my determination.

Yours truly,

*[Delegated decision-maker name]*  
District Manager or Regional Executive Director  
[XXX] Forest District/Region





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## Appendix 5: Sample FSP Amendment Rejection Letter

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Date: [date]

File: [xxx]

To: [Agreement-holder – legal name]

*[Note to ministry staff, to be removed from any outgoing letter: In your rejection letter, you should clearly specify to which subsection of section 5 of the FRPA you believe the amendment does not conform. The letter can be brief, with the rationale set out as an attachment more fully explaining the reasons for the plan refusal. Written reasons are a legal requirement under section 16[3] of the FRPA when refusing to approve an amendment.]*

I write, further to your Opportunity to be Heard held on [date] regarding your amendment requiring approval dated [date] to your [name of FSP] for [area-based tenure or volume-based tenure in the xxxx timber supply area]. I have carefully reviewed your amendment and considered all of the available evidence, including that presented to me at your Opportunity to be Heard, and I have made my determination.

### Authority

The Minister of Forests and Range has delegated his authority to me under section 2(2) of the *Forest and Range Practices Act (FRPA)* (the *Act*) to approve your amendment, pursuant to section 16 of the *FRPA*, if it conforms to section 5 of the *Act*.

### Determination

I regret to inform you that, in its present form, your amendment does not conform to section 5. Specifically, your amendment does not conform to [reference the subsection numbers of the legislation to which the plan does not conform].

Accordingly, as the delegated decision-maker under section 16 of the *FRPA*, I have determined that I cannot approve your amendment.

The attached rationale sets out the reasons for my determination.

### Opportunity for correcting this determination

I am authorized under section 79 of the *FRPA* to correct certain types of obvious errors or omissions, within 15 days of making this determination. I may do this on my own



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initiative or at your request. If you think that there are valid reasons to correct the determination, you may contact me at [area code and phone number] within this 15-day period.

### Opportunities for review and appeal

#### *If you have new information*

If you have new information that was not available at the time I made this determination, you may request a review of my determination on the basis of this new information. A request for review must be in writing, must be signed by you, or on your behalf, and must contain:

- a) your name and address, and the name of the person, if any, making the request on your behalf,
- b) the address for serving a document to you or to the person acting on your behalf,
- c) the new evidence that was not available at the time this determination was made, and
- d) a statement of the relief requested.

This request should be directed to me, at [your address] and I must receive it ***no later than three weeks*** after the date this notice of determination is given or delivered to you.

The provisions governing reviews are set out in section 80 of the *FRPA* and in the Administrative Review and Appeal Procedure Regulation. Section 80 (1) of the *FRPA* states that the review will be conducted by the person who made the determination, or another person employed in the ministry and designated in writing by the minister.

Please note the **three-week time limit** for requesting a review.

#### *If you disagree with this determination*

If you disagree with my determination, as expressed in this letter, you may appeal directly to the Forest Appeals Commission.

The appeal request must be signed by you, or on your behalf, and must contain:

- a) your name and address; and the name of the person, if any, making the request on your behalf;
- b) the address for serving a document to you or the person acting on your behalf;
- c) the grounds for appeal; and
- d) a statement of the relief requested.

The Forest Appeals Commission must receive the appeal ***no later than three weeks*** after the date this notice of determination is given or delivered to you.

The provisions governing appeals are set out in sections 82 through 84 of the *FRPA* and in the Administrative Review and Appeal Procedure Regulation. To initiate an appeal,



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you must deliver a notice of appeal, together with the requisite supporting documents, to the Forest Appeals Commission at the following address:

The Registrar, Forest Appeals Commission  
PO Box 9425, Stn Prov Govt  
Victoria, BC V8W 9V1

Please note the **three-week time limit** for delivering a notice of appeal.

***If you disagree with a review of a determination***

If you request a review, and you do not agree with the decision we make after the completion of the review, you may appeal that decision to the Forest Appeals Commission (see above).

If you need clarification on any aspect of this determination, please contact [*contact name*] at [*area code and phone number*].

Yours truly,

[*Delegated decision-maker*]  
District Manager or Regional Executive Director  
[*XXX*] Forest District/Region

cc: Forest Practices Board



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## **Appendix 6: Sample Letter to Add Licensee**

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Date: *[date]*

From: *[licensee name and address – letterhead]*

To: *[DDM for FSP]*

**Re: Inclusion of *[licensee]* of Forest Tenure *[licence]* into *[name of FSP]***

Please accept this letter as authority from *[licensee]* to have Forest Tenure *[licence]* included in the *[name of FSP]*.

*[Licensee]* is listed as an agreement holder in the FSP and will be subject to the *Forest and Range Practices Act (FRPA)* and commitments of the Forest Stewardship Plan.

Thank you for your attention on this matter. Please contact me if you have any questions or require additional information.

Yours truly,

*[signature of person required to prepare a plan]*  
*[Name and Title]*



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## Appendix 7: Example Rationale to Support an FSP Amendment Approval or Rejection

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### RATIONALE

Having reviewed the supporting documentation material submitted to me, which included [list material], the comments from the public and other resource agencies, my reasons for [approving/rejecting] your amendment are as follows:

#### Notes to ministry staff, to be removed from any outgoing communication:

Statements in the rationale should be along the lines of “I am aware of [the issue] and [have/have not] resolved it [describe how it was resolved in order to grant approval]”.

#### Points for decision-makers to consider:

- 1) This letter is a **determination** of the issuing of this amendment. It should be clear that you are making the decision, you are not being fettered, and you are being fair and reasonable. To achieve this, you should include all of the information that you considered relevant to the making of your determination.

*Observation:* The effectiveness of the amendment preparation, review and approval process can be dealt with outside of this approval letter, but should not be addressed in the letter or rationale.

- 2) The approval/rejection is for the whole amended plan. There are requirements that the approval must pass, and we recommend that the rationale deal separately with issues that relate to them.

With respect to the requirements of section [XXX], identify any aspects that do not satisfy you and indicate why this is grounds for rejection.

- 3) Section 16(3) of the *FRPA* expressly requires the DDM to give written reasons for refusing to approve an amendment. The reasons need to be ample enough to demonstrate that you fully considered the amendment and supporting documentation, and understood and properly applied the legislative tests. Your reasons for refusal (not just your conclusions, but your reasoning) should be clearly stated so that the agreement-holder and a reviewing body can understand your thought process.

While the legislation does not require written reasons when an amendment is *approved*, administrative law generally requires written reasons when statutory decisions are made. Though it stands to reason that an approval determination will not



be as comprehensive in its reasons as an amendment refusal, an approval decision should set out more than simply conclusions, especially in respect of any areas that may have posed some difficulty for the DDM, where clarity as to what was approved needs to be set out, or where conditions have been attached to the approval. It should also be kept in mind that even plan approval determinations can be reviewed and appealed.

Generally speaking, for both approval and refusals, the DDM should address the issues that were considered during the review and approval/refusal process.

The approval/refusal cover letter could be written to include the rationale within the body of the letter, but since approvals/refusals are usually complex, it may be more appropriate to attach it as a separate document.

The rationale should provide a window into the reasoning behind your decision and be complete enough so that, if it is challenged, it will have enough substance to be defensible. The length of a rationale will depend on the circumstances and issues raised in each case. If you have specific concerns about how to best express your determination, you can contact your regional solicitor before sending the letter to the agreement-holder.

- 4) There is no requirement under the *FRPA* that a DDM notify the Board of a determination under section [XXX] of the *FRPA*. While the Board has the power to obtain information, under Part 8 of the *FRPA*, unless the Board uses this authority, there is no requirement for a district manager to provide a copy of a determination to the Board. In other words, unless the Board asks for a copy of a determination, the Ministry need not give the Board a copy.



Updated March, 2008

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## Appendix 8: Example of a District Request for Additional Information During an FSP Amendment Review

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**File:**

**Date:**

**To:**

Dear *[Name]*,

Thank you for submitting your amendment requiring approval dated *[date]* for *[name of FSP]* for forest licence *[# or #s]* in the *[XXX]* Forest District. We received this submission on *[date]* and district staff have been evaluating your amendment for conformance with section 5 of the *Forest and Range Practices Act (FRPA)* (the *Act*).

As part of this internal district review, I am writing to request additional information from you, per section 16 (2.1) of the *FRPA*. I need this information to help make my decision under section 16 of the *Act*.

I require the following information for each objective:

- *[list objectives and information]*

If you need clarification on any aspect of this request, please contact *[contact name]* at *[area code and phone number]*.

Yours truly,

*[Your name]*

District Manager

*[XXX]* Forest District/Region



Updated March, 2008

## Appendix 9: Section 91 Exemptions (FPPR)

March 16 2006

### Exemptions

(Including forestry licences to cut that are not major licences)

*This form is for persons who are applying for exemptions under the provisions of section 91 of the Forest Planning and Practices Regulation (FPPR) to specified section of the FRPA and FPPR.*

#### Tenure identifier

Forest District:	Licence number:
Licence type:	Timber mark:

#### Area description

FTA reference number:	Volume:
Area:	Geographic location:
Map attached:	

### ***Exemptions—Section 91(1)(a) of FPPR***

If the District Manager is satisfied that it is not practicable, given the circumstances or conditions applicable to a particular area, the District Manager may exempt a person from the following:

Section 91(1)(a) Exemption granted <small>(check if applicable)</small>	Section number	Notes
<b>Forest and Range Practices Act</b>		
	s.10 – Site plans for cut blocks and roads	
	s.29 – Free growing stands	
	s.29.1 – Transfer of obligation to establish a free growing stand	
	Part 11 – Transition (establish a free growing stand)	
<b>Forest Planning and Practices Regulation</b>		
	s.41 – modification of insect behaviour	
	s.42 – use of livestock	
	s.46 – free growing stand – forestry license to cut	
	s.46.1 – free growing stands: community salvage license	





Section 91(1)(a) Exemption granted <small>(check if applicable)</small>	Section number	Notes
	s.46.2(5) – Requirements if free growing stand cannot be established	
	s.50(2) or (3) – restrictions within a riparian management area	
	s.51 – restrictions on riparian reserve zone	
	s.55 – stream crossings	
	s.56 – fish passage	
	s.57 – protection of fish and fish habitat	
	s.58 – use of livestock in riparian areas	
	s.59 – protecting water quality	
	s.60 – licensed waterworks	
	s.61 – excavated or bladed trails	
	s.62 – roads in a community watershed	
	s.63 – use of fertilizers	
	s.68 – coarse woody debris	
	s.70(1) – resource features and wildlife features	
	s.72 – roads and associated structures	
	s.73 – design of bridges	
	s.75 – structural defects	
	s.76 – culvert fabrication	
	s.78 – clearing widths	
	s.79 – road maintenance	
	s.83 – hazard warning	
	s.84 – notice – road in community watershed	
	s.85(1) - notification of timber harvesting or road construction	
	s.111(4) – Amalgamating obligations to establish a free growing stand	



***Exemptions—Section 91(1)(b) of FPPR***

The District Manager may exempt a holder of any form of minor tenure from one or more specified provisions of the FPPR. The District Manager may restrict the exemption under 91(1)(b) geographically within a forest region, forest district, or other area in B.C.

NOTE: If exemption is restricted per sub 91(1)(b), explain in Notes section or attach an applicable map to this document.

Section 91(1)(b) Exemption granted <small>(check if applicable)</small>	Section number	Notes
<b>Forest Planning and Practices Regulation</b>		

***Exemptions—Section 91(1)(c) of FPPR***

The District Manager may exempt the holder of a forestry license to cut that is not a major licence or a minor tenure, from the following sections:

Section 91(1)(c) Exemption granted <small>(check if applicable)</small>	Section number	Notes
<b>Forest Planning and Practices Regulation</b>		
	s. 35 – soil disturbance limits	
	s.36 – permanent access structure limits	
	s.47 – riparian stream classes	
	s.48 – wetland riparian classes	
	s.49 – lake riparian classes	
	s.50 – restrictions in a riparian management area	
	s.51 – restrictions in a riparian reserve zone	
	s.52 – restrictions in a riparian management area	
	s.64 – maximum cutblock size	
	s.65 – harvesting adjacent to another cutblock	
	s.66 – wildlife tree retention	
	s.67 – restriction on harvesting)	



**Exemptions—Section 91(2) of FPPR**

The District Manager may exempt an agreement-holder from the requirements of s.67 if the District Manager is satisfied that the holder has specified one or more wildlife tree retention areas that provide an area, number of trees or habitat that is equivalent to the portion of the wildlife tree retention area from which the timber is being harvested.

Section 91(2) Exemption granted <small>(check if applicable)</small>	Section number	Notes
<b>Forest Planning and Practices Regulation</b>		
	s.67 – Restriction on harvesting	

**Conditions**

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**District manager approval**

Prepared by:	Date:	Checked:	Date:	Notes:
Approval by (name of district manager) (Optional: subject to conditions below):	District manager signature:	Date:		Notes:



Updated August 2009

## Appendix 10: Summary of Current Legislation on Forest Roads

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The *Forest and Range Practices Act (FRPA)* and regulations took effect on January 31, 2004. The transition to the planning requirements of the *FRPA* occurred over a two-year period, and for the most part, the *Forest Practices Code of British Columbia (FPC) Act* introduced in 1995 was replaced by the *FRPA* by December 31, 2005. During the period, there was 2 legal frameworks—FPC and *FRPA*.

Any activities already approved pre January 31, 2004 under the existing FPC were governed by the FPC and its regulations. After December 31, 2005 (1) forest agreement holders will need to be operating under *FRPA* to obtain new cutting and road permits, and (2) authorities issued under a valid Forest Development Plan (FDP) remain subject to the FPC until all obligations are completed (e.g., obligations in silviculture prescriptions, site plans and road layout and design plans approved under an FDP).

More specific and detailed information about the transition to the *FRPA* is provided in the “*FRPA* Training Companion Guide – Forestry Modules” available at the following website:

[http://www.for.gov.bc.ca/code/training/FRPA/forestry\\_modules\\_companion\\_guide\\_download.html](http://www.for.gov.bc.ca/code/training/FRPA/forestry_modules_companion_guide_download.html).

### Current Government Legislation

This section on current government legislation is divided into 6 topics:

- **Forest Act** (consolidated to April 3, 2009) contains information on granting of road permits and road use permits, and authorizing road and trail construction;
- **Forest Service Road Use Regulation** (consolidated to December 17, 2004) provides restrictions that govern the use of forest service roads;
- **Forest and Range Practices Act** (consolidated to May 13, 2004) presents information on the required plans for harvesting and roads (Forest Stewardship Plan and Site Plans) and the linkage to cutting and road permits under the Forest Act;
- **Forest Planning and Practices Regulation** (effective January 31, 2004) summarizes key requirements in Parts 4 to 7 for road construction, maintenance and deactivation;
- **Forest Practices Code of BC Act** (pre-January 31, 2004) outlines specific tenure and permit requirements, approval processes and exemptions; and
- **Forest Road Regulation** (pre-January 31, 2004 – last amendment December 12, 2003) presents recently streamlined and simplified requirements for road construction, maintenance and deactivation consistent with a more results based approach.



*Disclaimer*

*While this section presents important information on current legislation related to forest roads, it is not intended to be a summary of all relevant legislative requirements. Since a key aspect of competent practice is to use appropriate information, readers are encouraged to review the complete legislation to complement the information contained in this section.*

**Forest Act (consolidated to April 3, 2009)**

The *Forest Act* under “Roads and Rights of Way” (Part 8) allows government to grant road permits and road use permits for harvesting of Crown timber, and road use permits for other industrial use of forest service roads.

**Road Permits**

A road permit authorizes its holder to use the road, and if applicable, to construct a new road or maintain an existing road (other than a forest service road). Under the authority of the *Forest Act*, and subject to its provisions, the district manager or timber sales manager must grant:

- a road permit to an applicant who has the right to harvest Crown timber to construct a road on Crown land, and must also grant the right to harvest Crown timber under the road permit if the timber must be harvested to construct the road; and
- a road permit to an applicant who has the right to harvest Crown timber to maintain an existing road on Crown land (other than a forest service road).

The road location was identified in a Forest Development Plan under the FPC before a road permit could be issued. The Forest Stewardship Plan under *FRPA* is required to show the approximate location of forest development units (FDU) within which harvesting or road construction may occur. Consistent with the transition to a results-based regime under *FRPA*, the district manager or timber sales manager will not be involved in approving an applicant’s operational decisions before granting a road permit. Applicants will be accountable for their decisions and must exercise their own due diligence in the methodology they apply to achieve the necessary result.

The road permit also provides for use of Crown land for sand pits, gravel pits, rock quarries or other quarries that are adjacent to the road covered by the road permit for road construction or maintenance materials. The road permit can include other terms and conditions that are consistent with the *Forest Act* and regulations, and the *FRPA* and regulations.

Under the *Forest Act*, the minister may declare a road constructed under a road permit to be a forest service road or may discontinue and close a forest service road.



### **Road Use Permits**

Except as noted below, the district manager is the sole authority for granting road use permits for the industrial use of forest service roads. A road use permit must be granted to an applicant who has the right to harvest Crown timber and may be granted for other industrial purposes. The district manager must be satisfied the permit holder's use of the road will not adversely affect other authorized users of the road, cause inordinate disturbance to the natural environment, or compromise a Forest Stewardship Plan. *Note:* The Oil and Gas Commission is authorized under their legislation to issue road use permits to their clients.

### **Road and Trail Construction**

Under the *Forest Act*, the minister may authorize the following (and other activities) to provide access to timber or for any other purpose consistent with this Act or the *FRPA*:

- construct and maintain roads and trails;
- enter on and take possession of private land, and of roads and trails on private land; and
- enter on private land and take from it timber, stones, gravel, sand, clay or other materials for the purpose of constructing roads and trails.

### **Forest Service Road Use Regulation (consolidated to December 17, 2004)**

The Forest Service Road Use Regulation, is a regulation under the *FRPA*. It governs the use of forest service roads, and there have been no changes to its provisions since December 2002. Forest service roads are not considered a public highway as defined under the Motor Vehicle Act. However, some of the provisions of the Motor Vehicle Act do apply to forest service roads. The regulation requirements apply to both industrial and non-industrial users of the road.

Key provisions in the Forest Service Road Use Regulation include:

- restrictions for snowmobile use on snow ploughed Forest Service roads;
- setting the speed limit to 80 km/hr unless otherwise posted, or slower if road conditions so dictate;
- use of a two-way radio for roads posted with the radio frequency;
- provisions for the district manager to erect traffic control devices;
- requirement to have a proper vehicle identification number;
- limits on liability insurance; and
- requirements for a permit to undertake works within- the right-of-way.

### ***Forest and Range Practices Act* (consolidated to May 29, 2008)**

With some important modifications, this section has largely been adapted from section 8 (Harvesting & Roads) from the *FRPA* Training Companion Guide – Forestry Modules) available at

[http://www.for.gov.bc.ca/code/training/FRPA/forestry\\_modules\\_companion\\_guide\\_download.html](http://www.for.gov.bc.ca/code/training/FRPA/forestry_modules_companion_guide_download.html).



Road activities will deliver the results and strategies in approved operational plans. These results and strategies will be inspected and enforced by compliance and enforcement personnel. Additionally, road activities will address other requirements in the *FRPA* and Forest Planning and Practices Regulation (FPPR) such as practices requirements, notification and reporting requirements. Professionals will select appropriate practices that deliver the results, strategies and practice requirements set out in the FPPR.

### **Plans for Harvesting & Roads**

Plans that are required under *FRPA* to guide harvesting activities include the Forest Stewardship Plan (FSP) and Site Plan (*FRPA* s.5).

#### Forest stewardship plans

- shows the approximate location of forest development units (FDU) within which harvesting or road construction may occur; and
- identifies the results and strategies to be achieved during harvesting and road activities such as percentage soil disturbance for roadside work areas and conserving water quality in community watersheds.

#### Site plans (*FRPA* s.10 & FPPR s.33(2))

- must be prepared before the start of harvesting related to the road's construction. The *FRPA* and regulations contain some exemptions from having to prepare a site plan including harvesting to remove safety hazards or improving road safety (e.g., visibility, number or size of pullouts along the road);
- must be consistent with the FSP, *FRPA* and regulations;
- show how the results and strategies established in the FSP apply to the site; and
- identify the approximate location of cutblocks and roads.

### **Cutting and road permits**

- cutting and road permits are issued under the *Forest Act* and show the location of cutblocks and road permit area;
- a road permit authorizes the harvesting of timber from the permit area; and
- harvesting of blocks cannot start until a cutting permit has been issued.

### **Forest Planning and Practices Regulation (effective January 31, 2004)**

#### **FPPR (Part 4) – Practice Requirements (FPPR s.37-40, 44-52, 54-58, 59-62, 67-70)**

Part 4 of the FPPR contains practice requirements during harvesting and road activities to manage and protect the 11 *FRPA* values specified in s.149 of the *FRPA*. Sections from the Forest Road Regulation under the FPC have moved to practice requirements in Part 4 of FPPR, including:

- prevention of landslides, gully processes, and fan destabilization that can have a material adverse effect on the 11 *FRPA* values;



- maintain natural drainage patterns on an area both during and after road construction;
- revegetation requirements for roads;
- stream crossings, or locating a road in a riparian management area;
- ensuring safe fish passage at crossings of streams, and protection of fish and fish habitat; and
- restrictions on roads in community watersheds.

### **FPPR (Part 5) – Road Design & Construction (FPPR s.71-76)**

The majority of road requirements under *FRPA* are contained in Part 5 of the FPPR.:

- design and fabrication of bridges must be to CSA standards, and must meet standards in respect of engineering properties of soils as they apply to bridge piers and abutments, as established by the Canadian Foundation Engineering Manual;
- stream structures must be designed for the peak flow return period as listed in the FPPR;
- structural defects of bridges must be corrected or the bridge closed or traffic restricted and signs stating the maximum capacity of the bridge;
- clearing widths must be minimized and permanent culvert materials must be fabricated to CSA standards or to standards that ensure at least the same strength and durability as CSA standards; and
- roads must be structurally sound and safe.

### **FPPR (Part 5) – Road Maintenance (FPPR s.79-81)**

Road maintenance requirements (including the maintenance requirements for industrial use and non-industrial use of a road) and include:

- licensee is responsible for road maintenance until either the road is deactivated or the DM notifies that the road should not be deactivated. Typically, in the latter situation, a permit would then be issued to another user;
- for industrial use of a road, protect the structural integrity of the road prism and clearing width, ensure the drainage systems of the road are functional, and ensure the road can be used safely by industrial users. Roads used for “industrial use” means roads used for timber harvesting, including the transportation of the timber or associated machinery, materials or personnel, or access for forest practices related to timber harvesting, or roads used for developing natural resources other than timber, including the transportation of those natural resources or associated machinery, materials or personnel;
- for non-industrial use of a road, protect the structural integrity of the road prism and clearing width and ensure the drainage systems of the road are functional, **only to the extent necessary there is no material adverse effect on a forest resource** (wilderness road level of maintenance). For non-industrial use of a road, the requirement to ensure that industrial users can safely use the road does not apply; and





- the DM can assign responsibility of maintenance of a forest service road to a road use permit holder (industrial user).

**FPPR (Part 5) – Road Deactivation (FPPR s.82, 83, 84)**

To be relieved of obligations, after deactivating a road a licensee may make a declaration (see *FRPA* s.107 (3)). On receiving the declaration, the district manager has up to 15 months to identify any obligations that have not been met (see FPPR s.97(5)).

Road deactivation requirements include barricading the road surface width in a clearly visible manner to prevent access by motor vehicles (other than all-terrain vehicles), removing bridges and stream culverts, and stabilizing the road prism. Warning signs must be erected during the period of road deactivation activities.

After a road is constructed or deactivated, a licensee must ensure that exposed soil is revegetated within 2 years if it will reduce the likelihood of erosion (see FPPR s.40).

Once the road is deactivated, it becomes non-status and responsibility for stability of the area shifts to the Crown except if the road is in a Tree Farm Licence.

**FPPR (Part 5 and Part 7) – Exemptions (FPPR s.72, 73, 75, 76, 78, 79, 82-84, 91, 92)**

The Minister of Forests and Range or Designated Official from MOE may grant exemptions to some practice requirements if it is in the public interest (e.g., clearing widths, road maintenance). The District Manager may grant an exemption from the requirement to barricade the road surface.

**FPPR (Part 5 and Part 6) – Notice of Harvesting & Road Activity (FPPR s.84, 85)**

Licensees and BCTS must notify the District Manager before:

- starting timber harvesting;
- starting road construction; or
- restarting harvesting or road construction if either has been inactive for a period of 3 or more months.

The notice must specify the location, projected start date and contact information. Affected water licensees must be notified at least 48 hours in advance of any road construction or deactivation in a community watershed.

**FPPR (Part 5) – Retaining information on bridges & major culverts (FPPR s.77)**

Construction reports, as-built drawings and inspection records relating to a bridges or major culverts must be prepared and retained for the duration of the life of the structure or until such time as responsibility passes to another party.



### **FPPR (Part 6) – Annual Reports (FPPR s.86)**

Before June 1 of each year, licensees and BCTS must submit to the district manager, an annual report on harvesting activities for blocks where harvesting has been completed. The annual report covers the period April 1 to March 31st and contains the following (this is not a complete list):

- harvesting information such as location of harvesting, area harvested and an update of the forest cover inventory and the associated wildlife tree retention areas;
- and
- the location of any resource features or wildlife habitat features located in or contiguous to a cutblock or road if the order establishing it as such requires this.

### **FPPR – Additional Information**

#### Planning aspect of Road Design

- the FSP showing approximate locations of FDUs within which road construction may occur. The site plan shows the approximate location of roads;
- proposing results and strategies to meet objectives established by government such as percentage soil disturbance for roads that are permanent access structures and conserving water quality in community watersheds;
- meeting applicable practice requirements for roads defined in Parts 4 and 5 of the FPPR;

#### Tools and Information

The non-legal realm contains a wide range of information to help select practices that deliver outcomes:

- for example, documents such as the Fish Stream Crossing Guidebook and the Forest Road Engineering Guidebook (available at <http://www.for.gov.bc.ca/tasb/legsregs/fpc/FPCGUIDE/Guidetoc.htm>) and the MFR Land Management Handbook 56 “Landslide Risk Case Studies in Forest Development Planning and Operations” (available at <http://www.for.gov.bc.ca/hfd/pubs/Docs/Lmh/Lmh56.htm>);
- experience and training of professionals;
- science; and
- databases and assessments.

#### Role of Licensee, or Government for Forest Service Roads

- achieve results and strategies in approved operational plan. Professionals must select and carry out harvesting and roads practices to meet these results and strategies;
- meet the practice requirements established in regulation;
- request exemptions to practice requirements or amendments to FSP if it is not possible to meet the requirements; and
- notify and report activities to government.



### Roles of Government

- enforce requirements in *FRPA* through compliance & enforcement activities including inspections for delivery of results and strategies in approved FSPs and meeting practice requirements; and
- approve or reject exemptions to specified practice requirements and amendments to FSPs.

### **Forest Road Regulation (pre-January 31, 2004 – last amendment December 12, 2003)**

As per section 193 of *FRPA*, road permit roads for which maintenance began under the *FPC*, maintenance requirements of the Forest Road Regulation (FRR) continue to apply. Section 197 (7) of *FRPA* provides for such roads to be brought forward under *FRPA*, by mentioning their inclusion in a FSP.

### **FRR (Part 3) – Maintenance**

#### Road Maintenance

Roads must be maintained until deactivated and the level of maintenance required depends on the use of the road.

#### ***Maintenance Requirements on Industrial Use Roads***

For industrial use roads, a person who modifies a road other than by relocating it, or maintains a road, must ensure that:

- the structural integrity of the road prism and clearing width are protected;
- the drainage systems of the road are functional;
- the transport of sediment from the road prism and its effects on other forest resources are minimized;
- road maintenance activities in a community watershed do not cause the quality of water to fail to meet the known water quality objectives established by the Minister of Environment;
- safe passage for fish is provided at fish stream crossings built after June 15, 1995; and
- the road can be safely used.

#### **Maintenance Requirements on Roads with no Industrial Users**

There may be periods when there is no industrial use of roads. During these periods of non-industrial use, at a minimum, a person must provide a wilderness road level of maintenance on these roads. A wilderness level of maintenance places emphasis on protection of the environment and forest resources. Where there is no industrial use, a person is not legally required to provide access related road surface and structure maintenance to accommodate safe use of the road. A wilderness road level of maintenance must ensure that for the road and included structures:



- the structural integrity of the road prism and clearing width are protected, to the extent necessary to ensure there is no material adverse effect on a forest resource;
- the drainage systems of the road are functional, to the extent necessary to ensure there is no material adverse effect on a forest resource;
- the transport of sediment from the road prism and its effects on other forest resources are minimized;
- road maintenance activities in a community watershed do not cause the quality of water to fail to meet the known water quality objectives established by the Minister of Environment; and
- safe passage for fish is provided at fish stream crossings built after June 15, 1995.

### **Bridges and Major Culverts**

Bridges and major culverts must be inspected:

- at least once every 3 years after they are constructed, unless a longer period is specified by a professional engineer as part of the inspection record; and
- at least once every 2 years after construction if the stringers or any portion of the structural components of the bridge substructure are untreated wood.

A written inspection record must be kept for all structures. As a follow up to a bridge or major culvert inspection, structural deficiencies must be corrected, or the structure must be closed, removed or replaced, or traffic loads must be restricted to a safe level.

## **Constructing and maintaining roads**

### **Notification requirements**

Under section 85 of the FPPR, unless exempted under section 91(1), the licensee must notify the DM before beginning construction of a road that is a permanent structure, or re-starting road construction after an inactive period of three months or more. This notice must include the location of the road, a contact name and contact information, and the projected date on which the licensee plans to begin the road construction.

### **In-stream works – permanent access structures**

Section 85 of the FPPR requires a licensee to notify the district manager about the commencement of road construction activities:

*85 (1) Unless exempted under section 91 (1) [minister may grant exemptions], an agreement-holder must notify the district manager before (a) beginning timber harvesting or construction of a road that is a permanent access structure, and (b) re-starting the activities described in paragraph (a) after an inactive period of 3 months or more.*

*(2) A notice under subsection (1) must specify (a) the location of the timber harvesting or road, including any administrative identifier that relates to the location, (b) a contact name and contact information, and (c) the projected date for beginning timber harvesting or road construction.*



This section lightens the licensee's administrative burden by creating a single window through which to notify provincial government when they start or stop forest practices. Any information submitted through that window is available for the broad use of provincial government agencies, so the licensee does not need to notify each individual provincial agency.

The DDM and Ministry of Environment (MoE) Regional Manager (Environmental Stewardship Program) should discuss and agree on a preferred course of inter-agency information flow. The MoE will need to access information about when and where road construction activities are occurring which may involve stream crossings of risk. Based on this kind of information, the Ministry of Environment should be able to develop necessary inspection and monitoring programs.

### ***Practice requirements for roads associated with an FSP***

The definition of a "forest practice" in the *FRPA* includes, but is not limited to, activities associated with all parts of a road's "life cycle" including construction, maintenance, road use, and deactivation.

This means that all references to forest practices in the *FRPA* and the requirements for an FSP must include and address the effects of these road-related forest activities on the identified resource values defined under section 149 of the *Act*.

All activities associated with road construction must be within a Forest Development Unit (FDU) under an approved FSP unless exempted.


There are a variety of publications available to help licensees undertake road construction, general access development, and deactivation of roads. The *Forest Road Engineering Guidebook* (June 2002) is an example. See also the *Guidelines for Terrain Stability Assessments in the Forest Sector* (October 2003), published by the Association of Professional Engineers and Geoscientists of BC, available on the publications website of the MFR's Resource Tenures and Engineering Branch at:  
[http://www.for.gov.bc.ca/hth/engineering/publications\\_guidebooks.htm](http://www.for.gov.bc.ca/hth/engineering/publications_guidebooks.htm).

A summary of legislative requirements for forest roads is contained in the Appendix 10 of this Guide. This document, developed in June 2004 by the MFR's Resource Tenures and Engineering Branch, summarizes the road related requirements in both the Forest Practices Code and the *Forest and Range Practices Act* and regulations.

The legislative requirements for roads constructed and deactivated under *FRPA* are summarized in Figure 1.



## Appendix 11: GAR Order Checklist

		<b>MFR GOVERNMENT ACTIONS REGULATION (GAR) ORDERS CHECKLIST</b>	
<p><b>NOTE:</b> Notice of an order must be given before it has legal effect. Notice is sufficiently given when Steps 1, 2 and 7 are completed.</p>			
DISTRICT TASKS	Pertinent Web site / File location	Contact person	Date Completed
1	Forward digital signed copy of order and map(s) to the regional MFR contact.		_____
2	Publish order in Gazette (Date Published _____)	<a href="http://www.publications.gov.bc.ca/bcgazette.aspx">http://www.publications.gov.bc.ca/bcgazette.aspx</a>	_____
3	File paper copy of order and map in ORCS and/or File digital copy of order and map on TRIM	ORCS/TRIM: FOR-10285-30	_____
4	Recommend copy of the order be sent to affected tenure holders, other interested stakeholders and First Nations		_____



	<h2 style="margin: 0;">MFR GOVERNMENT ACTIONS REGULATION (GAR) ORDERS CHECKLIST</h2>
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**NOTE:** Notice of an order must be given before it has legal effect. Notice is sufficiently given when Steps 1, 2 and 7 are completed.

REGIONAL TASKS		Pertinent Web site / File Location	Contact person	Date Completed
5	Make copy available for viewing at the Regional Office			_____
6	Forward digital copy of order with map(s) to Strategic Policy and Planning Branch for posting on web site	<a href="http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAREGS/govact/GAR-ORDERS.htm">http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAREGS/govact/GAR-ORDERS.htm</a>	Strategic Policy and Planning Branch: <a href="mailto:Leah.Howard@gov.bc.ca">Leah.Howard@gov.bc.ca</a> (250) 387-2112	_____
7	Post on Official Notices website.	<a href="http://www23.for.gov.bc.ca/notices/init.do">http://www23.for.gov.bc.ca/notices/init.do</a>		_____
8	File paper copy of order and map in ORCS and/or File digital copy of order and map(s) on TRIM	ORCS/TRIM: FOR-10285-30		_____

BRANCH TASKS		Pertinent Web site / File Location	Contact person	Date Completed
9	Post order and map(s) on GAR website	<a href="http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAREGS/govact/GAR-ORDERS.htm">http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAREGS/govact/GAR-ORDERS.htm</a>		_____



OTHER AGENCY TASKS		Pertinent Web site / File Location	Contact person	Date Received/ Completed
1	Forward digital or paper signed copy of order and map(s) to the regional MFR contact.			_____
2	Post on Agency web site (MFR will provide a link from the MFR GAR website)			_____
REGIONAL TASKS		Pertinent Web site / File Location	Contact person	Date Received/ Completed
3	Make copy available for viewing at the Regional Office			_____
4	File paper copy of order and map in ORCS and/or File digital copy of order and map(s) on TRIM	ORCS/TRIM: FOR-10285-40		_____
5	Disseminate to the affected District Office(s)		District Manager	_____

NOTE: The intent of this checklist is to;

1. ensure that MFR GAR Orders are given legal effect,
2. ensure that the legal requirements for GAR Orders are met,
3. recommend a consistent approach for dissemination and filing of orders.





Updated: January, 2007

## **Appendix 12: MFR NIFR Discussion Paper on Consultation with First Nations Post-FSP Approval**

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### **Northern Interior Forest Region Discussion Paper:**

#### **Consultation with First Nations Post-Forest Stewardship Plan (FSP) Approval February, 2006**

##### **Intent**

This paper is intended as a tool to generate discussion between district staff and local licensees on the issue of post-FSP approval consultation with First Nations. It has been prepared by the region in an attempt to focus discussion and promote consistency in approaches taken while respecting government's role in consultation and maintaining the "results-based" spirit of *FRPA*

##### **Issue**

- FSPs may not contain the level of detail required to provide First Nations with an understanding of the potential on-the-ground impact of forest development activities that may subsequently be authorized under the umbrella of an approved FSP.
- Leaving First Nations consultation to the development authority stage (CP/RP/TSL) is too late in the process to be efficient or practical for any involved.
- Need post-FSP information sharing guidelines in place to assist licensees and provide First Nations with appropriate relevant information to assess the impact on their aboriginal interests prior to development authority issuance.
- Need consistent business practices developed that ensure the district is made aware of any information sharing activities the licensee undertakes that occur post-FSP approval that may assist the decision-maker in considering the adequacy of consultation.
- Consistency needs to provide for flexibility in keeping with "results-based" spirit of *FRPA*

##### **Information Sharing Opportunities**

The FN consultation process on operational decisions under *FRPA* exists on a continuum and is not bound by legislated timeframes. This paper identifies four main stages through the process where information can be exchanged with First Nations and concerns can be addressed prior to the issuance of development authorities:



**1) Licensee engages First Nation during development of FSP (prior to review and comment period) and identifies and starts to address key FN interests early and upfront.**

This may include establishing communication protocols or procedures for subsequent information sharing that may be included in the background documentation with the FSP.

Information could also be provided by First Nations during this stage to assist in the development of Cultural Heritage Resource results or strategies included in the FSP. In cases where the First Nation has developed a strategic plan, the licensee may commit to a process within a result or strategy under the Cultural Heritage objective to ensure that any development under the FSP is consistent with the First Nations plan. This could significantly reduce the need for further consultation at the development authority stage.

In the best case scenario, a First Nation may provide a letter to District Manager indicating that the licensee has addressed their interests and that no further consultation is required prior to issuing development authorities under the FSP.

**2) Legislated FSP Review and Comment Period**

Licensee must make reasonable efforts (please refer to the *FRPA* Bulletin #1 – First Nations Information Sharing Bulletin for further discussion on this point) to meet with First Nations to review the plan and solicit comments. FSP documentation must include a description of how the licensee has considered written comments received from First Nations.

**3) Licensee provides First Nations an opportunity to review readily available “site level” information.**

The objective is to provide First Nations with the information necessary for understanding the potential on-the-ground impact of forestry development that may be authorized under the umbrella of an approved FSP.

This stage provides an opportunity to address First Nations on-the-ground aboriginal interests prior to issuance of development authorities.

The licensee and First Nation may choose to meet independent of the MFR or the MFR and licensee may agree to meet jointly with the First Nation to review the site level information and attempt to address the First Nation’s aboriginal interests.

**Suggested Approach:**

Request that licensees complete “information sharing summaries” for each First Nation and submit with their CP/RP applications. The content of such summaries should be guided by the considerations listed below. The degree to which the information sharing summaries address the considerations, will inform the degree and



scope of any further consultation required prior to issuance of the development authority.

#### **4) MFR consultation on CP/RP.**

This is a requirement and is considered a “last check” in the process for MFR to ensure that First Nations on-the-ground interests have been identified and appropriately addressed. Any information sharing activities that are documented and provided to the decision-maker may assist the decision-maker when considering the adequacy of consultation.

In cases where there has been little or no information sharing under the three previous stages, consultation at this late stage would likely be lengthy and contentious.

In cases where key First Nation aboriginal interests have already been addressed, this process may be greatly expedited or focussed on a specific site related issue that can appropriately be dealt with at this stage.

#### **Recommendations**

- Share with licensees existing consultation policy/guidelines, any district-specific consultation procedures as well as any consultation protocols that may be in place with area First Nations. (see *FRPA* Bulletin #1 – First Nations Information Sharing Bulletin for further discussion of information districts could provide to assist licensees with FSP preparation).
- Engage directly with licensees to develop and adopt appropriate First Nation information sharing guidelines that are consistent with and support the current consultation policy and guidelines, based on the stages outlined above.
- Adopt business practices that include mechanisms for ensuring the results of licensee information sharing activities are documented and communicated to the district at appropriate stages.
- Encourage licensees to submit, with their CP or RP applications, additional information related to First Nation information sharing activities that have been undertaken, the concerns raised by First Nations, and how they were addressed.
- Consider requesting licensees to complete and submit with their CP/RP applications “information sharing summaries” for each First Nation.

#### **Considerations Prior to Issuance of Development Authorities (to inform the content of “information sharing summaries”)**

- Has licensee met all commitments made in FSP regarding further information sharing with First Nations?
- What information sharing processes were carried out post-FSP approval?
- Has First Nation been provided with relevant site level information that would enable the First Nation to understand the on-the-ground impacts to their interests?



## Appendix 12: MFR NIFR Discussion Paper on Consultation with First Nations Post-FSP Approval

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- Have First Nation requests for more detailed information on operating areas been met? Are there any outstanding First Nation information requests?
- Has any additional detailed information regarding aboriginal interests affected by the proposed plan been provided by the First Nation to the licensee or MFR?
- Has this new information been considered/addressed by the licensee or MFR?
- Have concerns brought forward by First Nation been addressed and responded to? If so, how?
- Is there agreement among First Nation and licensee that concerns have been addressed?



Updated August, 2009

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## Appendix 13: More Information / Useful Websites

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Additional information on the FSP development and approval process can be obtained from the following locations/resources:

**Provincial *FRPA* Implementation Team (PFIT) Website** -- PFIT manages a website at: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/index.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/index.htm). The website contains:

- *FRPA* bulletins at [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm). See below for more information on bulletins.
- GAR Administrative Guide at [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/GAR%20Memo%20and%20Manual.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/GAR%20Memo%20and%20Manual.htm).
- Helpful Hints for Government Staff in Providing Information in Support of *FRPA* Implementation at [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/FRPA%20General%20Guidance.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/FRPA%20General%20Guidance.htm).
- Post FSP Approval Workshop information at [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Workshop%20Package.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Workshop%20Package.htm).

### Regional Implementation Team Members

- Coast Forest Region – Chuck Rowan (Chuck.Rowan@gov.bc.ca).
- Southern Interior Region – Larry Hanlon ([Larry.Hanlon@gov.bc.ca](mailto:Larry.Hanlon@gov.bc.ca))
- Northern Interior Region – John McClary (John.McClary@gov.bc.ca)

### Administrative Guide for FSPs (AGFSP)

- Brian Westgate (Brian.Westgate@gov.bc.ca)
- Del Williams (Del.Williams@gov.bc.ca)  
<http://www.for.gov.bc.ca/hth/timten/AGFSP/index.htm>.

### *FRPA* Training Website (including Q&A)











- <http://www.for.gov.bc.ca/code/training/FRPA/>.
- *FRPA* Companion Guide at:  
[http://www.for.gov.bc.ca/code/training/FRPA/forestry\\_modules\\_companion\\_guide\\_download.html](http://www.for.gov.bc.ca/code/training/FRPA/forestry_modules_companion_guide_download.html).







### **FRPA Bulletins**

Two types of *FRPA* bulletins are available from the PFIT website—administration and general: [http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm)











#### **Administration Bulletins – description of a process**

- FRPA Administration Bulletin # 1 - [Forest Stewardship Planning: First Nations Information Sharing - June 10, 2005](#) 
- FRPA Administration Bulletin # 2 - [Administration of Declared Areas under Section 14 of the Forest Planning and Practices Regulation](#) 
- FRPA Administration Bulletin # 3 - [Interpretive Guidance Respecting Forest Stewardship Plan Questions - November 7, 2005](#)
- FRPA Administration Bulletin # 4 - [Administration of Sections 12\(3\) and 52 of the FPPR: Considerations regarding content requirements for Forest Stewardship Plans](#) 
- FRPA Administration Bulletin # 5 - [First Nations Information Sharing Bulletin for Woodlot Licence Planning](#) 
- FRPA Administration Bulletin # 6 - [Transfer of Obligations to Establish a Free Growing Stand under section 29.1 of the Forest and Range Practices Act](#) 
- FRPA Administration Bulletin # 7 - [Considerations for Making Orders under Section 9 of the Forest and Range Practices Act and Section 19 of the Forest Planning and Practices Regulation: Cumulative Effect of multiple Forest Stewardship Plans: Proportional Targets](#) 
- FRPA Administration Bulletin # 8 - [Guidance on Adminstrating a Transition Forest Stewardship Plan](#) 
- FRPA Administration Bulletin # 9 - [Interpretive Guidance Respecting Woodlot License Plans - January 8, 2007](#) 
- FRPA Admin bulletin # 10 - [Interpretative Guidance Respecting Forest Stewardship Plan Questions - March 14 2007 2 .pdf](#) 
- FRPA Admin bulletin # 12 - [Amending Site Level Information - Ability to Amend Code Site Plans Under FRPA](#) 

#### **General Bulletins – clarification of concepts, terms, etc.**

- FRPA General Bulletin # 1 - [Collection, Registration, Processing and Distribution of Seed](#) 
- FRPA General Bulletin # 2 - [Managing Through Transition - FSP Opportunities](#) 
- FRPA General Bulletin # 3 - [Use of the Term "Practicable" under the Forest and Range Practices Acct \(FRPA\) and Regulations](#) 
- FRPA General Bulletin # 4 - [Strategies to Assist Forest Stewardship Plan \(FSP\) Development and Administration in Areas with Established Land Use Objectives](#) 



- FRPA General Bulletin # 5 - [The Role of Information and Considerations Influencing Statutory Decision-Makers \(SDM\) Determinations in the Plan Approval Process](#) 
- FRPA General Bulletin # 6 - [Wildlife Habitat Objectives: Considerations Respecting the Content of Forest Stewardship Plans](#) 
- FRPA General Bulletin # 7 - [Interpreting Section 196 of the Forest and Range Practices Act for major Licences and BC Timber Sales](#) 
- FRPA General Bulletin # 8 - [Wildlife Tree Retention \(WTR\): Interim Guidance for District and License staff](#) 
- FRPA General Bulletin # 9 - [Managing Visual Resources](#) 
- FRPA General Bulletin # 10 - [Beetle Wood Salvage and Visual Quality](#) 
- FRPA General Bulletin #11 - [Forest health bulletin Feb 28 2007](#) 
- FRPA General Bulletin #12 - [Use of Practicable in Results or Strategies March 30, 2007](#) 
- FRPA General Bulletin #13 - [Transition Guidance for Licensees Making Cutting Permit and Road Permit Applications](#) 
- FRPA General Bulletin #14 - [Management of Lakeshore Management Zones under the Forest and Range Practices Act](#) 
- FRPA General Bulletin #15 - [Managing and Tracking Wildlife Tree Retention Areas under FRPA](#)
- FRPA General Bulletin #16 - [Application of FRPA to Independent Power Producers, Mineral Interests and Other Occupiers of the Land](#)
- FRPA General Bulletin #17 - Effects of Orders Made Under the *Forest and Range Practices Act*, Government Actions Regulation on Forest Stewardship Plans.
- FRPA General Bulletin #18 - [Promoting Co-operative Planning under FRPA](#)
- FRPA General Bulletin #19 - [Options for Harvesting Dead and Dying Trees along Road Permit Roads](#)
- CEPS Bulletin #12 - [Guidance to C&E program staff on the assessment of measurable or verifiable results or strategies within a forest stewardship Plan \(FSP\)](#)

**Resource Tenures and Engineering Branch (Ministry of Forests and Range)**

<http://www.for.gov.bc.ca/hth/>



### Additional Information from Ministry of Forests and Range (MFR)

- GAR orders:  
<http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPAregs/govact/GAR-ORDERS.htm>.
- Karst training and related materials:  
<http://www.for.gov.bc.ca/hfp/values/features/karst/index.htm>.
- Chief Forester Standards on Seed Use:  
<http://www.for.gov.bc.ca/code/cfstandards/>.
- A Quick Reference for The Evaluation of Stocking Standards Under *FRPA*: Forest Practices Branch ftp server at  
<http://www.for.gov.bc.ca/ftp/HFP/external!/publish/FSP%20stocking%20standards/>.
- Developing a framework for guidance documents:  
<http://www.for.gov.bc.ca/hfp/legislation/index.htm>.
- Working Together under *FRPA* Workshop Package:  
available via the MFR's aboriginal affairs manager in each regional office.
- FSP Tracking System: <http://www.for.gov.bc.ca/his/ftp/>

### Additional Information from Ministry of Environment (MOE)

- General information: <http://www.env.gov.bc.ca/wld/>.
- Notices for the Objectives Set by Government for Wildlife (section FPPR 7(2)):  
[ftp://ribftp.env.gov.bc.ca/pub/outgoing/cdc\\_data/Approved\\_FRPR\\_sec7\\_WLPPR\\_sec9\\_Notices\\_and\\_Supporting\\_Info/](ftp://ribftp.env.gov.bc.ca/pub/outgoing/cdc_data/Approved_FRPR_sec7_WLPPR_sec9_Notices_and_Supporting_Info/).
- Wildlife Habitat Areas: [http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show\\_approved;uwr](http://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved;uwr).
- Ungulate Winter Ranges: <http://www.env.gov.bc.ca/wld/FRPA/uwr/index.html>.  
Fisheries Sensitive Watersheds:  
<http://www.env.gov.bc.ca/wld/FRPA/fsw/index.html>.
- Regional links:
  - Kootenay: <http://www.kootenayspatial.ca/xsql/ksdpmenu01.xsql>.
  - Peace: [ftp://ftpprg.env.gov.bc.ca/pub/outgoing/Peace\\_Region\\_Wildlife\\_Values/](ftp://ftpprg.env.gov.bc.ca/pub/outgoing/Peace_Region_Wildlife_Values/).
  - Information pertaining to wildlife in the Cariboo Chilcotin Land Use Plan:  
<http://srmwww.gov.bc.ca/car/planning/>.

### Additional Information from the Integrated Land Management Bureau (Ministry of Agriculture and Lands)

- Sustainable Resource Management Plans (SRMPs) and legal orders:  
<http://srmwww.gov.bc.ca/rmd/>.





### **Other Sources of Information**

- Invasive Plant Council of BC-- <http://www.invasiveplantcouncilbc.ca/index.htm>.

### **Glossary of Forestry Terms**

A glossary of common forestry terms can be found on the following websites:

<http://www.for.gov.bc.ca/hfd/library/documents/glossary/>.

In addition, each of the various acts and regulations has definitions, for example:

- definitions in *Forest Act* can be found at:  
<http://www.for.gov.bc.ca/tasb/legsregs/forest/foract/part1.htm>.
- definitions in the *Forest and Range Practices Act* can be found at:  
<http://www.for.gov.bc.ca/tasb/legsregs/FRPA/FRPA/part1.htm#section1>.

More information on the term “practicable” can be found in the following *FRPA* bulletins available on the PFIT website:

[http://www.for.gov.bc.ca/hth/timten/FRPA\\_implementation/Bulletins.htm](http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm):

- *FRPA* Bulletin # 3: Use of the Term "Practicable" under the *Forest and Range Practices Act (FRPA)* and Regulations - June 10, 2005; and
- *FRPA* Bulletin #12 - [Use of Practicable in Results or Strategies March 30, 2007](#).



Updated August, 2009

## **Appendix 14: How to contact us**

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We welcome your question and comments about this *Guide*.

Please contact us at the B.C. Ministry of Forests and Range, Resource Tenures and Engineering Branch (<http://www.for.gov.bc.ca/hth/>):

- **Brian Westgate**, A/Manager of policy implementation / PFIT Chair, 250 387-8620  
[Brian.Westgate@gov.bc.ca](mailto:Brian.Westgate@gov.bc.ca); or
- **Del Williams**, Timber tenures forester, 250-356-9361  
[Del.Williams@gov.bc.ca](mailto:Del.Williams@gov.bc.ca)