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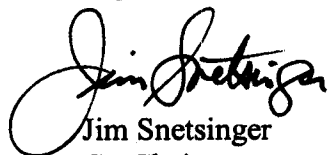
January 9, 2006

To: The Honourable Rich Coleman
Minister of Forests and Range and
Minister Responsible for Housing

Re: **Forest and Range Practices Advisory Council (PAC)**

The Forest and Range Practices Advisory Council (PAC) has met three times during the past year, along with holding several teleconferences to provide review and comment on various draft documents. Further, the PAC has studied information presented by MOFR staff specialists and Provincial FRPA Implementation Team (PFIT) leaders, and considered matters that have been raised to their attention regarding FRPA implementation and other issues.

The PAC is pleased to provide you with the enclosed Report and Recommendations to the Minister of Forests and Range. PAC consists of individuals with diverse perspectives who have collectively sought to provide some broadly supported recommendations that they hope will assist the Minister.



Jim Snetsinger
Co-Chair
Forest and Range Practices Advisory Council

Enclosure: PAC Report and Recommendations to the Minister of Forests and Range



PAC REPORT AND RECOMMENDATIONS TO MINISTER

January 9, 2006

To: Honourable Rich Coleman, Minister of Forests and Range

From: Minister's Practices Advisory Council:

Duncan Barnett, BC Cattlemen's Association
Corinne Lonsdale, Communities and Resources Committee, Union of BC Municipalities
Brian McNaughton, Federation of BC Woodlot Associations
Garry Merkel, BC First Nations
Roy Nagel, Central Interior Logger's Association & PAC Rep. for CILA, ILA & NWLA
Kim Pollock, Industrial Wood & Allied Workers of Canada
Ric Slaco, Major Licensees (Coast)
James O'Hanley, Major Licensees (Interior)
Bruno Delesalle, Grasslands Conservation Council of British Columbia
David Littlejohn, COTA
Dale Drown, Guide Outfitters Association of British Columbia
Jim Snetsinger, Ministry of Forests and Range, Government of British Columbia

The Forest and Range Practices Advisory Council (PAC) is responsible for making recommendations to the Minister of Forests & Range on any matters specifically relevant to the *Forest and Range Practices Act* (FRPA), the regulations and standards. Over the past 12 months, council deliberations have touched on a wide range of topics associated with operational planning and forest & range practices. Many of the council's concerns have been addressed directly by MOFR specialists. However, the PAC would like to bring the following key issues and recommendations to your attention.

Environmental Protection: Recreational and Other Public Use of Crown Land

FRPA provisions respecting damage to the environment apply only to those operating under FRPA. As such, there are no statutory restrictions respecting the use of Crown land by individual members of the public.

PAC is concerned about the potential negative impacts of public use of Crown land for recreational or other purposes. In some cases, intensive recreational use can significantly damage forest and range ecosystems. A recent case of wetland damage due to "mud-bogging" (All-Terrain Vehicle) use in the East Kootenay is one example. There are also concerns that various types of public uses, such as salal or mushroom picking, could lead to environmental damage. The PAC believes this as an important matter, which warrants immediate resolution.

Recommendation: PAC recommends the Minister support the proposed Section 46 FRPA amendment to hold any person responsible for damage to the environment, wildlife and resource features.

Caveat #1: Although FRPA is the most appropriate mechanism to immediately address this issue, the PAC recognizes the most appropriate piece of legislation to house over-arching provisions for environmental protection may rest with the Ministry of Environment or the Ministry of Tourism, Sport and Art. Regardless of its location, the linkages and effectiveness of this legislation is essential.

Caveat #2: If Section 46 is amended, as recommended, the PAC requests that the Ministry consider if the deployment of C&E resources are adequate to manage for environmental protection.

FRPA Evaluation

Government embarked on the development and implementation of FRPA, a results-based forest practices regime, in order to achieve a number of goals and objectives, notably:

- To reduce the transactional and operational costs to industry,
- To reduce complexity,
- To provide freedom to manage,
- To promote creativity and innovation with respect to forest and range practices,
- To maintain an appropriate balance between social, environmental and economic interests,
- To generate public acceptance of forest management,
- To strengthen the compliance and enforcement regime, and
- To operate within the resource capacity of government.

Recommendation: Government evaluate and report on progress towards achieving all FRPA goals and objectives, not just those currently being addressed under the FRPA Resource Evaluation Program.

FRPA Implementation Issues

The policy and legislation supporting FRPA have largely stabilized and attention is now focused on the complex tasks of implementation. Despite significant efforts by the Ministry of Forests and Range, other government agencies, industry partners, and others to communicate, educate and assist with FRPA implementation, there are a number of issues that are hindering the smooth and successful transition from the Code to the FRPA. Notable examples include:

- The shift to this new results-based regime is proving to be a substantial challenge to all parties. Strong leadership at the highest levels is needed to successfully accomplish this transition.

Recommendation: PAC suggests that the Minister of Forests and Range should consider assuming a stronger leadership role in the transition to FRPA.

- Interpretative guidance: Those working under FRPA require a better understanding of how to interpret key words or phrases in the legislation, such as ‘consistent’, ‘measurable’, ‘verifiable’, ‘without unduly reducing the supply of timber from BC’s forests’ and ‘material adverse effect.’ Without this guidance, many forest tenure holders and forest districts are encountering significant differences of opinion which are leading to delays, increased costs and extra work associated with plan preparation and approvals.

Recommendation: PAC recommends the MOFR work with other government agencies, the forest sector and other stakeholders as required, to provide clear definitions and interpretations of key terms in FRPA and associated regulations.

- Training and extension/outreach: Government, professional associations, and the forest industry have delivered significant amounts of training to support the implementation of the FRPA regime. However, there is a need for ongoing training and outreach support throughout FRPA implementation.

Recommendation: PAC recommends that government endorse and provide the necessary resources required for more focused, topic-specific training and an on-going extension program.

In addition to the aforementioned recommendations, PAC wishes to advise the Minister on the following three (3) matters.

Worker Safety

PAC previously identified worker safety as an element that must be addressed within the overall FRPA initiative in PAC's *Report to the Hon. Michael de Jong, Minister of Forests*, dated February 2, 2004. PAC supports the current Minister's efforts to ensure WCB requirements are met. PAC also endorses government's efforts to ensure forest workers have the required qualifications as a bid requirement for timber sales tendered by BC Timber Sales (BCTS). PAC is in the process of gathering more information in order to assess whether or not additional safety concerns have been generated as a result of the innovative practices that arise out of FRPA. Recommendations, if required, will be forthcoming.

First Nations

First Nations, forest tenure holders and provincial staff are not clear on how to achieve the Crown's policies with respect to the Crown's consultation obligations to First Nations. This is creating confusion and could result in a number of additional issues if not properly addressed. Procedures are being implemented to address this concern and those procedures are now being communicated to the relevant parties. PAC will review these procedures and their implementation to determine if subsequent recommendations are required.

FRPA Resource Evaluation Program (FREP): Priorities

PAC actively endorses the FREP initiative and has benefited from a number of FREP presentations and updates by Ministry of Forests and Range staff. In considering the priorities and plans for these value-by-value evaluations, PAC questioned if there is any weakness to the priority setting process.

For example, since the process for field-testing and verification is lengthy, concern was noted by some PAC members that FRPA's approach for wildlife management may not be tested for at least two to three years. This seemed at odds with the importance of our provincial wildlife resources.

PAC has requested an opportunity to review the priority ranking process employed by FREP, and to assess the current priorities from the perspectives of the broad range of interests on the PAC. Recommendations may result from this review.

Thank you very much for your consideration of these recommendations. PAC would be pleased to provide a more detailed briefing on all, or any, of these issues at your convenience.