



Forest and Range Practices Act

Response to Public Engagement Process

July 2019

Preamble

The *Forest and Range Practices Act* (FRPA) and its regulations are one of the most important pieces of legislation guiding how BC's forests are managed. The Act's operational effectiveness and success is intertwined with its use by regulated professionals, the government, and the resource users who contract with government to access and use the forest resource.

Since 1947 with the introduction of the *Foresters Act*, management of BC's forests has relied on forest professionals. The *Foresters Act* charges the Association of BC Forest Professionals (ABC FP) to serve and protect the public interest respecting the practice of professional forestry by:

- Establishing the standards of education and experience required to practice;
- Ensuring the continuing competence of members;
- Setting standards of professional practice, and ethical codes of conduct; and
- By implementing a complaint and discipline, process for the public and others to use if a forest professional does not meet their obligations.

The ABCFP also ensures anyone who engages in the practice of professional forestry is registered with the association so they can be held to account for their practice and conduct.

When the *Forest & Range Practices Act* (FRPA) was introduced in 2004, it increased the reliance on the advice and judgement of forest professionals and reduced the amount of prescriptive practices set by government. The FRPA model also shifted government's role from reviewing and approving all plans or project designs to:

- (1) Establishing the goals, rules, and objectives or results to be achieved;
- (2) Relying on regulated professionals hired by resource users (tenure holders) to advise how those objectives or results will best be met;
- (3) Monitoring the results and environment; and
- (4) Enforcing compliance among resource users through its laws.

For the past 20 years, in preparation for the introduction of FRPA and since its enactment, the ABCFP and its forest professionals have made significant investment and effort to support the proper function of professional reliance under the Act. During this 20-year period, in addition to delivery of its regulatory duties, the ABCFP has led multiple province-wide training initiatives to ensure forest professionals have a fulsome understanding of professional accountability under the Act. The ABCFP continues to train every new forest professional on professional reliance concepts and accountabilities and has established more than 30 practice guidance documents to ensure consistency in delivery of professional service.

Reviewing how FRPA is designed, and whether it is functioning well for the management of the environment and the economy, will help ensure BC's environmental regulations continue to be considered top class on the world stage, support forest professionals to fulfil their role in the framework, and ultimately continue to protect the public's interest in the management of BC's forests.

Recommendations

The ABCFP supports the province's stated intentions in proposing changes to the *Forest and Range Practices Act* (FRPA) to improve its function. The association has provided feedback on the specific questions proposed by government in its discussion paper in the following section.

The ABCFP also encourages government to consider FRPA amendments to support and strengthen the ongoing role of regulated professionals who carry out the direction set by FRPA including:

Clear Objectives with Hierarchy. Clearly define FRPA resource values, clarify desired results, establish legal objectives and orders under FRPA where needed, and establish a hierarchy to guide balancing and trade-off of objectives on the landscape. These will provide much clearer direction and guidance to forest professionals.

Government direction for landscape-level choices and trade-offs between broad economic and environmental objectives should be made based on informed evidence, robust public and Aboriginal engagement and other consultation, and done on regular intervals.

Enhance Professional Independence. Under FRPA, the resource user has the discretion and accountability to make the final management decision. Forest professionals provide advice and recommendations to resource users based on their knowledge and expertise within the realm of the law and their professional obligations, and with respect to the balancing of multiple interests.

Expanding the use of professional certifications, assurance and conformance statements, and other similar mechanisms will better ensure management decisions made by non-professionals utilize, and do not deviate from, the independent professional advice and judgement provided to best manage and care for the forest resource.

Resource and Technical Standards. Make clear which resource and technical standards are mandatory by including them in regulation and apply them equally to all resource users operating on the Crown forested land-base.

Many forest professionals are experienced in the regulatory regimes that predate the current professional reliance system and the accompanying reduction in detailed regulations and policy. They indicate that there is a considerable difference between regulated practice standards, guidelines in a handbook, and non-mandatory "best practices" when it comes to their ability to encourage good environmental performance in the field, and when it comes to reporting incidents to government.

Strengthen the Evidence Base and its Transparency. Policy changes and ongoing operational decision making by forest professionals is most effective when supported by scientific evidence. Use FRPA policy change to encourage robust monitoring, data collection, evidence gathering, and enhance the transparency of such information for all forest professionals and others involved in management of the forested land-base.

Detailed Commentary

The ABCFP offers the following comments on the questions posed by the provincial government in its Forest and Range Practices Act discussion paper.

Climate Change and Resilient Landscapes

How should the Province identify opportunities and priorities for adapting forest management to a changing climate, such as mitigating the effects of beetle infestations, drought and fire?

Put in place a flexible, collaborative framework to identify opportunities and determine priorities for adapting forest management to a changing climate. Such a framework would include a matrix or hierarchy to determine priorities based on consequences and risk that include cumulative impacts, potential for adaptation, cost/benefit analysis, build on previous activities, immediate and long-term strategies, and human health and safety.

Maintain a comprehensive, publicly available inventory of forest resources and monitor the growth and changing forest health conditions resulting from climate change. At the same time, clarify and standardize the content of a comprehensive inventory of the forest resource.

Complete community and landscape-level forest wildfire risk and vulnerability assessments to develop appropriate local risk-based objectives for fuel management (e.g. tree species selection for reforestation harvested or burned areas).

Invest in innovative forest management practices and forest research to identify opportunities for climate change adaptation, and commit to monitoring results from new forest management practices.

What factors should be considered in the planning of forest operations to reduce the risks of wildfire around your community?

The overarching, core consideration in planning forest operations to reduce risks of wildfire is how to improve the health and safety of the public and the protection of public infrastructure. Factors specific to planning and conducting forest operations to reduce the risk of wildfires include:

- Identify priority harvest areas to reduce risk (i.e. high fuel levels, dead or unhealthy forest stands);
- Prescribe and fund other fuel reducing forest management plans, prescriptions and treatments (e.g. intermediate harvest, prescribed burning, innovative reforestation strategies and methods);
- Integrate the engagement and planning of various levels of government and other forest owners and managers (e.g. Aboriginal, Municipal, Provincial, Private land owners) to develop comprehensive, local wildfire reduction plans;
- Create and maintain an accurate inventory of forest fuels capable of providing adequate information into existing and future wildfire risk and behavior models; and
- Evaluate the impact (positive or negative) of wildfire risk mitigation, including timber harvest, on other resource values and objectives.

Landscape-Level Planning

A vital step in landscape-level planning is understanding what is important to the public. Based on what is important to you or your community, what information on the condition of resource values such as species-at-risk habitat do you think is necessary to support the planning process?

Information on the condition of resource values needed to support the planning process should include:

- The results of local public and aboriginal engagement on identifying past, current, and possible future uses of local forest resources and clear provincial objectives for each resource value that balances social, environmental, and economic values, while mitigating adverse impacts of competing values.
- The relative abundance and diversity of forest ecosystems via a more comprehensive, current inventory of multiple resource values (e.g. aboriginal, timber, water, soil, fauna, flora, wildlife, etc.);
- Vulnerability/risk assessments that include cumulative impacts;
- Toolsets that support cost benefit analysis of alternative resource management objectives and strategies on resource values;
- Accessible and comprehensive predictive modelling tools (e.g. growth and yield of forests, hydrology of forested areas), supported by enhanced datasets with inputs regarding underlying factors that influence trends (e.g. insects, disease, predation, timber harvesting, urbanization, etc.); and
- Robust data derived from monitoring resource values over time to demonstrate trends and opportunities to adapt forest management results.

In the absence of clear government direction about landscape level choices and trade-offs between broad social, economic, and environmental objectives informed by public and Aboriginal engagement and other consultation:

- Implement a process for planning at an intermediate level to translate government's broad objectives and provide clear and tangible direction to operational planning by forest professionals.

How would you like to be involved in the planning process?

The ABCFP would like to work collaboratively with the Provincial government and Aboriginal Peoples in identifying and developing the planning process. An effective and efficient planning process that meets the interests of the public, and Aboriginal People will support forest professionals involved directly in developing collaborative landscape level plans or applying the planning process outcomes in forest management.

Should a tactical planning process emerge for planning at an intermediate level to translate government's broad objectives, it will be important that forest professionals have a direct seat at the planning table.

Resource roads are a valuable asset in the province as they provide access for the forest industry, ranchers, other resource users, and the public for commercial and recreation purposes. Yet, these same road networks are costly to maintain and have potential negative impacts on wildlife, water quality and fish habitat. What values do you believe are important to consider when planning new roads, road use and maintenance, and deactivation in your area?

Forest roads, and structures related to forest roads (crossings), are currently regulated and require a specialized area of professional practice. The forest roads and structures designed by professionals are intended to function for a specific time period. Often public access and use is secondary and occurs during or after the primary purpose of the road. The province should consider coordinating resource road development and public use in its landscape level engagement and plans.

Values and objectives identified for resource road development in regional or landscape level plans can be used by forest professionals and others in planning resource roads. For example, objectives for road development may include human health and safety, restricting public access for wildlife sensitivity or environmental protection at a forest stand or landscape level (i.e. cumulative impact of resource road development on water quality, soil conservation, forest health, wildfire risk, etc).

Public Trust

How can the Province improve transparency and timelines of information regarding proposed operational and landscape-level objectives, plans and results?

Create a provincial (spatial) web portal for all objectives, plans, and results of government, including related inventory data, monitoring results, and research.

Achieving transparency of forest and range resource objectives, plans, and results requires a comprehensive understanding of each forest and range value, evolving risks and current and predicted future states (modelling).

What information will help inform your feedback on plans that may impact you, your community or your business (e.g., maps of cutblocks and roads planned in your area, hydrological assessments, wildlife habitat areas or recreation opportunities, etc.)?

Key information to help inform feedback on plans should include social, economic, and environmental aspects (impacts and benefits) of proposed plans. Informed comment is the result of a balanced or reasonable consideration of all available information, science, and technology.

The Province should make all related information widely available and provide direction for landscape level choices and trade-offs or mitigation of cumulative impact concerns. Additionally, broad economic and environmental objectives should be set on regular intervals and based on informed evidence, robust public engagement, and other consultation.

Resource Values and Objectives

What additional values should be considered in FRPA that will allow us to manage forest and range practices in a better way?

Balancing social, cultural, economic, and environmental objectives is an integral part of independent professional judgement. This challenging task is made more daunting when resource objectives are unclear or not legally established.

Ahead of developing new objectives, the Province needs to clarify existing objectives set by government in FRPA. Clarification at the forest stand and landscape levels will ensure objectives contain sufficient detail to monitor the effectiveness of forest and range management activities, and provide more clarity on balancing a broader range of objectives to sustain healthy, resilient forests in BC.

Forest professionals often encounter challenges related to land use choices (which includes resource management objectives) and the desires of public interest groups or other parties. Incomplete or unclear existing FRPA objectives, and a lack of public consultation about how to balance competing objectives, leaves professionals to draw on their own knowledge and consult with others to propose suitable objectives, which may or may not be undertaken. Since FRPA's inception, the frequency and extent of these type of pressures experienced by forest professionals has increased substantively. The statutory considerations of the Province for balancing resource objectives needs frequent reassessment to identify priority public interests and risks (e.g. the quality or quantity of water for domestic use, risk of wildfire or flood, conserving biodiversity).

In consideration of **new** objectives and values, priorities may include:

- Forest and range fuel management/wildfire risk
- Forest health
- Carbon storage

Notably, the results of local planning engagement may generate additional objectives for resource values.

Oversight and Accountability

In what ways should the province strengthen government oversight and industry accountability regarding forest and range activities to better address the challenges of climate change and the interests of all British Columbians?

Clear Objectives with Hierarchy. Provide clear direction for landscape level choices and trade-offs between economic, social, and environmental objectives.

Enhance Professional Independence. Expand the use of professional certifications, assurance and conformance statements, and other similar mechanisms to better ensure management decisions being made by non-professionals utilize, and do not deviate from, the independent professional advice and judgement provided.

Resource and Technical Standards. Make clear which resource and technical standards are mandatory by including them in regulation and apply them equally to all resource users operating on the Crown forested land-base.

Strengthen the Evidence Base and its Transparency. Use policy change to encourage data collection and evidence gathering, and enhance the transparency of such information for all forest professionals and others involved in management of the forested land-base.

Audit and Monitoring. Enhance existing monitoring programs (FREPs) to ensure it is poised to fulfil its intended outcome to improve practices or lead to adjustment of the legislation and regulations based on findings. Additionally, the Province or an independent auditor should conduct periodic reviews (e.g. five-year intervals) and independently report on the effectiveness all forest and range resource objectives.

Research and Development. Invest in research and development of new and innovative forest management techniques for climate change adaptation.

Availability and Access to Forest & Other Resource Information. Increase government investment in monitoring changing forest conditions (growth, health, and form), inventories, LIDAR, and Growth and Yield data and modelling. The data should be publicly available, and kept current through its oversight and management via a government-led provincial cooperative to share with all resource users and the public to ensure transparent understanding of facts about our resource and inform complex management of multiple resource industries.