



FOREST AND RANGE PRACTICES ACT

EngageBC Stakeholder Submission

July 15, 2019

P|E|A

BC's Union for Professionals

ABOUT THE PROFESSIONAL EMPLOYEES ASSOCIATION

The Professional Employees Association (PEA) is a labour union. We were formed in 1974 to represent licensed professionals employed in the BC Public Service. Since that time, we have grown to support a wide range of professionals in the education, legal, union and health care sectors. The professionals we represent are varied: lawyers, foresters, teachers, engineers, physiotherapists, psychologists, pharmacists, veterinarians, librarians, system administrators and more.

The PEA is divided into chapters. Each chapter represents a distinct workplace or group of professionals. We represent professionals at the University of Victoria, the BC Public Service, the BC Oil and Gas Commission, St. Margaret's School, the Law Society of BC, the Legal Services Society of BC, the Family Maintenance Enforcement Program, Okanagan Regional Library, the staff at the Hospital Employees' Union and health authorities throughout BC.

Licensed professionals working in the BC Public Service include foresters, engineers, agrologists, geoscientists, veterinarians, psychologists and pharmacists. They provide the provincial government with advice, guidance, research, monitoring and review services to help ensure the efficient and effective management, utilization and oversight of BC's natural resources, infrastructure, food and water resources and some aspects of health care services. The PEA represents 464 registered professional foresters working for the BC Public Service.

PROFESSIONAL RELIANCE, THE FOREST & RANGE PRACTICES ACT AND THE DECLINE OF THE PUBLIC SERVICE

In the early 2000s the BC Liberal government implemented professional reliance. Professional reliance is a regulatory model that allows government to set natural resource management objectives or results. Professionals are hired by proponents to decide how those objectives or results will be met, and government checks to ensure objectives have been achieved through compliance and enforcement. When introduced, this model was supposed to reduce regulations in the natural resource sector, reduce the size of government, and shift towards results-based regulation.

The Forest & Range Practices Act (FRPA) outlines how all forest and range practices and resource-based activities are to be conducted on Crown land in BC. It is intended to ensure protection of everything in and on Crown land, such as plants, animals and ecosystems. All forest and range licensees' activities are governed by FRPA and its regulations during all stages of planning, road building, logging, reforestation and/or grazing.

The professional reliance model and FRPA are intricately linked. FRPA was initially passed in 2002 to complement the professional reliance model change.

A number of critical reviews of professional reliance have been published by various watchdog agencies.¹ Several major environmental disasters in BC have brought further attention on the need to fix the professional reliance model.

¹ The Office of the Ombudsperson, *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection - British Columbia's Riparian Areas Regulation* (2014); The Forest Practices Board, *District Managers' Authority Over Forest Operations* (2015); and the Auditor General of British Columbia, *An Audit of Compliance and Enforcement of the Mining Sector* (2016).

The BC Government reduced the number of licensed science officers in the BC Public Service. A key to the professional reliance model is compliance and enforcement, and yet, the government has continuously reduced the compliance and enforcement capacity of the BC Public Service. Over nearly two decades, the number of Government Licensed Science Officers employed by the government has declined sharply due to staff cutbacks and an unwillingness to replace people who retire or resign. Since the early 2000s there has been a 39.3 per cent decrease in the number of registered professional foresters working for the BC Public Service.

Profession	2001	2009	2014	2015	2016	2017	2019	10 year change (2009-2019)	5 year change (2014-2019)
Forester	765	722	539	505	486	476	464	-35.7%	-13.9%

In 2017, the PEA worked with Evidence for Democracy, the leading fact-driven, non-partisan, not-for-profit organization promoting the transparent use of evidence in government decision-making in Canada. E4D produced a report, *Oversight at Risk: The state of government science in British Columbia*. The report was the results of a survey from 403 government scientists in 10 provincial ministries on 64 questions related to communication, independence and capacity for scientific research within the government.

The survey found that the main challenge for provincial scientific integrity in BC is cutbacks to capacity within the public service, which impedes the government’s ability to fulfill their responsibility for regulatory oversight.

Mark Haddock’s 2018 Professional Reliance report specifically addresses the need for increased staffing levels and resources to ensure effective oversight (Recommendation 34). Increasing the number of registered professional foresters working in the BC Public Service to ensure adequate monitoring, enforcement and compliance is critical.

RECOMMENDATIONS

We believe the following are necessary changes to the Forest and Range Practices Act:

1. Ensure adequate staffing in the BC Public Service so that the government has the capacity to manage forest and range activities that reflect and protect the public interest. Without an investments in the individuals who do compliance and enforcement work for government, changes to FRPA will be ineffectual.
2. Landscape level planning. Land-use planning must occur to identify sustainable timber supply objectives and identify and inform preserving and restoring non-timber values. Licencees should be subject to penalty for not participating in the landscape level planning process.
3. Legal standards and objectives. Statutory objectives must be clear, verifiable and measurable, clearly setting the standard for lawful behaviour and capable of enabling consistent results whoever applies them. Where required, the provincial government should provide a clear intent of legislation and produce documents such as guidebooks as required to clarify intent.

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4. Forest Stewardship Plans:
 - Forest Stewardship Plans (FSPs) must be assessed for environmental impact and approvals must incorporate a test based on demonstrating how logging activities are sustainable.
 - Additional objectives must be enacted to assure sustainability and protect non-timber values, including addressing climate change.
 - To inform public input and government decision making, FSPs must contain meaningful content (locations of roads, cut blocks, and impacts on and measures to protect and restore non-timber values such as water quality, fish habitat, endangered species, etc.)
 - Improved inventories monitoring.
 - Cumulative effect assessments.
 5. Removal of the 'unduly clause'. Timber supply guarantees must be removed from the legislation (e.g. "not unduly impact the supply of timber;").
 6. Government Authority. Government must retain authority to approve Forest Stewardship Plans (FSPs), site plans and licensee responses to orders and notices. Only those decisions which don't reduce the government's knowledge and authority below the point at which it can act as a "responsible owner" should be delegated to non-government professionals. Delegated Decision Makers needs to have the authority to refuse Cutting Permits that have errors, falsified information or would put other resources at risk.
 7. Public Input. Government approvals must incorporate public feedback which must be addressed in publicly available approval rationales.
 8. To be successful, internal government capacity (staff and finances) must be rebuilt so it can undertake the necessary oversight, monitoring and enforcement.
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