

Forest Operations Plans – Inconsistent Planning Requirements

The contents of this bulletin are for information purposes only, and this bulletin does not constitute legal advice. All users should refer to the relevant sections of current legislation referred to in this bulletin for the exact legal wording of any requirements. Government practitioners should seek legal advice from the Ministry of Attorney General, whereas industry practitioners should seek independent legal advice.

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1.0 Introduction

The following information is intended for forest professionals preparing a forest operations plan (FOP) or amendment that is ‘inconsistent’ with an established forest landscape plan (FLP). It outlines legislated requirements and procedural expectations that apply in these cases. Definitions and guiding questions are provided to support agreement holders under the *Forest Act* or Timber Sales Managers (TSM) in developing a clear and well-supported inconsistency rationale.

Recent amendments to the *Forest and Range Practices Act* (FRPA) and Forest Planning and Practices Regulation (FPPR) introduced the FLP framework as the new foundation for forest management in B.C. FLPs are prepared by the Province in consultation and cooperation with First Nations, in collaboration with agreement holders and local communities, and with input from local stakeholders. Once established, an FLP sets clear direction for forest development within the plan area.

FOPs are required only in areas where an FLP has been established and only for agreement holders under FRPA s.2.2, including TSMs.

2.0 What is an Inconsistent FOP?

This section defines what constitutes an inconsistent FOP or amendment and outlines the types of scenarios that result in such inconsistencies. In general, a FOP is considered ‘inconsistent’ when the agreement holder proposes actions or practices that differ from the planning guideline specified in the applicable FLP. In other words, if the FOP does not reference a planning guideline exactly as written in the FLP, it is deemed inconsistent.

An inconsistent FOP is not inherently non-compliant or undesirable. Planning guidelines cannot anticipate every situation or condition that may arise on the land-base. To address this, the FLP-FOP framework allows for operational flexibility through the inconsistent FOP pathway. This enables agreement holders and TSMs, to propose alternative approaches to the planning guidelines as established in the FLP. For TSMs developing a FOP that is inconsistent, FOP requirements and provisions apply to timber sales license offerings and related mapping and engagement requirements.

Terminology and Interpretation: “Inconsistent FOP”

Under FRPA, the term “inconsistent FOP” is sometimes used to describe a FOP or amendment that is inconsistent with the applicable planning guidelines within the FLP. However, **inconsistency is assessed at the level of individual planning guidelines**, not the FOP as a whole.

As a result, the additional requirements for an inconsistent FOP (e.g., FRPA s.2.37) and the statutory tests for approval (e.g., FRPA s.2.4), as outlined in this Bulletin, apply only to those portions of the FOP or amendment that are inconsistent with specific planning guidelines.

All references in this Bulletin to an “inconsistent FOP” should be understood in this context.

For example, proposing an inconsistent FOP may be necessary in situations such as following natural disturbance (e.g., fire, flood) or during a forest health emergency, where strict adherence to certain planning guidelines is either impracticable or less effective in achieving the intended outcomes of the FLP. Other circumstances that may justify a proposed inconsistency include, but are not limited to, operational limitations, safety risks, unforeseen events, the need to protect Indigenous or cultural values, or conflicts with other regulatory requirements. These examples illustrate types of situations where flexibility may be warranted, though each case must be assessed on its own merit.

Note: For the purposes of this FRPA Bulletin, the focus is on requirements and considerations related to inconsistent FOPs. However, FRPA s.2.39 [*Approval of forest operations plans*] and FPPR s.4.39 [*Criteria for minister's approval of FOP*] apply to both consistent and inconsistent FOPs and should be reviewed carefully.

2.1 Types of Inconsistencies

Under FRPA s.2.4 (2), a FOP is considered inconsistent – i.e., it differs from the planning guideline(s) set out in the FLP – if any of the following apply:

- The proposed cutblock is located in an area, or has a size or configuration, contrary to a planning guideline under FRPA s.2.28 (2)(a) or (b);
- The proposed road is located in an area contrary to a planning guideline under FRPA s.2.28 (2)(a);
- The FOP does not include, under FRPA s.2.36 (1)(b), a requirement relating to forest practices, silvicultural systems or stocking standards described in a planning guideline under FRPA s.2.28 (2)(c).

These represent the types of inconsistencies that would cause a FOP to be deemed inconsistent. However, the Statutory Decision Maker (SDM) is not limited by these types and may determine a FOP to be inconsistent based on other factors, as per FRPA s.2.4 (3). For example, the SDM may determine that a proposed FOP or amendment is inconsistent where an emergent issue or changed on-the-ground condition affects alignment with the applicable planning guideline. It is essential that agreement holders and TSMs proposing an inconsistent FOP understand that additional legal requirements apply in these cases, which are addressed in the next section.

A Note on Additional Measures

Under FPPR s.4.02, an *additional measure* is a requirement imposed on the holder of a FOP that is not a planning guideline requirement, substitute requirement or FPPR practice requirement. It is anchored to an outcome specified in the applicable FLP *that does not include planning guidelines*. In this sense, an additional measure may be used to address a gap where planning guidelines are absent. Additional measures may be proposed by the agreement holder or TSM, or imposed by the district manager as a condition of approval.

The inclusion of an additional measure does not, on its own, make a FOP or amendment inconsistent with the applicable FLP and therefore is not subject to the inconsistency requirements described in this document. However, under FRPA s.2.4 (3), the minister may determine that an additional measure results in inconsistency. For the purposes of this explanation, it is assumed that this discretion is not exercised.

Additional measures should be written so they remain practical and effective regardless of the changes to the circumstances or conditions within the plan area over the term of the FOP, as FPPR does not provide exemptions from such measures.

Where an additional measure is proposed, the FOP holder may provide supporting information demonstrating how it meets the minister's approval criteria (FRPA s.2.39 and FPPR s.4.39).

3.0 Preparing a FOP that is Inconsistent

3.1 Additional Requirements for Submitting a FOP that is Inconsistent

When a FOP or amendment is inconsistent, additional legislative and regulatory requirements and considerations apply. These are set out in:

- FRPA s.2.37 – additional requirements if a FOP is inconsistent with planning guidelines;
- FRPA s.2.4 – considerations for approval of inconsistent FOPs;
- FRPA s.2.39 (1)(a) – approval considerations relating to whether the FOP conforms to ss.2.36 and 2.37, as applicable; and
- FPPR s.4.4 – criteria for inconsistent FOPs.

These requirements and considerations are in addition to the standard submission requirements that apply to consistent FOPs or amendments. For clarity, if a FOP has only several proposed cutblocks or roads that are inconsistent with the FLP, but the remainder of the FOP is consistent with the FLP, it is recommended that agreement holders or TSMs create sub-sections within their FOP delineating the proposed cutblocks or roads that are inconsistent.

Table 1. Summary of additional requirements by inconsistency scenario

	Inconsistency Scenarios	Inconsistency statement required?	Substitute required?	Statement of Impracticability required?
A.	Inconsistency relative to the location, size or configuration of a cutblock or road FRPA s.2.4 (2)(a) or s.2.4 (2)(b)	✓	-	-
B.	Inconsistency relative to a requirement respecting forest practices, silvicultural systems or stocking standards, <i>without</i> a proposed substitute FRPA s.2.4 (2)(c)	✓	-	✓
C.	Inconsistency relative to a requirement respecting forest practices, silvicultural systems or stocking standards, <i>with</i> a proposed substitute FRPA s.2.4 (2)(c)	✓	✓	-

3.1.1 Inconsistency Statement

The specific extra requirements for agreement holders and TSMs proposing an inconsistent FOP depend on the nature of the inconsistency and whether a substitute requirement in a planning guideline is being proposed. FRPA s.2.37 requires a ‘statement’ for each inconsistency scenario. For the purposes of this bulletin, that statement is referred to using the term ‘inconsistency statement’. In general, the inconsistency statement should clearly explain:

- the nature of the inconsistency and the relevant planning guideline; and
- the reasons it is necessary.

When preparing the inconsistency statement required under FRPA s.2.37, agreement holders and TSMs are encouraged to include information relevant to the minister’s approval considerations under FRPA s.2.4 (1)(a) and (b). The inconsistency statement is not required to expressly address the provisions under FRPA s.2.4(1); however, doing so may help demonstrate how the proposed inconsistency fits with the broader approval framework for an inconsistent FOP or amendment. This includes, where relevant, explaining how the proposed inconsistency continues to support relevant FLP outcomes, and how the FOP or amendment supports the proper management and conservation of forests and forest ecosystems. This information may assist ministry staff in reviewing the submission.

The purpose of the inconsistency statement is to enable Ministry of Forests (FOR) staff to understand the reasoning for deviating from the FLP and to assess whether the proposed inconsistency is appropriate. A well-developed statement can lead to a more efficient and timely review process. The inconsistency statement must be included in the FOP, and additional supporting information, such as analyses or documentation, may be submitted alongside as part of the broader FOP submission package. Where the inconsistency statement does not fully address the minister's approval considerations in FRPA s.2.4 (1)(a) and (b), agreement holders and TSMs may include supporting information in the broader FOP submission package.

A Note on Engagement

Agreement holders and TSMs are required to engage with First Nations and conduct public review and comment prior to submitting a FOP or amendment. These engagement obligations also apply to when an inconsistent FOP or amendment is proposed. In accordance with FPPR ss.4.25 (1)(l) and 4.31 (1)(a), the agreement holder must indicate whether the FOP or amendment includes a substitute requirement and must include the text of the specific FLP outcome to which the substituted requirement relates. For guidance, refer to *FRPA Administration Bulletins 19 and 20 on Engaging with First Nations and Public Review and Comment*.

To assist in preparing an inconsistent FOP or amendment, this bulletin outlines the additional requirements associated with three common inconsistency scenarios (Table 1), along with prompting questions and considerations to help guide the development of the inconsistency statement. These scenarios, and the related requirements, are explored in the sections below and illustrated in Appendix A.

3.1.2 Statement of Impracticability

When developing an inconsistent FOP or amendment and no substitute requirement is proposed, the agreement holder or TSM must include a 'statement' in accordance with FRPA s.2.37(2)(a) and FPPR s.4.4. For the purposes of this bulletin, that statement is referred to as a 'statement of impracticability' to distinguish it from the inconsistency statement above.

The statement of impracticability must be robust enough to clearly describe the site-specific circumstances or conditions that make it impracticable for the plan to either include the planning guideline requirement or a substitute requirement. The statement must be included in the FOP alongside the inconsistency statement. Supporting information may be included in the broader FOP submission package to substantiate the

circumstances or conditions described in the statement of impracticability; however, it should not introduce new circumstances or conditions that are not addressed in the statement.

3.1.3 Substitute Requirement

When developing an inconsistent FOP or amendment, the agreement holder or TSM may propose a substitute requirement. This substitute requirement must be submitted alongside the required inconsistency statement that accompanies the FOP or amendment.

A substitute requirement sets out a site-specific operational alternative where a planning guideline cannot be fully met or where a substitute is being proposed, while still maintaining the intent of the applicable outcome to which the substitution relates. Its use acknowledges that, although certain aspects of the planning guideline may not be practicable or achievable under specific site conditions, other elements of the guideline can still be implemented in a manner that upholds its overall intent.

In this context, the substitute requirement supports continued alignment with the broader outcome(s) of the FLP. The use of a substitute requirement must be measurable or verifiable, as per FPPR s.4.39.

3.2 Inconsistency Scenarios

3.2.1 Scenario A: Inconsistency Relative to Location, Size or Configuration of a Cutblock or Road

In this scenario, an agreement holder or TSM is proposing a cutblock or road that differs in some way from the planning guideline(s) set out in the approved FLP (FRPA ss.2.4 (2)(a) or (b)). For example, the proposed road may need to enter an area of harvesting constraint, or the agreement holder may need to exceed a cutblock size limit established in a planning guideline. In either case, the proposed FOP or amendment is considered inconsistent and must meet the additional requirements under FRPA.

Where this scenario applies, FRPA s.2.37 (1) requires the following:

- an **inconsistency statement** that:
 - explains the reasons for the inconsistency related to a proposed cutblock or proposed road; and
 - describes the proposed cutblock(s) that are inconsistent with the planning guideline due to their location, size or configuration; and/or
 - describes the proposed road(s) that are inconsistent with the planning guideline due to their location.

The following table outlines key considerations to assist in preparing this statement in addition to those requirements set out in s.3.1.1 above. While these guiding questions are

not an exhaustive list, it is important for these to be answered to enable the SDMs evaluation of the inconsistent FOP.

Table 2. Scenario A: Inconsistency Criteria Considerations

Assessment criteria	FRPA requirement	Guiding questions for inconsistency Statement
Inconsistency statement: justified	FRPA s.2.37 (1): reasons for the inconsistency	• What planning guideline does the proposed cutblock or road differ from? • How does the proposed cutblock or road differ from that planning guideline? • What site-specific circumstances or operational considerations explain the difference? • What information or evidence supports the reasons for the proposed inconsistency?

3.2.2 Scenario B: Inconsistency Relative to Forest Practices, Silvicultural Systems or Stocking Standards *without* Proposed Substitute

In this scenario, an agreement holder or TSM is unable to follow a planning guideline related to forest practices, silvicultural systems, or stocking standards, and it is not practicable to propose a substitute requirement (FRPA s.2.4 (2)(c)). This typically occurs when specific circumstances or conditions make it impracticable to comply with the planning guideline. For example, if a catastrophic wildfire has severely affected an area within the forest operations area, site conditions may have changed to the extent that following planning guidelines related to soil management or riparian management is no longer feasible. In such cases, it may not be appropriate or possible to propose an alternative approach, and the situation is likely best addressed by submitting an inconsistency statement without a substitute to a planning guideline requirement.

Even when no substitute is proposed, the proposed inconsistent FOP or amendment must still meet the additional inconsistent requirements. Where this scenario applies, FRPA s.2.37 (2)(a) and FPPR s.4.4 require the following:

- an **inconsistency statement** that explains the reasons why the relevant requirement in the planning guideline is not included in the FOP or amendment; and
- a **statement of impracticability** that describes the circumstances or conditions that make it impracticable for the plan to include either the planning guideline requirement or substituted requirement.

The following table outlines key considerations to assist in preparing the statement and statement of impracticability.

Table 3. Scenario B: Inconsistency Criteria Considerations

Assessment criteria	FRPA requirement	Guiding questions for inconsistency Statement
Inconsistency statement: justified	FRPA s.2.37 (2)(a): reasons for not including the planning guideline requirement	• Which planning guideline requirement is not included in the FOP or amendment? • What are the reasons for not including that requirement? • What circumstances or conditions or factors explain why the requirement is not included? • What information or evidence supports not including the requirement?
Statement of impracticability: demonstrated	FPPR s.4.4: the circumstances or conditions described make it impracticable to include the relevant planning guideline or substituted requirement	• What site-specific circumstances or conditions make it not practicable* to include the planning guideline requirement, or to propose and include a substituted requirement? • What information or evidence supports the conclusion that including either requirement is not practicable? • Ensure the statement is site-specific, technically sound and well-supported by evidence. *See <i>FRPA General Bulletin No. 3 – Use of the Term Practicable</i>

3.2.3 Scenario C: Inconsistency Relative to Forest Practices, Silvicultural Systems or Stocking Standards *with a Substitute*

In this scenario, an agreement holder or TSM is proposing substitute requirement in a planning guideline that differ from those set out in the FLP, specifically in relation to forest practices, silvicultural systems, or stocking standards (FRPA s.2.4 (2)(c)). Unlike the previous scenario, where a planning guideline could not be followed at all, here it is still practicable for the agreement holder to follow most aspects of the planning guideline – but certain elements need to be adjusted to reflect operational realities. In this case, both an inconsistency statement and proposed substitute planning guideline requirement must be included in the FOP.

For example, an agreement holder may determine that applying a riparian management area planning guideline exactly as written is not operationally feasible due to terrain constraints. In response, they propose a reduced buffer width over a specific stretch of stream. In this example, the proposed FOP or amendment must meet the additional

requirements under FRPA, and considerations below are intended to help develop a clear and complete inconsistency statement.

Where this scenario applies, FRPA s.2.37 (2)(b) requires the following:

- an **inconsistency statement** that explains:
 - the reasons for including the substitute requirement in the FOP or amendment; and
 - how the substitute for the requirement will achieve an outcome similar to the outcome to which the substitution relates.
- a **substitution for the requirement** in the planning guideline.

The following table outlines key considerations to assist in preparing this statement.

Table 4. Scenario C: Inconsistency Criteria Considerations

Assessment criteria	FRPA requirement	Guiding questions for Inconsistency Statement
Inconsistency statement: justified	FRPA ss.2.37 (2)(b)(i) and (ii): justification for inclusion of substitute requirement and its equivalency	• What planning guideline requirement is being replaced by the substituted requirement? • What are the reasons for including the substituted requirement in the FOP or amendment? • What site-specific or operational considerations support the substituted requirement? • Why is the substituted requirement appropriate in the circumstances? • What outcome is the planning guideline requirement intended to support? • How will the substituted requirement achieve an outcome similar to that outcome? • What information or evidence supports the conclusion that the substituted requirement will achieve a similar outcome? • How does the substitute requirement consider other relevant information from the FLP? • How will the substituted requirement be measured or verified?
Substitute for the requirement	FRPA s.2.37 (2)(b): substitute requirement	• Ensure the substituted requirement is practical, measurable and verifiable.

4.0 Summary

This bulletin is intended to support forest professionals in navigating the process for submitting a FOP or amendment that does not fully align with an established FLP. It explains what constitutes an inconsistency under legislation, outlines common situations where inconsistencies may arise, and clarifies the procedural steps and additional requirements that apply. The bulletin also offers guiding questions and considerations to help agreement holders and TSMs create a clear, and well-supported statement when proposing an inconsistency.

5.0 Resources and Contact

5.1 Legislative Links

- Forest Act [Forest Act \(gov.bc.ca\)](http://gov.bc.ca)
- Forest and Range Practices Act [Forest and Range Practices Act \(gov.bc.ca\)](http://gov.bc.ca)
- Forest Planning and Practices Regulation [Forest Planning and Practices Regulation \(gov.bc.ca\)](http://gov.bc.ca)

5.2 Resource Links

- Forest Operations Plan - [Forest Operations Plan - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)
- Forest Landscape Plan - [Forest landscape plans - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)
- Forest Professional B.C.'s - [Guidance for Managing Non-Statutory Expectations in Forest Practices \(2009\).](#)
- More on FPBC's Non-statutory Expectations - [Applying the Obligation to Weigh and Balance in Professional Service](#)
- Forest Professionals BC. 2025. *Professional Quality Rationales*. Available at - [2025-06-Practice-Guidance-Ethical-Prof-Conduct-Pro-Quality-Rationales.pdf](#)

5.3 List of Acronyms

Acronyms	Full Name
FLA	Forest Landscape Area
FLP	Forest Landscape Plan
FOA	Forest Operations Area
FOP	Forest Operations Plan
FPPR	Forest Planning and Practices Regulation
FRPA	<i>Forest and Range Practices Act</i>
FSP	Forest Stewardship Plan

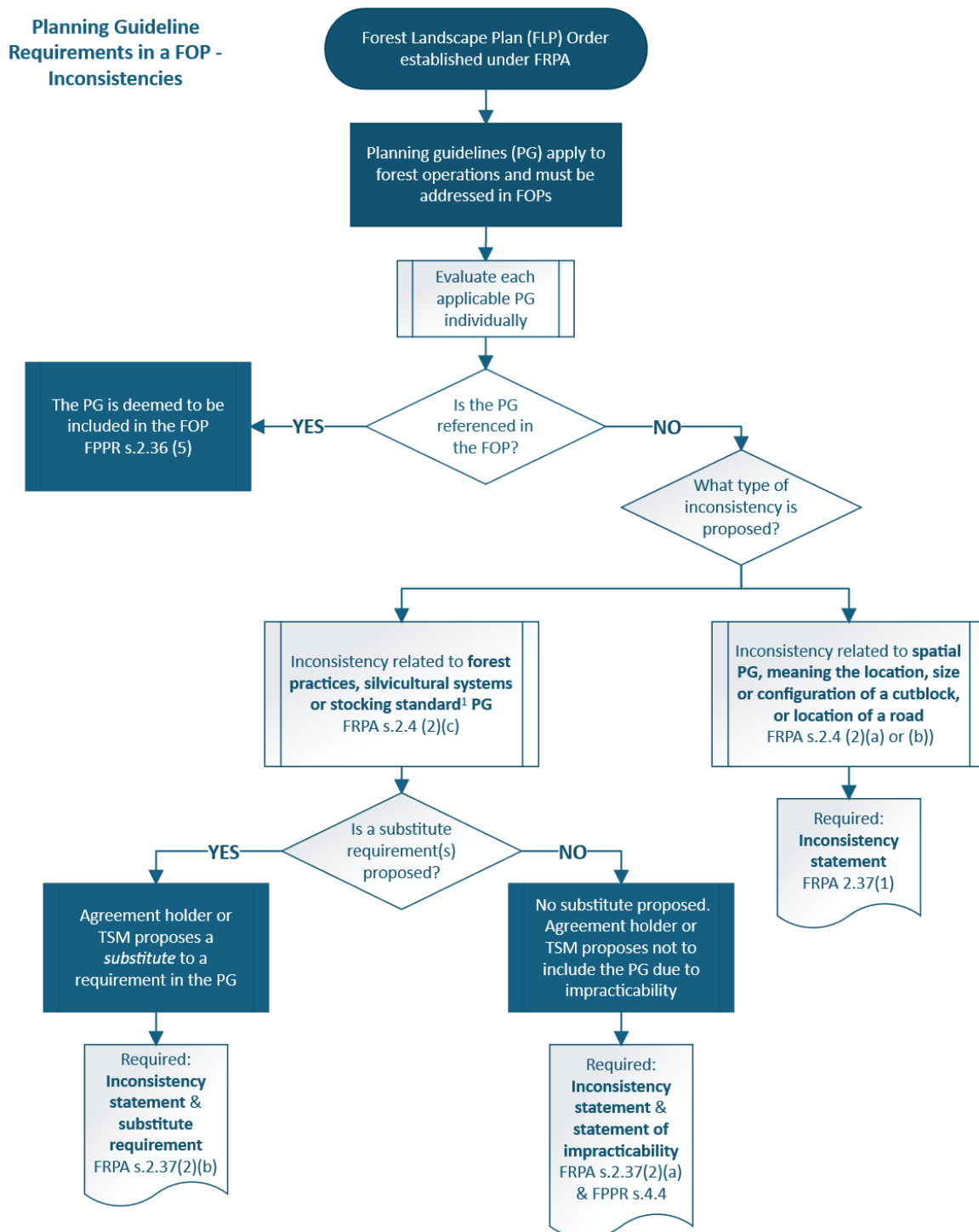
5.4 Contact

If there are any questions about the content of this bulletin, please contact the Forest Science Planning and Practices Branch: frpa.support@gov.bc.ca

For more FRPA Bulletins topics, visit:

[Forest and Range Practices Act implementation tools - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)

Appendix A: Process Flow - Inconsistent FOP Scenarios



¹ Where inconsistency relates to a planning guideline for a stocking standard, approval of a FOP under FRPA s.2.4 that omits the planning guideline does not remove the requirement for the agreement holder to specify a stocking standard in their FOP under FPPR s.4.14.