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VIA EMAIL

To: Regional Executive Directors
District Managers
Branch Directors

From: T.R. (Tim) Sheldan
Assistant Deputy Minister
Operations Division

Re: **FRPA General Bulletin (Number 18) –
Promoting Cooperative Planning under FRPA**



A new *Forest and Range Practices Act*, General Bulletin (Number 18) “Promoting Cooperative Planning under FRPA” has just been completed. Successful FRPA implementation is based on good communication and building/maintaining solid relationships. The FRPA legislation has placed the responsibility on licensees and professionals to resolve concerns or problems associated with operational planning. This bulletin is provided to make forest planners and practitioners aware of the various opportunities and options available to facilitate cooperative planning that will achieve the vision of FRPA, including realizing increased efficiencies, flexibility and environmental stewardship.

Electronic copies will be available soon from the Provincial FRPA Implementation Team’s website at the following address:

<http://www.for.gov.bc.ca/rco/pfit/index.htm>

Regional Executive Directors
District Managers
Branch Directors

If you have any questions about this bulletin, please contact Charlie Western, Provincial FRPA Implementation Team Chair at (250) 387-8306, or by email at charlie.western@gov.bc.ca; Brian Westgate, Senior Timber Tenures Forester at (250) 387-8620, or by email at brian.westgate@gov.bc.ca; or the Regional Implementation Team Leads referenced in the bulletin.



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FRPA ADMINISTRATIVE BULLETIN

Number 18

May 28, 2008

Promoting Co-operative Planning under FRPA

INTRODUCTION

Successful FRPA implementation is based on good communication and building/maintaining solid relationships – including relationships among professionals, licensees, between industry and government and with the public, FN and other stakeholders. This bulletin is provided to make forest planners and practitioners aware of various options available to facilitate cooperative planning that will achieve the vision of FRPA – including realizing increased efficiencies, flexibility and environmental stewardship.

BACKGROUND:

The *Forest and Range Practices Act* (FRPA) regime allows for more flexibility in operational plan area application as compared to the Forest Practices Code. Under FRPA, different licensee operational plans (Forest Stewardship Plans and associated Forest Development Units) may overlap with another licensee's plan. In addition, the FRPA, in some cases, requires a broad level (e.g. district-wide) legal objective be addressed by more than one licensee's operational plan (overlapping or not). In these scenarios, it is important that licensees have adequate information sharing processes in place to optimize harvest planning and each can successfully implement their FSP as planned.

DISCUSSION:

Licensees may choose to overlap their operational plans with other licensees (including BCTS) for a variety of business reasons that provide operational flexibility. In doing so, they need to be aware of potential implications for meeting operational planning requirements and the implications of harvesting under their plan. Some possible implications are:

- Development of operational plan may be unduly constrained with regards to specifying results or strategies or other plan content in their FSP (FPPR, Section 19 – cumulative effect of multiple FSPs, FPPR, Section 9 – proportional targets). This may become particularly evident for areas in which spatial objectives apply with multiple overlapping FSP areas, but may also occur with other “landscape” type commitments such as old-growth or wildlife tree retention.

- Limiting operational planning submission to an area common to two or more licensees may limit a licensee's ability to operate, i.e. can only harvest or build road under an approved FSP. If more than one licensee targets the same operating area for their FSP, it is possible that their collective ability to operate in that area within the rules of legislation and their approved operational plans will be compromised.

In many of these of situations, it is critical for licensees to pay attention to each others activities, share information to ensure fibre supply continues uninterrupted while the respective non-timber values are protected across the landscape. This bulletin will provide some options or opportunities that could be considered that encourage and promote cooperative planning under the FRPA model.

Opportunities / Options to consider:

The FRPA legislation has put the onus on the licensees and professionals to resolve concerns or problems associated with operational planning between themselves. This means increased dialogue between all parties before and during FSP preparation as well as after FSP approval is given. These inter-licensee, inter-professional discussions need to be an integral part of the licensee's operational planning activities and districts should do all they can in terms of promoting this dialogue. These discussions can take many forms, ranging from one-on-one conversations between two parties to a broader scale involving multiple parties such as, data sharing networks managed by a group of licensees, or all-licensee meetings, or TSA steering committee forums. The district manager should encourage ongoing dialog between all the licensees (including BCTS) who hold rights within the TSA (or other areas described in Section 5 (2) of the Act) and perhaps even suggest independent mediation for certain disputes.

The only legislated tool that requires licensee cooperation during operational planning process lies within the FSP review and comment provisions under Section 21(1)(c) of the FPPR. This section requires licensee to provide opportunity to review their plan with others that have been granted rights in a manner commensurate with those rights. So licensees must refer their plans to other licensees in the TSA to the extent those rights may be affected by the plan, consider comments from other licenses and describe any changes made to the plan as a result of comment received. This requirement makes all other licensees aware of any overlap of FDUs and provides the opportunity for comment on the proposed plan. This provision also requires the plan proponent to consider any comments received either from other licensee or BCTS and describe as part of their FSP submission any changes made to the plan as a result of the comments made. See FRPA Administrative Bulletin #2 for more details on this requirement.

That being said, the following options are provided for consideration based on the current FRPA legislation.

Option 1: Where there is a sound business reason to do so, multiple licensees may choose to combine efforts into a joint or co-developed FSP submission. The success of this option depends on cooperation of all involved, including existing licensees, BCTS, and new entrants. Combining efforts in this fashion ensures that legal objectives will be addressed by results or strategies agreed to by the collective and in doing so, each licensee will have a reasonable understanding of what operating rules they will be responsible for and the operating area that will likely be available to them.

The decision on whether to proceed with this option is best discussed upfront at information sharing sessions between districts and plan proponents. The advantage is that this approach will likely result in potential permit issuance efficiencies later. Also, including BCTS in joint FSP submission may lead to discussion and agreements that provide additional operating area flexibility associated with BCTS timber pricing units. See General Bulletin #2 and the AGFSP for more advice regarding joint FSPs.

Option 2: Without taking the step of submitting joint FSP proposals, licensees may wish to combine information sharing efforts for specific operational planning elements, e.g. to address spatial wildlife habitat retention objective(s). Efforts to compare licensee's respective approaches will ensure that there are no surprises for either the involved licensees or the district manager adjudicating the various FSP submissions. An example of this includes efforts to develop a specific spatial commitment consistent with a non-spatial objectives in consultation with other effected licensees and creating results/strategies in relation to the proportion of the landscape unit that they work in.

Option 3: In some areas of the province, licensees and BCTS have gotten together and created data sharing networks that are managed by the licensees and BCTS to address ongoing operational planning and practices issues associated with overlapping operational plans. These data sharing networks allow licensees to share data such as block location, planned blocks, wildlife retention areas, old-growth retention areas, etc. It also allows them to manage landscape objectives such as landscape biodiversity (tracking of legal and non-legal OGMAs and WTRAs) for both wildlife and timber. These networks help avoid the scenario where the OGMAs or WTRAs of one plan holder may become the "opportunity wood" for another.

One example of data sharing network has seen district staff support a licensee's and BCTS lead initiative to create a consolidated operating intention map which will be located on the district website that shows where operations are being planned on the landscape using a Mapview computer program. This map was initially intended to be used to assist with information sharing with the public, First Nations and concerned stakeholders relationships, but has had an added benefit in enabling licensee's and BCTS to share information and manage landscape level objectives cooperatively.

These data sharing networks have also had side benefits of allowing licensees and BCTS to more easily obtain CSA certification of their timber operating areas and has improved licensee relationships and levels of trust. In conjunction with these data sharing networks, cost sharing agreements have also been developed to share the costs of various analyses needed to look at the cumulative impacts of the activities of licensees operating in the same area.

Option 4: Reporting on an ongoing basis. Licensees are required to report many things annually as per FPPR, Section 86. This can be done at anytime not just before the due date. Using the ongoing approach provides an opportunity for the most current data in RESULTS to be used by everyone via the Land Resource Data Warehouse (LRDW). It minimizes risks to resource values during the reporting year and provides a more reliable resource for licensees to use for post FSP approval operational planning purposes.

Option 5: The FSP Tracking System can be used by licensees to get a sense of operational planning that other licensees are contemplating within their FSP's. Viewing another licensee's FSP can provide information regarding FDU location and what particular results or strategies apply to these areas. Part of the information reported in the tracking system can be the designation of "declared areas". Declared areas are designated under FRPA to duplicate the full planning protection (does not give exclusive rights) provision in the Code and to continue the ability for licensees to have a standing timber inventory (STI) while meeting the take or pay rules with 4-year term CPs/TSLs. Declared areas are amendments to FSPs (that do not require approval), and therefore, can be illustrated in the FSP Tracking System once submitted to the district manager. Alternatively, a district who receives such amendments could keep a consolidated ledger or map of them if the licensee does not use the FSP tracking system. Existing declared areas will also be available on the LRDW and possibly on the FSP Tracking System. Note: keep in mind that designation of declared areas is voluntary on the part of a licensee, i.e. licensee could proceed directly to cutting permit or road permit application without designating a declared area. See Administration Bulletin #2 for more details on declared areas.

Option 6: In cases where licensees are unable to come to resolution on how to achieve a legal resource value target (i.e. legal objective) within their respective FSP's, legislation provides the authority upon request of a licensee, for the district manager to establish targets between or among holders of FSPs for sharing the responsibility to obtain results consistent with objectives set by government. Section 19 of the FPPR and FRPA Administration Bulletin #7 provides more detail on to how this mechanism works. The decision to apply this option is at the discretion of the district manager, i.e. he/she may choose not to set target(s). This option should only be relied on as a last resort.

Summary

This bulletin provides recognition that there are a number of opportunities available to DDMs, licensees and BCTS to assist in providing efficiencies for enhanced levels of cooperative planning across the land base. The options listed are not the only options. Finding successful options that work best in any given area relies on good dialogue between all the parties from very early on in the plan preparation process through to the actual issuance of the cutting authorities.

Further Information

Additional information regarding FRPA and FSP content and development may be found in the Administrative Guide to Forest Stewardship Plans (AGFSP) on the Provincial FRPA Implementation Team website at: <http://www.for.gov.bc.ca/rco/pfit/index.htm>

Contacts:

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