

Advisory Bulletin No. 2023-05-09 (General) – Forest Professional Certification Requirement

Updated to include the Fort St John Pilot Project

Purpose:

This Advisory Bulletin provides information to BCTS staff and registrants regarding the BCTS Forest Professional Certification requirement.

Background:

When the *Forest and Range Practices Act* (the FRPA) was enacted in 2004 a results-based framework was established to provide the context in which government and licensees operate in order to comply with the FRPA. Government and forest industry reliance on the use of professional service (professional reliance) is a foundation of the FRPA framework. Within this framework Compliance and Enforcement Branch (C&E) has primary responsibility for evaluating compliance with FRPA and taking enforcement actions where required. Consistent with the FRPA results-based framework, the expectation is that compliance with the FRPA – in a BCTS context – is primarily the responsibility of the companies that are awarded Timber Sales Licences (TSLs).

Despite the initial clarity on the role of Professional Reliance and the division of compliance and enforcement related responsibilities between C&E and BCTS, the trend over the last decade has been an increase in the perceptions by staff, the public and audit findings (e.g. Forest Practices Board and Sustainable Forest Management audits) that BCTS lacks sufficient controls to deliver on the stewardship-related outcomes to which it has committed.

To address the above issues BCTS policy staff identified Forest Professional Oversight and Certification (FPOC) as a concept used successfully by a similar jurisdiction to ensure achievement of their legal and stewardship commitments.

The Concept:

The FPOC concept authorizes Timber Sales Managers (TSMs) to require Timber Sale Licence (TSL) holders to retain a forest professional to prepare and submit to the TSM, following completion of primary forest activities, a certificate confirming that the completed activities are consistent with the applicable Forest Stewardship Plan (FSP) results and strategies as per *Forest Planning and Practices Regulation* section 106.2, or consistent with the applicable Sustainable Forest Management Plan, Forest Development Plan, or Site Level Plan as per the *Fort St John Pilot Project Regulation* section 28(1)(a).

Requirements:

- BA staff include 2 clauses in the TSL document – Section 13 Reporting (see TSL clauses listed below), that require TSL holders to submit a completed conformance certificate, signed by a Registered Professional Forester or a Registered Forest Technologist.
- BA staff add clauses to the TSL Safety and Highlights document informing bidders of the conformance certificate requirement.

- TSL holders submit a completed conformance certificate (see Appendices) confirming that primary forest activities conducted under the TSL are consistent with the applicable Forest Stewardship Plan (FSP) results and strategies, or consistent with the applicable Sustainable Forest Management Plan, Forest Development Plan, or Site Level Plan in the Fort St John Pilot Project area.
- BA staff conduct EMS inspections as per standard procedures.

Scope of Certificate (applicable activities): The primary forest activities carried out by Timber Sale Licensees including: timber harvesting, road construction, maintenance, and deactivation.

Locations: This requirement is applicable to all Business Areas.

Exemptions: This requirement does not apply to TSLs for decked sales. TSMs to confer with BCTS Provincial Operations staff regarding individual situations that may warrant variance from this policy.

TSL clauses for the Forest Professional Certification requirement – The following clauses will be added to all TSLs, unless they are exempt from the requirement or within the Fort St John Pilot Project area:

‘Timber Sale Licence Section 13 - Reporting’ clauses

13.0# Following the completion of primary forest activities, the Licensee will submit to the Timber Sales Manager a conformance certificate, signed by a Registered Professional Forester or Registered Forest Technologist, that confirms that all primary forest activities conducted under this licence are consistent with the Forest Stewardship Plan results and strategies (as identified in the site plan) applicable to this Licence.

13.0# The Licensee will submit the signed conformance certificate, referenced in section 13.0# of this Timber Sales Licence, to the Timber Sales Manager prior to final deposit release and in the format provided in Schedule X of this Licence.

TSL clauses for the Forest Professional Certification requirement within the Fort St John Pilot Project area:

‘Timber Sale Licence Section 13 - Reporting’ clauses

13.0# Following the completion of primary forest activities, the Licensee will submit to the Timber Sales Manager a conformance certificate, signed by a Registered Professional Forester or Registered Forest Technologist, that confirms that all primary forest activities conducted under this licence are consistent with any sustainable forest management plan, forest development plan, and site level plan applicable to this Licence.

13.0# The Licensee will submit the signed conformance certificate, referenced in section 13.0# of this Timber Sales Licence, to the Timber Sales Manager prior to final deposit release and in the format provided in Schedule X of this Licence.

Notes:

The implementation of FPOC does not preclude the Business Area's ability to add clauses to the TSL for specific local commitments (e.g. timing of harvest to meet commitments to local water users), please follow the best practices guide for including clauses in TSLs when electing to include these specific clauses.

Should there be violations of either the licence agreement or FRPA requirements by the licensee, submission of a completed conformance certificate does not preclude the necessity for compliance actions by the Government.

Legal Context:

Forest Planning and Practices Regulation 106.2 (1) (a), (b)

Forest Planning and Practices Regulation - Definition of primary forest activities

Fort St John Pilot Project Regulation 28 (1) (a)

Professional Governance Act (PGA)- establishes the Association of BC Forest Professionals (doing business as Forest Professionals BC (FPBC)) as the regulatory body charged with duties and responsibilities to regulate the practice of professional forestry and registrants under the Act.

Forest Professionals Regulation (FPReg) - defines the practice of professional forestry and those parts that are reserved practice. The Reserved Practice stipulates that one must be a member of the Association of BC Forest Professionals (doing business as Forest Professionals BC (FPBC)) to engage in the reserved practice of professional forestry.

Supporting Information:

FPBC Bylaw 9 – Standards of Ethical and Professional Conduct

- 1) *Code of Ethical and Professional Conduct, contained in Bylaw 9 Schedule A*
- 2) *Practice Guidance for Forest Resource Activities, contained in Bylaw 9 Schedule B*

Contacts

For further information regarding this bulletin please contact your local Timber Sales Manager or BCTS Provincial Operations staff.

Appendix 1. Licensee Conformance Certificate

TO BE COMPLETED BY A REGISTERED PROFESSIONAL FORESTER or REGISTERED FOREST TECHNOLOGIST AFTER COMPLETION OF PRIMARY FOREST ACTIVITIES

Timber Sale Licence (TSL) Number:

BC Timber Sales Business Area:

I am a Registered Professional Forester or Registered Forest Technologist, registered and in good standing, with the Association of BC Forest Professionals (doing business as Forest Professionals BC (FPBC)). I have taken steps as regulated under the *Professional Governance Act, the Forest Professional Regulation* and as required by the FPBC Bylaws, including ensuring that I am qualified and competent, in order to verify, by signature and seal, this Conformance Certificate.

In my professional opinion, as per section 106.2 (1) (a) and (b) of the *Forest Planning and Practices Regulation*:

- the timber harvesting activities conducted under this TSL were consistent with the intended Forest Stewardship Plan results and strategies, identified by the Timber Sales Manager, that apply to this TSL area in the manner identified in the site plan for this TSL; and
- the road construction, maintenance, and deactivation activities conducted under this TSL were consistent with the intended Forest Stewardship Plan results and strategies, identified by the Timber Sales Manager, that apply to this TSL area in the manner identified in the site plan for this TSL.

Signature of Registered Professional Forester or Registered Forest Technologist:

Name of Registered Professional Forester or Registered Forest Technologist (please print):

Please affix professional seal here:

Date Signed (YYYY/MM/DD):

Employer's name and address (please print):

Phone No.:

Email address:

Please note: submission of a completed conformance certificate does not preclude the potential for compliance actions by the Government.

Appendix 2. Licensee Conformance Certificate for the Fort St John Pilot Project

TO BE COMPLETED BY A REGISTERED PROFESSIONAL FORESTER or REGISTERED FOREST TECHNOLOGIST AFTER COMPLETION OF PRIMARY FOREST ACTIVITIES

Timber Sale Licence (TSL) Number:

BC Timber Sales Business Area:

I am a Registered Professional Forester or Registered Forest Technologist, registered and in good standing, with the Association of BC Forest Professionals (doing business as Forest Professionals BC (FPBC)). I have taken steps as regulated under the *Professional Governance Act, the Forest Professional Regulation* and as required by the FPBC Bylaws, including ensuring that I am qualified and competent, in order to verify, by signature and seal, this Conformance Certificate.

In my professional opinion, as per section 28 (1) (a) of the *Fort St. John Pilot Project Regulation*:

- the timber harvesting activities conducted under this TSL were consistent with any sustainable forest management plan, forest development plan, and site level plan applicable to this TSL area; and
- the road construction, maintenance, and deactivation activities conducted under this TSL were consistent with any sustainable forest management plan, forest development plan, and site level plan applicable to this TSL area.

Signature of Registered Professional Forester or Registered Forest Technologist:

Name of Registered Professional Forester or Registered Forest Technologist (please print):

Please affix professional seal here:

Date Signed (YYYY/MM/DD):

Employer's name and address (please print):

Phone No.:

Email address:

Please note: submission of a completed conformance certificate does not preclude the potential for compliance actions by the Government.