

Forest Landscape Plans FAQ

This Frequently Asked Questions Document provides information on forest landscape plans (FLPs) and associated forest operations plans. It does not constitute legal advice, nor does it provide legal interpretation. Where inconsistent with legal or regulatory requirements, those requirements prevail.

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Forest Landscape Planning Framework

1. Why are Forest Stewardship Plans being replaced?

Forest Stewardship Plans (FSPs) include limited information regarding the timing and location of proposed harvesting or road building activities, making it difficult for the province, First Nations, stakeholders, and the general public to provide meaningful input into forest management plans.

FSPs have proven to be much less effective at responding to resource management issues at a landscape-level, in part, because they do not consider multiple overlapping values, coordination of multiple forestry operators and cumulative effects. The new Forest Landscape Planning framework is designed to address these challenges.

2. What is a “Forest Landscape Plan” and how is it different from a Forest Stewardship Plan?

Forest Landscape Plans (FLP) and associated Forest Operations Plans (FOP) are intended to replace Forest Stewardship Plans (FSP) over time. FLPs will establish clear and measurable outcomes to support forest management objectives over a defined geographic area; FOPs will be an operational plan that establish enforceable requirements that forestry operators must adhere to.

Unlike FSPs, planning under the new FLP framework will be at the landscape-level and will enable the province to work in partnership with First Nations, to collaborate with forest licencees and local communities, and provide better opportunities for input from stakeholders and the public.

The new framework will enable a consolidated approach to forest planning and management where multiple forest values are taken into consideration simultaneously. The FLP will include monitoring strategies to ensure objectives are being met over the life of the plan, as well as reporting requirements so First Nations, the public and stakeholders are informed of results.

3. What are the benefits of the new approach?

The new Forest Landscape Planning framework will provide the following benefits:

- **Declaration Act and UNDRIP alignment** – enables new opportunities for First Nations to meaningfully participate in forest planning and decision-making.
- **Clear direction to licencees** – creates the ability to prioritize specific values for specific portions of the landbase, rather than attempting to ‘manage for all values everywhere, all the time’.
- **Clear accountability** – The plan identifies values of importance to First Nation communities and defines clear and measurable targets to guide long-term forest management.
- **Collaboration** – new opportunities for collaboration between the province, First Nations, local communities, and licencees; one clear plan within an area (e.g., a management unit), rather than many plans for multiple licencees.
- **Efficiency** – a consolidated and coordinated approach is expected to create efficiencies in engagement with First Nations, administration, reporting and monitoring.
- **Adaptation** – provides a framework that allows for continuous re-examination and management adjustments to be made to address current and future risks on forest values. Plans may be amended to address emerging issues before these issues potentially become more significant problems.

4. Who will prepare and approve a Forest Landscape Plan?

Forest Landscape Plans (FLP) will be prepared by the province in partnership with First Nations, in collaboration with licencees and local communities, and with input from local stakeholders. The plans are established, by order, by the Chief Forester or by a statutory decision-making body under a Section 7 decision-making agreement.

5. What needs to be considered in the preparation of a Forest Landscape Plan?

In the development of a Forest Landscape Plan (FLP) the Chief Forester, or shared decision-making body must consider five legal objectives (Bill 23 s. 2.22):

- supporting the production and supply of timber in the forest landscape area;
- supporting the protection and conservation of the environment;
- managing the values placed on forest ecosystems by First Nations;
- managing the values placed on forest ecosystems by local communities; and,
- preventing, mitigating and adapting to impacts caused by significant disturbances to forests and forest health, including wildfire, insects, disease, and drought.

There is no hierarchy of importance associated with these objectives, they must all be considered in the establishment of the FLP.

6. How does a forest landscape plan direct forestry operations?

The Forest Statutes Amendment Act, 2021 (Bill 23) provides the Chief Forester or decision-making body with the ability to establish outcomes and planning guidelines in a Forest Landscape Plan (FLP) legal order. Outcomes serve as a measurable and verifiable target that will be monitored over the term of the FLP. To provide specific operational direction, the Chief Forester may provide a planning guideline that supports the achievement of an outcome. The purpose of planning guidelines is to identify:

- requirements for forest practices, silvicultural systems or stocking standards;

- areas where cutblocks and roads should not be located; or,
- limits on cutblock size and configuration.

Prior to applying for a cutting permit, forestry operators working under an FLP must address the planning guidelines in an approved Forest Operations Plan. The Forest Operations Plan allows a degree of local flexibility: planning guidelines can be accepted as written in the FLP, or the operator can propose an alternative approach that is better suited to achieving the outcome in specific operational circumstances.

7. Who is subject to a Forest Landscape Plan?

Once a Forest Landscape Plan (FLP) is established, most Forest Act agreement holders must develop a FOP for the forest landscape area as specified in the Forest Statutes Amendment Act, 2021 (Bill 23 s. 2.2).

Operators, under the forest Act, that are subject to FOP requirements include:

- Forest licences
- Forest licences to cut
- BC Timber Sales
- Tree Farm Licences
- Timber licences
- Community forest agreement holders and First Nations woodland licence holders over 800ha on the Coast or 1,200 ha in the Interior

Holders of woodlot licences and other small area-based tenure agreements will be exempt from the requirement to operate under an FLP.

8. Why will the proposed changes not be applied to woodlots?

Woodlot licence holders operate under a different planning model than major forest licencees, community forests, First Nations woodland licences and B.C. Timber Sales. Woodlot-specific changes are under consideration for future amendments in consultation with the B.C. Federation of Woodlot Associations. The Chief Forester may still request information from woodlot licence holders about their plan areas for the purposes of developing or monitoring under a Forest Landscape Plan.

9. What is the term of a Forest Landscape Plan?

The term of a Forest Landscape Plan (FLP) is 10 years but may be varied to a term of between 5-10 years under a decision-making agreement. The plan may also be amended at the discretion of the Chief Forester or shared decision-making body if and when needed (e.g., circumstances change on the ground as a result of wildfire, insect epidemics, or large-scale drought). The Chief Forester/ shared decision-making body may likewise extend the term of a plan, by order, on one or more occasions for a period of up to 5 years.

10. How does the new Forest Landscape Planning framework link to the Timber Supply Review (or sustainable fiber supply)?

The Forest Landscape Planning (FLP) framework, Timber Supply Review (TSR) and AAC determination processes are related and iterative forest management processes. The TSR process provides information and factors for consideration to aid an allowable annual cut determination for a given management unit and the FLP provides direction associated with where, when and how harvesting occurs in the forest landscape area. While the management unit for TSR and the forest landscape area are not required to have the same boundaries, where possible using management unit boundaries for FLPs will simplify modelling and analysis of timber supply. In addition, monitoring of the outcomes established in the FLP will inform future TSR processes.

11. How does a Forest Landscape Plan differ from a Land Use Plan?

Land Use Plans (LUP) set social objectives and direction for natural resource stewardship and management across multiple sectors. They consider economic, social, and environmental interests in order to direct resource management activities. For example, this may include the identification of long-term conservation areas, and legal requirements for sectors other than forestry.

Forest Landscape Plans (FLP) define how and where forestry activities occur on the landbase. Rather than defining social objectives, they determine a course of action for the forest sector to support the achievement of those objectives. FLPs must be consistent with the direction provided in established LUPs and support the achievement of broader social objectives like wildfire risk reduction and climate change mitigation. FLPs apply only to forestry activities regulated by the Forest and Range Practices Act.

Both LUPs and FLPs are conducted in partnership with First Nations and are informed by engagement with local communities and stakeholders

12. How will Forest Landscape Plans interact with existing legal orders?

Legal orders that impact harvest activities are enabled through the *Land Act* and the associated Land Use Objectives Regulation, and through FRPA and the associated Government Actions Regulation. All orders established through the Land Use Objectives Regulation, and Government Action Regulation orders that apply to agreement holders, will continue to apply.

Government may establish objectives through other legislation (e.g., *Water Sustainability Act*) that will apply to forestry practices. These objectives will also be reflected in FLPs.

13. Will cumulative effects be addressed through the Forest Landscape Planning framework?

Yes, cumulative effects will be considered as part of the Forest Landscape Planning (FLP) process. Before establishing legal outcomes and planning guidelines, FLPs will evaluate existing forest management and consider the condition of multiple forest values at the landscape scale. Forest Landscape Planning will improve the Province's ability to manage for the cumulative effects of forestry through improved coordination of licensees activities.

14. How is monitoring and adaptive management incorporated into Forest Landscape Plans?

Forest Landscape Plans are generally in place for 10 years. In each five-year period the Chief Forester must publish a monitoring report. The monitoring report identifies the extent to which the outcomes identified in the plan have been achieved over the reporting period. The inclusion of a legislated monitoring framework improves the ability to support adaptive management in British Columbia's forest sector.

15. How will other tenured resource users such as woodlots and range users be involved in the Forest Landscape Plan process?

Both range tenure holders and woodlot licence holders are exempt from the requirement to operate under a Forest Landscape Plan (FLP). However, these tenure holders may be invited to participate in the development of a FLP and will be able to provide input through the public review requirements.

16. Once a Forest Landscape Plan is established, how long will existing Forest Stewardship Plans be valid to operate under?

Once a Forest Landscape Plan (FLP) is established, licencees will have between 6-months and 1-year to develop and submit for approval a Forest Operations Plan (FOP). If a licencee submits a FOP within 6-months of FLP establishment, their existing Forest Stewardship Plan (FSP) remains valid until the FOP is approved or rejected. Alternatively, if a licencee does not submit a FOP within 6-months of FLP establishment, then their existing FSP remains valid for 1-year following FLP establishment.

17. How long is the transition going to be, and what has been done to keep licencees operating throughout?

Forest Landscape Plans will be initiated where and when they are needed, prioritized by the Province, in consultation with First Nations, and eventually put in place across the whole province.

Shared decision making and S.7 and co-operation in FLPs

18. What is a section 7 agreement (decision-making agreement) under the Declaration Act?

Section 7 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) enables the Province to negotiate and enter into an agreement with an Indigenous Governing Body (IGB) relating to:

- The joint exercise of a statutory power of decision; and/or,
- requiring the consent of the IGB before the exercise of a statutory power of decision.

19. Why were amendments made to FRPA to support section 7 decision-making agreements?

Amendments were made to allow section 7 decision-making agreements to bring FRPA into alignment with UNDRIP as stated in section 3 of the Declaration Act. FRPA was the first piece of provincial legislation to implement the commitment to align B. C. laws with UNDRIP.

20. What is an Indigenous Governing Body and what is a shared-decision making body?

An Indigenous Governing Body is an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.

Forest Landscape Plan establishment and/or Forest Operations Plan approval consistent with the terms of a section 7 agreement.

21. How do the amendments to FRPA align with the *Declaration Act*?

The *Declaration Act* requires the province to work in consultation and cooperation with Indigenous Nations and to bring provincial laws into alignment with the United Nations Declaration on the Rights of Indigenous Peoples over time. Amendments to FRPA have been developed in consultation with Indigenous

Nations and support a stronger role for First Nations in forest planning and decision-making within their territories.

22. What are the contents of a decision-making agreement?

While the content of section 7 agreements will evolve as these agreements become more commonplace, initial work has identified items that could be included:

- decision-making processes, such as identifying the role of the Indigenous Governing Body as providing consent or as represented in a board, and timelines for decisions;
- considerations for different outcomes (e.g., if consent is not given or if there is a request for more information);
- considerations for constitutional or other legal obligations to Indigenous Nations not party to the decision-making agreement; or,
- general provisions, such as dispute resolution processes, or a process for amending the agreement.

23. What is the process for negotiating a section 7 decision-making agreement?

The *Declaration Act* establishes a process for negotiating a decision-making agreement, which includes: (a) seeking and obtaining a Cabinet mandate to commence negotiations with an Indigenous Governing Body, (b) requiring a summary to be made public of local governments and other persons to be consulted before or during the negotiation, and (c) publishing the final agreement in the Gazette.

24. Are these section 7 decision-making agreement amendments limited to the Forest Landscape Planning Framework within the *Forest Range and Practices Act*?

Yes, section 7 decision-making agreements will be enabled for specific decisions, including establishment, approval, amendment and extension or cancellation of Forest Landscape Plans (FLP) and associated Forest Operations Plans (FOP).

25. How will Indigenous Nations who are not party to a section 7 decision-making agreement be engaged in the development of a Forest Landscape Plan?

There are several other ways that Indigenous Nations can engage in the development of a Forest Landscape Plan (FLP) and these are outlined in Bill 23 (s.2.23 to s.2.27). Under s. 2.24 an Indigenous Governing Body and the Chief Forester can establish a process for consultation and cooperation that would guide engagement throughout the development of the FLP. Another option for engagement is outlined in section 2.25 which provides a default process and includes the requirement for the Chief Forester to seek consensus with Indigenous Governing Bodies respecting a proposed FLP.

26. How will the dispute resolution facilitation framework operate?

Where a process for consultation and co-operation with an Indigenous Governing Body (IGB) is established or when a decision-making agreement is negotiated, dispute resolution will be defined by that agreement. Where a process is not established, dispute resolution may be triggered by either the Chief Forester or an IGB that does not consent to the establishment of the Forest Landscape Plan (FLP). Dispute resolution may include the appointment of a third-party facilitator who would work to achieve consensus between the IGB and the Chief Forester through a timebound process.

An alternative dispute resolution process may be used upon mutual agreement by the IGB and the Chief Forester if both parties are satisfied that the alternative dispute resolution process gives due consideration to the customs, traditions, rules and legal systems of the IGB.

At the conclusion of the dispute resolution process, the facilitator would produce recommendations in a final report that the Chief Forester must consider in their final establishment decision. The outcome of the resolution process does not limit the power of the Chief Forester to proceed with the establishment of a FLP nor does it limit any right of an IGB to seek a remedy from a court.

27. How are Indigenous interests considered in the development of a Forest Landscape Plan?

Amendments to FRPA introduced an objective (Bill 23 s. 2.22) to be considered in a Forest Landscape Plan (FLP) related to managing the values placed on forest ecosystems by Indigenous peoples. This objective must be considered in addition to four other objectives related to: timber supply, environmental conservation, local community values, and significant disturbances to forests and forest health.

In addition to a legal objective that uniquely considers Indigenous values, there is also a legal requirement that consultation and cooperation with Indigenous Nations occur prior to establishing an FLP (Bill 23 s. 2.24). Opportunities for consultation, cooperation and Indigenous participation occur through all of five phases of the planning process: pre-planning, values identification and assessment, plan development, plan establishment and plan implementation. Because of the collaborative nature of FLPs, the pre-planning phase will involve a process that seeks to establish agreed upon consultation and cooperation approaches.

Forest Operation Plan (FOP)

28. What is a Forest Operation Plan and what is the term?

The Forest Operations Plan (FOP) is the operational plan developed by agreement holders that will reflect the outcomes established in the associated Forest Landscape Plan (FLP). These plans may be developed for up to a 5-year period.

The FOP will show approximate locations of cutblocks and roads for up to a 5-year period. It must address the outcomes in the FLP.

The FOP is a decision-making, administrative and communications tool. The FOP will be used by:

- statutory decision-makers during the approval of forestry activities;
- Indigenous Nations involved in consultation and cooperation;
- industry to communicate their proposed forestry-related activities for up to five years; and,
- for the public to review and comment on.

The plan must undergo a review and comment period and may be approved by the province or by a decision-making body, before any harvesting or road construction can begin. FOP amendments may be required to ensure that forestry activities achieve FLP outcomes or regulatory requirements.

29. How does a Forest Operations Plan relate to cutting permit approvals?

Operators subject to a Forest Landscape Plan must have an approved FOP in place prior to applying for a permit to harvest timber or construct a road. Permit applications must also be consistent with the approximate location of the road or cutblock displayed on the FOP map.

30. What type of information must be included in a Forest Operations Plan?

A Forest Operations Plan (FOP) must include a map that shows the approximate locations of each proposed cutblock and road that will be subject to a cutting or road permit that the licence holder intends to apply for.

The FOP will also display the location of each existing or in-progress cutblock and road. Plans must also contain a description of how they will meet the requirements set out in the planning guidelines within the Forest Landscape Plan (FLP). These requirements relate to forest practices, silviculture systems, stocking standards, and any additional requirements prescribed through regulation.

A FOP may also propose to vary from the planning guideline requirements specified in an FLP. If so, the FOP must include a statement of the reasons for the inconsistency that describes how the proposed plan will achieve similar outcomes to those described in the FLP. Finally, a FOP must specify a term for the plan up to a maximum of five years.

31. Who approves a forest operations plan, and with what considerations?

Delegated Decision Makers or decision-making bodies under a section 7 agreement, have the authority to approve a Forest Operations Plan (FOP) if satisfied that the content requirements have been met, the agreement holder has complied with the review and comment requirements and has given sufficient consideration to input received, and the FOP is consistent with the Forest Landscape Plan (FLP). In those circumstances prescribed by regulation, the minister or decision-making body may also impose conditions upon approval of the FOP. For example, conditions, could include a requirement to deactivate an existing road.

32. How will Forest Operations Plans and cutting and road permits interact?

An approved Forest Operations Plan (FOP) will be required before the holder of an agreement may apply for a cutting or road permit. If a cutting or road permit is significantly different than what was advertised publicly in a FOP, the permit application must be refused.

33. What is a “site level plan”, and how is it different from the current site plan required under Forest Stewardship Plans?

A site level plan under the new framework is similar to a site plan currently required under a Forest Stewardship Plan (FSP); both the site level plan and the site plan are required for the purpose of demonstrating how commitments in the Forest Operation Plan (FOP) and the FSP are translated into site-level operations.

Under both planning frameworks, these plans are required to show the approximate locations of blocks and roads and must be complete before operations commence. They are not submitted for approval and there is no review and comment process required.

Site plans, under the FSP, are required to be available to the public. It is expected that regulations will have similar public availability requirements for Site Level Plans.