

File: 19720-00/Professional Reliance

September 14, 2011

**BY EMAIL**

To: Regional Executive Directors  
District Resource Managers  
All Woodlot Licensees

From: Dave Peterson, Assistant Deputy Minister  
Tenures, Competitiveness and Innovation Division

Sharon Glover, Chief Executive Officer  
Association of BC Forest Professionals

**Re: Woodlot Licences – Interim Guidance: Roles and Responsibilities of woodlot licensees, government staff and forest professionals (version1.0)**

This follows up on the memo dated May 25, 2011 from Doug Konkin, Deputy Minister, titled Advancing Professional Reliance.

The Association of BC Forest Professionals (ABC FP), the Federation of BC Woodlot Associations (FBCWA) and the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) has developed a matrix to guide the use of Professional Reliance (PR) for woodlot licences. The matrix is intended as interim guidance and is expected to be a positive contribution to the work plan being developed by the PR steering committee. The matrix does not represent legal advice and is not intended to fetter the discretion of the Association of BC Forest Professionals, the Minister of Forests, Lands and Natural Resource Operations or delegated decision makers. In the event of a conflict between this guidance document and the relevant acts, such as the *Foresters Act*, the *Forest Act*, the *Forest and Range Practices Act*, etc., the wording of the Acts will prevail.

Additional consultation with other professional organizations and government regulators to further refine and define roles and responsibilities will be based upon this interim document.

The PR initiative has implications that are somewhat unique to woodlot licences. In summary, PR can significantly increase costs and workloads since most woodlot licensees must acquire professional services by retaining consultants.

Some woodlot licensees, a portion of who are forest professionals, question whether professional reliance provides good value for the money when applied to certain tasks or

Regional Executive Director  
District Resource Manager  
All Woodlot Licensees

activities. There are also some forest professionals who question why the practice of professional forestry work is being undertaken by individuals (licensees) who are not registered forest professionals.

With this in mind, the FBCWA, ABCFP and FLNRO has collaborated on finding ways to achieve a better balance of:

- protecting the public interest; and
- achieving the objectives of government without significantly increasing the financial burden on woodlot licensees.

This was done by first examining the different activities/responsibilities undertaken by woodlot licensees and comparing that to the component requiring the practice of professional forestry. Secondly, an assessment was completed on whether or not the activity/responsibility already contained a credible and accountable proportion of professional service. For example, a vegetation inventory containing the work of a forest professional can be used by a woodlot licensee for the purposes of management planning and the licensee should not be required to have the inventory checked, signed and sealed for the management plan. If required, this would amount to a repetition of professional work. Thirdly, by looking at what was practical and reasonable which was then summarized in the attached matrix.

The matrix will be a useful resource for the woodlot licensees, government staff and professionals. However, we do not consider our work complete with the joint distribution of this matrix. We recommend continued work on the following key items:

1. Creating an equal balance between accountability and professional judgment;
2. Encouraging collaborative dialogue between professionals;
3. Communicating the requirement for professional rationales as a professional practice standard; and
4. Connecting PR success with forest legislation and levels of compliance.

These items are from the ABCFP publication, entitled *Assessing Professional Reliance in the Forest Sector: Improving Professional Reliance*, January 2010, Pages 7, 8 and 9.

The matrix and the four items identified above will provide a basis for discussion between and among the ABCFP, various ministries, other professional organizations and government regulators and woodlot licensees as the concept of PR matures and evolves. It also provides a resource for consideration by individual branches as current and future guidance and requirements are reviewed, revised and developed.

As this is interim guidance, further discussion is anticipated and welcomed. In particular, there are likely some topic areas and activities that will generate more input and discussion in determining the roles and responsibilities of the licensee vs. the professional. In the immediate future, comments can be directed to the authors noted below.

Future activities may involve striking a peer group (e.g. joint practices working group) to address one or more of these topic areas and/or activities. It is also anticipated that a website

Regional Executive Director  
District Resource Manager  
All Woodlot Licensees

will be created at a later date to receive comments, establish a “frequently asked questions” site and promote respectful communication.

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Attachment: Matrix

pc: Brian McNaughton, General Manager, Federation of BC Woodlot Associations  
Mike Larock, Director, Professional Practice and Forest Stewardship, ABCFP  
Brian Barber, Director, Tree Improvement Branch, Ministry of Forests, Lands and Natural Resource Operations  
Dave Haley, Woodlot Licence Forester, Forest Tenures Branch, Ministry of Forests, Lands and Natural Resource Operations

**INTERIM GUIDANCE: Roles and Responsibilities of Woodlot  
Licensees, Government & Forest Professionals (version 1.0)  
September 9, 2011**

The following table is provided for information and general guidance and does not represent legal advice. It is not intended to fetter the discretion of the Association of BC Forest Professionals, the Minister of Forests, Lands and Natural Resource Operations or delegated decision makers. In the event of a conflict between this guidance document and the relevant acts, such as the *Foresters Act*, the *Forest Act*, the *Forest and Range Practices Act*, etc., the wording of the act will prevail.

Each woodlot licensee is responsible for ensuring the practice of professional forestry is upheld, where and when required, for activities on their Woodlot Licence. This may require obtaining independent legal advice from their own sources.

The *Foresters Act* (2003) defines the practice of professional forestry as follows:

**Practice of professional forestry** means, for fees or other remuneration, advising on, performing or directing works, services or undertakings which, because of their scope and implications respecting forests, forest lands, forest resources and forest ecosystems, require the specialized education, knowledge, training and experience of a registered member, an enrolled member or a special permit holder, and includes the following:

- (a) planning, advising on, directing, approving methods for, supervising, engaging in and reporting on the inventory, classification, valuation, appraisal, conservation, protection, management, enhancement, harvesting, silviculture and rehabilitation of forests, forest lands, forest resources and forest ecosystems;
- (b) the preparation, review, amendment and approval of professional documents;
- (c) assessing the impact of professional forestry activities to
  - (i) verify that those activities have been carried out as planned, directed or advised,
  - (ii) confirm that the goals, objectives or commitments that relate to those activities have been met, or
  - (iii) advise or direct corrective action as required to conserve, protect, manage, rehabilitate or enhance the forests, forest lands, forest resources or forest ecosystems;
- (d) auditing, examining and verifying the results of activities involving the practice of professional forestry, and the attainment of goals and objectives identified in or under professional documents;
- (e) planning, locating and approving forest transportation systems including forest roads;
- (f) assessing, estimating and analyzing the capability of forest lands to yield a flow of timber while recognizing public values related to forests, forest lands, forest resources and forest ecosystems.

If a licensee has any doubt or questions as to whether or not a practice on their woodlot licence falls under the practice of professional forestry, it is strongly recommended they contact the Association of BC Forest Professionals or staff at their local Ministry of Forests, Lands & Natural Resource Operations office.

Throughout this document there are references to RFT, which stands for Registered Forest Technologist. Section 20(2) of the *Foresters Act* states that a RFT may engage in aspects of the practice of professional forestry to the extent consistent with their education training and experience.

Topic	Activities	Licensee &/or Professional	Comment
Application for new WL	Verification that private land is suitable as forest land	RPF/RFT	Description of the private land including its suitability as forest land, productivity and current stocking.
		RPF/RFT	<input type="checkbox"/> While not truly the practice of professional forestry, to advance expansion of the WL Program, the FBCWA and MFLNRO agreed that distance between Crown Land and private land parcel(s) and attestation as to the legal ownership. <input type="checkbox"/> This is a case of the ministry using professional licensure to secure factually correct information.
Management Plan	<input type="checkbox"/> Legal description and ownership <input type="checkbox"/> Distance between Crown land and private land parcel(s)	Licensee & RPF/RFT.	A woodlot licensee may opt to: <input type="checkbox"/> have their entire Management Plan (MP) signed and sealed by a professional, or <input type="checkbox"/> only have those elements of the MP which involve the practice of professional forestry signed and sealed For further guidance go to Appendix I.
Woodlot Licence Plan	Default performance requirements	Licensee	
	Alternative performance requirements, measures or strategies	RPF/RFT	A woodlot licensee must have the elements of a WLP that involve alternative performance requirements and/or results & strategies and measures signed and sealed by a RPF/RFT.
	WLP amendments	RPF/RFT	RPF/RFT unless amendment is to accept a default performance requirement.
FTA	CP/RP application and FTA submission	Licensee	A woodlot licensee can do a FTA submission themselves or use a service provider. NOTE: A FTA submission by a non-professional for a market based pricing system (MPS) cutting permit/road permit must be supported by accountable information and professional judgement exercised by a RPF/RFT.
Site Plans	Site Plan for harvesting of a CP or cutblocks approved under the Forest Practices Code; i.e. shown in a FDP	RPF/RFT	Must be signed and sealed by a RPF/RFT.
	Site Plan for harvesting of a CP or cutblocks approved under FRPA; i.e. as per a WLP.	Licensee	For due diligence and other reasons, it is recommended that a licensee prepare and sign a site plan for areas to be harvested under a WLP. It doesn't have to be signed and sealed by a professional since harvesting must be done in accordance with the WLP.
Pre-Harvest	Pre-Harvest Map (site plan)	Licensee	RPF/RFT seal and signature not required.

<b>Map (FRPA)</b>	for licensees under a WLP on file.		
<b>Appraisals</b>	Tab Rates – Miscellaneous Appraisal Data Submission	Licensee	Licensee simply accepting rates established in the Coast or Interior Appraisal Manuals do not need to utilize the services of a professional.
	MPS – relates to WLs with Extended Road Amortization Agreements	RPF/RFT	Appraisal data submissions require RPF/RFT signature.
<b>Cutting Permit Cruising</b>	Cruise plans, cruising & compilations (MPS permits only). Does not apply to tab rate permits.	Licensee	Procedurally based cruise planning, data collection and compilations do not have to involve a RPF/RFT. However, as noted above under “Appraisals”, a professional takes responsibility for this work when they sign and seal the MPS appraisal submission.
<b>Scaling</b>	Scaling timber	Licensed scaler	Scaling must be done by a licenced scaler. A RPF/RFT cannot sign and seal in place of a licenced scaler.
<b>Hazard Assessment</b>	Post harvesting fire hazard assessment	Licensee, qualified holder or RPF/RFT	Wildfire Regulation requires hazard assessments to be conducted by the licensee, a qualified holder, RPF or RFT.
<b>Hazard Abatement</b>	Reduce fire hazard so activity does not increase risk of fire start and if a fire were to start, would not increase fire behaviour or fire suppression associated with a fire.	Licensee, qualified holder or RPF/RFT	WL licensee must abate (reduce) hazard as required by the Act & regulation or as specified by a professional forester or RFT. Time frames different for interface vs. non-interface areas
<b>Silviculture Surveys</b>	Includes the following surveys: <input type="checkbox"/> reforestation, <input type="checkbox"/> regeneration, <input type="checkbox"/> stocking surveys, and <input type="checkbox"/> free growing	Silviculture Accredited Surveyor (SAS), RPF/RFT or licensee under supervision of a professional	Silviculture surveys, and all related works, must be conducted or supervised by a Silviculture Accredited Surveyor (SAS), RPF or RFT. A licensee or non-professional can do procedurally based survey work under the supervision of a forest professional. Management &/or treatment recommendations and declarations that accompany a survey report must be done by a forest professional.
<b>RESULTS</b>	RESULTS submissions	Licensee/non-professional (e.g. service provider), RPF/RFT	RESULTS submissions may be done by any one providing the survey data and report, done as per the “Silviculture Survey” (above) requirements are documented and on file.
	<ul style="list-style-type: none"> <li>Free growing declarations, and</li> <li>Regeneration delay declaration (if required)</li> </ul>	Licensee/non-professional (e.g. service provider), RPF/RFT	A woodlot licensee has responsibility to ensure: <ul style="list-style-type: none"> <li><input type="checkbox"/> that a free growing stand is established (FRPA);</li> <li><input type="checkbox"/> that a free growing survey is conducted (WLPPR) using an Silviculture Accredited Surveyor (SAS) or an RPF/RFT; and</li> <li><input type="checkbox"/> that a Free Growing declaration and the</li> </ul>

			<p>associated inventory information is entered into RESULTS accurately and at least once per calendar year.</p> <p>NOTE: A FG submission may be made by a non-professional providing it is supported by a free growing declaration signed by a RPF/RFT; i.e. the declaration is on file.</p>
<b>Waste</b>	Assessment	RPF/RFT or  A logging residue surveyor or scaler, licenced by the MFLNR.	<input type="checkbox"/> Completed waste assessments must be submitted by: - RPF/RFT, or - A logging residue surveyor or scaler, licenced by the MFLNR. <input type="checkbox"/> It is the licensee's responsibility for ensuring that the work is carried out in compliance with ministry standards and requirements. (Source: Provincial Logging Residue and Waste Measurement Procedures Manual; Chapter 1 – Policy Administration – directive signed by Dana Hayden on Jan. 13, 2011.)
	e-submission & declaration	Licensee, Prof or surveyor	e-WASTE submissions requires either a RPF/RFT, surveyor licence #, or declaration that you are the licensee.
<b>Remediation</b>	Plans, implementation of plan and supervision of work	RPF/RFT	<input type="checkbox"/> When a woodlot licensee's operation contravenes legislation, approved WLP or harvesting authority, then the licensee must request an ABCFP member to assess the situation then prepare, sign and seal the required remediation plan. <input type="checkbox"/> The woodlot licensee, with assistance from the ABCFP member, supervises implementation of the remediation plan and conducts any post-treatment assessments that are required.
<b>Controlled Burns</b>	Prepare, approve and report prescribed burn plans	RPF/RFT	The planning, monitoring and reporting of a fuel treatment for hazard, silviculture or some other purpose is the practice of professional forestry.

## APPENDIX I

### Management Plan

A woodlot licensee may opt to have their entire Management Plan (MP) signed and sealed by a professional. Alternatively, they may opt to only have signed and sealed those elements of the MP which involve the practice of professional forestry. The following describes the elements of a MP and the circumstances which would necessitate signing and sealing by a professional.

Section 45(1)(f) of the *Forest Act* requires the holder of a woodlot licence to submit a Management Plan (MP) for approval of the district manager that:

- A. Includes inventories of the timber resources with the woodlot licence area;
- B. Proposes management objectives, including measures to be taken to achieve the objectives, regarding
  - Utilization of the timber resources in the woodlot licence area,
  - Protection and conservation of the non-timber values and resources in the woodlot licence area,
  - Forest fire prevention and suppression,
  - Forest health, including pest management,
  - Silviculture, and
  - Road construction, maintenance and deactivation;
- C. Proposes an allowable annual cut for the woodlot licence area;
- D. Includes any other inventories and information regarding the development, management and use of the woodlot licence area that the district manager, in accordance with the woodlot licence, requires,
- E. Include other terms and conditions, consistent with this Act, the *Forest and Range Practices Act*, the *Forest Practices Code of British Columbia Act*, the *Wildfire Act* and any regulations or standards made under those Acts, determined by the regional manager or district manager.

NOTE: The requirements of A thru E are further defined in accordance with Part 5 [Management Plan], paragraph 5.02 of the woodlot licence agreement document. Determining the level of practice of professional forestry depends on the content and source of information with respect to A thru E.

#### A. Inventories

- If a woodlot licensee undertakes and submits a new inventory as part of the MP then that element of the MP must be signed and sealed by a professional.
- If a woodlot licensee is utilizing an existing MFLNRO inventory information then this element of the MP does not have to be signed and sealed by a professional.
- Some districts require a woodlot licensee to prepare and submit a new inventory as a distinctly separate exercise from the MP. In this case, the new inventory must be signed and sealed when submitted for approval. When the inventory is subsequently included in a MP, it does not have to be signed and sealed by a professional. Doing so would be a duplication.

#### B. Management Objectives

- Management objectives and the measures to achieve those objectives which are consistent with FRPA, regulations or MFLNRO policy need not be signed and sealed by a professional. So for example, a licensee that is simply accepting provincial utilization standards need not have this element of the MP signed and sealed by a professional. However, if a licensee is proposing relaxed utilization standards, then such a proposal would fall under the practice of professional forestry and the part of the MP would have to be signed and sealed.

#### C. Proposed Allowable Annual Cut (AAC)

- A proposed AAC for the woodlot licence area involves an inventory, a methodology or model approved by the regional manager or district manager (usually Woodlot for Windows), and assumptions used by the model to calculate the AAC. The inventory must be signed and sealed (see A above) while methodology and model are statutory decisions. The assumptions however,



involve the practice of professional forestry and must therefore be signed and sealed by a professional.

D. Other Inventories & Information

- As per paragraph 5.02 of the woodlot licence agreement document, the regional manager or district manager may require other inventory information. If this comes from an official government source, then it does not need a second signing and sealing.
- Woodlot licensees may include other inventory information which would need signing and sealing.

E. Other Terms & Conditions

- Given that the other terms and conditions must be consistent with the *Forest Act*, the *Forest and Range Practices Act*, the *Forest Practices Code of British Columbia Act*, the *Wildfire Act* and any regulations or standards made under those Acts, the need for this element of the MP to be signed and sealed by a professional will be determined on a case by case basis.

**WORDING FROM THE WOODLOT LICENCE AGREEMENT DOCUMENT  
CONCERNING MANAGEMENT PLANS:**

5.02A proposed management plan submitted under paragraph 5.01 or subparagraph 5.04 (b) must:

- (a) be prepared in accordance with:
  - (i) any directions of the district manager; and
  - (ii) any applicable handbook;
- (b) be consistent with:
  - (i) this Licence;
  - (ii) the forestry legislation;
  - (iii) higher level plans under the *Forest Practices Code of British Columbia Act* or the *Forest and Range Practices Act*;
- (c) include inventories of the timber resources in the licence area, prepared in the manner, presented in the format and meeting the specifications referred to in:
  - (i) any directions of the district manager; and
  - (ii) any applicable handbook;
- (d) include any other inventories and information regarding the development, management and use of the licence area that the district manager requires to determine the allowable annual cut for the licence area;
- (e) propose an allowable annual cut for the licence area which considers the following:
  - (i) inventories and other information referred to in subparagraphs (c) and (d);
  - (ii) timber harvest specifications applicable for the timber resources in the licence area;
  - (iii) the management and conservation of non-timber resource values in the licence area, including visual quality, biological diversity, soils, recreation resources, cultural heritage resources, range land, wildlife, water and fish habitats;
  - (iv) the control of forests health factors or salvage of timber damaged by catastrophic events;
  - (v) silviculture practices and forest health factors that may impact on timber production;
  - (vi) the anticipated impact of the reductions to the productive portion of the licence area due to permanent roads, landings, pits and trails; and
  - (vii) any other factors that may impact on the allowable annual cut for the licence area;
- (f) contain a rationale for the proposed allowable annual cut referred to in subparagraph (e) prepared in accordance with:
  - (i) any directions of the district manager; and
  - (ii) any applicable handbook;

- (g) if required in:
  - (i) any directions of the district manager; or
  - (ii) any applicable handbook;provide some or all of the information referred to in this paragraph in the form of maps meeting the requirements of the district manager or the handbook, as the case may be; and contain:
- (h) a commitment to update the inventories and information referred to in subparagraphs (c) and (d) if required by the district manager;
  - (i) the commitments made in the Licensee's application for the Woodlot Licence; and
  - (ii) the Licensee's goals for the Woodlot Licence.