



General Bulletin

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Strategic Land Use Plans

Purpose of this Bulletin

This Bulletin provides guidance for statutory decision-makers regarding the appropriate consideration of approved strategic land use plans through the:

- preparation of operational plans by licensees and others, and
- approval of operational plans by statutory decision-makers.

What are Approved Strategic Land Use Plans ?

Approved Strategic land use plans (SLUPs) include regional plans, Land and Resource Management Plans (LRMPs) and special strategic land use decisions (e.g. for spotted owls). SLUPs are prepared through extensive stakeholder and inter-agency consultation, often involving several years of effort. Cabinet approves strategic land use plans with formal transmittal letter from the three ministers: Forests (MOF); Environment, Lands and Parks (MELP); and Energy and Mines (MEM).

A list of SLUPs is available from the [Land Use Co-ordination Office \(LUCO\) website](#).

Components of Strategic Land Use Plans

There are two distinct components of approved SLUPs:

1. Higher Level Plan (HLP) Component

The Code enables the three ministers to establish the objectives of an SLUP as an HLP. Operational plans under the Code must be consistent with any HLP(s) in effect.

2. Non-Higher Level Plan Component

Although cabinet approved SLUPs constitute a land use decision, there is no legal requirement that operational plans be consistent with SLUPs that have not been declared an HLP. Non-HLP components of an SLUP is information that should be considered in the preparation and approval of operational plans.

In summary, the only mechanism set up in the *Forest Practices Code of British Columbia Act* to implement SLUPs is the HLP.

Below is a description of both components of SLUPs. This guidance will also be referenced in the following documents:

- *Higher Level Plans: Policies and Procedures (HLP:P&P)*
- *Administration of Forest Operational Plans (AFOP)*
- Forest Practices Code Bulletin: The Application of Section 41(1)(b) of the Forest Practices Code of British Columbia Act

Higher Level Plan Components

Through the establishment of HLPs, SLUPs can legally influence forest practices under the Code. This is normally accomplished by having the three ministers (MOF, MELP, and MEM) legally establish resource management zone (RMZ) objectives. The objectives should clarify general direction in the SLUP, pertain to forest resources, be relevant to Code operational plans and vary from normal Code management.

Landscape unit objectives, other HLPs and operational plans **must not** materially conflict with legally established RMZ objectives. This ensures that appropriate components of SLUPs become part of the legal regulatory framework of the Code over a specific area.

To facilitate HLP RMZ decisions, procedures for legally establishing HLP RMZ objectives (see references) have been drafted. These draft procedures have been developed in consultation with MELP, MEM, LUCO and IAMC and will be included in an up-coming revision to *HLP: P&P*.

HLP RMZ objectives should reflect the decisions emanating from an SLUP. Examples of where HLP RMZ objectives may be needed include:

- where the Code explicitly permits an HLP to alter normal Code legal requirements (e.g. cutblock size)
- where resource objectives for certain values (e.g. caribou winter range) must be followed
- where action that varies from current Chief Forester direction is required (e.g. landscape unit objectives for mature plus old seral are to be established)
- where actions are required that constitute a significant change (higher or lower) in environmental standards (e.g. certain habitat measures for wildlife)
- where actions are required that constitute a significant change (higher or lower) in costs to industry (e.g. access strategy) or impacts on timber supply (e.g. raising or lowering green-up requirements) beyond those normally associated with Code implementation
- where joint approval of forest development plans for certain areas (e.g. sensitive wildlife areas) is required.

Non-Higher Level Plan Components

SLUPs may contain information that should be considered in the preparation and approval of a Code operational plan but is not desirable to establish as a resource management objective.

This includes resource information, general management direction, and a variety of resource management objectives and strategies that have not been established as an HLP. Statutory decision-makers (SDMs) for operational planning should consider the guidance from SLUPs in relation to local circumstances and potential application for operational plans in their districts.

Considering the SLUP guidance does not mean the SDM must adopt it. The SDM must decide how much weight to give these components of an SLUP in determining whether the proposed operational plan satisfies the second half of the two part test for plan approval set out in section 41(1) of the Code.

Section 41(1)(b) of the Code states that a district manager must be satisfied that the operational plan or amendment will adequately manage and conserve the forest resources of the area to which it applies. One of the considerations in meeting the approval test can be the guidance provided by the SLUP. But SDMs do not have the legal authority to require implementation of a non-HLP SLUP component because they feel it provides for better management than current Code standards. Implementation of a non-HLP SLUP component should be based on a structured and defensible assessment of risk to the resource considering circumstances and evidence specific to the area under the proposed plan. A separate bulletin on the application of s.41(1)(b) of the Code (see references) provides more detail on the use of risk analysis in this context.

Below are examples of SLUP components that may be considered in the preparation and approval of operational plans, and that may lead the SDM to conclude there would be an unacceptable risk by not addressing them:

- resource information prepared in support of SLUPs (e.g. location of important non-timber values)
- guidelines for resource values (e.g. caribou) can be considered but can't be given broad application – there must be evidence in front of the SDM sufficient to show an unacceptable risk to a particular resource in the area under the plan
- practices that vary from normal Code requirements that may be undertaken on a discretionary basis, where provided for in the legislation (that is, make full use of the flexibility that already exists in the Code)
- referral of operational plans to other agencies or affected stakeholders where prescribed in the SLUP.

Statutory Decision-Maker Policy

SDMs may choose to communicate to licensees how HLP and non-HLP components of SLUPs may be considered in the preparation of operational plans. One important tool to do this is the development of SDM policy.

SDMs may, if they feel it is necessary, create policy to communicate principles they use to guide their decision-making when evaluating an operational plan. This may be particularly important where an SDM must repeatedly make complex decisions weighing a range of facts including consideration of SLUPs. SDM policy should not be rigid or binding "rules". For more information on SDM policy, refer to the *AFOP*.

For example, an SDM can provide policy indicating that incorporation of non-HLP caribou guidelines into proposed operational plans is not mandatory, but that in his or her opinion the guidelines generally provide for adequate management and conservation of caribou in the forest district. The policy may request that plan proponents consider adopting the guidelines into their proposed operational plans. It should also be expressly noted that each plan will be evaluated on its individual circumstances, that the guidelines may not be applicable in all circumstances, and that the SDM is willing to consider whether measures other than the guidelines may be adequate to manage and conserve caribou for the area under the plan.

For more detail on the appropriate use of the "adequately manage and conserve test", refer to the joint MOF/MELP bulletin on section 41(1)(b) listed under references.

There are, however, limitations to implementing non-HLP components of SLUPs through SDM policy. Firstly, SDMs do not have the legal authority to require licensees to adopt non-HLP components on a district-wide basis. SDMs must turn their minds to the specific circumstances of each proposed plan on a case by case basis. Secondly, SDM policy cannot override legal Code requirements. For example, in the absence of HLP direction:

- certain provisions of the Code cannot be changed
- legal direction must be followed (e.g. Chief Forester direction for landscape unit planning)
- transitional provisions in the Code take effect (see below).

If these limitations are of concern, a proposal to establish HLP RMZ objectives should be considered.

Transition

Although SLUPs can be immediately considered once approved by Cabinet, that consideration needs to be consistent with the legal provisions under the Code. For example, in order to provide stability for planned forest operations, the Code was amended to allow for the "gating" of cutblocks whereby a Category A cutblock, once approved, would not normally be subject to further approval review. Only a few exceptions allow review of Category A cutblocks (e.g. if specified in an HLP). These,

and other clauses in the Code, are intended to provide for an orderly transition period. Therefore, approval of an SLUP does not mean it can be immediately and fully implemented and this needs to be communicated particularly to planning table participants. For example, it may take several years for some Category A cutblocks to be harvested once approved.

Conclusion

Approved strategic land use plans (SLUPs) contain two distinct components:

1. an HLP component when HLP RMZ objectives are established by the three ministers. The only mechanism set up in the Forest Practices Code to implement SLUPs is HLPs, and
2. a non-HLP component that provides information. This component may be implemented on a case by case basis where a sound risk assessment shows they are necessary to adequately manage and conserve the forest resource in the area under the proposed plan.

Draft procedures for developing and establishing HLP RMZ objectives by the three ministers have been developed to help ensure HLP decisions are made in a timely fashion.

SDMs should communicate to licensees how HLP and non-HLP components of SLUPs may be considered in the preparation of operational plans. One important tool to do this is the development of SDM policy. Although an SLUP, once approved, can be immediately considered, it can be implemented only to the extent permitted by the legislative provisions of the Code.

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References

Higher Level Plan: Policies and Procedures

Forest Practices Branch, Ministry of Forests and Habitat Branch, Ministry of Environment, Lands and Parks

Administration of Forest Operational Plans

Resource Tenures and Engineering Branch, Ministry of Forests

Forest Practices Code Bulletin: The Application of Section 41(1)(b) of the Forest Practices Code of British Columbia Act

Compliance and Enforcement Branch, Ministry of Forests and Habitat Branch, Ministry of Environment, Lands and Parks.

Strategic Land Use Planning and Landscape Unit Planning

June 3, 1999 memo from ADMs of MOF, MELP, MEM and LUCO.

Procedures to Establish Resource Management Zones and Objectives Pursuant to Forest Practices of British Columbia Act (Draft)

Prepared by Forest Practices Branch, Ministry of Forests.

