

FRPA Training Companion Guide—Errata # 3

This Errata # 3 builds on the package of handouts at the March, 2005 delivery of the “What’s New in *FRPA* (2005) training. The tables below describe the content of this errata—some additional pages and some renumbering of existing pages to address pagination issues in Errata # 1.

NOTE: version 2.2 of the *FRPA* Training Companion Guide incorporates all these changes. This version, dated March 4, 2005, is available from the *FRPA* training website at:

http://www.for.gov.bc.ca/code/training/frpa/forestry_modules_companion_guide_download.html

Additional Pages for *FRPA* Companion Guide

Pages	Brief Description of Change
1-9 - 1-10	Inserts the word “FPC” missing at bottom of page 1-10. Print pages double-sided and replace yellow pages 1-9 to 1-10.
2-5 - 2-6	Inserts the last three lines missing from bottom of page 2-6. Print pages double sided and replace yellow pages 2-5 to 2-6.
4-17	Adds two requirements to list of practice requirements and removes duplicate page. Single page insert to replace yellow pages 4-17 and 4-18.
4-22a	Single page insert to follow white page 4-22.
4-30a	Single page insert to follow yellow page 4-30.
Appendix B: pages 3-4	Inserts the last line missing from bottom of page 4 of Appendix B. Print pages double sided and replace yellow pages 3 to 4.

Renumber Existing Pages in *FRPA* Companion Guide

The following pages in the original *FRPA* Companion Guide (version 2) need to be renumbered to fit with the new pages inserted in Errata # 1. Participants should manually write the new pages numbers on these white pages—these pages are not included in this errata.

Old White Page Number	Renumber to:
4-27	4-30b
4-28	4-30c
4-29	4-30d
4-30	4-30e



1. Introduction

and road permits and timber sales licences.

The FPC will continue to apply to all areas harvested under a cutting permit issued under a valid Forest Development Plan. Corresponding site plans, silviculture prescriptions and road layout and design (RLAD) plans will continue under the FPC until obligations have been met or relieved by government (e.g., free growing stand). Licensees can choose to roll these into their FSP under *FRPA*.

Operating in the Transition Period—FDPs or FSPs

To Dec. 31/05	To Dec. 31/06	Ongoing
May submit new FDP	No	No
May amend FDP		No
Can issue CP, RP, TSL under FDP		No
Complete obligations under FDP (e.g., silviculture)		
May create FSP		Yes
		FSP Only

During the transition period for planning, forest agreement holders can work under either a Forest Development Plan or a Forest Stewardship Plan. If a licensee is working using a:

FRPA
S.187,
188

- **Forest Development Plan**—they must follow the requirements in the Forest Practices Code. Licensees to have until December 31, 2005 to submit a new Forest Development Plan (FDP) although existing, approved FDPs can be amended through 2006. All FDPs expire by December 31, 2006. The regulatory changes in December, 2004 allow cutting permits, road permits and timber sales licences to be obtained



1. Introduction

from expired FDPs until December 31, 2006; or

- **Forest Stewardship Plan**—they must follow the requirements of *FRPA*.

After January 2004, if a licensee is exempt from an FSP, they must follow the practice requirements and other requirements in *FRPA*.

Working under a Forest Development Plan

Forest development plans continue until the first to occur of the following:

FRPA
S.187

- the agreement expires;
- the plan is replaced by FSP;
- **December 31, 2006** except for Community Forest Agreements; or
- the end of term if a Community Forest Agreement.

“business as usual if working under the FDP”

Operations under a Forest Development Plan (FDP) continue as before the implementation of *FRPA*:

FRPA
S.189-195

- site plans and road layout and design plans under a FDP must follow the requirements of FPC;
- practices under a Forest Development Plan must follow the requirements of the FPC. If harvesting or road activities have started when *FRPA* comes into effect, the licensee must comply with FPC including the obligation to establish a free-growing stand under FPC; and
- cutting permits, road permits and timber sales licences may be obtained in accordance with the FPC and *Forest Act*.

Transition to *FRPA*

To transition to the *FRPA*, the licensee needs to prepare and submit a Forest Stewardship Plan (FSP). With the exception of Community Forest Agreements, this must occur by **December 31, 2006** in order for licensees to obtain new cutting permits, road permits and timber sales licences after **December 31, 2006**. Community Forest Agreements must prepare a FSP by the end of the term specified in the current plan.

FRPA
S. 7
(1.1), 196

When the FSP is approved, licensees will operate under the requirements of *FRPA* except for cutting permits, road permits and timber sales licences issued under the FPC.



2. FRPA Functional Architecture

fisheries sensitive watersheds.

Intent

Objectives in regulation are intended to provide goalposts for managing and protecting *FRPA* values.

Results and/or strategies in operational plans must address and be consistent with these objectives. In addition, forest stewardship plans must specify results and/or strategies for other objectives such as land use objectives and objectives enabled by regulation (e.g., objectives for ungulate winter range, wildlife habitat areas, and visual quality).

FRPA
S. 5(1)(b)
FPPR
S. 4.1

In the case of woodlot licence plans, range use plans and range stewardship plans, the plans themselves must be consistent with the objectives in regulation.

Changing objectives

New or modified objectives in regulation are established through the legislative drafting and amendment process. Objectives in regulation cannot be changed at local level (e.g., alternative objectives cannot be proposed in a FSP).

Objectives Enabled by Regulation

Objectives enabled by regulation are established by the appropriate Minister for a specified area. These are the most site specific of all objectives. These objectives are not stated in the regulations, but the legislation gives authority to minister to establish them for various types of areas.

FRPA
S. 56,
149.1-
150.3

Establishment

GAR S.
5-15

The appropriate minister (as authorized in the legislation) may designate areas, establish objectives for these areas, and establish other things, such as measures or features. In some cases, different ministers are responsible for designating an area and setting objectives within the area.

The following ministers can designate areas and establish objectives enabled by regulation:

- **Minister responsible for the *Land Act* (MSRM)**—may:
 - designate scenic areas; and



2. FRPA Functional Architecture

- designate community watersheds;
- **Minister responsible for the *Wildlife Act* (Water, Land & Air Protection)—may:**
 - establish water quality objectives in community watersheds;
 - designate areas and establish objectives for fisheries sensitive watersheds;
 - designate wildlife habitat areas (WHA) and establish objectives for these areas;
 - designate ungulate winter range (UWR) and establish objectives for these areas;
 - establish categories of “species at risk” for species that are endangered, threatened or vulnerable;
 - establish categories of “regionally important species” where species are important to a region of BC and may be adversely impacted by forest or range practices;
 - establish categories of “specified ungulate species” for which an ungulate winter range is required for winter survival of the species;
 - establish general wildlife measures (GWM) for categories of “species at risk”, “regionally important species”, “specified ungulate species” to apply to a specified area including a wildlife habitat area and ungulate winter range; and
 - identify categories of wildlife habitat features to protect certain bird nests, significant mineral licks and other localized habitat features.
- **Minister responsible for the *Forest Act* (MOF)—may:**
 - designate and establish objectives for interpretive forest sites, recreation sites and recreation trails;
 - establish resource features;
 - designate and establish objectives for lakeshore management zones; and
 - establish visual quality objectives for



4. Managing & Protecting *FRPA* Values

Water, Fish, Wildlife and Biodiversity in Riparian Areas (cont.)

- activities on the coast must not cause fan destabilization;
- stream crossing must protect stream channels and banks. Temporary stream crossings must be removed when no longer required;
- activities must not have a material adverse effect on fish passage in a fish stream. Temporary impacts may be possible if fish are not migrating or spawning and the source of the impact is removed immediately upon completion of the activity;
- activities must be conducted at a time and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish and fish habitat;
- restrictions apply to the use of livestock for silvicultural treatments within riparian areas;
- activities must protect water quality that is diverted for human consumption by licensed waterworks; and
- activities must not damage a licensed waterworks. Harvesting or road construction must not occur within 100m upslope of a licensed waterworks.

Exemptions

The Minister of Forests may grant an exemption for practices in regulation for riparian areas including riparian management areas, management and reserve zones. The Minister of Forests cannot grant an exemption from the requirements for fan destabilization and to retain trees as set out in the FSP for riparian management zones.

The Minister may attach binding conditions to the exemption to deal with site-specific considerations. These binding conditions must be met.

FRPA

S. 146

FPPR

S.

50(2)(3),

51, 55-

58, 91



4. Managing & Protecting *FRPA* Values

Wildlife and Biodiversity—Landscape Level and Stand Level (cont.)

Factors to Consider in Developing Results & Strategies

FPPR
Schedule
3(1)

Factors in regulation (FPPR) to consider in developing alternative results and/or strategies for biodiversity include:

- Landscape Level Factors:
 - size, distribution, and characteristics of proposed cut blocks and other areas within the landscape affected by natural disturbance, and
 - the extent to which wildlife habitat areas (WHAs), ungulate winter range (UWRs), riparian management areas (RMAs), scenic areas and other areas established to manage forest resources complement efforts to resemble natural disturbance patterns;
- Stand Level Biodiversity:
 - size, structure, amount, location and characteristics of trees that make the trees suitable for wildlife habitat and have ecological attributes that contribute to stand level biodiversity, and
 - the extent to which any WHA, UWR, RMA, old growth management area and scenic area contribute to provide suitable wildlife habitat and conservation of stand level biodiversity.

FPPR
Schedule
3(2)



4. Managing & Protecting *FRPA* Values

Cultural Heritage Resources (cont.)

Factors to Consider in Developing Results & Strategies

FPPR
Schedule

Factors in regulation (FPPR) to consider in developing results and/or strategies for cultural heritage resources include:

- the value or importance to a traditional use by an aboriginal person;
- the relative abundance or scarcity of resource;
- the historical extent of resource use;
- the impact on timber harvesting rights; and
- options available for mitigating impact of forest practices on resource.

Other Practice Requirements

FPPR
S. 70(1)

Other practice requirements in FPPR for cultural heritage resources include:

GAR
S. 5

- practices must not damage or render ineffective a resource feature. A resource feature can be identified under GAR as a cultural heritage resource.

Exemptions

n/a



Appendix B: Summary of *FRPA* Regulations

- existing resource features.

These actions will generally apply to all forest and range tenure holders, but new actions will not impact previously-issued cutting permits, road permits or certain timber sales licenses. New actions must not be taken unless they are consistent with other established objectives, will not impact timber supply and the importance of the action outweighs any material adverse impact the action will have on the existing tenure holders' ability to exercise their rights.

Generally, the actions taken under this regulation must only be taken for areas requiring special management, and where that management is not otherwise provided for in the regulation or other enactment.

An opportunity for review and comment is provided to forest and range tenure holders who may be impacted. The actions will be posted in the Ministry of Forests regional offices and on the respective Ministry web sites and published in the Gazette. **Limited review and comment opportunities are required when establishing a species category. Full review and comment provisions apply when subsequently establishing objectives or measures for managing those species in those categories.**

Authority is provided to restrict the disclosure of the precise location of specific features, where disclosure could result in damage or disturbance to the feature.

The regulation also provides the three ministers named above with further direction regarding their authority to delegate certain decisions to ministry staff. Ministers may provide directions to delegated decision-makers, and sub-delegation is restricted.

Comparison to Forest Practices Code regulation:

There is no directly comparable regulation under the Forest Practices Code (FPC). The FPC's Operational and Site Planning Regulation contains some similarly specific criteria and processes, such as the designation of community watersheds or ungulate winter ranges. The authority for other actions, such as the establishment of scenic areas and visual quality objectives, were only very indirectly provided for in the Operational and Site Planning Regulation. Generally, the FPC regulation requirements were complex, not standardized, and prone to significant local variation.

Forest Planning and Practices Regulation

Intent:

The Forest Planning and Practices Regulation sets out the government's objectives for managing forest values, and establishes the detailed planning and practice standards that must be met by holders of forest tenures or those carrying out forest practices (other than range tenure holders and woodlot licence holders). These provisions regulate most of the commercial timber harvesting done in British Columbia.



Appendix B: Summary of *FRPA* Regulations

Major content elements:

- Objectives set by government for soils, timber, wildlife, water, fish, biodiversity, cultural heritage resources, **visual quality, community watersheds and fisheries sensitive watersheds**.
- Requires forest stewardship plans to contain results or strategies for most established objectives, to identify forest development units, to specify stocking standards, to specify measures to address invasive plants and natural range barriers.
- Provides relief from requirements to specify results and/or strategies in some circumstances.
- Establishes requirements for public review and comment on proposed forest stewardship plans, and for addressing those comments.
- Sets out considerations for government's review and approval of forest stewardship plans, and amendments to those plans.
- **Specifies limited subject matter may be "certified" by qualified professionals as conforming to the content requirements of a Forest Stewardship Plan.**
- Specifies content requirements for, and exemptions from, site plans.
- Establishes default practice requirements for soil disturbance, the extent of permanent access structures (primarily roads), management of streamside (riparian) areas, maximum cut block size and retention of wildlife trees. These requirements in FPPR ("default" practice requirements) may be replaced by results or strategies approved in a forest stewardship plan. The regulation also lists various factors that may be used to assist in the development of results or strategies.
- Establishes practice requirements regarding landslides, gullies, natural surface drainage, revegetation of exposed soil, insect control, use of livestock for silviculture, use of seed, establishing free growing stands, temperature sensitive streams, alluvial fans, stream crossings, protection of fish, fish habitat, fish passage, water quality, water supply infrastructure, wildlife, resource features and cultural heritage resources. These practice requirements cannot be changed through the forest stewardship plan, but exemptions (with conditions) may be granted by government.
- Establishes practice requirements for the construction, maintenance and deactivation of roads, bridges, and culverts.
- Specifies requirements for periodic and annual reporting to government.
- Specifies criteria and/or process for orders, exemptions, conditions, and delegations and defines which contraventions are offences.

Comparison to Forest Practices Code regulations:

The Forest Planning and Practices Regulation replaces the following six Forest Practices Code regulations: Bark Beetle Regulation; Forest Road Regulation; Forest Service Road Use Regulation; Operational and Site Planning Regulation; Timber

