

Document Change Control

Version	Date of Issue	Brief Description of Change
1.0	Feb. 10/04	Initial Guide to support implementation of <i>FRPA</i> Training Program.
2.0	February, 2005	Revisions to Guide to incorporate changes from Bill 33 and amended regulations (Dec./04 and Feb./05)
2.1	February, 2005	<p>Chapters 1 and 4—clarify wildlife objective brought to life through “orders” for species and “notices” for section 7 of FPPR (pages 1-1, 4-1, 4-11).</p> <p>Chapter 1—replace graphics for Shift between Legal & Non Legislative Realm, Transition and Operating in the Transition Period (pages 1-1, 1-6, 1-8, 1-9).</p> <p>Chapter 1—update the chapter with changes from Bill 3 and FPPR amendments which passed on February 23, 2005—including changes in transition dates (pages 1-3, 1-10, 6-7).</p> <p>Chapter 4—include the new objectives under FPPR for community watershed and fisheries sensitive streams established on February 23, 2005 (pages 4-1, 4-24 to 4-29 as well as updates to pages 1-1, 1-2, 2-4, 6-7 and Appendix B-page 4). Information on pages 4-14 and 4-17 was moved to these pages.</p> <p>Chapter 9—correct typo on page 9-6.</p>



Notice to Reader

This companion guide is part of the training program supporting the implementation of the *Forest and Range Practices Act (FRPA)*. This document serves as reference material for the forestry training modules—focusing on the Forest Planning and Practices Regulation (FPPR) and legal requirements for government, major tenure holders, the BCTS program and professionals. Requirements for range and woodlot agreement holders may differ. Information and training on planning and practice requirements for range and woodlot agreements are covered in other training modules.

The use of any trade, firm or corporate name in this publication is for the information and convenience of the reader. Such use does not constitute an official endorsement or approval by the Government of British Columbia of any product or service to the exclusion of any others that may also be suitable.

Warranty Disclaimer

This *FRPA* Training Companion Guide does not include every change to the *Forest and Range Practices Act (FRPA)* and regulations, nor should it be construed as legal advice or opinion. For the full legal wording, refer to the *FRPA* and regulations themselves, available from Crown Publications (e-mail: crown@pinc.com).

While every effort has been made to ensure the accuracy of the information herein, no warranties of any kind are made as to the precision or longevity of the contents. Readers are advised to refer to the wording of the legislation and regulations themselves, and obtain legal advice from their own sources.

Amendments can be anticipated to occur over the upcoming months and years as *FRPA* is implemented. To keep abreast of changes to legislation and regulations, we recommend regular checks of the websites at:

<http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>.

This information is provided as a public service by the Ministry of Forests, Forest Practices Branch, Box 9513, Stn Prov Govt, Victoria, British Columbia, Canada V8W 9C2. This Guide and all of the information it contains are provided "as is" without warranty of any kind, whether express or implied. All implied warranties, including, without limitation, implied warranties of merchantability, fitness for a particular purpose, and non-infringement, are hereby expressly disclaimed.

Limitation of Liabilities

Under no circumstances will the Government of British Columbia be liable to any person or business entity for any direct, indirect, special, incidental, consequential, or other damages based on any use of this information or any other document or material to which this Guide is linked, including, without limitation, any lost profits, business interruption, or loss of programs or information, even if the Government of British Columbia has been specifically advised of the possibility of such damages.

Copyright

The following policy governs the use of this Companion Guide and all supporting print, audio and visual files.

Copyright © 2005, Province of British Columbia.



All rights reserved

This material is owned by the Government of British Columbia and protected by copyright law. It may not be reproduced or redistributed without the prior written permission of the Province of British Columbia.

For requests relating to the reproduction of provincial legislation, permission is subject to the conditions outlined at <http://www.gov.bc.ca/com/copy/guide.htm>.

Permission

To request permission to reproduce all or part of the material in this Guide, please complete the Copyright Permission Request form at <http://www.gov.bc.ca/com/copy/req/>.

Questions or Concerns?

For more information, please contact the Intellectual Property Program by:

e-mail: ipp@mail.qp.gov.bc.ca; or

fax: (250) 356-0846.

What is the “*FRPA* Training Companion Guide”?

This *FRPA* Training Companion Guide provides an overview of the requirements introduced as a result of the *Forest and Range Practices Act* and associated regulations.

The Guide is a companion to the training sessions that are conducted in local communities throughout BC as part of the *FRPA* Training Program.

The objectives of this training program are to provide a common message and consistently high level of understanding of the *Forest and Range Practices Act* and regulations to forestry and range practitioners across the Province, so that they are aware of their new legal obligations.

The target audience for this training program includes government personnel, licensees, timber sales managers and others who plan, conduct and monitor forestry and range practices in BC. The training builds on the existing FPC legislation and assumes participants have a working knowledge of the FPC.

Where to get more information

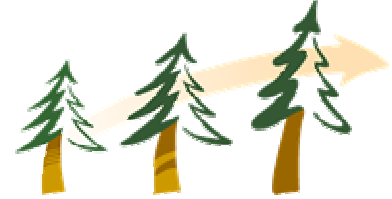
Additional information can be obtained via the Internet:

Act and regulations—the *FRPA* legislation can be found at:
<http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>.

***FRPA* Training Website**—training material including the recorded presentations, overheads, notices of recent changes, future training and this Guide can be found at:
<http://www.for.gov.bc.ca/code/training/FRPA/>.







1. Introduction

What's Changed Since January, 2004?

This *FRPA* Training Companion Guide highlights the major changes to the *FRPA*, the Forest Planning and Practices Regulation (FPPR) and the Government Actions Regulation (GAR) since January, 2004. The Guide also highlights updates on other related events such as the notices and orders issued by the various ministries involved in *FRPA*.

In 2004, the *Forest and Range Practices Act (FRPA)* was amended through Bill 33 which was passed on May 13, 2004 and brought into force by regulation on December 13, 2004. Bill 3 amended the transition provisions in *FRPA* on February 23, 2005. The *FRPA* regulations were changed through amendments that became effective December 13, 2004. The FPPR was further amended on February 23, 2005 to establish objectives for community watersheds and fisheries sensitive watersheds.

Until June 1, 2005, any new objective(s) or standard(s) made under parts 2 and 3 of the FPPR apply immediately and must be addressed in the FSP (section 2(4) of FPPR). Plans already under development, including advertised and submitted for review, must be consistent with the new objective(s) or standard(s). The four month window applies after June 1, 2005 (i.e., new objectives or standards made under parts 2 and 3 of the FPPR apply after four months).

The major changes include the following—covered in more detail in later chapters of this Guide:

- Extending the period of transition to *FRPA* by one year. The FPPR has been amended to allow agreement holders and timber sales managers to submit forest development plans (FDP) until December 31, 2005 and amend a FDP until December 31, 2006. It also provides for cutting permits, road permits and timber sales licences to be issued for expired FDPs until January 1, 2007;
- Increasing professional reliance by allowing professionals to “certify”, if they choose to do so, that the subject matter for specified elements of the FSP meets legislated content requirements;
- Changing to government objectives including:
 - establishing objectives for visual quality in existing scenic areas,
 - establishing objectives for community watersheds established under FPC,
 - establishing objectives for fisheries sensitive watersheds identified in



- regulation,
- modifying the timber objective,
- bringing the wildlife objective into force by orders establishing species categories, and notices in accordance with section 7 of the FPPR, and
- establishing old growth objectives under the Ministry of Sustainable Resource Management's Provincial Non-Spatial Old Growth Order;
- Clarifying many provisions for drafting, reviewing and approving FSPs including:
 - Clarifications to the relationship between results and/or strategies, objectives and the Forest Stewardship Plan (s. 5(1.1) of *FRPA*),
 - Clarifications to protection provisions for cutting permits, road permits, timber sales licences and results and/or strategies (s. 7(1.1) and 19(2)(a) of *FRPA*),
 - Expanded lists of events and timeframes that may require Category A cut blocks, with assessments complete, to go back through the plan approval process; and
- Enabling the ministers of MOF, WLAP and MSRM to delegate authority provided under the *FRPA* to persons employed within a Ministry or to an agent of the Crown. These delegates may also sub-delegate authority under circumstances prescribed in regulation (s. 2 of *FRPA*).



Background

On December 17, 2002, the BC government announced amendments to the Forest Practices Code which heralded the first step towards a results-based code in BC. The *Forest and Range Practices Act (FRPA)* came into force on January 31, 2004 bringing results based management to forest and range resources into full effect in BC.

The *Forest and Range Practices Act (FRPA)* was amended through Bill 33 which was passed on May 13, 2004 and brought into force by regulation on December 13, 2004. Bill 3 amended the transition provisions of *FRPA* on February 23, 2005. The *FRPA* regulations were changed through amendments that became effective December 13, 2004 and February 23, 2005. In addition, other events occurred in 2004 that impacted *FRPA*, for example, notices and orders for government objectives issued by the various ministries involved in *FRPA*.

This *FRPA* Training Companion Guide describes the main components of the *FRPA* with particular references to forest stewardship plans which apply to major forest tenures including BCTS. Training programs for range and woodlot plans and practices are provided under separate modules.

For more information, please refer to the *FRPA* website at: www.for.gov.bc.ca/code. The complete version of the *FRPA* and regulations is available from Crown Publications (e-mail: crown@pinc.com).



Forest Practices Code

The Forest Practices Code (FPC), introduced in 1995, will be, for the most part, replaced by the *Forest and Range Practices Act (FRPA)* by **December 31, 2006**. After this date, all new activity such as new operational plans must be undertaken in accordance with the *FRPA*. **After December 31, 2006**, authorities issued under a valid FDP remain subject to the FPC until all obligations are completed (e.g., obligations in silviculture prescriptions, site plans and road design and layout plans under an approved FDP).

This move from the FPC to the *FRPA* represents a transition from a primarily plan and process-based regime under FPC to a results-based regime under *FRPA*.

The FPC was intended to consider impacts to forest and environmental values, and design means to mitigate these impacts prior to forest development and management activities.

Originally, under the FPC, there was a requirement for licensees to prepare six operational plans for review and approval, of which three had to be approved prior to harvesting. This heavy government oversight was



considered necessary to ensure the broad public interest in forest management was being protected and to build public confidence in forest management. Since December 2002, the FPC only requires two pre-harvest plans, one of which must be approved.

Why the change to FRPA?

Moving to a Results-Based Code

The FPC achieved its original objectives of creating a level playing field for all forest licensees, increasing environmental protection and applying consistent enforcement measures. However, it required a high number of transactions between industry and government, focused on process instead of results, and unintentionally increased costs for both industry and government. To address these issues, the Ministry of Forests (MOF) initiated a move to results based legislation in 2001.

“Transition from a plan and process-based to a results-based regime”

During the public consultation phase in mid-2002, the MOF solicited a wide range of input from industry, environmental groups and other stakeholder groups across BC. Many comments were received around easing the regulatory burden, reducing transactional and operational costs, increasing the flexibility for forest management practices and continuing to protect the environment.

The *Forest and Range Practices Act (FRPA)* was a result of this initiative. *FRPA* sets a framework for forest and range planning and practices. Under *FRPA*, Industry has an increased level of accountability for results and outcomes of their practices. In addition, *FRPA* opens the door for industry to undertake more innovative practices. Compliance and enforcement will be strengthened under the new legislation.



1. Introduction

Key goals guiding the development of *FRPA* include:

- ✓ Reduce the transactional and operational costs to industry.
- ✓ Reduce the current Code's administrative complexity.
- ✓ Provide industry "freedom to manage" in delivery of defined results.
- ✓ Maintain the current Code's high environmental standards.
- ✓ Continue to balance social, environmental and economic interests.
- ✓ Maintain and enhance the level of public acceptance of forest and range management.
- ✓ Be within the resource capacity of government.
- ✓ Strengthen the compliance and enforcement regime.
- ✓ Enhance industry's global competitiveness by improving its ability to exercise government granted timber-harvesting rights on a timely, economic and environmentally sound basis.
- ✓ Maintain and sustainably enhance the province's timber supply.

From FPC to FRPA

The table below compares and contrasts FPC to *FRPA*.

FPC	<i>FRPA</i>
<ul style="list-style-type: none">• Complex policy framework:<ul style="list-style-type: none">• 19 regulations.• 7 legally binding guidebooks.• 35 guidebooks that specify non-binding management practices.	<ul style="list-style-type: none">• Simplified policy framework:<ul style="list-style-type: none">• 12 regulations.• No guidebooks referred to in legislation.• 18 operational plan approval steps removed.
<ul style="list-style-type: none">• Plan and process-based <i>Act</i> and regulations, including many content requirements for plans, and methods for how to carry out practices.	<ul style="list-style-type: none">• Results based <i>Act</i> and regulations that relies on science-based approach to environmental management to ensure sustainability, accountability and responsibility.
<ul style="list-style-type: none">• Detailed content requirements for	<ul style="list-style-type: none">• Simplified content requirements. Emphasis on results and



1. Introduction

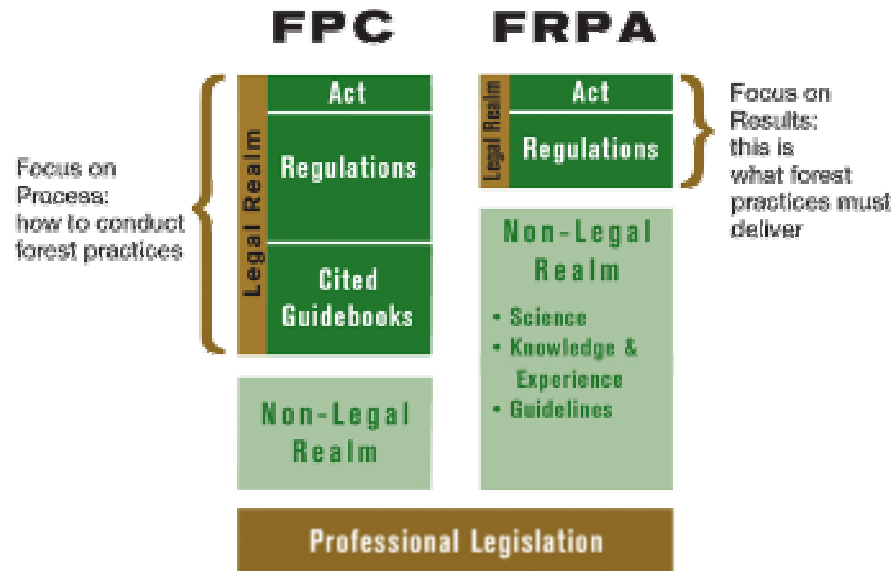
FPC	FRPA
<p>operational plans.</p> <ul style="list-style-type: none">• Operational plan approval includes test for adequately managing and conserving.	<p>strategies.</p> <ul style="list-style-type: none">• Operational plan approval test includes test for results and strategies to be consistent with government objectives.
<ul style="list-style-type: none">• Assessments required by law.	<ul style="list-style-type: none">• Assessments being chosen by proponents as due diligence in plan preparation or to meet practice requirements (e.g., terrain stability assessment to avoid landslides with a material adverse effect).
<ul style="list-style-type: none">• Under FPC, legal requirement for professional sign-off of operational plans.	<ul style="list-style-type: none">• Qualified professionals can “certify” some content elements of a FSP.• Under <i>FRPA</i>, operational plans must be signed by the person required to prepare the plan.• Other acts and bylaws governing professionals specify the signing and sealing of plans by professionals.
<ul style="list-style-type: none">• Protection for environment includes a plan approval test for “adequately manage and conserve”.	<ul style="list-style-type: none">• Protection for environment includes a changed plan approval test—one focusing on results and/or strategies in operational plans consistent with government established objectives.

Shift between Legal & Non Legislative Realm

The move from a prescriptive regime under FPC to a results-based regime under *FRPA* is accompanied by a shift in the requirements in the legal framework versus information available in the non-legal realm.



1. Introduction



FRPA Structure

Parts covering Planning

- Part 2—Forest Stewardship Plan, Site Plan and Woodlot Licence Plan.
- Part 4—Range (Range Use Plan and Range Stewardship Plan).

Parts covering Practices

- Part 3—Forest Practices.
- Part 4—Range.
- Part 5-Division 1—Protection of Resources.

Parts covering Compliance and Enforcement

- Part 6—Compliance and Enforcement.

Common Parts

- Part 1—Definitions and Interpretation.
- Part 5—Protection of Resources.
- Part 7—General.
- Part 8—Forest Practices Board.
- Part 9—Regulations and Standards.
- Part 10—Pilot Projects for Forest Practices or Range Practices.
- Part 11—Transitional.



1. Introduction

FRPA Regulations

There are 12 regulations under *FRPA* including:

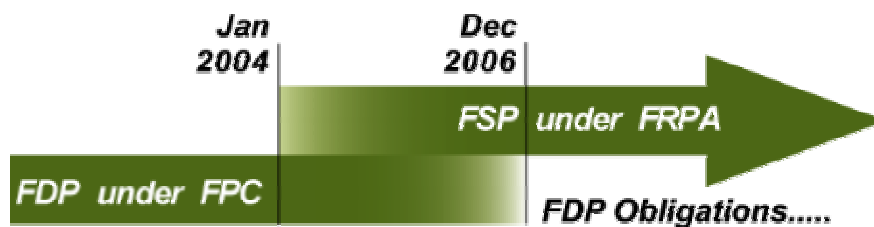
- Administrative Remedies Regulation.
- Administrative Review and Appeal Procedure Regulation
- Forest Planning & Practices Regulation (FPPR).
- Forest Practices Board Regulation.
- Forest Recreation Regulation.
- **Forest Service Road Use Regulation.**
- Government Actions Regulation (GAR).
- Invasive Plant Regulation.
- Range Planning & Practices Regulation (RPPR).
- Security for Forest Practice Liabilities Regulation.
- **TFL 49 Pilot Project Regulation.**
- Woodlot Licence Planning & Practices Regulation (WLPPR).

Chief Forester's Standards (1)

- In addition to these regulations, the **Chief Forester's Standards for Seed Use** **takes effect on April 1, 2005** and applies to persons who use seed in establishing a free growing stand under *FRPA*.

Transition

"The transition period to *FRPA* planning regime will occur over a two year period"



The transition to the planning requirements of the *Forest and Range Practices Act* will occur over several years. There will be 2 legal frameworks—FPC and *FRPA* until all obligations under the FPC are complied with (e.g., free growing stands) or rolled over into the *FRPA* world.

After January 1, 2007, forest agreement holders will need to be operating under *FRPA* to obtain new cutting



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.

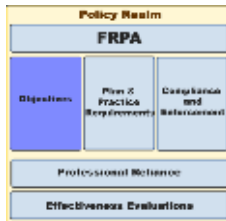
FRPA
S. 7
(1.1), 196

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



2. FRPA Functional Architecture

Government Objectives—1st Pillar



Government will set objectives for managing and protecting forest and range values. There are four types of objectives:

- Land Use Objectives—established under the *Land Act* and s. 3-5 of the *Forest Practices Code of British Columbia Act*;
- Objectives in Regulation (s. 149 of *FRPA*, s 5-10 of FPPR, s. 6-11 of RPPR, s. 9 in WPPR);
- Objectives Enabled by Regulation (s. 56, 149.1-150.3 of *FRPA*, **s. 5-19 of GAR**); and
- Grandparented Objectives—carrying forward established objectives under FPC (s. 181 of *FRPA*).

FRPA
S. 56,
149,
149.1-
150.3,
181

FPPR
S. 5-10

RPPR
S. 6-11

WPPR
S. 9

GARS. 5-19

Objectives apply to forest, range and woodlot agreement holders and must be addressed in the applicable operational plans.

Land Use Objectives

Land use objectives are one of two types of Objectives Set by Government (OBSG) and include land use objectives:

- established or continued under s. 3-5 of *Forest Practices Code of BC Act*; and
- **established under the *Land Act* when the amended *Land Act* and regulations comes into force—envisioned for 2005.** Examples of objectives established under the *Land Act* include objectives from sources such as regional land use plans, LRMPs and landscape unit plans.

Forest Practices Code of BC Act
S. 3-5
Land Act

Land use objectives established under the *Land Act* are some what separate from objectives established under *FRPA*. Most land use objectives are outside of the policy limits on timber supply impacts established in the *FRPA* Policy Realm. However, Old Growth Management Areas (OGMA), wildlife tree retention and other aspects of biodiversity as per the Land Use Planning Guide will continue to be managed within the *FRPA* policy limits. Other objectives from future strategic land use plans



2. FRPA Functional Architecture

may extend past timber supply policy limits.

Establishment

The **Minister responsible for the *Land Act* (MSRM)** will establish land use objectives through orders once the amended *Land Act* and regulations are in force.

Land use objectives always prevail if any conflict exists with other objectives to the extent that other objectives are inconsistent with the land use objectives.

Intent

Land use objectives guide the preparation of results and/or strategies in operational plans and are key to maintaining environmental and economic values. They enable existing and new objectives developed under regional and sub-regional planning processes to be brought forward into *FRPA*.

Changing objectives

New or modified land use objectives are established by MSRM. Land use objectives cannot be changed at the local level (e.g., alternative objectives proposed in an FSP).

Objectives in Regulation

Objectives in regulation are the second of two types of Objectives Set by Government (OSBG). These “section 149 objectives” are derived from authority in section 149 of the *FRPA* and are only set in regulation. They apply province-wide, and are the most general type of objectives.

FRPA
S. 149

FPPR
S. 5-10

Establishment

These objectives are set out in the FPPR, RPPR and WLPPR regulations. The suite of government objectives is slightly different in each of these regulations. FPPR contains objectives in regulation for soils; timber; wildlife; water, fish, wildlife and biodiversity in riparian areas; wildlife and biodiversity; cultural heritage resources, **visual quality, community watersheds and**

RPPR
S. 6-11

WLPPR
S. 9



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



4. Managing & Protecting *FRPA* Values



What's Changed Since January, 2004?

The major changes occurring in managing and protecting *FRPA* values since January, 2004 include the following.

Changes in Government Objectives

Plan preparers must address the following new or modified Objectives Set By Government under sections 5-10 of FPPR:

- timber—the timber objective in FPPR was modified to include a consideration of competitive costs for delivering wood to the mill relative to other jurisdictions. The revised timber objective in section 6 of FPPR is more tangible and therefore it is easier to draft results and/or strategies that are measurable and consistent with the objective. However, those required to prepare a FSP are exempt from having to prepare results or strategies for this objective. Licensees may voluntarily submit results or strategies for the timber objective;
- wildlife objective in FPPR—the objective in section 7 of FPPR came into effect immediately through notices published on December 30, 2004. FSPs, in areas affected by these notices, must now contain results or strategies consistent with the section 7 of FPPR wildlife objective. The notices contain indicators of the amount of area, distribution of areas and attributes of those areas of wildlife habitat to be conserved for the survival of species at risk and the winter survival of specified ungulate species;
- species at risk—the Minister of Water, Land and Air Protection issued two orders, effective May 6, 2004, establishing categories of species at risk and specified ungulate species. The orders provided the details needed to enable the minister (of delegate) to exercise authorities under the FPPR and GAR;
- fisheries sensitive watersheds—section 8.1 of FPPR establishes a new objective for fisheries sensitive watersheds. The FPPR now includes a schedule identifying fisheries sensitive watersheds that are continued into *FRPA*. The objective was established on February 23, 2005 and applies immediately;
- community watersheds—section 8.2 of FPPR establishes a new objective for community watersheds that were established under FPC provisions prior to January 31, 2004. The objective was established on February 23, 2005 and applies immediately;
- visual quality—section 9.2 of FPPR establishes a new objective for visual



4. Managing & Protecting *FRPA* Values

quality in existing scenic areas without a visual quality objective. The objective establishes a FPC equivalent objective for the size, shape and location of cut blocks in scenic areas that are viewable from a public viewpoint; and

- biodiversity—the biodiversity objective in FPPR was split into two related objectives – section 9 of FPPR for landscape level, and section 9.1 of FPPR for stand level objectives. Requirements to specify results or strategies for the landscape level objective is clarified to include a test “to the extent practicable” to provide flexibility for local considerations and conditions.

Plan preparers must include results or strategies in their plan if the following new objectives are applicable to the plan area:

- community watershed—if the FDU encompasses any area of a community watershed continued under *FRPA*;
- fisheries sensitive watersheds—if the FDU encompasses any area of a fisheries sensitive watershed identified in Schedule 2 of the FPPR;
- visual quality objectives—existing scenic areas with recommended visual quality classes are continued under *FRPA* as visual quality objectives (s. 17 of GAR); and
- old growth objectives—established through the Provincial Non-spatial Old Growth Order under section 4 of the FPC. This order establishes objectives for old growth forest retention in areas without old growth objectives.

Practice Requirements

Plan preparers developing results and/or strategies must be aware of clarifications in the “default” practice requirements in FPPR:

- permanent access structures (PAS) —the “default” practice requirement for rehabilitating an area occupied by a PAS is to (s. 36 of FPPR):
 - Remove or redistribute woody materials that are concentrating subsurface moisture,
 - De-compact compacted soil, and
 - Return displaced surface soils, retrievable side-cast and berm materials; and
- wildlife tree retention—the requirements for wildlife tree retention areas in FPPR have been simplified to now contain one set of numbers (s. 66 of FPPR).



4. Managing & Protecting *FRPA* Values

Wildlife

The *FRPA* approaches the protection of wildlife, fish and biodiversity by focusing on managing and conserving habitat at two different scales—the broad landscape and the local stand. Most species can be conserved by managing habitat at a broad scale across the landscape. *FRPA* addresses this through practice requirements for activities around riparian areas and managing biodiversity (e.g., maximum cut block size, adjacency/green-up requirements, old growth retention). However, some species, or features of their habitats, need more localized protection. *FRPA* addresses this through conserving stand level habitat for these species through provisions such as requirements for wildlife tree retention areas and coarse woody debris).

Government Objectives

Objectives in Regulation

The objective in FPPR for wildlife is—without unduly reducing the timber supply from British Columbia's forests:

- to conserve sufficient wildlife habitat (in terms of amount, distribution and attributes of those areas) for survival of species at risk, regionally important species, and winter survival of specified ungulate species.

This objective now has legal force as the Minister responsible for the *Wildlife Act* (WLAP), has issued:

- orders for lists of species at risk and specified ungulate species under section 7(1) of FPPR (May 6, 2004). These lists play a role in section 7(2) notices and general wildlife measures, ungulate winter range and wildlife habitat areas; and
- notices under section 7(2) of FPPR for indicators of the amount, distribution and attributes of wildlife habitat to be conserved for the species at risk and specified ungulate species were issued on December 30, 2004.

FRPA
S. 149

FPPR
S. 7

RPPR
S. 10

WLPPR
S. 9



4. Managing & Protecting *FRPA* Values

Wildlife (cont.)

Objectives Enabled by Regulation

The *FRPA* and Government Actions Regulation give the Minister **responsible for the *Wildlife Act*** (WLAP) statutory authority to:

GAR
S. 9, 10,
11, 12,
13

- establish categories of:
 - “species at risk” for species that are endangered, threatened or vulnerable,
 - “regionally important species” where species are important to a region of BC and may be adversely impacted by forest or range practices, and
 - “specified ungulate species” for which an ungulate winter range is required for winter survival of the species;
- establish ungulate winter range (UWR) and establish objectives for these areas;
- establish wildlife habitat areas (WHA) and establish objectives for these areas;
- establish general wildlife measures (GWM) for specified areas and categories of “species at risk”, “regionally important species” and “specified ungulate species” if necessary to protect or conserve the species in the specified area. The Minister may also establish a GWM for a wildlife habitat area (WHA) or ungulate winter range (UWR) if necessary to protect or conserve a WHA or UWR; and
- identify categories of wildlife habitat features to be protected by persons carrying out forest or range practices. Features are listed in section 11 of GAR and include certain bird nests, significant mineral licks and other localized habitat features that the Minister (WLAP) considers to be a wildlife habitat feature.

Continued (Grandparented) Objectives

General wildlife measures and ungulate winter range and wildlife habitat area designations and objectives established under the FPC are continued (i.e., grandparented) into *FRPA*.

FRPA
S. 180,
181, 182



4. Managing & Protecting *FRPA* Values

Wildlife (cont.)

Practice Requirements

“Default” Practice Requirements in FPPR

FPPR
S. 12.1,
12.5

The FPPR does not contain requirements (“default” practice requirements for wildlife objectives set out in sections 7. **Section 7 wildlife objectives have been brought into effect by actions of the Minister of WLAP as described above.**

Those preparing a FSP must propose results and/or strategies for the objective in regulation listed above plus any land use objectives or objectives enabled by regulation that apply to the area under the plan.

Factors to Consider in Developing Results & Strategies

There are no factors in regulation (FPPR) to consider in developing results and/or strategies for wildlife. In place of factors, information to be considered will be provided by the Minister **responsible for the *Wildlife Act* (WLAP).**

Other Practice Requirements

FPPR
S. 69, 70,
86

Other practice requirements in FPPR for wildlife include:

- a person conducting practices must comply with each general wildlife measure that applies to the area;
- practices must not damage or render ineffective a -wildlife habitat feature; and
- any previously unidentified wildlife habitat features must be reported to the District Manager in the annual report only if it is in or contiguous to the operation and the order establishing the feature requires it to be reported.

RPPR
S. 36

WLPPR
S. 55

Exemptions

FRPA
S. 146

The Minister responsible for the *Wildlife Act* (WLAP) may exempt a person from practice requirements to comply with general wildlife measures and to avoid damage to a wildlife habitat feature in certain circumstances.

FPPR
S. 69, 70,
92

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



4. Managing & Protecting *FRPA* Values

Water, Fish, Wildlife and Biodiversity in Riparian Areas

Riparian areas along-side streams and around wetlands and lakes are important for wildlife and fish habitat, biodiversity and to help protect the water resource:

- Riparian reserve zones (RRZ) along-side streams, wetland and lakes are basically “no-harvest” zones designed to protect the fish, wildlife habitat, biodiversity and water values; and
- Riparian management zones (RMZ), outside the riparian reserve zone, are designed to protect the integrity of the RRZ itself as well as further protecting the same values (e.g., fish, wildlife habitat, biodiversity, water).

Government Objectives

Objectives in Regulation

The objective in FPPR for water, fish, wildlife and biodiversity within riparian areas is to conserve, at the landscape level, the water quality, fish habitat, wildlife habitat and biodiversity associated with these riparian areas—without unduly reducing the provincial timber supply.

FRPA
S. 149

FPPR
S. 8

RPPR
S. 8-11

WLPPR
S. 9

Objectives Enabled by Regulation

The Minister **responsible for the *Forest Act* (MOF)** has statutory authority to:

GAR
S. 6

- designate and establish objectives for lakeshore management zones.

Continued (Grandparented) Objectives

Existing lakeshore management zones, and objectives for these areas that were in effect prior to *FRPA*, are grandparented into *FRPA*.

FRPA
S. 180,
181



4. Managing & Protecting *FRPA* Values

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

Practice Requirements

“Default” Practice Requirements in FPPR

FPPR
S. 12.1,
12.3, 47-
53

A plan preparer does not have to include results and/or strategies for the objective set out in section 8 of the FPPR if the FSP contains an “undertaking that the person will comply” with the requirements set out in sections 47 to 53 of the FPPR, and the Minister approves the FSP. These requirements (“default” practice requirements) include:

- stream riparian widths;
- wetland riparian widths;
- lake riparian widths;
- restrictions on practices in a riparian management area (RMA);
- restrictions on practices in a riparian reserve zone (RRZ);
- restrictions on harvesting in a riparian management zone (RMZ) to maintain stream bank or channel stability; and
- restrictions on harvesting in a RMA around temperature sensitive streams (where streams have been designated as temperature sensitive streams by the Minister responsible for the *Wildlife Act* (WLAP)).

Regardless of whether or not a person chooses to follow the defaults in the FPPR or prepare alternative results and/or strategies for the riparian objective in section 8 of FPPR, the person *must* specify in the FSP, for the section 8 objectives, a result or strategy that addresses retention of trees in a RMZ. (See section 12 (3) of FPPR).

This obligation works together with the obligation in section 52(2) of FPPR to retain enough trees to maintain stream bank stability:

- the retention of trees under section 52(2) of FPPR addresses one element of the function of a RMZ —the conservation of fish, wildlife habitat, biodiversity and water values (definition of RMZ under paragraph (b)(i) in s. 1 of FPPR); and



4. Managing & Protecting *FRPA* Values

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

- the retention of trees specified by section 12(3) of FPPR addresses the second function of an RMZ—the protection of the RMZ (definition of RMZ under paragraph (b)(ii) in s. 1 of FPPR).

Factors to Consider in Developing Results & Strategies

FPPR
Schedule
2

Factors in regulation (Schedule in the FPPR) to consider in developing alternative results and/or strategies for water, fish, wildlife and biodiversity in riparian areas include the:

- type of management regime required for a riparian area;
- type, timing or intensity of forest practices that can be carried out in a riparian area; and
- role of forest shading of a temperature sensitive stream.

See the list of factors in the Schedule of FPPR for additional details.

Other Practice Requirements

FPPR
S. 47-52,
54-58

Additional practice requirements in FPPR for riparian areas include:

- riparian classes for streams, wetlands and lakes;
- maintenance of roads in a riparian management area is restricted to clearing widths except as necessary to maintain stream crossings;
- gravel for road activities cannot be removed from a riparian management area unless within the road prism, located at a stream crossing, or there is no other practicable option;
- trees must not be cut in a riparian reserve zone unless for specified situations such as removing a safety hazard, facilitating cable harvesting or building a stream crossing;
- harvesting in a riparian management zone must meet requirements for percentage of total basal area remaining and physical structure;



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; and
- restrictions apply to the use of livestock for silvicultural treatments within riparian areas.

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

Government Objectives

Objectives in Regulation

The objective in FPPR for biodiversity at the landscape level is to—without unduly reducing timber supply:

- design areas to be harvested so they resemble the patterns of natural disturbance that occur within landscape **to the extent practicable**.

FRPA
S. 149

FPPR
S. 9, **9.1**

RPPR
S. 10, 11

The Objective in Regulation (FPPR) for biodiversity at the stand level is to—without unduly reducing the provincial timber supply:

- retain wildlife trees.

Land Use Objective (old growth objectives)

FPC
S. 4

On June 30, 2004, MSRM established, by order, provincial non-spatial old growth objectives that apply to all landscape units where old growth targets or Old Growth Management Areas (OGMAs) have not yet been established. The order intends to conserve biodiversity values and species associated with old growth forests by identifying the amount of old growth forest that must be maintained based on the age of the forest, biogeoclimatic variant and landscape unit. The order contains objectives by:

- Natural Disturbance Type;
- Okanagan area; and
- Merritt area.

The Provincial Non-Spatial Old Growth Order does not apply to woodlot licence agreements, community forest agreements less than 600 hectares and private land outside of a TFL. The Order also does not apply to spatially located old growth management areas or non-spatial old growth objectives established in a higher-level plan prior to the effective date of this objective.



4. Managing & Protecting *FRPA* Values

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

Other Practice Requirements

FPPR
S. 68, 70

Other practice requirements in *FPPR* for (stand level) biodiversity include:

- harvesting must retain a minimum of 4 logs per ha on the cut block as coarse woody debris. As logs rot from the ends, longer logs will provide habitat that supports many species for longer periods of time. Each log must be a minimum of:
 - 5 m in length and 30cm in diameter on the Coast, and
 - 2 m in length and 7.5 cm in diameter in the Interior; and
- Practices must not damage or render ineffective a wildlife habitat features.

Exemptions

FRPA
S. 146

The Minister of Forests may grant an exemption to the practice requirement in regulation for coarse woody debris.

FPPR
S. 68, 91

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



4. Managing & Protecting *FRPA* Values

Community Watersheds

Government Objectives

Objectives in Regulation

The objective in FPPR (paraphrased) for water being diverted for human consumption through a licensed waterworks in a community watershed is (without unduly reducing the timber from BC's forests) to prevent the cumulative hydrological effects of forest practices on:

- the quantity or flow of water from the waterworks; or
- the water and its impact on human health that cannot be addressed by water treatment required under an enactment or licence.

In order for this provision to apply, the community watershed must have been established under FPC provisions before January 31, 2004 and not have a water quality objective:

- grandparented into *FRPA* under section 181 of the *Act*; or
- established under section 8 of GAR.

FRPA
S. 149,
180, 181

FPPR
S. 8.2

GAR
S. 8, 16

Objectives Enabled by Regulation

The *FRPA* and Government Actions Regulation give the Minister responsible for the *Wildlife Act* (WLAP) statutory authority to establish water quality objectives:

- for the quality, quantity and timing of water flow,
- to prevent cumulative hydrological effects in community watersheds.

These objectives are established to apply to areas designated as community watersheds by the Minister of Sustainable Resource Management (MSRM).

FRPA
S. 150

GAR
S. 8

Continued (Grandparented) Objectives

Water quality objectives set under the FPC have no effect for the purposes of the *FRPA*.



4. Managing & Protecting *FRPA* Values

Community Watersheds (cont.)

Practice Requirements

“Default” Practice Requirements in FPPR

FPPR
S. 8.2

The FPPR does not contain requirements (“default” practice requirements) for community watersheds.

Those preparing a FSP must propose results and/or strategies for the objective in regulation listed above plus any land use objectives and objectives enabled by regulation that apply to the area under the plan.

The Minister responsible for the *Wildlife Act* (WLAP) must exempt the plan preparer from specifying a result and/or strategy for this objective if the watershed exists but does not require special management or is addressed by another enactment.

Factors to Consider in Developing Results & Strategies

There are no factors in regulation (FPPR) to consider in developing results and/or strategies for community watersheds.

Other Practice Requirements

FPPR
S. 59-63

Additional practice requirements in FPPR for community watersheds include:

- activities must protect water quality that is diverted for human consumption by licensed waterworks;
- activities must not damage a licensed waterworks. Harvesting or road construction must not occur within 100m upslope of a licensed waterworks;
- excavated and bladed trails must not be constructed in community watersheds if it will cause harmful sediment to enter a stream, wetland or lake from which water is being diverted for human consumption;
- the Minister of Forests may specify the location of roads in the proximity of an identified spring in a community watershed; and
- use of fertilizers in community watersheds is restricted.



4. Managing & Protecting *FRPA* Values

Community Watersheds (cont.)

Exemptions

FRPA
S. 146

The plan preparer must be exempted from practice requirements in sections 59 to 61 relating to the impact on water quality affecting human health in community watersheds if the intended results and/or strategies in an approved FSP will have the same legal effect as these provisions.

FPPR
S. 12.32,
59-63, 91

The Minister of Forests may grant an exemption for practices in regulation for community watersheds. The Minister may attach binding conditions to the exemption to deal with site-specific considerations. These binding conditions must be met.



4. Managing & Protecting *FRPA* Values

Fisheries Sensitive Watersheds

Government Objectives

Objectives in Regulation

FRPA
S. 149

The objective in FPPR (paraphrased) for fish habitat in fisheries sensitive watersheds is (without unduly reducing the timber from BC's forests) to prevent the cumulative hydrological effects of forest practices on the habitat of the fish that the watershed was established to protect.

FPPR
S. 8.1,
Schedule
2

Fisheries sensitive watersheds to which this provision applies are identified in Schedule 2 of the FPPR and have

- significant downstream fisheries values continued from the FPC under section 180 of the *Act*; and
- significant watershed sensitivity continued from the FPC under section 180 of the *Act*; and
- no objective established for the fisheries sensitive watershed.

This objective is established until December 31, 2005. After this date, plan preparers do not have to include results and/or strategies consistent with this objective in their FSP for the watersheds listed in Schedule 2. It is government's intention to designate and establish objectives for these watersheds under section 14 of the GAR by the end of December, 2005.

Objectives Enabled by Regulation

GAR
S. 14

The *FRPA* and Government Actions Regulation give the Minister responsible for the *Wildlife Act* (WLAP) statutory authority to:

- designate areas and establish objectives for fisheries sensitive watersheds.



4. Managing & Protecting *FRPA* Values

Fisheries Sensitive Watersheds (cont.)

Practice Requirements

“Default” Practice Requirements in FPPR

FPPR
S. 8.1

The FPPR does not contain requirements (“default” practice requirements) for fisheries sensitive watersheds.

Those preparing a FSP must propose results and/or strategies for the objective in regulation listed above plus any land use objectives and objectives enabled by regulation that apply to the area under the plan.

The Minister responsible for the *Wildlife Act* (WLAP) must exempt the plan preparer from specifying a result and/or strategy for this objective if the watershed exists but does not require special management or is addressed by another enactment.

Factors to Consider in Developing Results & Strategies

There are no factors in regulation (FPPR) to consider in developing results and/or strategies for fisheries sensitive watersheds.

Other Practice Requirements

FPPR
S. 55-57

Other practice requirements in FPPR for fisheries sensitive watersheds include:

- 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; and
- 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.



4. Managing & Protecting *FRPA* Values

Fisheries Sensitive Watersheds (cont.)

Exemptions

The plan preparer must be exempted from practice requirements in sections 55 to 57 of FPPR relating to the impact on fish habitat in fisheries sensitive watersheds if the intended results and/or strategies in an approved FSP will have the same legal effect as these provisions.

FRPA
S. 146

FPPR
S. 12.31,
55-57, 91

The Minister of Forests may grant an exemption for practices in regulation for fisheries sensitive watersheds. The Minister may attach binding conditions to the exemption to deal with site-specific considerations. These binding conditions must be met.



4. Managing & Protecting *FRPA* Values

Cultural Heritage Resources

The *FRPA* and regulations contain provisions to conserve and protect cultural heritage resources.

Cultural heritage resources are the *traditional uses* of a First Nation, and these are the some of the interests that the licensee would be interested in hearing about in relation to the results or strategies developed by the licensee with respect to the cultural heritage resource objective as part of the FSP review and comment provisions. Note, a licensee will want to hear about traditional use interests but will also need to consider other concerns a First Nations may have regarding the FSP.

Archaeological resources, such as pit houses, are bounded space(s) that contain(s) physical evidence of past human use or occupation and are managed under the *Heritage Conservation Act*, and not *FRPA*. Ensuring that archaeological sites are adequately protected falls under the requirements of due diligence for the preparer of a plan.

Government Objectives

Objectives in Regulation

The objective in FPPR for cultural heritage resources is to conserve, or if necessary, protect cultural heritage resources that are:

- the focus of a traditional use by an aboriginal people that is of continuing importance to that people; and
- not regulated under the *Heritage Conservation Act*.

FRPA
S. 149

FPPR
S. 10

WLPPR
S. 9

Objectives Enabled by Regulation

There are no provisions in regulation for the ministers to establish cultural heritage resource related objectives.

Practice Requirements

“Default” Practice Requirements in FPPR

The FPPR does not contain requirements (“default” practice requirements) for cultural heritage resources objectives set in section 10.

Those preparing a FSP must propose results and/or strategies for the objective in regulation listed above plus any land use objectives that apply to the area under the plan.



6. Forest Stewardship Plans

Continue with FDP

Agreement holders may continue to operate under a Forest Development Plan (FDP):

- If required, submit a new FDP until December 31, 2005, or an amendment to a FDP until December 31, 2006; and
- obtain cutting permits, road permits and timber sales licence (until January 1, 2007) under the FDP.

Effect on FSPs under development

FSPs must address the following amendments to *FRPA*, regulations and other events that occurred since January, 2004, if applicable to the area under the plan:

FPPR
S. 7, 9.2,
14

- wildlife objective—include results or strategies consistent with the objective for wildlife in section 7 of FPPR, where notice has been given to provide indicators of the amount, distribution and attributes for wildlife habitat required for the survival of specified ungulate species. Note: the four month rule for FSPs in development was suspended for these notices as they were given before December 31, 2004;
- fisheries sensitive watersheds—include results or strategies to address the objective in section 8.1 of FPPR for fish habitat in fisheries sensitive watersheds if the watershed is listed in Schedule 2 of FPPR;
- community watersheds—include results or strategies to address the objective in section 8.2 of FPPR;
- visual quality—include results or strategies to address the visual quality objective for any established scenic areas in the plan area meeting the specifications in section 9.2 of the FPPR or established by order under section 17 of GAR. A qualified professional, if they choose to do so, may “certify” the results or strategies are consistent with the visual quality objective in section 9.2 of FPPR;
- Provincial non-spatial old growth order—include results or strategies consistent with the old growth objectives specified in the order given in June, 2004 under section 4 of FPC; and
- FDUs identify the items listed in section 14 of



6. Forest Stewardship Plans

FPPR subject to the limited protection provisions under section 7 of *FRPA*.

NOTE: those required to prepare an FSP are exempt from having to prepare results and/or strategies for the modified timber objective (e.g., consideration of delivered wood costs).



that the person to whom the obligation is transferred is likely to meet the obligation and has provided security to the Minister.

Harvesting under a forestry licence to cut

If more than 500m³ is harvested from an area under a forestry licence to cut that is not a major licence or a minor tenure, the government will undertake obligations to ensure the stand conforms to the applicable standards. The standards are defined in the MOF Reference Guide for FDP Stocking Standards or other standards as specified by the Minister.

Harvesting under a community salvage licence

A community salvage licence holder must ensure the area conforms to the stocking standards authorized by the Minister or as specified in the MOF Reference Guide for FDP Stocking Standards for a period of 12 months after completion of harvesting. If not, the holder must establish a free growing stand in the net area to be reforested. The stand must conform to the applicable stocking standards in the MOF Reference Guide for FDP Stocking Standards.

Groups of Cut Blocks

The agreement holder must meet the regeneration and free growing dates applicable to a group of cut blocks if they are grouped for compliance purposes. The stocking standards used for a multi-block approach for free growing standards must be approved by the Chief Forester.

FPPR
S. 45

Silviculture Information in FSP

An approved FSP must contain, for each situation and circumstance where free growing stands will apply, the following silviculture information:

FPPR
Schedule
S.16, 44-46

- regeneration date and applicable stocking standards; and
- free growing date or height and applicable stocking standards. If the free growing date is not provided, the default is 20 years from start of harvesting. If cut blocks are grouped for silviculture purposes, the free-growing date specified in the FSP must be met.

Factors for consideration in preparing the applicable stocking standards include the following (s. 6 of FPPR Schedule):



9. Silviculture

- health risks relevant to species selected;
- types of commercially valuable and ecological suitable species for the area;
- number and distribution of healthy trees required to establish a free growing stand; and
- species characteristics, quantities and distribution of retained trees if it is an uneven aged stand.

Approval of Stocking Standards

The Minister **must** approve the stocking standards if the Minister is satisfied that the standards will result in the area being stocked with ecologically suitable species that address immediate and long term forest health issues on the area, to a density or basal area that, in either case, is consistent with:

FPPR
S. 26

- maintaining or enhancing an economically valuable supply of commercial timber; and
- the timber supply analysis and forest management assumptions that apply to the area—unless granted an exemption by the Minister of Forests.

If the above test is not met, the Minister **may** approve the stocking standards if satisfied that the regeneration date and stocking standards are reasonable having regard for the future timber supply for the area.

The Minister can request additional information related to the factors used in developing the stocking standards.

Notification & Reporting

Before June 1 of each year, the agreement holder, **or timber sales manager (if required to establish a free growing stand)** must submit to the District Manager, a report on the following:

FPPR
S. 86-88

- **pertinent information about** seed used to grow seedlings planted on the cut block **such as tree seed or vegetation log numbers**;
- an update of the forest cover inventory specifying if regeneration and free growing dates have been met or not met as per obligations in the FSP. **This information is not required in the annual report if already reported to the Ministry in a declaration of a free growing stand**; and



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

