



What's New in *FRPA* (2005)

FRPA Training Companion Guide

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, 14 2005	Revisions to Guide to incorporate changes from Bill 33 and amended regulations (Dec./04 and Feb./05)
2.1	February, 28 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>
2.2	March 4, 2005	Chapter 4—add two requirements to list of practice requirements for Water, Fish, Wildlife and Biodiversity in Riparian Areas (page 4-17).



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.

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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>.

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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/>.





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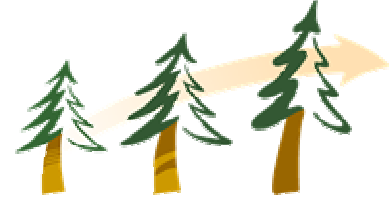


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1. Introduction

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



1. Introduction

- 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.



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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	FRPA
<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

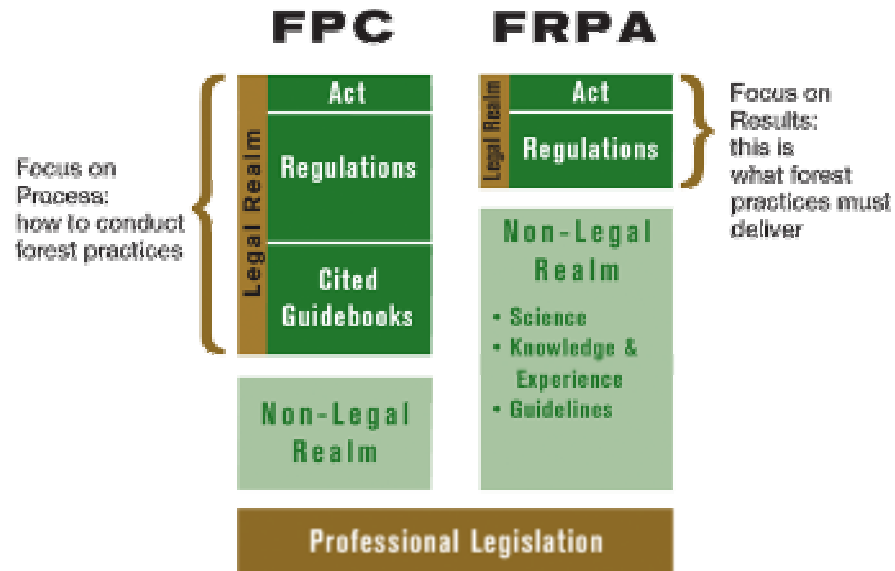
FPC	FRPA
operational plans.	strategies.
<ul style="list-style-type: none"> Operational plan approval includes test for adequately managing and conserving. Assessments required by law. 	<ul style="list-style-type: none"> Operational plan approval test includes test for results and strategies to be consistent with government objectives. 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:

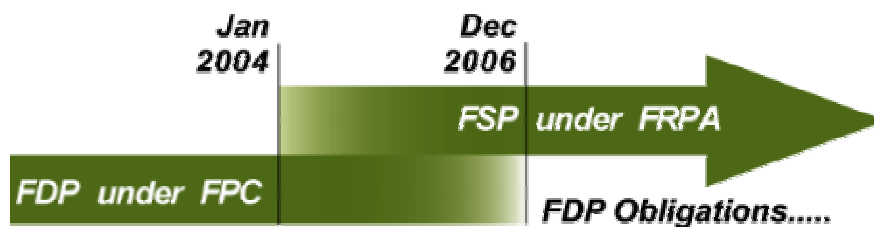
- Administrative Remedies Regulation.
- Administrative Review and Appeal Procedure Regulation
- Forest Planning & Practices Regulation (FPPR).
- Forest Practices Board Regulation.
- Forest Recreation Regulation.
- **Forest Service Road Use Regulation.**
- Government Actions Regulation (GAR).
- Invasive 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 FPC.



1. Introduction

Roll Over to FRPA

Licensees, including BCTS, can choose to roll over cutting permits, road permits, timber sales licences, site plans, etc. under the FPC to the FSP. Once you have an approved FSP, the FPC would continue to apply to the old cutting permits, site plans, etc. unless explicitly accepted under an approved FSP.

Cut blocks and roads with all site level assessments completed will roll over to the FSP fully protected. Cut blocks and roads that had limited protection under the FDP also roll over into a FSP subject to certain occurrences. Specifically, they must continue to be consistent with any of the following events if they occurred during the period between four months before the FDP was submitted and four months before the FSP was submitted for approval:

- an new enactment that applies to the FDU;
- an objective set by government that has been established or varied that applies to the FDU;
- a community watershed that has been designated or varied on the area under the FDU; or
- timber in the vicinity of the FDU that has suffered catastrophic damage.

An approved FSP replaces the FDP, over that same area, on the date of commencement of the FSP.

FRPA
S.197

The FPC will continue to apply to all matters where an area was harvested under a cutting permit issued under a valid FDP. This will extend many years past December 31, 2005—with the exception of rolling the areas over to a FSP. This basic premise can be overruled if the person preparing the FSP specifies this in the FSP.

Licensees will continue working under the FDP obligations and the FPC requirements for (unless rolled over into a FSP):

- any harvesting or road construction underway when FSP approved;
- cutting permits, road permits or timber sales licences issued under a valid FDP; and
- obligations in site level information or plans under a FDP. Stocking standards and obligations



1. Introduction

to establish a free-growing stand harvested under a FDP remain under FPC requirements. Amendments to the site level information must be made in accordance with FPC requirements.

Licensees who prepare a FSP may, if explicitly accepted under an approved FSP:

- apply the new results and/or strategies in the FSP to old timber harvesting or road construction begun under a previous plan such as a FDP (s. 197(4) of *FRPA*); and
- apply the new stocking standards in the FSP to old cut blocks harvested before the FSP was approved, such as cut blocks under an approved FDP (s. 197(5) of *FRPA*).

More information on options for transitioning to FSPs is contained in the transition bulletin available from the *FRPA* website:

<http://www.for.gov.bc.ca/code/>

Transition for Licenses to Cut

Transition requirements for holders of a Licence to Cut include the following:

- agreement entered into before *FRPA* comes into effect (**January 31, 2004**) must continue under the requirements of FPC;
- new agreements entered into after *FRPA* is in effect (**January 31, 2004**) must follow the requirements of *FRPA*;
- if a cutting permit is issued under the FPC then the requirements of FPC must be followed. If a cutting permit is issued after *FRPA* is in effect, then the harvesting must follow the requirements of *FRPA*;
- holders of a forestry licence to cut with obligations to establish a free growing stand may request a transfer of that obligation to the government; and
- certain agreement holders may apply for licences to cut, cutting permits and road permits before an FSP is approved if they have a FDP in effect.

FRPA
S. 1(1),
30(1)(a),
195(1),
197(7),
203-204,
212, 213

Holders of a Master Licence to Cut (issued to oil and



1. Introduction

gas companies) who harvest timber under a cutting permit must comply with the FPC regardless of the issue date. These tenures will move to a results-based framework when the Oil and Gas Commission develops new regulations to administer these operations.

Employees of the Oil and Gas Commission may be designated as officials to carry out compliance and enforcement activities on oil and gas related licences to cut.

Transition rules for a licence to cut do not apply to a licence to cut under a pulpwood agreement.

Transition for Code Pilot Projects

Transition requirements for pilot projects conducted under the FPC include the following:

FRPA
S.209-
211

- pilot projects will remain in effect under the pilot project regulations; and
- new pilot projects may be proposed as if the FPC were still in force.

Roles & Responsibilities

The move to *FRPA* requires a significant change in the current roles and responsibilities of forest and range management stakeholders.

Industry may propose, for government approval, measures, stocking standards and results and/or strategies in forest stewardship plans that are consistent with government objectives. Industry must then achieve the results and carry out the strategies approved by government and adhere to the other requirements of *FRPA* and regulations.

Government will focus on establishing objectives, approving operational plans, inspecting activities to ensure compliance with the *Act* and regulations, undertaking enforcement actions as necessary, and monitoring the results on the ground to determine if government's objectives are being achieved.

The ministers of MOF, WLAP and MSRM may 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.

FRPA
S. 2



FRPA section 112 provides broad powers to decision makers to impose conditions that they consider necessary or desirable, and remove or vary the conditions. This applies broadly to anyone with power to make an order, grant an exemption, give consent, grant an approval, or grant an authorization under this Act, and it applies except in prescribed circumstances.

FRPA
S. 112

Ministry of Forests (MOF)



Under the *FRPA*, the MOF will focus on:

- **establishing Objectives Enabled by Regulation**—MOF works with other agencies to designate areas and establish objectives enabled by regulation;
- **providing information**—working with licensees and other agencies in the pre-planning phase of developing operational plans, to ensure that government's objectives are clear, information is available and expectations are understood. Providing this information up front will make the job easier for both the licensee and the DDM, and reduce government's resource requirements during the plan preparation and approval process.
- **stewardship**—Continuing and enhancing its role as stewards of forest and range land including supporting the Minister, or delegate, in the operational plan approval process;
- **compliance & enforcement**—Continuing and strengthening its role in inspecting and enforcing results and/or strategies in approved operational plans and other requirements in the *FRPA*; and
- **conducting effectiveness evaluations**—A new role involving evaluations to assess and report if objectives are being achieved.



Ministry of Sustainable Resource Management (MSRM)



The mission of MSRM is to “provide provincial leadership, through policies, planning and resource information to support the sustainable economic development of land and resources.” As part of this mandate, MSRM is responsible for helping government define an appropriate “balance” between economic, social and environmental values.

MSRM, as part of their responsibility to ensure an appropriate economic, social and environmental balance, will:

- **Establish Land Use Objectives**—MSRM will continue to establish land use objectives that constitute "objectives set by government" for the purposes of *FRPA*. This authority currently rests in Sections 3 and 4 of the FPC, but MSRM will seek to finalize the transfer of this authority to the *Land Act* in 2005. MSRM will work with other agencies to ensure there is no confusion or conflicting direction on the same area for any value. Operational plans such as forest stewardship plans must address all objectives set by government, including MSRM land use objectives. The Provincial Non-spatial Old Growth Order is one recent example of a land use objective; and
- **Designate scenic areas and community watersheds**—to enable subsequent action by MOF to establish visual quality objectives for scenic areas, and by WLAP to establish water quality objectives for community watersheds.

Ministry of Water Land & Air Protection (WLAP)



The mission of WLAP is to “provide leadership and support to British Columbians to help them limit the adverse effects of their individual and collective activities on the environment, while fostering economic development and providing recreational opportunities”. WLAP will have a leading role in ensuring BC’s high environmental standards are maintained under *FRPA*



through:

- **establishing Objectives Enabled by Regulation**—WLAP, as Ministry responsible for the *Wildlife Act*, has the authority for establishing some of the designations, measures and Objectives Enabled by Regulation including:
 - ungulate winter ranges and objectives,
 - wildlife habitat areas and objectives,
 - general wildlife measures,
 - water quality objectives for community watersheds, and
 - identifying fisheries sensitive watersheds and establishing objectives for such watersheds;
- **providing information**—to licensees and professionals when preparing results and/or strategies for operational plans (e.g., guidelines, risk assessments, and pointers to relevant science);
- **supporting Minister of Forests**—or delegate, in determining if results and/or strategies in operational plans are consistent with government established objectives;
- **compliance and enforcement**—WLAP will work closely with MOF in ensuring practice requirements, particularly related to wildlife, fish and water are complied with, and if required, strictly enforced (e.g., ungulate winter range, wildlife habitat areas, water quality objectives for community watersheds, fisheries sensitive watersheds); and
- **conducting effectiveness evaluations**—WLAP will work with MOF in evaluations to assess and report on the effectiveness of *FRPA* and if objectives are being achieved.

Licensees and BC Timber Sales

Licensees, including BCTS, will be responsible for:

- preparing quality forest stewardship plans that are consistent with government objectives and other requirements in the *Act* and regulations;



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and

- ensuring that results, strategies, measures and stocking standards in approved forest stewardship plans are carried out on the ground while meeting practice requirements in the Act and regulations.

NOTE: In this document, the term 'licensee' also includes BC Timber Sales managers.

Professionals



Professionals will assist licensees in meeting their responsibilities by:

FPPR
S. 22.1

- “certifying”, if they choose to do so, that subject matter for specified elements in the FSP meets the content requirements;
- demonstrating due diligence in selecting results, strategies and practices that meet the requirements of *FRPA*; and
- staying within the realm of practices as defined by the professional associations.

Forest Practices Board



Under *the FRPA*, the Board continues to act as a watchdog for sound forest practices, and continues to have the following mandate and authorities:

- to carry out independent audits and special investigations to determine compliance with parts 2 to 5 of *FRPA* and associated regulations and standards, and to determine the appropriateness of government enforcement under Part 6;
- to deal with complaints from the public;
- to report the conclusions of audits and investigations and to make recommendations as appropriate;
- to make special reports on matters relating generally to the performance of the Board's duties under *FRPA* or to a particular case

“the Board continues to act as a watchdog for sound forest practices”



1. Introduction

investigated by the Board;

- to request administrative reviews and appeals of certain determinations, including the approval of a Forest Stewardship Plan, Woodlot Licence Plan, or an amendment; the approval of a Range Use Plan or Range Stewardship Plan; administrative penalties; and, remediation orders. Note that administrative reviews will require the consent of the licensee. However, the Board can appeal determinations directly to the Forest Appeals Commission without consent of the licensee;
- to appeal administrative review decisions on the above-noted determinations; and
- to conduct annual audits of licensee forest practices and government enforcement of the FPC on Nisga'a audits (authority provided under the Nisga'a Treaty).

While the essential mandate of the Board remains unchanged, the legislative context in which the Board operates will change significantly and will likely affect how the Board operates. In addition, the following two key changes have been made to the role of the FPB as a result of the implementation of *FRPA*:

- change to the definition of “party”; and
- change to reporting of conclusions.

Change to the definition of “party”

Under the *FRPA*, the definition of “party” – which lists the parties that may be subject to Board audits or investigations – has been expanded to include three new categories of parties:

FRPA
S.121,
122

FPB Reg
S.5(2)

- a person responsible for establishing a free-growing stand under section 29(5);
- a person responsible for maintaining or deactivating a road under section 155(1)(d); and,
- a person who acted for, or at the direction of, an agreement holder in cases where the Board finds the agreement holder was not responsible for a non-compliance because:
 - it exercised due diligence to prevent the non-compliance,
 - it believed in the existence of facts that, if true, would verify its compliance, or



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- its actions were the result of officially induced error.

The intent of changing the definition of party is to address the due diligence defence and ensure that all parties with responsibilities under *FRPA* are subject to compliance audits and investigations by the Board. This change gives the Board authority to:

- identify the party responsible for non-compliance when an agreement holder is found duly diligent or otherwise not responsible;
- hold contractors of agreement holders publicly accountable for their contraventions; and,
- make recommendations to contractors to improve their forest practices.

In December, 2004, the *FRPA* was amended by Bill 62 to give the FPB the ability to issue orders to a party to attend a hearing, take an oath, answer questions and/or produce records.

FRPA
S. 125,
125.1,
125.2

Change to the reporting of conclusions

Under the *FRPA*, the requirement for the Board to report on compliance “by a party” has been changed so that, when the Board conducts an audit or an investigation of multiple parties, it may report its overall conclusions rather than report on compliance by each party.

FRPA.
S.131
(1.1)

The intent of this legislative change is to streamline the Board’s reporting requirements. For example, if the Board were conducting a compliance audit over a geographic area that included multiple tenures and agreement holders, it would have authority to prepare one comprehensive audit report for the area that reported overall compliance conclusions.





2. *FRPA* Functional Architecture



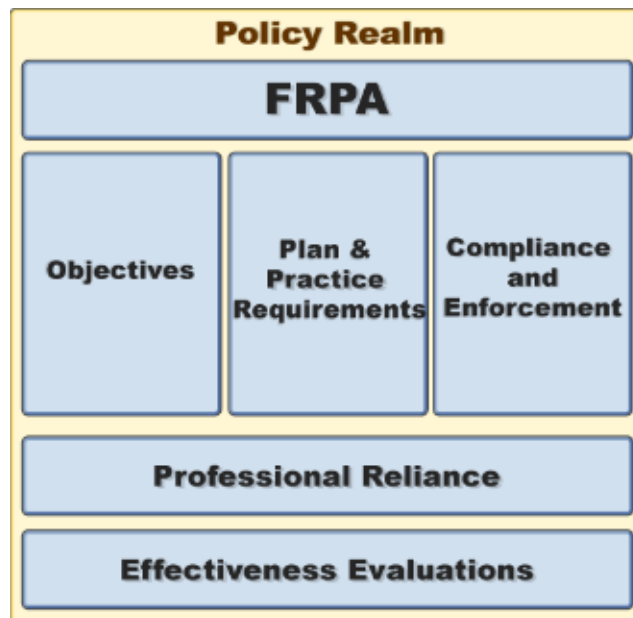
What's Changed Since January, 2004?

□ Since January, 2004, government has established the minimum level of objectives to enable the *FRPA* functional architecture to work as designed. Additional objectives will be established over the coming months.

Details on changes to the *FRPA* functional architecture are explained in subsequent chapters of this Guide (e.g., new or modified objectives, practice requirements and other requirements for the development and approval of FSPs).

Introduction

“The policy framework is supported by 3 pillars and two foundational elements”



FRPA legislation is comprised of the *Forest and Range Practices Act (FRPA)* and its regulations, and defines the legal requirements for planning and practices on British Columbia's Crown lands, community forest agreements and generally woodlots.

Functional Architecture of *FRPA* includes three pillars:



2. FRPA Functional Architecture

- **Objectives**—government will establish objectives for managing and protecting forest and range values;
- **Plan and Practice Requirements**—those conducting practices must meet requirements in both approved operational plans and in the regulations; and
- **Compliance and Enforcement**—government will inspect activities for compliance with approved operational plans and other requirements in *FRPA* and the regulations.

The three pillars are supported by:

- **Professional Reliance**—the judgment of resource professionals will be incorporated into the management of Crown land subject to the regulations and other requirements including provisions of the professional associations.
- **Effectiveness Evaluations**—government will conduct effectiveness evaluations to assess if desired outcomes for managing and protecting *FRPA* values are being achieved.

FRPA Policy Realm



Government has established policy limits to the impact that practices under *FRPA* can have on the Province's timber supply. The implementation of *FRPA* requirements, including most objectives established under *FRPA* should be within these limits. The impact from objectives established outside of *FRPA*, such as land use objectives under the *Land Act*, are outside of these policy limits.

The impact of *FRPA* on the Provincial timber supply should not exceed 6%. This includes the impact from:

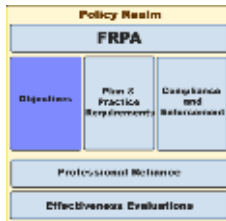
- wildlife habitat areas in Identified Wildlife Management Strategies;
- ungulate winter range; and
- management and protection of other non-timber resource values.

This policy direction is the same as that used for the FPC.



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 lakeshore management zones; and
 - establish visual quality objectives for



2. FRPA Functional Architecture

scenic areas. Note: MSRM must designate an area as a scenic area before MOF can establish visual quality objectives.

Objectives enabled by regulation by the ministries of Forests and/or Water, Land and Air Protection must be consistent with any established objectives.

GAR S. 2

When establishing these objectives, the appropriate Minister of Forests or Water, Land and Air Protection must consider the impact of the proposed objective on the provincial timber supply and the cumulative impact on rights granted to timber, woodlot or range agreement holders.

FRPA
S. 8

GAR S. 2

Once a new objective has been in place for at least four months, new operational plans must contain results and/or strategies to address the new objective if applicable to the area under the plan.

Existing operational plans must be amended within two years, or longer if specified in the order under s. 8 of *FRPA*, to address the new objective if applicable to the area under the plan.

FPPR
S. 32

Intent

These objectives guide effective forest management, for specific resource values, at the local level.

Changing objectives

Designations and objectives can be established, varied or cancelled by the appropriate minister.

Grand-parented Objectives

Establishment

Existing objectives established under the Forest Practices Code and listed in section 180 of FPC are grandparented to *FRPA*.

FRPA
S. 180,
181

Intent

Ensure continuation of objectives established under FPC to *FRPA*.



2. FRPA Functional Architecture

Changing objectives

Designations and objectives can be established, varied or cancelled by the appropriate minister.

Hierarchy of Objectives

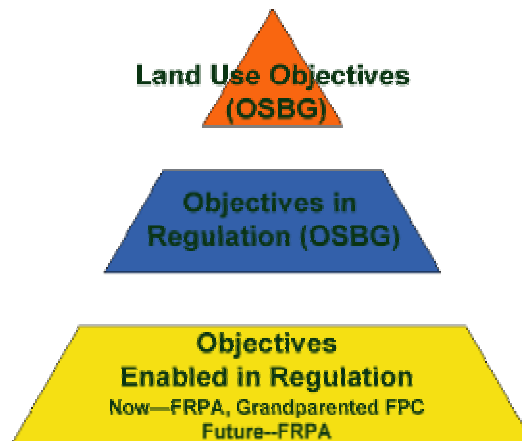
Government must consider the:

- interactions among established objectives; and
- legal requirements for “consistency” between objectives, and across different geographic scales and legislation.

In the event of inconsistency, there is a hierarchy of objectives. This hierarchy is intended to help clarify how the various objectives apply to the land under an operational plan.

Objectives from other statutes can override *FRPA* objectives. For example, a water quality objective established under the *Drinking Water Protection Act* can override all other objectives.

“there is a legal requirement for consistency between objectives”



Objectives Matrix

How do I know what objectives apply in my area?

Because of the complexity of objectives that already exist in BC, the ministries responsible for *FRPA* identified a need to examine the hierarchy of objectives that apply in planning areas and provide information to licensees. The result was an Objectives Matrix containing the various objectives and their hierarchy.



2. FRPA Functional Architecture

This matrix will be used by:

- planners—the Ministry will use this tool to communicate the objectives each licensee must address in their plan; and
- agencies—in setting new objectives.

Establishing Objectives Enabled by Regulation

Objectives Enabled by Regulation come into effect through government actions outlined in **sections 2-4 of GAR**. In establishing these objectives, the appropriate minister must:

GAR
S. 2-4

- ensure the objective is consistent with established objectives;
- ensure the objective does not unduly reduce the timber supply from British Columbia's forests;
- ensure the benefits to the public outweigh any impact on delivered wood costs or the ability of the agreement holder to exercise their rights under the *Forest Act*;
- provide opportunities for review and comment; and
- file the objective at the closest MOF regional office and place a notice on the relevant ministry's website and in the Gazette.

Plan and Practice Requirements—2nd Pillar



The second pillar in the *FRPA* functional architecture consists of the plan and practice requirements for which licensees are responsible:

- **operational plans**—results and/or strategies in operational plans such as a Forest Stewardship Plan (FSP) must be consistent with government objectives. Operational plans must contain measures for preventing the introduction or spread of invasive plants and protecting natural range barriers. If the plan is a FSP, it must also contain stocking standards (if FSP); and
- **practice requirements**—in the *Act* and regulations. Practice requirements apply to those

FPPR
Part 4, 5

RPPR
Part 4

WLPPR
Part 3, 4



2. FRPA Functional Architecture

who conduct forest and range practices under agreements issued under the *Forest Act* or *Range Act*. This includes those exempt from preparing an operational plan. Practice requirements are found in the regulations.

Operational Plans

There are four operational plans under *FRPA*:

- forest stewardship plans (FSP) for forest agreement holders;
- woodlot licence plans (WLP) for woodlot agreement holders;
- range use plans (RUP) for grazing or hay cutting by range agreement holders; and
- range stewardship plans (RSP) for range agreement holders.

More information on operational plans for woodlot and range agreement holders is available on the *FRPA* training website.

Forest Stewardship Plan

FRPA
S. 5

The forest stewardship plan (and in some cases, other operational plans) must contain results and/or strategies that are consistent with government objectives. Licensees will be responsible for delivering these results and/or strategies “on the ground”.

The *Act* and FPPR also requires that forest stewardship plans contain stocking standards for establishing a free growing stand and measures:

FRPA
S. 47, 48
FPPR
S. 16, 17,
18, 69

- to prevent the introduction or spread of invasive plants. The list of invasive plants is contained in the Invasive Plant Regulation; and
- to mitigate the removal or the rendering ineffective of a natural range barrier.

FPPR also contains measures that must be met when conducting practices (e.g., comply with General Wildlife Measures (GWM). These measures are not in the FSP but must be met when harvesting, constructing roads and conducting other practices under the *FRPA*.



2. FRPA Functional Architecture

Practice Requirements

Practice requirements in *FRPA* and the Forest Planning and Practices Regulation (FPPR) include:

FPPR
S. 12.1,
Part 4

- **“default” practice requirements in the FPPR**—requirements in FPPR that if accepted in the FSP exempt the plan preparer from preparing results or strategies for the corresponding objective (section 12.1 of FPPR). These requirements act as “defaults”. These “defaults” may be replaced by alternative results and/or strategies in the FSP; and
- **other practice requirements in the FPPR**—to be met when conducting practices “on the ground”—over and above the results and/or strategies in the operational plan. These include measures that must be complied with when conducting practices (e.g., comply with general wildlife measures).

WLPPR
Part 3, 4

“Default” Practice Requirements in the FPPR

FPPR
S. 12.1

“Default” practice requirements in FPPR are provided for only some of the objectives in regulation and may be adopted as results or strategies in the FSP.

These requirements, listed in sections 12.1-12.5, of the FPPR address higher-risk objectives or those objectives with complex management issues. Licensees can address these risks and issues through selecting the “default” practice requirements.

Examples of requirements in the FPPR that act as “default” practice requirements include:

FPPR
S. 12.1,
35, 36,
51-53

- seven percent limit on permanent access structures (PAS);
- widths of riparian areas and limits on activities within riparian areas; and
- five percent limit on soil disturbance during harvesting if sensitive soils, otherwise ten percent.

For all other objectives without “default” practice requirements in the FPPR, the licensee, including timber sales managers, must propose results and/or strategies in their FSP. Also, the FSP must always contain results and/or strategies with respect to the retention of trees in a riparian management zone as required by section



2. FRPA Functional Architecture

12(3) of FPPR. These results and/or strategies must be consistent with government objectives and approved by government. Once a result or strategy is approved, it becomes the licensee's obligation.

Other Practice Requirements in the FPPR

FPPR
Part 4, 5

Other practice requirements are defined in the regulations. These practice requirements must be met when conducting practices including by those exempted from the requirement to prepare a plan

RPPR
Part 4
WLPPR
Part 3, 4

Examples of practice requirements in the Forest Planning and Practices Regulation include:

FPPR
S. 37, 56,
63, 70

- activities must not have a material adverse effect on fish passage in fish streams;
- restrictions on using fertilizer in community watersheds;
- activities must not damage or render resource features ineffective; and
- activities must not cause a landslide that impacts the *FRPA* values.

The FPPR contains provisions for the Minister of Forests, or delegate, and the **Minister responsible for the *Wildlife Act* (WLAP) to grant exemptions to some practice requirements if it is not practicable given local circumstances or conditions.**

FPPR
S. 12.1,
91, 92

Similar flexibility is provided in the RPPR and WLPPR.

Measures in the Operational Plan

Measures are similar to practice requirements in that they must be complied with if applicable to the area under a plan.

FRPA
S. 47-48

Measures in the operational plan include:

FPPR
S. 17, 18

- mitigating the removal or rendering ineffective natural range barriers; and
- preventing the introduction or spread of invasive plants

Other Measures

Other measures that must be complied with include:

FPPR
S. 69

- general wildlife measures (GWM). Once a GWM is established by the **Minister responsible for the *Wildlife Act* (WLAP)**, they must be complied with



2. FRPA Functional Architecture

when conducting practices on the area under a GWM.

Stocking Standards

Forest stewardship plans must contain stocking standards for establishing a free growing stand.

FPPR
S. 16, 44,
45,

Compliance & Enforcement—3rd Pillar



The third pillar of the *FRPA* functional architecture is compliance and enforcement.

C&E personnel will enforce:

- **approved operational plans:**
 - results and/or strategies—determining whether results are being delivered and/or strategies being carried out,
 - measures—ensuring measures as being carried out and/or complied with, and
 - stocking standards (if FSP); and
- **the Act and regulations**—C&E personnel will also enforce the *Act* and the regulations such as practice requirements and measures.

Non-compliance will be addressed under administrative remedies or court action. Defences under *FRPA* include:

- due diligence;
- mistake of fact; and
- officially induced error.



2. FRPA Functional Architecture

Effectiveness Evaluations—Supporting Foundation



One supporting foundation for *FRPA* is effectiveness evaluations. These evaluations are a science based feedback loop into the policy and legislation world. The purpose of effectiveness evaluations is to:

- determine if objectives are being delivered;
- evaluate the outcomes of operational plans—focusing on areas where licensees are in compliance with approved results and/or strategies; and
- evaluate pilot projects—identifying innovative practices in pilot projects.

The *FRPA* Resource Evaluation Program will carry out these evaluations using adaptive management principles. This program is a co-operative effort of WLAP and MOF to:

- conduct timely, credible and appropriate evaluations (at a variety of scales, intensities and timelines);
- make recommendations on legislation and policies as new insights, observations, analyses and research findings become available;
- effectively manage information and data generated; and
- communicate results and recommendations to stakeholders in a timely and appropriate manner.

Professional Reliance—Supporting Foundation



The second supporting foundation of *FRPA* is professional reliance. Many of the process requirements that used to be in the Forest Practices Code have been replaced by requirements to deliver results and/or strategies and meet practice requirements. Resource professionals can use the information in the non-legal realm, along with their skills and experience, to assist licensees identify actions to achieve these results, strategies and practice requirements. **Professionals can also choose to “certify”, for specified subject matter, that the subject matter conforms to the content requirements of the Act and regulations. “Certify” is defined in the**



2. FRPA Functional Architecture

FPPR, and should not be confused with independent, 3rd-party systems of certification of forest practices.

The Acts governing professionals such as the *Foresters Act*, the *College of Applied Biology Act*, the *Engineers & Geoscientists Act* and the *Agrologist Act*, have been amended or established to give professionals the responsibilities and authority they require to play an enhanced role in the *FRPA* world. The professional associations will enforce and ensure accountability of their members. They have strengthened their policies and procedures to support professionals.







3. Professional Reliance

What's Changed Since January, 2004?

The major changes occurring in professional reliance since January, 2004 include the following:

- qualified professional can “certify”, if they so choose, that subject matter for specified elements of the FSP meets the content requirements of s. 5 of the Act (s. 22.1 of FPPR). More information is contained in Chapter 6 on Forest Stewardship Plans.

As professional reliance means relying on the judgment of the appropriate professional in forest planning and practices under *FRPA*—identifying and conducting assessments, developing and gathering support for alternative results and/or strategies, advising on the transition to FSPs and the defining of forest development units—the “certify” provisions which have been introduced are but one aspect of the concept of professional reliance under *FRPA*



3. Professional Reliance

Introduction

The purpose of this section of the Companion Guide is to provide a common understanding of the term “professional reliance” and how it applies to management of forest and range lands under the new *Forest and Range Practices Act (FRPA)*. The section covers:

- the meaning of the term “professional reliance” and how it fits into the overall forest policy framework;
- the general role each professional fills on the forestry team applying the *FRPA*;
- the professional reliance responsibilities of:
 - professional organizations,
 - Individual professionals, and
 - Clients, employers and others;
- recourse and liability frameworks in place; and
- where to get more information.

For the purposes of this Guide, the term “**Professional regulatory body**” means one of the following:¹

- Association of BC Forest Professionals;
- Association of Professional Engineers and Geoscientists of BC;
- BC Institute of Agrologists;
- College of Applied Biology.

Definitions

"Certify", in section 16 (1.01) of the Act, means to attest by means of a certificate that the agrologist, the professional biologist, the professional engineer, the professional geoscientist or the professional forester who issues the certificate

- (a) is of the opinion that a forest stewardship plan or amendment to a forest stewardship plan conforms to section 5 of the Act in relation to the subject matter described in section 22.1 (2) of

¹ Recent legislative changes affecting the professional bodies affect how technologists and technicians are recognized within the regulatory framework. The revised Foresters Act brings Registered Forest Technologists under the authority of that Act. The College of Applied Biology Act brings Registered Biology Technologists and Applied Biology Technicians under the authority of that Act.



3. Professional Reliance

- (the Forest Planning and Practices Regulation)
- (b) in forming that opinion, he or she took all steps required of him or her as a professional, and
- (c) the opinion referred to in paragraph (a) is based on either or both of the following:
 - (i) his or her own knowledge
 - (ii) information from credible sources;

“Code of Ethics” means a bylaw or policy of a professional regulatory body that describes in some detail, the values and conduct that their members subscribe to and to which they will be held accountable. The codes of ethics establish expectations for how the professional will interact with and be responsible to the public, employers and clients, the profession and other professionals.

“Professional” for the purposes of this section of the Guide means a member in good standing of one of the participating professional regulatory bodies listed above.

“Professional reliance” is the reliance on the judgment of appropriate professionals who are authorized and qualified to provide a service.

“Professional accountability” means the ability of a professional regulatory body to discipline its members for matters of practice or conduct.

“Standards of Practice” means a set of standards or interpretive guidelines established by a professional regulatory body, either as part of their Code of Ethics or as a stand-alone document. These standards will generally describe performance expectations. They can be used to guide a professional’s conduct in his or her practice generally or when carrying out specific tasks. Standards of Practice can be used by the professional regulatory body as a benchmark in a practice review or disciplinary proceeding. Standards of practice have generally been applied to such things as due diligence and maintenance of professional competence.

The Professional Reliance Concept

Through passage of the *FRPA*, the government of BC has initiated a significant change in the roles and responsibilities for forest and range resource management. In contrast to the prescriptive approach of the past, where practitioners were expected primarily to comply with detailed processes and guidelines, the new



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approach is focused on achieving defined and measurable results with less direct government supervision.

The legal framework for the *FRPA* regulates the relationship between government and licensees, but unlike many sections of the preceding *Forest Practices Code of BC Act*, the *FRPA* does not define or regulate the relationship between employers (licensees, government, consultants and others) and resource management professionals. The principle of professional reliance is based upon two key factors:

- the existence of legislation establishing and governing resource professions; and
- the “due diligence” defence provided under the *FRPA*.

In most situations clients and employers will rely upon the judgment of professionals to achieve the resource management objectives and results for which they are accountable. Reliance on professionals is not a new concept. In fact, it is the very foundation upon which the professions were established. For some time the government has recognized that increased reliance on the experience, knowledge, judgment and accountability of professionals could make forest and range resource management more effective and efficient. The conduct of professionals in forest management is governed by legislation, codes of ethics and standards of practice applicable to each discipline.

The fact that *FRPA* is silent on the use of professionals does not mean that their role is in any way diminished. In fact the opposite is true. *FRPA* simply recognizes that other pieces of legislation state what activities can be done by, or what titles may be used by which professionals and under what circumstances. Each of the professional regulatory bodies is established by legislation. These organizations are empowered to set standards of competence and practice for their members, to protect the public interest in stewardship of resources, and to hold members accountable for their actions through discipline and quality assurance processes. Each of these regulatory bodies has also made protection of the environment and stewardship key tenants of their codes of ethics and/or standards of practice.

In essence, the *FRPA* speaks to the liability of licensees to meet objectives while the legislation setting up the professional regulatory bodies establishes a framework



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through which individual practitioners may practice and may be held to the standards of competence and practice of their professions.

Key Points

Professionals are regulated through the legislation establishing and empowering the various professional bodies.

FRPA does not regulate the relationship between employers and resource professionals but the due diligence defence in *FRPA* motivates the use of professionals.

Professional reliance in its simplest form is the reliance on the judgment of appropriate professionals authorized and qualified to provide a service.

Reliance on the experience, knowledge, judgment and accountability of professionals is key to making forest and range resource management more effective and efficient.

FRPA is predicated on relying on appropriate professionals to apply good judgment and act in the interest of the public and the environment.

Professional regulatory bodies can hold their members accountable for matters of conduct and competence.

Certification

One component of professional reliance is the ability of professionals to attest that specified elements of an FSP are consistent with the objectives. More information is included in Chapter 6. Forest Stewardship Plans.

The Professional Team

Professional reliance applies to use of a professional agrologist, a registered professional biologist, a professional geoscientist, a professional engineer, and/or a registered professional forester, who is a member in good standing of their respective professional regulatory body². It is important to note that it does not apply to unregulated practitioners who are not members of one of the professional regulatory

² For information on the Role of Technologists and Technicians, see Page 7



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bodies.

Although one member of the professional team may have final responsibility for a forest or range resource management plan or activity, it is normally through a team effort that the necessary information, knowledge, experience and analysis is brought to the undertaking. In some instances, one professional will sign the overarching plan and will be held accountable to ensure that, where necessary, other professionals have been called in to assist by preparing and signing off on plan components, supporting plans, assessments or opinions. In other cases more than one professional's signature may be required on a document.

Guidance as to which professionals are required for any given task or set of tasks may be found in the legislation governing resource professionals in BC. The professional regulatory bodies will also provide further guidance on this issue through mechanisms such as practice directives and the work of joint practice boards. The need for joint practice boards highlights the fact that a certain degree of overlap exists in the various definitions of practice. This overlap is considered preferable to a gap existing. The public interest is best met when the work is done by a person who

- has demonstrated competence in the field, and
- can be held accountable through a professional regulatory body with jurisdiction over the person and the activities in question.

Each of the professional regulatory bodies is established by legislation granting different rights and privileges to its members. Careful attention must be paid to each of these pieces of legislation as the rights of practice and title, as well as the definitions of practice differ for each. Key sections of these Acts are contained in Appendix 1 of this Guide, and full copies of the Acts can be accessed through the internet web sites listed in the section entitled "Contacts for Further Information".

Agrologists Act

The *Agrologists Act* defines agrology, establishes the British Columbia Institute of Agrologists as a professional regulatory body, reserves the title "agrologist" to members of the institute, and provides in clause 2(2) that a provision in another enactment that restricts the practice of another profession or occupation to members of a professional or occupational body does not restrict the capacity of a person to practice applied



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College of Applied Biology Act

biology under this Act and the rules.

The *College of Applied Biology Act* defines the terms “applied biological sciences” and “applied biology”, establishes the College of Applied Biology as a professional regulatory body, reserves the titles Professional Biologist and Registered Professional Biologist, Applied Biology Technician and Registered Biology Technologist to members of the College, and provides in clause 2(2) that a provision in another enactment that restricts the practice of another profession or occupation to members of a professional or occupational body does not restrict the capacity of a person to practice applied biology under this Act and the rules.

Engineers and Geoscientists Act

The *Engineers and Geoscientists Act* defines the terms “practice of professional engineering” and “practice of professional geoscience,” establishes the Association of Professional Engineers and Geoscientists of BC (APEGBC) as a professional regulatory body, reserves the titles Professional Engineer and Professional Geoscientist to members of the association, and reserves the right to practice engineering and geoscience (as defined and limited in the act) to members of the association.

Foresters Act

The *Foresters Act* defines the term “practice of professional forestry,” establishes the Association of British Columbia Forest Professionals” (formerly the Association of British Columbia Professional Foresters) as a professional regulatory body, reserves the titles Registered Professional Forester and Registered Forest Technologist to members of the association, and reserves the right to practice professional forestry (as defined and limited in the act) to members of the association.

The Role of Technologists and Technicians

Technologists and technicians play a key role in the collection of information, implementation and monitoring of forest and range resource management activities. They work with and in support of the members of the four professional regulatory bodies. With the exception of Registered Forest Technologists exercising their independent practice rights under the Foresters Act ,or consistent with licensing provisions or practice directives approved by one of the four professional regulatory bodies, technologists and technicians work under the



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direct supervision of a professional.

The *Applied Science Technologists and Technicians Act* establishes the Applied Science Technologists and Technicians of BC (ASTTBC) and reserves the titles Applied Science Technologist and Certified Technician to members of the association. Those technologists and technicians who belong to ASTTBC are accountable for their standard of practice, and can therefore provide employers with greater assurance of diligence than those who are unregulated.

Recent changes have incorporated technologists and technicians into the legislation regulating the practice of professional forestry and professional biology. Technologists and technicians practicing in these respective fields who have gained membership in the ABCFP will have the designations 'Registered Forestry Technologist', while those who gain membership in the College of Applied Biology will have the designation 'Applied Biology Technologist' or 'Registered Biology Technician'. These individuals will be regulated under the *Association of BC Forestry Professionals* or *College of Applied Biology* respectively.

Key Points

- The professional team is made of members in good standing from the professional regulatory bodies.
- Professional reliance applies only to individuals who have been deemed by their respective professional organization to have met the entrance requirements, adopted a code of ethics and standards of practice, and can be held accountable by their profession.
- The regulation of technologists and technicians is changing and may vary between professions – potential employers should check if they are unsure about how professional reliance will apply to a particular individual.
- The legislation governing resource professionals in BC defines the practice of agrology, applied biology, professional engineering, professional geoscience, and professional forestry.
- Some overlap exists between the various definitions of practice.



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Professional Regulatory Bodies

The success of professional reliance and its strength as an approach to regulation lies in the distribution and discharge of three key areas of responsibility:

- the roles and responsibilities of the professional regulatory bodies;
- the roles and responsibilities of the individual professionals; and
- the roles and responsibilities of clients, employers and others.

The self-regulating professions of agrology, applied biology, professional engineering and geoscience, and professional forestry are each created through legislation passed by the provincial government. That legislation establishes the professional regulatory body to govern the profession independent from government, employers and clients. The legislation gives professional regulatory bodies the power to establish criteria for education and work experience prior to entry, examine candidates for registration, decide who is qualified to practice in what areas³, establish quality assurance requirements and enforce standards of competence and conduct through discipline.

One of the most important reasons for the existence of self-regulating professions⁴ is the importance they place on the duty to protect the public interest by ensuring professionals are bound by standards of conduct and

competence. This aspect of self-regulating professions is often described as a social contract between society and the professionals whereby:

- society gains highly trained accountable professionals with the obligation to provide stewardship and practice in the public interest; and

³ The word “area” has numerous contexts. It can mean a physical location so that, for example, when a professional is doing site-specific work the word will include the geography, site conditions, ecology, etc. It can also mean the “subject area” of the work in question

⁴ In Canada the provinces have jurisdiction regarding the governance of professions. The provinces have determined that self-regulation of the professions under legislated authority is an appropriate model to protect the public interest.



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- professions are granted exclusive rights to title and, in some cases, to practice⁵.

To fulfill this contract the professional regulatory bodies discharge a set of core functions, including:

- screening applications for membership and admitting those who have the requisite qualifications;
- imposing standards of conduct and competence on members;
- ensuring members adhere to these standards;
- disciplining members who do not; and
- managing the affairs of the profession with respect to the foregoing as fairly, efficiently and effectively as possible.

“The importance of a professional culture cannot be overstated”

The importance of a professional culture cannot be overstated. Like morality, professionalism is a belief-system as much as a set of rules. Nonetheless, the public can only be assured that professionalism will prevail when a profession has the ability to exercise discipline on its members. This is the safety-net for professional reliance.

Professional regulatory bodies are required to discipline their members in a fair and transparent manner. Complaints may be made by a member of the public, a client or employer, another professional, or may be initiated by the professional organization itself. A number of mechanisms exist for resolving complaints, ranging from alternative dispute resolution solutions to an investigation and formal hearing.

Remedies available to the professional regulatory bodies vary in relation to the severity of the circumstances. They can include corrective training, formal reprimand, fines or loss of right to title and/or practice. The resolution of disciplinary proceedings are made public.

⁵.The Professions of Applied Biology and Agrology have right to title legislation, while Engineering and Geoscience, and Forestry have both right to title and right to practice legislation. All professionals are equally subject to high standards of competence and conduct established by their professions and are accountable to their professional regulatory body through discipline and quality assurance mechanisms.



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Key Points

Professional regulatory bodies are created by government as self-governing professions.

Each of the natural resource professions discussed in this Guide has a basic obligation to ensure members are competent and adhere to high standards.

Professional regulatory bodies have the power and responsibility to discipline members and impose a range of remedies depending on the severity of the complaint(s) made against a professional.

Individual Professionals

Adherence to a Code of Ethics⁶

Each of the natural resource professional regulatory bodies has established codes of ethics that set out obligations binding on their members. Although codes of ethics may vary in format and specifics for each profession (and should therefore be referred to directly when questions involving a specific profession arise), they all include requirements that reflect a professional's responsibility to the public, the resources, employers and the profession.

Generally, codes of ethics describe the following

An Obligation to the Public

- A professional will hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.

Practice within Areas of Qualification

- A professional will undertake and accept responsibility for professional assignments only when qualified by training or experience to do so.

Professional Opinion

- A professional will provide an opinion on a professional subject only when it is founded upon adequate knowledge, sound science and honest conviction.

Confidentiality and Disclosure

- A professional will act as a faithful agent of their client or employer, maintain confidentiality and avoid conflict of interest but, where such conflict arises, fully disclose the circumstances without

⁶ Note that individual codes of ethics can be reviewed by accessing the web sites listed under the "Contacts for Further Information" in this module.



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	delay to the affected parties.
Duty to Profession	<ul style="list-style-type: none">• A professional will uphold their professional obligations over the demands of their client or employer.
Appropriate Compensation	<ul style="list-style-type: none">• A professional will uphold the principle of appropriate and adequate compensation for the performance of professional work.
Maintain Competence	<ul style="list-style-type: none">• A professional will keep themselves informed in order to maintain their competence, strive to advance the body of knowledge within which they practice and provide opportunities for the professional development of their associates.
Conduct toward Clients and Colleagues	<ul style="list-style-type: none">• A professional will conduct themselves with fairness, courtesy and good faith towards clients, colleagues and others, giving credit where it is due, and accept as well as give honest and fair professional comment.
Presentation of Consequences	<ul style="list-style-type: none">• A professional will present clearly the possible consequences to employers and clients if professional decisions or judgments are overruled or disregarded.
Respond and Report on Contraventions	<ul style="list-style-type: none">• A professional will bring to the attention of their association, and if necessary to rectify will report to other appropriate agencies, any hazardous, illegal or unethical professional decisions or practices by other professionals.
Extend Public Knowledge	<ul style="list-style-type: none">• A professional will extend public knowledge and appreciation of their profession, and protect their profession from misrepresentation and misunderstanding.

Exercise Due Diligence

In its simplest form, professional due diligence is exercising the care a reasonable professional under the same circumstances would use – applying reasonable but not necessarily exhaustive efforts to achieve a desired outcome or prevent an undesired one. The application of due diligence is a necessary component of all aspects of practice and professional life⁷.

⁷ Professionals are not held to a standard of perfection. They cannot be insurers that positive outcomes will be achieved; nor can they be insurers that negative consequences will not occur. Professionals will be judged on the standard of what a “reasonable professional” would or ought to have done in the same or similar circumstances. It is important to note that the test is not that of a “reasonable person” but rather the higher standard of the “reasonable professional.” What a reasonable professional would do, or would be expected to do, is determined by one’s professional peers. This can be done through codes of ethics, standards of practice, practice advice or direction from the professional regulatory body, or ultimately, a jury of professional peers in the context of a discipline hearing.



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Being duly diligent connotes, among other things: completeness, correctness, consistency, repeatability and the ability to demonstrate how conclusions were reached. It includes the use of checklists, standard operating procedures or other mechanisms through which it can be demonstrated that all appropriate procedures were followed to ensure no relevant steps or considerations were missed. It also includes the retention of background information and base data on which the professional relied to formulate their plan, opinion, prescription or other professional advice or direction.

Due diligence includes taking all necessary steps to enable the professional to demonstrate to those who may question their work that all appropriate factors were considered and steps taken to do the job in a professional manner. A crucial aspect of due diligence, therefore, includes keeping and maintaining appropriate documents, files and filing systems as well as document retention policies and practices.

The types and varieties of checklists, practice guidelines or other mechanisms -through which the professional can demonstrate all appropriate procedures were followed to ensure no relevant steps or considerations were missed – is as diverse as are the practices themselves. Diligent professionals develop these tools for each of the areas of practice in which they engage. A list of all relevant considerations to be included is neither possible nor appropriate in a general overview. This said, the following is a list of some overarching considerations to be canvassed when developing due diligence mechanisms:

- relevant legal requirements have been met;
- the professional has a clear understanding of the client or employer objectives and how they relate to other values or interests which are relevant to the work or may impact it;
- the professional is personally familiar with the relevant characteristics of the area affected by the work;
- the appropriate background information has been gathered and incorporated;
- the professional has consulted with appropriate experts or specialists for those areas for which the professional is not qualified to practice or express an opinion, or for which a second



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opinion would be prudent;

- when external advice is sought from a specialist, that person is qualified and competent to give that advice and the advice given makes sense based on the professional's own personal knowledge;
- when data is collected by another person, that person is qualified and competent to collect that data and the data collected makes sense based on the professional's own personal knowledge;
- sufficient data were collected according to the required standards;
- the professional has made a proper assessment of risks and outcomes; and
- the professional has signed and sealed work for which he or she has prepared or accepts responsibility (including electronic submissions).

Key Points

Professionals are required to abide by their codes of ethics and/or conduct, practice guidelines, and the practice and conduct directions from their respective professional regulatory bodies.

A professional must exercise due diligence by being prudent, doing all work with constant and careful attention, and must sign and seal the work accordingly.

A professional must utilize appropriate information, including consultation with other professionals where necessary when making decisions or giving advice.

Clients can expect professionals to carry out work to a standard that meets the test of a reasonable professional, as judged by peers.



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Employers, Clients and Others

Employers and Due Diligence

Employers have an important role to play in the success of professional reliance. First and foremost employers must obey the relevant law impacting on their business enterprise. For example, employers must decide when they should rely on the judgment of a professional. In so doing, the employer must be aware of the right to practice and right to title provisions of the various pieces of Resource Professions Legislation.⁸ They must also consider the type of evidence necessary to meet approval tests of government, and the test for due diligence in a compliance and enforcement situation:

Did the person subject to the legislation do everything a reasonably prudent person would do in the circumstances? Often this comes down to one question: Did the person employ the right person with the necessary skills, knowledge and professional credentials⁹ to carry out the work?

When assigning work to, or retaining a professional it is advisable to request that the individual provide information on their experience in the area of interest, and of their professional designation. While this may seem unnecessarily formal to some, it provides assurance that the individual is, in fact, qualified to deliver services within the intent of the professional reliance approach and is an important first step in due diligence.

Another key aspect of due diligence is for employers and clients to provide clear information on their objectives and any constraints under which they are operating to ensure the professional is able to provide

⁸ A person would be in violation of the *Engineers and Geoscientists Act*, if they engaged in the practice of professional engineering or geoscience or used the title Professional Engineer or Professional Geoscientist without being a Professional Engineer or Professional Geoscientist in good standing with APEGBC. Likewise a person would be in violation of the *Foresters Act*, if they engaged in the practice of professional forestry or use the titles Registered Professional Forester without being a Registered Professional Forester in good standing with the ABCFP. A person would violate the *Agrologists Act*, or the *College of Applied Biology Act* if they used the titles “Agrologist,” or “Professional Agrologist”, “Registered Professional Biologist,” or “Professional Biologist” without respectively being members of the British Columbia Institute of Agrology, or the College of Applied Biology.

⁹ Engineers, foresters, and geoscientists have been granted a ‘right to practice’ where, activities and practices reserved to them in their legislation must be carried out by only members of those associations unless another professional is specifically authorized to engage in those activities or practices by another enactment that governs the practice of that other profession. If an individual who is not a member of the four association(s) were to carry out one of these practices without legal authority, that individual’s activities may be subject to an action (an injunction) brought by the professional association.



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the most valuable and relevant services possible.

The professional regulatory bodies may not be able to recommend an individual, however if you are having difficulty locating an appropriate professional any of the professional regulatory bodies are able to provide the names of persons practicing in certain geographic or practice areas.

Employers are required to use members of a particular professional association to carry out those prescribed activities that fall within their scope of practice unless another professional is specifically authorized to engage in those activities or practices by another enactment that governs the practice of that other profession. Although no such requirements exist for professions not governed by right-to-practice legislation, those practitioners who belong to professional regulatory bodies with right-to-title such as agrologists and biologists are nevertheless accountable through their applicable professional regulatory body. Therefore, when retaining individuals to carry out applied biology or agrology it is advisable for employers to use members of the professional organizations so that they can be assured of the standard of practice and accountability, and thereby demonstrate a higher level of due diligence.

Supporting Independence

Resource Professionals are required to protect the public interest and the environment in the conduct of their duties. This places them in the position of having to find an acceptable balance between the social, economic and environmental aspects of forest and range management, guided known public values, objectives set by government and direction from higher level plans. Employers and clients are expected to understand and respect the need for a professional to make independent judgments based on their training, experience and professional obligations. Employers and clients should be aware of the main components comprising the Resource Professions Legislation, the various codes of ethics, practice guidelines and standards of professional practice under which professionals in their employ operate. Employers may not act in a manner that pressures or coerces the professional to make a particular decision or recommendation¹⁰.

¹⁰ Section 32 of the *Foresters Act*, for example makes it an offence to take punitive action against (a) a member who fulfills their obligation under this Act, the bylaws and the resolutions to exercise professional judgment or take independent



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Maintaining Competence

Maintaining professional competence through continuing education, experience, updating activities, peer reviews, practice reviews and participation in activities of their professional regulatory body are all activities that may be necessary and advantageous to the maintenance of professional qualifications and competency. Employers are expected to be cognizant of these requirements, and to provide sufficient opportunities for professionals in their employ for continuing competency activities.

Others and Due Diligence

Peers, subordinates, contractors and others involved in forest and range resource management play an important role in professional reliance. The integrity of professional plans, prescriptions, designs and advice often depends upon people who contribute information to the decisions or implement the works. It is essential that these individuals understand the needs and responsibilities of professional practice and carry out their tasks in a professional-like manner.

Professional practice may be restricted to those who have met the specific requirements of a professional regulatory body or Resource Professions Legislation, however “professional behavior” should be the norm for all employed in forest and range management.

Key Points

Employers are required under the provisions of the Resource Professions Legislation to utilize and rely on the judgment and accountability of appropriate natural resource professionals.

Employers should be aware of the key components of legislation, codes of ethics and guidelines governing professionals.

Employers are expected to support professionals in maintaining professional competence and exercising due diligence.

Employers and others are responsible to recognize and support the independence of professionals.

action in the practice of professional forestry, or (b) a person who, in good faith, makes a complaint or report respecting the manner in which a person engages in the practice of professional forestry.

Punitive action is defined as including reprimanding, suspending, discharging, demoting, denying promotion to or transferring, or refusing to award a contract.



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All individuals involved in forest and range management are expected to display “professional behavior”.

Recourse and Liability

While the legislation is designed to ensure forest and range management occurs effectively and without conflict, there will be times when this is not achieved. When possible, disputes or concerns should be resolved directly between the involved parties. In most cases direct, respectful communication leads to acceptable informal resolution and is strongly recommended. Since this will not always be possible, and may not resolve all disputes when they occur, it is important to understand the avenues available for recourse.

In general, there are three avenues for recourse when a problem arises within the context of professional practice. First and foremost, an agreement holder (usually, but not always, a licensee) is liable under the *FRPA* for meeting legislated outcomes (objectives / standards) or commitments. An agreement holder or a professional may also be sued in the civil courts (and in rare cases in the criminal courts). Finally, a complaint could be launched against a professional with their professional regulatory body. Each of these avenues of recourse is discussed briefly below.

Liability under *FRPA* for failure to comply with the *Act* and regulations

Where the *FRPA* sets out specific requirements for parties carrying out forest and range practices and an omission or contravention occurs, the party may be liable for the remedy under the Act. Section 72 of the *FRPA* provides a positive defence to administrative actions taken under the *Act* if the person can prove they exercised due diligence to prevent the contravention from occurring. The issue of due diligence will often include questions as to whether the person retained the appropriate professionals for advice and direction and whether that advice was followed.

Civil liability through the courts

Disputes arising out of contractual or licence conditions, or from a conflict between two parties are dealt with through the provisions of the contract, or in cases where no contract exists or resolution is unsuccessful, then through the courts.

Aside from contract law, the civil courts deal with issues of tort law. These include cases of negligence. A person



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who has relied on a professional and has suffered harm, can sue that professional in the civil courts. A central question in any case of professional negligence will be what, if any, steps the professional took to prevent the event(s) that led to the complaint, from happening. Simply put, what, if any, due diligence was exercised by the professional?

Professional Accountability

Professional accountability relates to the conduct of the individual professional in relation to the expectations set out by the professional Act, codes of ethics or conduct, standards of practice and other requirements established by that person's regulatory body. Accountability is exercised by and through the complaint and discipline process of the professional regulatory body.

A minimum requirement for all self-regulating professions is a process that allows for complaints to be made to the professional regulatory body about the conduct or competence of a member of the profession. Each of the natural resource professions discussed in this Guide has formal mechanisms for making and resolving complaints.

When registering a concern, the appropriate action can be most effectively taken when the following information is provided:

- the name of the member about which a concern or complaint is being raised;
- the nature of the concern, citing the specific action or contravention that has led to the complaint;
- the circumstances under which the action (or omission) occurred; and
- whether the complaint has been brought to the attention of the individual and whether any attempt has been made to rectify the matter.

Key Points

Concerns or perceived contraventions should be raised directly with the professionals involved and resolved at that level if possible.

Contraventions of the *FRPA* by a licensee is a matter between the government and the person (or company) against whom the contravention order is made. Such



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contraventions are addressed through the provisions of the *FRPA*.

Professionals are subject to civil suits under principles of contract or tort law.

Professionals are also accountable to answer questions of competence or conduct through the complaint resolution mechanism of their professional regulatory body, including formal investigations and hearings.

Each of the natural resource professions has well defined processes to receive, investigate and act on complaints.

Contacts for Further Information

Association of BC Forest Professionals

1030 – 1188 West Georgia Street, Vancouver, BC V6E 4A2

Telephone: 604 687-8027

Facsimile: 604 687-3264

e-mail: info@abcfp.ca

web page: www.abcfp.ca

Association of Professional Engineers and Geoscientists of BC

200 – 4010 Regent Street, Burnaby, BC V5C 6N2

Telephone: 604 430-8035

Toll free in Canada 1-888-430-8035

Facsimile: 604 430-8085

e-mail: apeginfo@apeg.bc.ca

web page: www.apeg.bc.ca



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BC Institute of Agrologists

102 – 2669 Langdon Street, Abbotsford, BC V2T 3L3

Telephone: 604 855-9291

Toll free 1-877-855-9221

Facsimile: 604 855-7189

e-mail: info@bcia.com

web page: www.bcia.com

College of Applied Biology

#205 – 733 Johnson Street, Victoria, BC V8W 3C7

Telephone: 250 383-3306

Facsimile: 250 383-2400

e-mail: cab@cab-bc.org

web page: www.collegeofappliedbiology.bc.ca

Applied Science Technologists and Technicians of BC

10767 – 148 Street, Surrey, BC V3R 0S4

Telephone: 604 585-2788

Facsimile: 604 585-2790

e-mail: techinfo@asttbc.org

web page: www.asttbc.org





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:

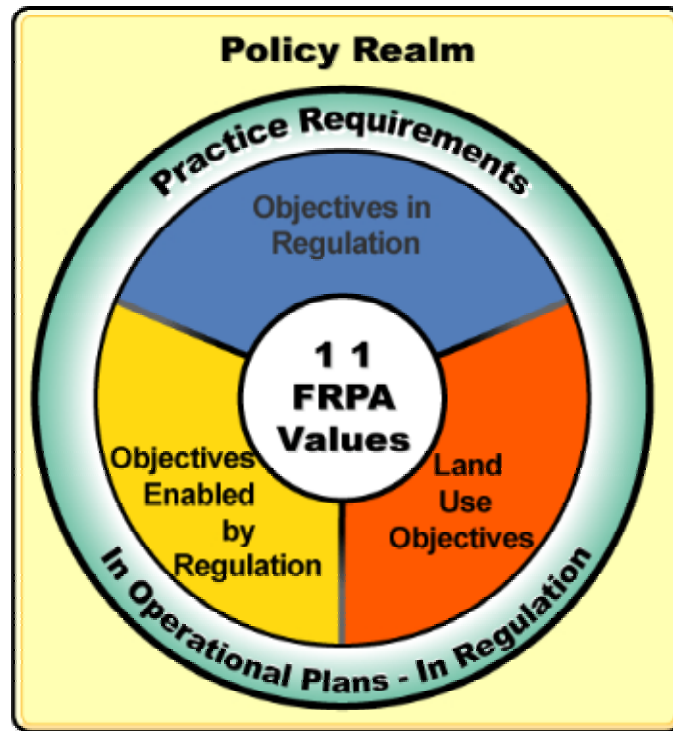
- permanent access structures (PAS) —the “default” practice requirement for rehabilitating an area occupied by a PAS is to (s. 36 of FPPR):
 - Remove or redistribute woody materials that are concentrating subsurface moisture,
 - De-compact compacted soil, and
 - Return displaced surface soils, retrievable 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

Introduction

Framework for Managing & Protecting *FRPA* Values



Government Objectives

As mentioned in Chapter 2, government objectives include the three main types of objectives—land use objectives, objectives in regulation (section 149 of *FRPA*) and objectives enabled by regulation. Other objectives to consider include:

- Grandparented objectives from the FPC under sections 180 and 181 of the *FRPA*; and
- Other objectives that may exist outside of the *FRPA* such as water quality objectives established under the *Drinking Water Protection Act* that can be a higher level plan and become objectives under *FRPA*.

Two of the three main types are new in *FRPA*—objectives in regulation (section 149 objectives) and objectives enabled by regulation (e.g., Government Actions Regulation, or GAR). While those who are preparing a forest stewardship plan will need to consider all three types of objectives applicable to the plan area, this section of the Guide describes the objectives in regulation and objectives enabled by regulation. As



4. Managing & Protecting *FRPA* Values

before, the scope of land use objectives is not limited to the eleven subjects or values listed in section 149, nor those established under the GAR.

Under section 149 of *FRPA*, government has, or can, make regulations relating to the following subjects or “values”:

FRPA
S. 149

Soils	Resource Features
Timber	Recreation Resources
Fish	Visual Quality
Wildlife	Cultural Heritage Resources
Biodiversity	Forage & associated plant communities
Water	

Objectives for many of these values, or subjects, are specified in sections 5-10 of the FPPR. In addition, sections 6, 7, 8, 10, 12 and 14 of GAR identify the other objectives for which results or strategies must be specified in a FSP if they pertain to the area.

FPPR
S. 5-10

GAR
S. 6, 7, 8,
10, 12,
14

Practice Requirements

In addition to containing objectives for various values, the regulations also contain practice requirements to manage and protect these values.

FPPR
S. 12.13,
12.2-12.5
Part 4

Practice requirements described in Part 4 and 5 of FPPR are as follows:

- **“default” practice requirements in FPPR—**
Section 12.1 of the FPPR specifies the objectives for which there are requirements in regulation, sometimes called “default” practice requirements. Those preparing a forest stewardship plan are exempted from the requirement to prepare results or strategies in section 5 of *FRPA*, if the FSP contains an “undertaking that the person will comply” with these “defaults” and the Minister approves the plan. The new sections 12.2 through 12.5 of FPPR provide for exemptions from specific defaults, by section reference, if the person chooses to prepare alternative results and/or strategies consistent with the relevant objective in regulation;



4. Managing & Protecting *FRPA* Values

and

- **other practice requirements in regulation**—In addition to the “default” practice requirements contained in the regulation, the FPPR lists other practice requirements that apply to all practices regardless of what is in the FSP. The applicable ministers of WLAP and MOF can grant exemptions to some of these requirements.

NOTE: the new FPPR section 12(3) requires that an FSP *must* specify a result or strategy that addresses retention of trees in a riparian management zone, and that it is consistent with the objective set by government for water, fish, wildlife and biodiversity within riparian areas (s. 8 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 Riparian Management Zone (RMZ) —the conservation of fish, wildlife habitat, biodiversity and water values (definition of RMZ under paragraph (b)(i) in s. 1 of FPPR); and
- the retention of trees specified by section 12(3) of FPPR addresses the second function of an RMZ—the protection of the Riparian Reserve Zone (definition of RMZ under paragraph (b)(ii) in s. 1 of FPPR).

The remainder of this chapter contains a summary of the various subjects or values named in *FRPA* (section 149), with:

- their corresponding objectives in regulation;
- the requirements in regulation (“default” practice requirements) which if followed would exempt a FSP preparer from specifying a result or strategy; and
- practice requirements in regulation that must be met when conducting practices.



4. Managing & Protecting *FRPA* Values

Soils

Government Objectives

Objectives in Regulation

The objective in FPPR for soils is to conserve the productivity and hydrologic function of soils—without unduly reducing timber supply.

FRPA
S. 149

FPPR
S.5

RPPR
S. 6

WLPPR
S. 9(1)(b)

Objectives Enabled by Regulation

There are no provisions in regulation for the ministers to establish soils related objectives.

Practice Requirements

“Default” Practice Requirements in FPPR

A plan preparer does not have to include results and/or strategies for the objective set out in section 5 of the FPPR if the FSP contains an “undertaking that the person will comply” with sections 35 and 36 of the FPPR, and the Minister approves the FSP. These requirements (“default” practice requirements) include:

FPPR
S.12.1,
12.23,
35, 36

- soil disturbance limits on net area to be reforested of:
 - 5% if sensitive soils, otherwise 10%, and
 - 25% within a roadside work area; and
- areas occupied by permanent access structures will not exceed 7% of the cut block. Agreement holders may rehabilitate a PAS area by:
 - removing or redistributing woody materials that are concentrating subsurface moisture unless erosion of exposed soil from the area would cause sediment to enter a stream, wetland or lake or have an adverse effect on *FRPA* values. In this case, the agreement holder must place woody debris on or revegetate the exposed soil,
 - De-compacting compacted soil, and
 - Returning displaced surface soils, retrievable side-cast and berm materials.



4. Managing & Protecting *FRPA* Values

Soils (cont.)

Those preparing a FSP must also propose results and/or strategies for any land use objectives that apply to the area under the plan.

Factors to Consider in Developing Results & Strategies

FPPR
Schedule

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

- amount of productive forest land base occupied by permanent access structures; and
- amount of soil disturbance within the net area to be reforested.

Other Practice Requirements

FPPR
S. 37-40

Additional practice requirements in FPPR for soils include:

- activities must not cause landslides that have a material adverse effect;
- activities on the Coast must not cause gully processes that have a material adverse effect;
- temporary or permanent access structures must maintain the natural surface drainage patterns on the area during and after road construction; and
- soils exposed during road construction or deactivation must be revegetated within 2 years if it will reduce the likelihood of erosion.

Exemptions

There are no exemptions available to the other practice requirements in regulation for soils.



4. Managing & Protecting *FRPA* Values

Timber

This section covers the provisions for managing timber including stocking standards and forest health.

Government Objectives

Objectives in Regulation

The objective in FPPR for timber is to:

- maintain or enhance an economically valuable supply of commercial timber from British Columbia's forests;
- ensure that delivered wood costs (i.e., costs to access, harvest and deliver timber to a mill), generally, after taking into account the effect on them of the relevant provisions of this regulation and the *FRPA*, are competitive compared to equivalent costs and regulation in other jurisdictions; and
- avoid undue constraints on the ability to exercise government-granted harvest rights under the *Forest Act*.

FRPA
S. 149

FPPR
S. 6

WLPPR
S. 9

Other objectives in regulation (FPPR) include statements to not unduly reduce the timber supply—specifically, objectives for wildlife, riparian areas, biodiversity and soils. These are intended to carry forward current policy. This policy is already inherent in the requirements in regulation (“default” practice requirements). The purpose of the phrase “without unduly impacting” is simply to incorporate this policy where there is no “default” practice requirement in regulation (e.g., wildlife) or where a licensee proposes an alternative(s) to the defaults.

Objectives Enabled by Regulation

There are no provisions in regulation for the ministers to establish timber related objectives.

Practice Requirements

“Default” Practice Requirements in FPPR

The FPPR does not contain requirements (“default” practice requirements for the timber objective set out in section 6.

FPPR
S. 12.1,
16, 26



4. Managing & Protecting *FRPA* Values

Timber (cont.)

Those preparing a FSP now have the option of whether or not to propose results and/or strategies for the timber objective in FPPR listed above. If results or strategies are proposed in an FSP, they must be consistent with the objective.

FPPR
Schedule

The FPPR also requires the FSP to specify stocking standards for establishing the free growing stand.

Factors to Consider in Developing Results & Strategies

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

Factors to Consider in Developing Stocking Specifications

Factors in regulation (FPPR) to consider in developing stocking specifications include:

- for even-aged stands:
 - types of commercially valuable and ecologically suitable species that should be established, and
 - number and distribution of trees to adequately stock a free-growing stand;
- for uneven-aged stands—same as even-aged stands plus:
 - types of commercially valuable and ecologically suitable species to retain, and
 - characteristics, quantity and distribution of retained trees;
- forest health risks relevant to species selected and occurrence and extent of forest health factors.

Other Practice Requirements

FPPR
S. 41-46

Other practice requirements in the FPPR for timber and forest health include:

- insect broods must be destroyed before insects emerge if using trap trees or pheromones to concentrate insect populations;



4. Managing & Protecting *FRPA* Values

Timber (cont.)

- must take measures to protect livestock from predators and prevent the transmission of disease from livestock to wildlife when using livestock for site preparation or brush control;
- must comply with Chief Forester's Standards or alternatives for the use of seed;
- must establish a free growing stand that meets:
 - applicable stocking standards by the regeneration date, and
 - applicable stocking standards and free growing height by a date that is not more than 20 years from the commencement date, unless the Minister permits a later date;
- If a FSP specifies that free growing will be assessed across cut blocks, plan holders must meet regeneration and free growing dates as they apply to groups of cut blocks. Stocking standards that cross cut blocks must be approved by the Chief Forester; and
- Government will establish a free-growing stand if the area is harvested under a forestry licence to cut other than a major licence or a minor tenure.

Exemptions

The Minister of Forests can grant an exemption to the practice requirements in regulation for:

- treatments to modify insect behavior;
- use of livestock for silviculture treatments; and
- establishment of a free growing stand.

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. 41, 42,
44, 91



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;
- 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

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.)

Example—using the Provincial Non-Spatial Old Growth Order

To determine the old growth objective for a FDU, you would:

- Determine the Natural Disturbance Type for your area using the look-up table in the Appendix and the BEC Zone (if not Okanagan or Merritt);
- Find the corresponding table in the Order for the Natural Disturbance Type (or area if Okanagan or Merritt);
- Determine the Biodiversity Emphasis. This can be obtained through a look-up table in the Appendix of the Order using the appropriate Landscape Unit and BEC Zone; and
- Lookup the old growth objective using BEC Zone and Biodiversity Emphasis.

Table 1. Natural Disturbance Type One

BEC Zone	Age	% Low	% Intermediate	% High
CWH	>250	>13	>13	>19
ICH	>250	>13	>13	>19
ESSF	>250	>19	>19	>28
MH	>250	>19	>19	>28

For example, if your FDU is located in the CWH BEC Zone, and your Biodiversity Emphasis is intermediate—then your old growth objective is at least 13 percent of the area must be retained as old growth forest with stands over 250 years old.

More information on the Provincial Non-Spatial Old Growth Order is available at:

<http://srmwww.gov.bc.ca/rmd/oldgrowth/index.htm>



4. Managing & Protecting *FRPA* Values

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

Continued (Grandparented) Objectives

FRPA
S. 181

All objectives established previously under section 3 or 4 of the FPC will be grandparented into *FRPA*. This includes the existing "higher level plans" that have been established for a number of land use plans around the province, as well as other more-detailed objectives such as old growth management areas (OGMAs).

Existing Forest Ecosystem Networks established under the FPC are grandparented to *FRPA* under section 181 of *FRPA*.

Practice Requirements

"Default" Practice Requirements in FPPR— Landscape Level

FPPR
S. 12.1,
12.4, 64,
65

A plan preparer does not have to include results and/or strategies for the objective set out in section 9 of the *FPPR* if the FSP contains an "undertaking that the person will comply" with sections 64 and 65 of the *FPPR*, and the Minister approves the FSP. These requirements are:

- the maximum cut block size of the net area to be reforested will not exceed (with some exceptions):
 - 40 ha on coast and portions of Southern Interior, and
 - 60 ha in Northern Interior and remainder of Southern Interior; and
- timber on a new cut block will not be harvested until the adjacent cut block(s) meet stocking standards in regulation (e.g., 500 trees/ha on coast, 700 trees/ha in the interior).



4. Managing & Protecting *FRPA* Values

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

“Default” Practice Requirements in FPPR—Stand Level

FPPR
S. 12.1,
12.5, 66,
67

A plan preparer does not have to include results and/or strategies for the objective set out in section 9.1 of the FPPR if the FSP contains an “undertaking that the person will comply” with sections 66 and 67 of the FPPR, and the Minister approves the FSP. These requirements are:

- minimum wildlife tree retention percentages of:
 - 7% of the total area of one or more cut blocks harvested in any twelve (12) month period beginning on April 1; and
 - 3.5 % of the area of any one cut block; and
- Restrictions on harvesting timber from wildlife tree retention areas unless trees on the net area to be reforested have developed attributes consistent with mature seral condition.
- **Note:** definitions in FPPR are important to understand regarding wildlife tree retention:
 - “wildlife tree retention area” —means an area occupied by “wildlife trees”, and describes the location of the wildlife tree retention area, and
 - “wildlife trees” —means a tree or group of trees that (a) provide wildlife habitat, and (b) assist in the conservation of stand level biodiversity.



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

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.



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

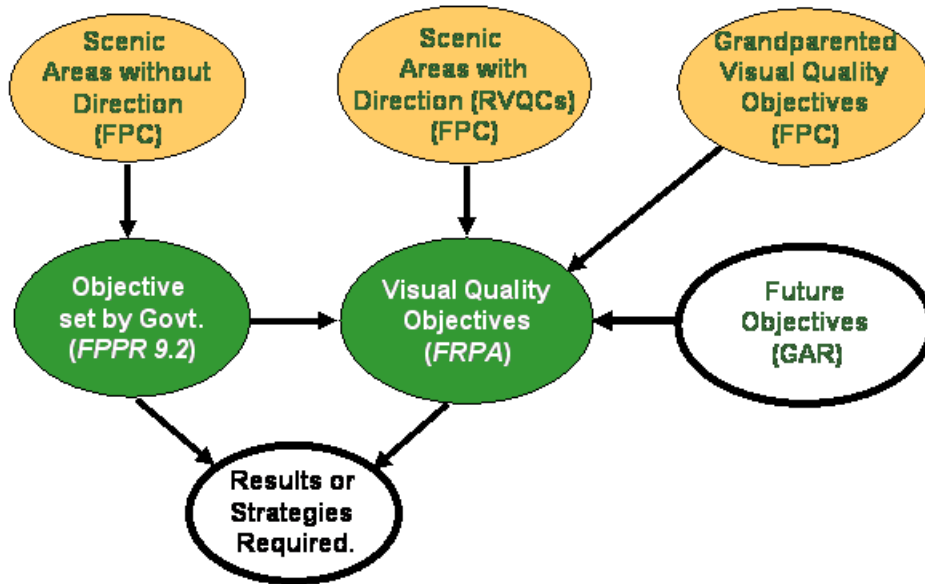
n/a



4. Managing & Protecting *FRPA* Values

Visual Quality

Objectives for Visual Quality



Government Objectives

Objectives in Regulation—Visual Quality

The objective in FPPR for visual quality is to ensure the forest landscape, that can be seen by the public and contains cut blocks or roads, is managed according to the following visual sensitivity classes for the scenic area:

- in visual sensitivity class 1—manage for preservation or retention,
- in visual sensitivity class 2—manage for retention or partial retention,
- in visual sensitivity class 3 or 4—manage for partial retention or modification, and
- in visual sensitivity class 5—manage for modification or maximum modification.

NOTE: visual sensitivity classes are those established on or before October 24, 2002 and available in the Land and Resource Data Warehouse (LRDW) or from the district manager.

FRPA
S. 149

FPPR
S. 9.2



4. Managing & Protecting *FRPA* Values

Visual Quality (cont.)

The objective in FPPR for visual quality applies to scenic areas established on or before October 24, 2002 that do not have a visual quality objective (i.e., without direction and managed under the FPC's manage and conserve test).

Objectives Enabled by Regulation

The *FRPA* and Government Actions Regulation give the Minister of Forests statutory authority to:

GAR
S. 7

- establish visual quality objectives for scenic areas. Note: MSRM must designate an area as a scenic area before MOF can establish visual quality objectives.

Existing scenic areas with visual quality classes are continued under *FRPA* as visual quality objectives under section 17 of GAR. The visual quality class must have been made known by the District Manager before October 24, 2002 or included in the most recent tree farm licence visual landscape inventory.

GAR
S. 17

Continued (Grandparented) Objectives

Scenic areas and visual quality objectives established under the FPC have been grandparented into *FRPA*.

FRPA
S. 180,
181

Practice Requirements

“Default” Practice Requirements in FPPR

The FPPR does not contain requirements (“default” practice requirements) for visual quality.

Those preparing a FSP must propose results and/or strategies for the visual quality objectives listed above and 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 visual quality objectives.



4. Managing & Protecting *FRPA* Values

Visual Quality (cont.)

Additional Information

Additional information to assist in developing results and/or strategies consistent with a visual quality objective can be found in:

- *FRPA* Administrative Bulletin for Managing Visual Resources; and
- Forest Practices Branch of the Ministry of Forests website:

http://www.for.gov.bc.ca/hfp/fordev/visual_resource_mgmt.htm.

Other Practice Requirements

There are no other practice requirements in FPPR for visual quality.

Exemptions

n/a



4. Managing & Protecting *FRPA* Values

Resource Features and Recreation Resources

Government Objectives

Objectives in Regulation

There are no objectives in FPPR for resource features and recreation resources.

FRPA
S. 56

GAR
S. 5

Objectives Enabled by Regulation

The *FRPA* and Government Actions Regulation give the Minister of Forests statutory authority to:

- establish resource features; and
- designate and establish objectives for interpretive forest sites, recreation sites and recreation trails.

Continued (Grandparented) Objectives

Designations and objectives established under the FPC for interpretive forest sites, recreation sites and recreation trails have been grandparented into *FRPA*.

FRPA
S. 180,
181

Practice Requirements

“Default” Practice Requirements in FPPR

The FPPR does not contain requirements (“default” practice requirements) for resource features and recreation resources.

Those preparing a FSP must propose results and/or strategies for 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 resource features and recreation resources.



4. Managing & Protecting *FRPA* Values

Resource Features and Recreation Resources (cont.)

Other Practice Requirements

Other practice requirements in FPPR for resource features and recreation resources include:

- practices must not damage or render ineffective a resource feature; and
- any previously unidentified features must be reported to the District Manager in the annual report only if it is contiguous to the operation and the order establishing the feature requires it to be reported.

FPPR
S. 70(1),
86

RPPR
S. 36

WLPPR
S. 55

Exemptions

The Minister of Forests may grant an exemption to the practice requirement in regulation to protect resource features.

FRPA
S. 146

FPPR
S. 70(1),
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

Forage and Associated Plant Communities

Government Objectives

Objectives in Regulation

There are no objectives in FPPR for forage and associated plant communities. These values are addressed through measures in the FSP (e.g., invasive plants and natural range barriers) or authorized by the minister and other regulations (e.g., Part 4 of RPPR contains practice requirements for forage).

FRPA
S. 149

RPPR
S. 7

Objectives Enabled by Regulation

There are no provisions in regulation for the ministers to establish forage-related related objectives.

Practice Requirements

“Default” Practice Requirements in FPPR

There are no requirements (“default” practice requirements) in the FPPR for forage and associated plant communities.

Those preparing a FSP must propose results and/or strategies for any land use objectives 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 forage and associated plant communities.

Other Practice Requirements

There are no other practice requirements in regulation for forage and associated plant communities. However, this is covered partially by the Minister who may establish range developments as a resource features that must be protected.

FPPR
S. 70



4. Managing & Protecting *FRPA* Values

Forage and Associated Plant Communities (cont.)

Exemptions

FRPA
S. 145

The Minister of Forests may grant an exemption to the practice requirement in regulation to protect resource features.

FPPR
S. 70(1),
91

The Minister may attach binding conditions to the exemption to deal with site-specific considerations. Licensees must follow these binding conditions.

Measures in the Operational Plan

FRPA
S. 47, 48

The Act requires licensees to specify, in the operational plan (e.g., FSP), measures to prevent the spread of invasive plants listed in the Invasive Plant Regulation. The operational plan must also include measures to mitigate the impact of removing natural range barriers.



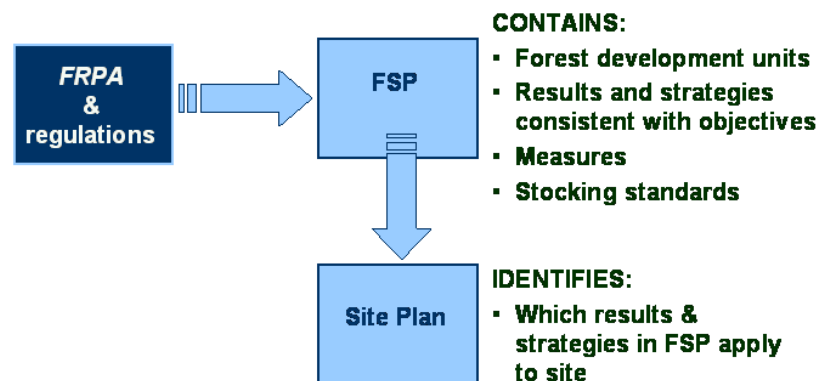
5. *FRPA* Forest Planning Framework



What's Changed Since January, 2004?

There are no major changes in the *FRPA* Forest Planning Framework since January, 2004.

Overview



The *FRPA* planning framework contains the following plans:

- **Forest Stewardship Plan (FSP)**—the primary operational plan under *FRPA* that most licensees and BC Timber Sales (BCTS) Managers must prepare and submit to government for approval. FSPs contain results and/or strategies consistent with government objectives and identify harvesting and road activity through the use of Forest Development Units (FDUs); and
- **Site Plan**—that holders of a FSP must prepare. Site plans describe which results and/or strategies in approved FSPs apply to the site.



5. *FRPA* Forest Planning Framework

Permits for harvesting and road building rights will continue to be issued under the *Forest Act*:

- cutting permits;
- road permits; and
- timber sales licences.

Major Changes in Planning

“Person required to prepare a FSP has greater flexibility to select the area to be covered by a FSP”

There are major changes in planning under *FRPA* including:

- government will establish, upfront, the objectives that must be addressed in operational plans such as the FSP. The depth and breadth of objectives under *FRPA* is much larger than the FPC;
- licensees will focus on proposing results and/or strategies that are consistent with government objectives. Where requirements (“default” practice requirements) are provided in the FPPR, licensees may choose to conform to these. Alternatively, licensees may choose to prepare their own results and/or strategies. This option provides licensees with more freedom to manage in deciding how to prepare plans and deliver results;
- content requirements for FSP are reduced from those for FDPs under FPC;
- the FDP was required to show the approximate location of cut blocks and roads. Under an FSP, results and/or strategies with higher risk may entail a greater level of detail to demonstrate consistency with government objectives. Site specific details will be provided later—for example in the site plan;
- licensees must address the cumulative impact of multiple licensees on the same land base; and
- under *FRPA*, the approval tests for FSPs are:
 - meeting content requirements,
 - consistency with government objectives, and
 - consistency with timber harvesting rights.



6. Forest Stewardship Plans



What's Changed Since January, 2004?

The major changes occurring in forest stewardship plans since January, 2004 include the following.

Certification of Content

Qualified professionals (i.e., foresters, engineers, geoscientists, biologists and agrologists) may now “certify” that the FSP approval test have been met for a limited number of FSP content elements (s. 22.1 of FPPR).

This “certify” is different from the certification process that licensees may undertake for environmental management systems. “Certify” is defined in section 1 (2) of the FPPR and means that the appropriate professional has attested that in their opinion the parts of the FSP to which the certification provision applies conforms to specific requirements (as outlined in Section 22.1 of FPPR). In forming that opinion, the professional must take all the steps required of them as a professional.

The plan holder is also required to notify the Minister if they know the “certified” elements do not conform to the content requirements of section 5 of the *FRPA* (s. 32.2 of FPPR).

Results and Strategies

The structure of FPPR for describing “default” practice requirements and alternatives has changed. The background policy has not changed, but the provisions in the FPPR have been changed for clarification purposes. The new structure specifies:

- you are exempt from having to specify results or strategies for the corresponding Objective Set By Government in sections 5-10 of FPPR if the FSP contains a written commitment that the FSP holder will comply with the provisions of FPPR listed in section 12.1 (“default” practice requirements) and the Minister approves the plan,;
- if you propose alternatives to the applicable “default” practice requirements in section 12.1, you are exempt from the “defaults” described in the corresponding sections of 12.2-12.5. The exemption applies for the term of the approved plan; and
- regardless of which approach is used (“defaults” or alternatives), you must specify a result or strategy for the level of retention of trees in a riparian management zone. This obligation works together with the obligation in section



6. Forest Stewardship Plans

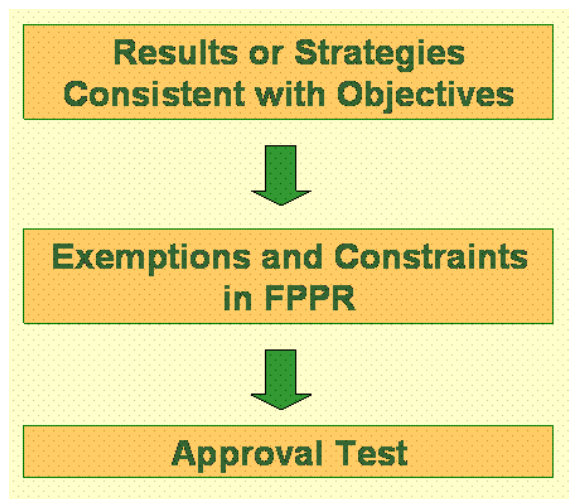
52(2) of FPPR to retain enough trees to maintain stream bank stability:

- the retention of trees under section 52(2) of FPPR addresses one element of the function of a Riparian Management Zone (RMZ)—the conservation of fish, wildlife habitat, biodiversity and water values (definition of RMZ under paragraph (b)(i) in s. 1 of FPPR); and
- the retention of trees specified by section 12(3) of FPPR addresses the second function of an RMZ—the protection of the Riparian Reserve Zone (definition of RMZ under paragraph (b)(ii) in s. 1 of FPPR).

Consistency with Government Objectives

Exemptions and constraints have been added and/or changed in the FPPR to aid the adjudication of results and/or strategies being consistent with government objectives. These provisions are intended to:

- Resolve any conflicts that may exist with legacy objectives (e.g., overlapping, inconsistent, duplicate)—amongst themselves and/or with new objectives in *FRPA*; and
- Enable practicability to address local conditions and circumstances.



Exemptions to consistency requirements include the following:

- a person who prepares a FSP is exempt from specifying results or strategies for an objective in FPPR if the objective conflicts with a land use objective—to the extent of the conflict (s. 12 of FPPR);
- the Minister may grant an exemption from all but one of the established objectives if two or more established objectives apply to the same area and refer to similar subject matter (s. 12 of FPPR);
- the Minister may provide an exemption from specifying results or strategies consistent with established objectives if the Minister determines it is not practicable, given the local conditions or circumstances (s. 12 of FPPR);
- a plan preparer is not required to specify results or strategies for the objective



6. Forest Stewardship Plans

in FPPR for timber (s. 12 of FPPR);

- Under certain circumstances, the Minister responsible for the *Land Act* (MSRM) may grant an exemption from preparing consistent results or strategies for a land use objective established under section 3 or 4 of the FPC. The plan prepared still needs to prepare results or strategies but can be relieved from the requirement to be consistent with government objectives. The land use objective must have been in effect on January 31, 2004 for this provision to apply (s. 25 (2) of FPPR); and
- the Minister of WLAP must exempt the plan holder from preparing a result or strategy for the wildlife objective in FPPR (s. 7 of FPPR) to the extent that the objective is addressed by an objective for a wildlife habitat area, ungulate winter range, general wildlife measure or a wildlife habitat feature (s. 7(3) of FPPR).

In addition, the Minister must exempt the plan holder from a practice requirement that conflicts a result or strategy in an approved FSP—to the extent of the conflict (s. 92.1 of FPPR).

Changes in the consistency requirements include the following:

- after December 31, 2004, plan preparers must specify results and/or strategies that are consistent with objectives as they were in effect 4 months before the plan is submitted for approval. The four month rule does not apply to specifying results or strategies under section 12(3) of FPPR—retention of trees in a Resource Management Zone (s. 12 of FPPR);
- a plan preparer must specify results or strategies that are consistent with the established objectives **to the extent practicable** (s. 25.1 of FPPR); and
- a plan preparer may restate the same measurable or verifiable steps from an objective into their result or strategy and have the result or strategy be considered consistent with the objective. The plan must specify where the result or strategy will apply (s. 25.1 of FPPR).

Forest Development Units (FDUs)

Those preparing a plan must identify areas where harvesting is restricted or prohibited in a FDU (s. 14 of FPPR). The requirements have been expanded to include new rules for rolling in roads or cut blocks under an approved FDP to a FSP (i.e., proposed in a FDU)—carrying forward the approved stocking standards from the FDP.

The person preparing the plan may identify declared areas that have all the activities and evaluations related to the cut blocks and roads completed (s. 14(4) of FPPR). Declared areas can only be identified after the FDU has been approved by amendment or at plan replacement.

If a plan preparer submits a FSP for approval on or before December 31, 2005, they must identify, for each FDU, all the items listed in section 14 of FPPR that are in effect the date the plan is submitted. For plans submitted after December 31, 2005, the



6. Forest Stewardship Plans

FDUs only need to identify the items that have been in effect for four months or longer (s. 14 of FPPR).

Review and Comment

The review and comment provisions have been clarified (s. 21 of FPPR):

- the Minister can require a referral of the plan to an agency of the federal government such as the Department of Fisheries and Oceans (DFO);
- amendments to stocking standards do not require notice or review;
- the plan preparer must make different efforts to review the plan with those interested in the plan and those affected by the plan:
 - Those **interested in the plan** must be provided an opportunity to review the plan during normal business hours, within the specified review period, at the place of business of the person publishing the notice, and
 - Those whose **rights may be affected by the plan** must be provided an opportunity to review the plan in a manner that is commensurate with the nature and extent to which the rights may be affected.

FSP Approval Process

The plan holder is deemed to have received approval by the Minister for the parts of an FSP containing FDUs that are in effect (limited planning protection)—unless specified events are applicable to the FDU and the FDU is inconsistent with the event (s. 7(1.1) of *FRPA*, s. 23 of FPPR). The requirements have been clarified to state that objectives established under GAR overrule the limited protection and mandatory amendment rules as follows:

- **Until December 31, 2005**—must address new or changed objectives for interpretive forest sites, recreation sites, recreation trails, wildlife habitat areas, ungulate winter range, lakeshore management zones, water quality, fisheries sensitive watersheds and visual quality if applicable and inconsistent with the FDU in effect; and
- **Effective January 1, 2006**—must address new or changed objectives for water quality, fisheries sensitive watersheds and wildlife habitat areas (WHA) if applicable and inconsistent with the FDU in effect.

The different dates for establishing these objectives reflect government's plans to have many objectives in place by the end of December, 2005. Those objectives that require longer timeframes to establish due to complexity and relative impact can trigger the limited protection provisions at any time (e.g., objectives for water quality, fisheries sensitive watersheds and WHA). The implications of these different dates include:

- To government—agencies must establish many objectives (under GAR) before December 31, 2005 if they need to be addressed immediately in a FSP. However, due to the four month window provisions for establishing objectives,



6. Forest Stewardship Plans

notice must be given by August 31, 2005 for these objectives to apply under the limited protection provisions; and

- To industry—a level of certainty on the number of events that can impact their planning efforts and future approvals of FSPs.

☐The plan holder is deemed to have received approval by the Minister for parts of a FSP (limited protection) that relate to areas under the plan (s. 7 of *FRPA*, s. 23 of *FPPR*). This requirement has been clarified to include cutting permits, road permits and timber sales licences as deemed approved.

The Minister can not require other factors to be considered for stocking standards if the plan preparer addressed all the factors in section 6 of the *FPPR* Schedule (s. 24 of *FPPR*). This is a slight change from the previous regulatory requirements where the Minister could not require other factors to be considered if the person only used the factors in the *FPPR* Schedule.

The Minister, or DDM, must approve a FSP, or amendment, if it conforms with the content requirements listed in section 5 of the *FRPA* for items not “certified” by a qualified professional. See the section above under Certification of Content (s. 16(1.01) of *FRPA*). The Minister can challenge a “certified” element in the future if information becomes available that indicates the element is not consistent with content requirements of *FRPA*. In this case, the Minister can request the plan holder to amend the plan (after providing an opportunity to be heard).

FSP Amendment Process

The FSP amendment process has been modified:

- amendments take effect on the date that a copy of the amendment is provided to the District Manager (s. 30 of *FPPR*);
- the plan holder will be given an opportunity to be heard if the Minister determines an amendment should have been submitted for approval (s. 31 of *FPPR*);
- the Minister may waive the review and comment requirements for mandatory amendments if not practicable given local conditions (s. 32 of *FPPR*); and
- A person proposing an amendment to the stocking standards is not required to publish a notice in a newspaper (s. 20(5) of *FPPR*).

Exemptions

Licensees are exempt from having to prepare a FSP for conditions listed under section 4 of *FRPA*. The list of conditions has been expanded to include timber harvesting or road construction:

- outside an FDU if the timber harvested does not exceed 50 m³;
- related to a government approved research installation; and
- required in support of activities authorized under an act other than the Forest Act.



6. Forest Stewardship Plans

The Minister may allow holders of community salvage licences and forestry licences to cut to prepare FSPs with limited content. This includes exemptions for specifying results and/or strategies for objectives in FPPR if satisfied the exemption is appropriate given the extent of the timber harvesting proposed (s. 19.1 of FPPR).

Other Changes

Individual plan holders that are part of a FSP co-held by multiple agreement holders are exempt from the section 21 of *FRPA* requirement (and associated liability) to the extent that results and/or strategies specified in the plan apply to a (s. 106.3 of FPPR):

- cutting permit or road permit held by another co-holder; or
- timber sales licence or road permit issued by a timber sales manager co-holder.

Implementing the Changes

Operating During the Transition Period

During the new transition period for FSPs those required to prepare a plan, or amendment, may undertake one or several of the following.

FRPA
S. 197

FPPR
S. 107.1,
107.2

Prepare a FSP

Agreement holders may prepare and submit a FSP meeting the requirements of the *FRPA* and regulations. Agreement holders can now apply some elements of their approved FSP to existing operations—subject to explicit acceptance in an approved FSP :

- results and/or strategies can apply to timber harvesting or road construction begun under a previous plan (s. 197(4) of *FRPA*); and
- stocking standards in the FSP can apply to cut blocks on which harvesting commenced before the FSP was approved (s. 197(5) of *FRPA*).

Cut block and/or roads in an approved FDP may be included in an FDU as part of an FSP—subject to limited protection provisions of section 7 of *FRPA* (s. 14 of FPPR).



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).



6. Forest Stewardship Plans

Introduction

Forest stewardship plans (FSPs) link government objectives to practices on the ground through results and/or strategies. FSPs must contain results and/or strategies consistent with all government objectives:

FPPR
S. 12.1

- using the requirements in FPPR **listed in section 12.1** (“default” practice requirements). These “defaults”, when referenced in the FSP by including a statement that plan holders will undertake to comply with the requirements, become part of the licensee’s obligations. These “defaults” are described in the chapter above on Managing and Protecting *FRPA* Values; or
- results and/or strategies developed by the licensee and included in the FSP. These results and/or strategies must be consistent with government objectives and approved by government.

All results and/or strategies in an approved FSP will be subject to inspection, investigation and enforcement by C&E.

Professionals will be used to meet the requirements in *FRPA* and their diligence may include the use of information in the non-legal realm.

The FSP represents a dramatic departure from past planning.

- it is the only operational plan under the FPPR that must be submitted for Ministry approval. Other operational plans such as woodlot licence plans, range use plans and range stewardship plans also require approval;
- the FSP defines:
 - forest development units (FDU)—general areas where harvesting and road building may occur, and
 - the outcomes of activities in FDUs as results, strategies, measures and stocking standards;
- harvesting or road activity cannot start until a FSP is approved by government and a cutting permit, road permit or timber sales licence issued under the *Forest Act*; and
- the FSP has a term of up to five years and can

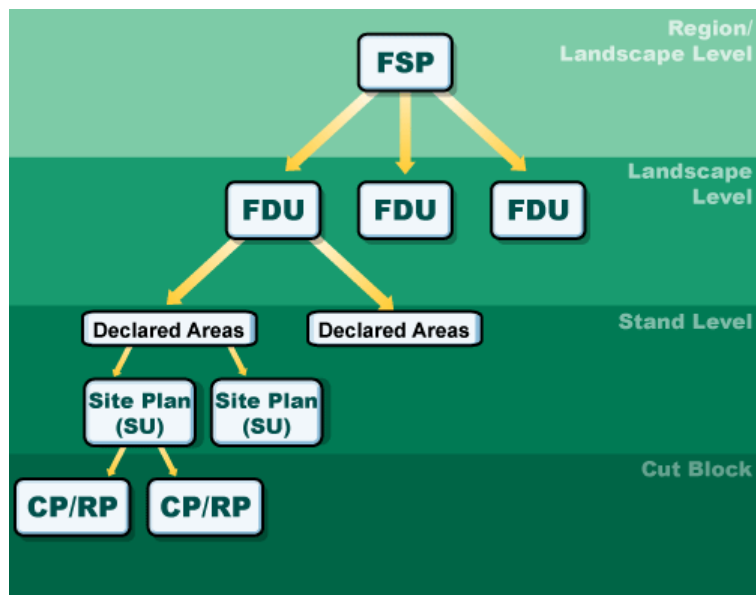


6. Forest Stewardship Plans

be renewed for an additional 5 years.

NOTE: In the case of operation plans for woodlots, the woodlot licence holder never proposes an alternative to the “default” practice requirements in the regulation. Instead, the holder is limited to proposing an alternative limit (e.g., 8% instead of 7%).

Planning units under *FRPA* and *FPPR*



“Licensees have an opportunity to optimize their planning efforts by selecting an area for their FSP”

The above diagram depicts the planning units that exist under the *FRPA* and *FPPR*. Each is explained below:

Forest Stewardship Plans

- There are no defined requirements in *FRPA* for the size of the area under a FSP.
- An FSP can cross MOF administrative boundaries and apply to multiple districts to match a licensee’s divisional structure.
- Licensees have an opportunity to optimize their planning efforts by selecting an area for their FSP with the flexibility and efficiencies to manage their woodlands operations.
- Licensees can work with other licensees and prepare a multi -licence FSP. This could be advantageous in reducing the planning effort. For example, a licensee needing poplar in a stand could work with another licensee who can use the softwood.



6. Forest Stewardship Plans

Forest Development Units

- Forest Development Units are areas identified in a FSP that indicate where harvesting and road building may occur during the term of the plan. There is no requirement in *FRPA* for number or size of FDUs within a FSP.
- FDUs can be at the landscape or cut block level or based on the type of agreement.
- FDUs can be new or existing, including those with existing cutting permits, road permits and timber sales licences.
- Licensees have the opportunity to identify FDUs based on how they want to manage the area within their FSP.

Declared Areas

- Declared areas continue the concept of Category A blocks from the FPC world. Licensees may identify an area as a declared area when all activities and evaluations have been conducted where needed to locate the approximate boundaries of a cut block or road. Areas can only be declared into a previously approved FDU by an amendment or at plan replacement.
- Licensees will receive protection for planning purposes from new legislation and objectives that may be established once the area is declared (a minor amendment). This designation enables licensees to have an approved inventory of cut blocks to choose from before applying for their cutting permit(s) and makes *FRPA* more market sensitive by allowing licensees to make choices based on their business needs. This planning protection is different from FDUs which will need to be amended if a new objective or legislation comes into force.

Site Plans/Standards Units

- Licensees identify Standards Units (SU) in the Site Plan. SU's are reported on the first annual report for regeneration delay when a map is submitted to government indicating the SU. Site plans are typically at the stand level and cover



6. Forest Stewardship Plans

stocking standards, site degradation, etc. The number of SU's in a site plan is a planning decision on how to manage the area within the site plan.

Cutting Permit/Road Permit

- As with the FPC, a licensee submits an application for a cutting or road permit which grants the right to harvest timber or construct a road. These permits are issued under the *Forest Act*.
- Once a cutting permit is issued, the harvesting or road building may proceed.

Legal Requirements for FSPs

Prepare a FSP

A holder of the following agreements or licences under the *Forest Act* must prepare and obtain the Minister's approval of a Forest Stewardship Plan before harvesting or constructing a road:

FRPA
S. 3

- major licence;
- timber sales licence that requires the holder to prepare a FSP;
- community forest agreement;
- community salvage licence; or
- pulpwood agreement.

A BC Timber Sales Manager must prepare and obtain the Minister's approval of a FSP before:

- inviting applications or entering into a timber sales licence;
- granting road permits; or
- constructing an access road to areas to be harvested.

Content Requirements

The FSP must meet the content requirements outlined in the *Act* and regulations. The plan must:

FRPA
S. 5

- **contain a map**—showing boundaries of all Forest Development Units (FDUs) at a scale and

FPPR
S. 12,
12.1



6. Forest Stewardship Plans

format satisfactory to the Minister;

Part 4

- **generally contain results and/or strategies**—for government objective applicable under the plan area. Results and/or strategies:
 - must meet the definitions included in the regulation (e.g., measurable or verifiable, situations or circumstances),
 - must be consistent with government objectives, and
 - are not required in those cases where the person chooses to conform with the related provisions (e.g., comply with “default” practice requirements in the FPPR). **In addition, those required to prepare a plan are exempt from having to prepare results or strategies for the timber objective in FPPR;**
- **be consistent**—with government objectives and timber harvesting rights **under a timber supply area, community forest agreement, tree farm licence or pulpwood area;** and
- **be signed**—by the person(s) required to prepare plan.

The FPPR also contains content requirements for the FSP.

FPPR
S. 14, 16-18

The FSP **may**:

- identify new FDUs;
- identify existing FDUs;
- **identify cutting permits and road permits approved under the FPC, that are within an FDU and are to be managed under the FSP; and**
- identify declared areas, if all activities and evaluations related to inclusion of cut blocks or roads in the FDU are complete.

The FSP **must** also identify other specified areas with FDUs, if the area is in effect:

- **on the submission date, if submission is on or before December 31, 2005; or**
- **four months prior to submission date if the submission is after December 31, 2005.**



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Some examples of these specified areas include:

- wildlife habitat areas and ungulate winter range;
- scenic areas;
- old growth management areas (OGMA);
- areas where harvesting is prohibited; and
- other cutting permits, road permits or timber sales licences in effect.

“Default” Practice Requirements in FPPR

Section 12.1 of the FPPR lists the “default” practice requirements for four of the objectives in FPPR. These are summarized in the table below. If you follow the practice requirements in the column labeled “Defaults”, you do not have to prepare a result or strategy for the objective listed in the corresponding column under “Objective in FPPR”. However, the FSP must include a statement that you undertake to comply with the “default” practice requirements and the Minister must have approved the plan.

FPPR
S. 12.1

Objective in FPPR	Default
Soil (s. 5)	s. 35, 36
Water, fish, wildlife, biodiversity (s. 8)	s. 47-51, 52(2), 53
Biodiversity at landscape level (s. 9)	s. 64, 65
Wildlife and biodiversity at stand level (s. 9.1)	s. 66, 67

Exemptions to “Default” Practice Requirements in FPPR

Sections 12.2 to 12.5 of the FPPR contain the exemptions to the “default” practice requirements in FPPR. These are summarized in the table below.

FPPR
S. 12.2-
12.5

A plan preparer is exempt from the requirements listed in the column labeled “Exemption from FPPR” if they propose results and/or strategies for the corresponding objective listed under the column labeled “Prepare Result/Strategy for Objective in FPPR”. The plan must be approved and in effect before the exemption to the practice requirements apply.

NOTE: section 12.3(6) relates to basal area and standing tree requirements around streams in a riparian management zone for the water, fish, wildlife and biodiversity objective. The corresponding exemption under section 52(2) is only for a limited set of stream



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classes under very specific circumstances. The exemption does not apply to all stream classes.

Prepare Result/Strategy for Objective in FPPR	Exemption from FPPR
Soil (s. 12.2)	s. 35, 36
Water, fish, wildlife, biodiversity (s. 12.3)	s. 47(4-6)
	s. 48(3) to (5)
	s. 49(2) to (3)
	s. 50(1)
	s. 51(1) or (3)
	s. 52(2), 53
Biodiversity at landscape level (s. 12.4)	s. 64(1), 65(2)
Wildlife and biodiversity at stand level (s. 12.5)	s. 66, 67

Preparing Results & Strategies

Unless the requirements in the FPPR (“default” practice requirements are selected, the FSP must contain a result or strategy for each objective that applies in the plan area. An objective can be addressed by a result, a strategy or both a result and a strategy. A result or strategy can address more than one objective.

FPPR
S. 12

The requirements for specifying results or strategies in an FSP include the following:

- after December 31, 2004, results and/or strategies must be consistent with objectives as they were in effect 4 months before the plan is submitted for approval. The four month rule does not apply to specifying results or strategies under section 12(3)—retention of trees in a Resource Management Zone;
- if a land use objective conflicts with an objective in FPPR, to the extent of the conflict, the person preparing the FSP is exempt from specifying results or strategies for the objective in FPPR;
- if two or more established objectives apply to the same area and refer to similar subject matter, the Minister may exempt the plan preparer from all

FPPR
S. 12(3)

FPPR
S. 12(4)

FPPR
S. 12(5)

FPPR
S. 12(7)



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but one of the established objectives;

- the Minister must provide an exemption from specifying results or strategies consistent with established objectives if the Minister determines it is not practicable, given the local conditions or circumstances; FPPR S. 12(7)
- results or strategies are not required for the objective in FPPR for timber; FPPR S. 12(8)
- if the Minister approves a result and/or strategy for an established objective that conflicts with a practice requirement in FPPR, the Minister must exempt the plan holder from the requirement that conflicts with the established objective (s. 92.1 of FPPR); and FPPR S. 92.1
- the Minister of WLAP must exempt the plan holder from preparing a result and/or strategy for the wildlife objective in FPPR (s. 7 of FPPR) to the extent that the objective is addressed by an objective for a wildlife habitat area, ungulate winter range, general wildlife measure or a wildlife habitat feature (s. 7(3) of FPPR). FPPR S. 7(3)

To be able to demonstrate due diligence, professionals developing the plan and its results and/or strategies would likely conduct the necessary assessments. As part of this due diligence process, the professional should consider the use of information in the non-legal realm such as guidelines, science and information and opinions from a range of qualified resource professionals.

Factors

A factor is anything a licensee considers in developing a result or strategy. FPPR S. 12, 24, 26

When developing results and/or strategies, licensees can use factors listed in the FPPR Schedule and/or other factors such as information contained in approved land use plans. FPPR Schedule S. 6

In specifying a stocking standard, a person may consider the factors set out in section 6 of the Schedule under FPPR.



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Advertise Plan

“It is the licensee’s responsibility to advertise the FSP before it is sent to the Minister for approval”

It is the licensee’s responsibility to advertise the FSP before it is sent to the Minister for approval. The licensee must publish **one or more notices** in the newspaper stating the plan is available for review including:

FPPR
S. 20

- details on **when and** where the plan can be reviewed; **and**
- the address that the public can submit written comments **by mail or in person.**

The time frame for the review period, unless otherwise specified, is 60 days from the date of the first publication. The review period may vary:

- 10 days if timber is dead or at risk from disease or insects and must be harvested expeditiously,
- longer than 60 days if deemed necessary for adequate review and comment, or
- shorter than 60 days if the period provides adequate opportunity for review and comment.

The review period can be waived if the Minister believes an emergency exists. In such a case, the licensee must publish a notice including the following details:

FPPR
S. 20

- that the forest stewardship plan has been approved without having been made available for review and comment; and
- the date on which the operations are authorized to begin.

Plan Available for Comments

The licensee who publishes the notice for a review period must:

FPPR
S. 20(5),
21

- provide a copy of FSP to appropriate government agencies if required by the Minister. **This includes providing copies to federal government agencies such as the Department of Fisheries and Oceans (DFO);**
- provide **a person interested in the plan** with an opportunity to review the plan during normal business hours, within the specified review period, at the place of business of the person publishing the notice;



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	<ul style="list-style-type: none">• provide a person whose rights may be affected by the plan with an opportunity to review the plan in a manner that is commensurate with the nature and extent to which that person's rights may be affected by the plan; and• make reasonable efforts to meet and discuss the FSP with First Nations groups who are affected by the plan.	
	<p>A person proposing an amendment to the stocking standards is not required to publish a notice in a newspaper.</p>	
Consider Comments	<p>A licensee who publishes notice must consider any written comments that are both received during the review period and are relevant to the plan:</p> <ul style="list-style-type: none">• from agencies the licensee forwarded copies to as directed by the Minister; and• from persons who reviewed the plan. <p>The licensee is not required to consider comments related to FDUs from previously approved plans.</p> <p>A licensee who submits an FSP to the Minister for approval, must also submit a:</p> <ul style="list-style-type: none">• copy of the published notice;• copy of written comments received;• description of changes made as result of comments received; and• description of efforts made to gather comments from First Nations.	FPPR S. 22
Certification of Content by Professionals	<p>Qualified professionals may now "certify" that the FSP approval test have been met for a limited number of FSP content elements. Qualified professionals are:</p> <ul style="list-style-type: none">• An agrologist under the <i>Agrologists Act</i>;• A professional biologist under the <i>College of Applied Biology Act</i>;• A professional engineer or professional geoscientist under the <i>Engineers and Geoscientists Act</i>; or• Professional forester under the <i>Foresters Act</i>	FPPR S. 22.1, 32.2



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authorized to practice as a professional.

“Certify” is defined in section 1 (2) of the FPPR and means that the appropriate professional has attested that in their opinion the parts of the FSP to which the certification provision applies conforms to specific requirements (as outlined in section 22.1 of FPPR). In forming this opinion the professional must have taken all the steps required of them as a professional.

Section 22.1 of FPPR lists the parts of the FSP that can be certified by one of the four listed professionals so long as they are authorized under their respective Acts to practice as a professional in relation to that part of the FSP:

- The FSP map shows the boundaries of FDUs;
- Results and/or strategies for visual quality are consistent with objectives (i.e., visual quality objectives carried forward under section 181 of *FRPA*, objectives set by government for visual quality under section 9.2 of FPPR and visual quality objectives under section 17 of GAR);
- FDU areas, and cut blocks meet the requirements of section 14(1) of FPPR;
- Elements that are required to be specified in a FDU are accurately identified (s. 14(3) of FPPR);
- Declared areas are accurately described;
- Measures for invasive plants and natural range barriers will be effective; and
- Free growing height is appropriate and sufficient to demonstrate the tree is adapted to the site is growing well and can reasonably be expected to continue to do so.

The Minister continues to be responsible for approving the entire plan and is required under section 16 (1.01) of *FRPA* to ensure the plan conforms to the content requirements for those items not certified by a qualified professional. The Minister can challenge a “certified” element in the future if information becomes available that indicates the element is not consistent with content requirements of *FRPA*. In this case, the Minister can request the licensee to amend the plan (after providing an opportunity to be heard).

The plan holder is required to notify the Minister if they know the “certified” elements do not conform to the content requirements of section 5 of the *FRPA* (s. 32.2



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	of FPPR).	
Responsibility for Approving the Plan	The Minister is responsible for making the determination as to whether or not to approve the FSP. The Minister can delegate the determination on approval of a plan, with directions, to a Delegated Decision Maker (DDM).	<i>FRPA</i> S. 2, 16 <i>FPPR</i> S. 105
Approval Tests	<p>The Minister, or DDM, must approve a FSP, or amendment, if it conforms to section 5 of the <i>FRPA</i> (s. 16 of <i>FRPA</i>). The plan, or amendment, conforms to section 5 of the <i>FRPA</i> if:</p> <ul style="list-style-type: none">• a qualified professional “certifies” that specific elements conform to section 5 of the <i>FRPA</i> under s. 22.1 of FPPR;• the Minister is satisfied the plan conforms to section 5 for elements not “certified” under s. 22.1 of FPPR including:<ul style="list-style-type: none">• Results and/or strategies are consistent with established government objectives (e.g., land use objectives, objectives in regulation such as the FPPR and objectives established by order under GAR), and• The plan is consistent with the timber harvesting rights granted by the government, if applicable to the plan, for timber supply areas, tree farm licence areas, community forest agreements and pulpwood areas.	<i>FRPA</i> S. 5, 16 <i>FPPR</i> S. 22.1
	<p>Based on the results of these tests, the Minister, or DDM, must approve the plan or reject it with written rationale.</p> <p>If the Minister receives information indicating the elements “certified” by a professional do not conform to the content requirements at the time of approval, he/she may require the plan holder to amend the plan so that it conforms to content requirements. The Minister must give the plan holder an opportunity to be heard before requiring the amendment.</p> <p>On the request of the licensee, the Minister, or DDM,</p>	<i>FPPR</i> S. 16 , 25, 27



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may balance the objectives, results, strategies or other plan content when making a determination whether or not to approve a plan.

The approval of stocking standards is covered in the silviculture section of this Guide.

Consistency Test

The consistency test to assess if the results and/or strategies are consistent with government objectives is a new test under *FRPA*. This test is only conducted on results and/or strategies proposed in the FSP. Requirements in the FPPR (“default” practice requirements) that are selected for the plan are only referenced in the FSP and therefore, not subject to the consistency test:

FRPA
S. 16

FPPR 25,
25.1

- Each result or strategy must be consistent with the established objectives to the extent practicable;
- If an established objective already contains measurable or verifiable steps, the person required to prepare a FSP may restate the same steps, along with circumstances when they will be achieved, and be considered consistent with the objectives; and
- Under certain circumstances, the Minister responsible for the *Land Act* (MSRM) may grant an exemption from requiring results or strategies to be consistent with a land use objective. The objective must have been established under section 3-4 of the FPC and in effect on January 31, 2004. Results or strategies are still required but an exemption for being consistent with a land use objective may be granted if the requirement for results and/or strategies to be consistent with the objective would have:
 - a material adverse impact on the delivered wood cost, and
 - unduly constrain the ability to exercise rights under the *Forest Act* agreement.



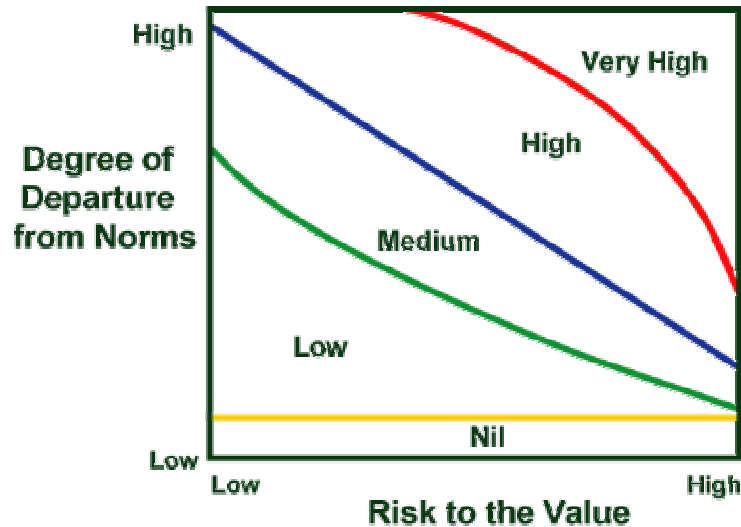
6. Forest Stewardship Plans

	<p>In conducting the consistency test, the Minister, or DDM, may consider any information submitted by the licensee in assessing if the result or strategy is consistent with government objectives. This includes considering:</p> <ul style="list-style-type: none">• factors used by licensee in developing the result or strategy—these factors are not approved but used as information to demonstrate and assess consistency;• professional opinions to support the result or strategy; and• other information provided by the licensee.	
	<p>The Minister, or DDM, cannot find a result or strategy inconsistent with government objectives based solely on:</p> <ul style="list-style-type: none">• producing a condition outside the range of natural variations in season, area or forest resource;• the result or strategy being innovative in addressing the objective, or• the licensee using factors other than those specified in the Schedule.	<p>FPPR S. 25</p>
Request Information	<p>The Minister, or DDM, may request information in order to determine whether or not to approve the plan—including information on the results and/or strategies proposed in the plan.</p> <p>If the person required to prepare the plan addressed all the factors in the FPPR Schedule, the Minister must not require other factors to be considered. The Minister can only request information if it is relevant to the factors used and available to the licensee. If factors other than those in the Schedule are used, the Minister can ask for information, but only on the factors actually used by the person required to prepare the plan.</p>	<p>FRPA S. 16</p> <p>FPPR S. 24, 26</p>
Implementation	<p>Where the proposed results and/or strategies differ from established practices, the degree of departure and risk to values may play a role in determining whether a result or strategy is consistent with government objectives. The chart below is an illustration of the relative degree of information that may be needed by the Minister, or DDM, when assessing the consistency of results and/or</p>	



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strategies with government objectives.



Limited Protection for Parts of an Approved FSP

Parts of an approved Forest Stewardship Plan (FSP) are not subject to the application of the plan approval tests when a subsequent FSP is submitted for approval.

FRPA
S. 7(1),
196

Under section 7(1) of *FRPA*, a proposed FSP must be considered to have the Minister's approval for the parts of the FSP, if any that pertain to:

FPPR
S. 23

- A cutting permit, road permit, or timber sales licence if the permit or licence is in effect, or has a term that begins after the date when the FSP is submitted for approval;
- The area is identified as a declared area; or
- A cut block or road in an approved Forest Development Plan with the necessary assessments completed as per sections 16, 17 and 37 of the Operational and Site Planning Regulation or section 5 of the Forest Road Regulation (section 196(1) of the *FRPA*).



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Limited Planning Protection

Parts of an approved FSP that pertain to a Forest Development Unit (FDU) in the approved plan are not subject to the application of the plan approval tests when a subsequent FSP is submitted for approval, subject to the occurrence of certain events within a specified time period.

FRPA
S. 7(1.1)

FPPR
S. 23

Under section 7(1.1) of the *FRPA*, a proposed FSP must be considered to have the Minister's approval for the parts of the FSP that pertain to a Forest Development Unit (FDU) in an approved FSP that is in effect on the date the proposed FSP is submitted for approval—unless one or more of the following events are applicable to the FDU and the FDU is considered by the Minister to be inconsistent with the event (e.g., the following events may cause Category A cut blocks with assessment complete to go back through the approval process).

Event Applicable to FDU	Limited Protection is Turned Off if Event is:
New or amended enactment	Within specified period*
An objective set by government is established, varied or canceled	Within specified period*
An objective by order under <i>FRPA</i> or the regulation (e.g., GAR) is established, varied or canceled for: <ul style="list-style-type: none"> interpretive forest sites, recreation sites or recreation trails under s.56(3) of <i>FRPA</i> wildlife habitat areas ungulate winter range lakeshore management zones water quality fisheries sensitive watersheds visual quality 	<p>Within specified period*, until December 31, 2005**</p> <p>Within specified period*</p> <p>Within specified period*, until December 31, 2005**</p> <p>Within specified period*, until December 31, 2005**</p> <p>Within specified period*</p> <p>Within specified period*</p> <p>Within specified period*, until December 31, 2005**</p>
A community watershed designation in or adjacent to the FDU is added, varied or cancelled by order	Within specified period*
Timber in the vicinity of the FDU has suffered catastrophic damage	Within specified period*



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Key:

* The specified period within which the specified event has to have occurred in order to turn off limited protection:

- **begins**—four months before the date the existing plan is submitted for approval; and
- **ends**—four months before the date the proposed plan is submitted for approval.

** **Until December 31, 2005**—the specified period described above applies to these objectives. However, due to the four month window provision for establishing objectives, notice must be given by August 31, 2005 for these objectives to apply under the limited protection provisions.

Approval of Stocking Standards

The Minister must approve the regeneration date, free growing height and stocking standards if satisfied that:

FPPR
S. 26

- the regeneration date and standards meet the requirements specified in section 26(3) of FPPR;
- the free growing height is of sufficient height to demonstrate that the tree is adapted to the site and is growing well and can reasonably be expected to continue to do so.

The Minister may approve the stocking standards if satisfied that the regeneration date and stocking standards are reasonable, having regard to the future timber supply for the area.

Cumulative Effect of Multiple FSPs

The Minister, or DDM, can establish targets and proportion them amongst the agreement holders in situations where there are multiple forest stewardship plans within an area and:

FRPA
S. 9

FPPR
S. 19

- one or more agreement holders may be unduly constrained in specifying results or strategies unless targets are established;
- the agreement holders are unable to reach agreement;
- an agreement holder requests the Minister to establish targets; and
- the Minister is satisfied that a fair and effective order can be made.



6. Forest Stewardship Plans

Amendments

There are two main types of amendments--those that require approval and those that do not require approval.

FRPA
S. 20

FPPR
S. 20-22,
29-32

- an amendment does not require approval if the plan continues to meet content requirements and the intended results or strategies in the plan are not materially changed (e.g., identification of declared areas). **The amendment takes effect on the date a copy of the amendment is provided to the DM. If the Minister determines the amendment should have required approval, the plan holder will be given an opportunity to be heard.** The Minister then may determine that the amendment is without effect and require the suspension of operations not authorized in the absence of the amendment; and
- amendments requiring approval include:
 - adding a new FDU to a FSP,
 - materially changing an existing FDU in a FSP,
 - amending an alternative to a provision in the FPPR (e.g., result or strategy) specified in the plan,
 - changes to a results or strategy that is not achieved and measures specified in the remedial order have not been carried out,
 - changes to the regeneration date, free growing date, free growing height or stocking standards that apply to an area, and
 - amendment required as per the mandatory amendment provision in s. 8(1) of *FRPA*.

Amendments are subject to the same review and comment provisions as the FSP and must be submitted to the Minister, or DDM, for approval.



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Mandatory Amendments

The holder of an approved FSP must propose and submit an amendment to the Minister within the specified timeframes if any of the following events are applicable to the plan (s. 8 of *FRPA*).

FRPA
S. 8

Event Applicable to FSP	Mandatory Amendment
New or amended enactment	Within 2 years or longer if specified in enactment
An objective set by government is established, varied or canceled	Within 2 years or longer if specified in objective. If a land use objective—as specified in objective
An objective by order under <i>FRPA</i> or the regulation (e.g., GAR) is established, varied or canceled for:	
<ul style="list-style-type: none"> interpretive forest sites, recreation sites or recreation trails under s.56(3) of <i>FRPA</i> 	Until December 31, 2005—within 2 years or longer if specified in order
<ul style="list-style-type: none"> wildlife habitat areas 	Within 2 years or as specified in order
<ul style="list-style-type: none"> ungulate winter range 	Until December 31, 2005—within 2 years or longer if specified in order
<ul style="list-style-type: none"> lakeshore management zones 	Until December 31, 2005—within 2 years or longer if specified in order
<ul style="list-style-type: none"> water quality 	Within 2 years or longer if specified in order
<ul style="list-style-type: none"> fisheries sensitive watersheds 	Within 2 years or longer if specified in order
<ul style="list-style-type: none"> visual quality 	Until December 31, 2005—within 2 years or longer if specified in order

Mandatory Amendments (cont.)

The Minister may exempt the mandatory amendment from the review and comment provisions **if not practicable given local conditions**. If not, mandatory amendments are subject to the same review and comment provisions as the FSP.

FPPR
S. 32

Mandatory amendment requirements do not apply to cutting permits, road permits, timber sales licences, declared areas, or areas with issued forestry licences to cut under a pulpwood agreement.



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FSP Exemptions

Licensees are exempt from having to prepare a FSP when:

- harvesting to eliminate a safety hazard;
- harvesting to facilitate collection of seed;
- harvesting to remove felled trees from road areas;
- harvesting less than 500 m³ of damaged timber;
- harvesting less than 50 m³ outside of a FDU that is a necessary incidental to harvesting, road activity or silviculture treatments;
- harvesting or building roads related to a research installation approved by government; or
- harvesting or road construction needed in support of authorized or required activities under an enactment other than the *Forest Act*.

FRPA
S. 4, 27

FPPR
S. 32.3,
32.4

FRPA allows the Minister to exempt licensees from any provisions in *FRPA* including the requirement to prepare a FSP if:

FRPA
S. 25

- harvesting for forest health reasons; or
- forest health emergency management area.

The Minister may exempt the holders of a forestry licence to cut (other than a major licence) or a community salvage licence from one or more of the content requirements of the FSP. This includes specifying results and/or strategies for objectives in *FPPR*. In doing so, the Minister must be satisfied the exemption is appropriate given the extent of the timber harvesting proposed.

FPPR
S. 19.1

Limited Liability for FSPs with Multiple Holders

If a FSP is held by more than one agreement holder, individual plan holders are exempt from the requirement to ensure the results and/or strategies specified in the plan are carried for areas subject to a cutting permit, road permit or timber sales licence held by another co-holder.

FPPR
S. 106.3



6. Forest Stewardship Plans

Additional Information on FSPs

Tools and Information

Prior to starting development of the FSP, licensees may want to meet with other agencies in order to:

- gather objectives for plan area;
- collect related information for consideration including guidelines available;
- assess risk to the 11 *FRPA* values in the plan area;
- set expectations with Minister, or DDM, for information required to support results or strategies proposed in the FSP;
- discuss any forest health requirements; and
- set submission schedules for FSP to balance workloads for approving plans.

The following tools and information are available to assist in developing the FSP:

- ***FRPA* and regulations**--containing legal requirements;
- **Objectives Matrix**--containing objectives applicable to the plan area. The Minister or DDM may use this to communicate to the licensee which objectives are in place for the plan area. This matrix is designed to address potential conflicts between objectives and identify values at high risk in an area;
- **Delegation Matrix**--identifying who has authority to approve plans;
- **Guidelines**—local knowledge, science, commonly accepted practices and other non-legal advice that may be available to assist licensees prepare their plan;
- **Administrative Guide for Forest Stewardship Plans (AGFSP)**--guide to aid in the preparation and approval of FSPs;
- **Bulletins**—prepared with additional information on a variety of topics including managing for visual quality, transition and information sharing with First Nations;
- **Reference guides**—such as the MOF Reference Guide for FDP Stocking Standards;



6. Forest Stewardship Plans

- **Agency personnel**--in MOF district, regional and branch offices and other agencies with scientific or technical knowledge who can support the licensees and the Minister, or DDM, in preparing/approving results and/or strategies; and
- **Sustainable resource management plans**--containing scientific or technical information for the local area.

The *FRPA* website contains links to most of these supporting tools and information:

<http://www.for.gov.bc.ca/code/>

Roles

Licensees (including BCTS)--prepare plan by using appropriate resource professionals to:

- prepare plans using either the requirements in the FPPR ("default" practice requirements) or to propose results and/or strategies consistent with government objectives;
- propose results or strategies for all of the other established objectives applicable to the plan area;
- provide information to support results and/or strategies;
- prepare map and address other content requirements;
- advertise plan;
- consider comments and document changes made to the plan as a result of the comments received; and
- provide information when requested by Minister.

Agencies:

- Minister, or DDM:
 - provides clarification to licensees on objectives,
 - consults with First Nations who may be impacted by the plan as per the government's general policy and the Ministry of Forest's more specific policy on First Nations consultation, and
 - approves the plan, or rejects it with a



6. Forest Stewardship Plans

rationale, based on the approval tests;

- other personnel in MOF and other agencies may provide administrative advice and scientific information as licensees prepare plan. This information is contained within the non-legal realm.

Public & First Nations:

- review plan; and
- provide comments in writing.







7. Site Plans

What's Changed Since January, 2004?

The major changes occurring in site plans since January, 2004 include the following:

- agreement holders are exempted from having to prepare a site plan under specified conditions listed in section 33 of FPPR. The exemptions have been expanded to include when harvesting under a community salvage licence and harvesting under conditions where the plan holder is not required to establish a free growing stand; and
- agreements holders may consolidate site level plans and stocking standards under the FPC or *FRPA* into one site level plan to meet free growing obligations under the *FRPA* (s. 111 of FPPR). The Minister must be satisfied that the consolidation is warranted given the circumstances or conditions applicable to the area.

Implementing the Changes

Operating During the Transition Period

During the amended period for transitioning to FSPs, those operating under an operational plan must:

- prepare a site plan under the requirements of the FPC if operating under a FDP; or
- prepare a site plan under the requirements of the *FRPA* if operating under a FSP.

Effect on Site Plans

Site plans developed under an approved FSP may need to be amended if the FSP amendment affects how the results and/or strategies apply to the particular site.



Introduction

A site plan is:

- required to be prepared by the holder of a FSP; and
- not reviewed, approved or enforced by government.

Site plans must indicate how the results and/or strategies established in the FSP apply to the site, and must be consistent with the approved FSP.

A site plan must be prepared by the holder of a FSP for a road or cut block prior to commencing:

- harvesting on the cut block; or
- harvesting related to road construction.

Legal Requirements

Prepare a Site Plan

All holders of an FSP must prepare a site plan before harvesting a cut block or harvesting related to road construction.

FRPA
S. 10

A site plan can apply to one or more cut blocks or roads.

Exemption from Site Plans

The regulation allows the Minister of Forests to exempt a plan holder from preparing a site plan if:

FPPR
S. 4, 33

- eliminating a safety hazard;
- harvesting openings less than 1 ha to collect tree seed;
- harvesting less than 50 m³;
- harvesting timber to improve visibility of a road or increasing the number or size of pullouts;
- the holder of the FSP is exempt from the requirement to establish a free growing stand under section 44(3) of FPPR; or
- a holder of a community salvage licence.

Agreement holders and timber sales managers may cut Crown timber without a permit if conducting silviculture activities such as single tree treatments (s. 4 of FPPR).



7. Site Plans

	In addition, a site plan exemption may be granted under section 4 of the Bark Beetle Regulation if harvesting under a forest health emergency.	
Content Requirements	<p>The site plan must:</p> <ul style="list-style-type: none">• identify the approximate location of roads or cut blocks;• identify how the intended results and/or strategies in the approved FSP apply to the site; and• identify the standards units in the net area to be reforested and the corresponding stocking standards and soil disturbance limits.	<p>S. 10 <i>FRPA</i> FPPR S. 34</p>
Review & Comment	<p>There are no requirements in <i>FRPA</i> for public review & comment of site plans but site plans must be publicly available upon request.</p> <p>It is the site plan holder's responsibility to make the plan available at any reasonable time at the location of the holder's place of business nearest the site.</p>	<p><i>FRPA</i> S. 11</p>
Plan Admin.	Site plans are not reviewed or approved by government, however, the licensee must retain the site plan until the requirements to which the plan relates are met or the obligations are relieved by the government.	<p>FPPR S. 34</p>
Consolidating FPC Site Plans	Site plans under the Forest Practices Code may be consolidated into one site level plan covering an area that is subject to two or more site plans and/or an area without a site plan. The Minister must grant an exemption to obligations to establish a free growing stand if a consolidated site level plan is proposed and the Minister is satisfied that the exemption is warranted given the circumstances or conditions applicable to the area.	<p>FPPR S. 111</p>



Additional Information

Sign and Seal Plan

FRPA does not require a site plan to be signed and sealed by a professional. The professional association acts and bylaws govern the signing of plans prepared by professionals. This is outside of the requirements of the *FRPA*.





8. Harvesting & Roads

What's Changed Since January, 2004?

The major changes occurring in harvesting and roads since January, 2004 include the following:

- minor salvage operations are exempt from the requirements for industrial use of roads on Crown land provided they meet specified requirements such as restoring the road surface and drainage to conditions just prior to their use (s. 79.1 of FPPR);
- the Minister must grant an exemption to a practice requirement if it is inconsistent with a result or strategy in an approved FSP (s. 92.1 of FPPR);
- holders of a timber sales licence must deactivate any road—both on cut block and road permit roads—before their licence expires (s. 114 of FPPR);
- the applicable Minister of MOF or WLAP may grant an exemption to provisions in FPPR if not practicable given the circumstances or conditions in the area (s. 91-92 of FPPR). The new wording is intended to be a more objective test than the previous as we have some experience adjudicating “practicable” and it is the local conditions and/or circumstances that will dictate whether or not an exemption is warranted, and more importantly, what conditions might be attached to the exemption to deal with site-specific considerations. Those granted the exemption must meet these conditions (s. 146 of *FRPA*);
- the exemptions are now consolidated into two sections in FPPR. Practitioners need to look in sections 91 and 92 to determine if there is an exemption for a practice requirement, and
- agreement holders must submit annual reports to the Minister. The changes in reporting requirements include the following (s. 86 of FPPR):
 - **before September 1 (ongoing)**—agreement holders and timber sales managers must submit reports on road construction activity and the location of deactivated roads in the previous year. The reporting requirements are reduced—focusing on permanent access structure roads and road sections greater than 500m in length and providing access to the cut block,
 - **before June 1 (ongoing)**—agreement holders and timber sales managers must submit reports on harvesting activity in the previous year and the location of resource features and wildlife habitat features not previously reported,
 - **after December 31, 2005**—the first annual report for road construction



8. Harvesting & Roads

and deactivation does not need to be submitted until after December 31, 2005. This report will cover activity for both 2004 and 2005 reporting periods, and

- **before December 31, 2005**—despite the requirements listed above, agreement holders and timber sales managers must furnish to the District Manager information about any road construction and deactivation activity that has not previously been reported, regardless of the reporting period; and
- agreement holders are exempt from the annual reporting requirements as specified in section 86.1 and 86.2 of FPPR. This includes exemptions for:
 - submitting updates to the forest cover inventory if the information has already been reported to the Ministry in a declaration of a free growing stand,
 - reporting harvesting activities on cut blocks less than 1 ha in size, and
 - reporting by holders of a licence or permit awarded under a Timber Sales Manager. This reporting is undertaken by the Timber Sales Manager.

Implementing the Changes

Operating During the Transition Period

During the amended period for transitioning to FSPs, those harvesting or building roads under an approved operational plan must:

- follow the practice requirements under *FRPA* if operating under a FSP. All changes to practice requirements listed above under “What’s Changed?” are effective immediately and must be met while conducting practices. Practitioners must also follow the obligations in a FSP including any amendments made to a FSP; or
- follow the practice requirements under *FPC* if operating under a FDP—including the obligations specified in a FDP.



8. Harvesting & Roads

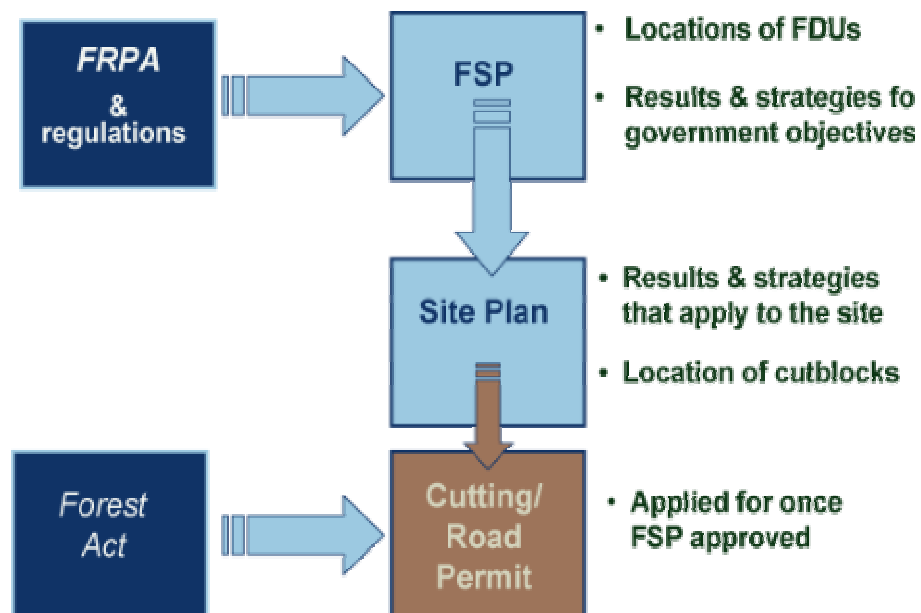
Introduction

Harvesting and road activities will deliver the results and/or strategies in approved FSPs. These results and/or strategies will be inspected and enforced by compliance and enforcement personnel.

Harvesting and road activities will also address other requirements in the *Act* and regulation such as practices requirements, notification and reporting requirements.

Professionals will select appropriate practices that deliver the results, strategies and practice requirements set out in the regulation.

Plans for Harvesting & Roads



Plans required under *FRPA* that guide harvesting activities include the Forest Stewardship Plan and Site Plan.

FRPA
S. 5

Forest stewardship plans:

- shows the approximate location of forest development units within which harvesting or road construction may occur; and
- identifies the results and/or strategies to be achieved during harvesting and road activities.



8. Harvesting & Roads

Site plans:

FRPA
S. 10

- must be prepared before the start of harvesting on a cut block and harvesting related to road construction. The *Act* and regulations contain some exemptions from having to prepare a site plan including harvesting to remove safety hazards or improving road safety (e.g., visibility, number or size of pullouts);
- must be consistent with the FSP, *Act* and regulations;
- show how the results and/or strategies established in the FSP apply to the site; and
- identify the approximate location of cut blocks and roads.

FPPR
S. 33

Cutting and road permits:

- cutting and road permits are issued under the *Forest Act* and show the location of cut blocks and road right of ways; and
- harvesting cannot start until a cutting permit has been issued.

Legal Requirements for Harvesting & Roads

Practice Requirements

The practice requirements for managing and protecting *FRPA* values during harvesting and road activities are described above in the section on Managing and Protecting *FRPA* Values.

FPPR
S. 37-40,
44-52,
54-58,
59-62,
67-70

Sections from the Forest Road Regulation have moved to practice requirements in Part 4 of FPPR, including:

- stream crossings, or locating a road in a riparian area;
- prevention of landslides; and
- revegetation requirements for roads.



8. Harvesting & Roads

Road Design & Construction

The majority of road requirements under *FRPA* are contained in Part 5 of the FPPR. Many of these sections have been brought forward from the Forest Road Regulation under FPC into FPPR:

FPPR
S.71-76

- design and fabrication of bridges must be to CSA standards and meet soil property requirements for bridge piers and abutments;
- stream structures must be designed for the peak flow requirements as listed in the FPPR;
- structural defects of bridges must be corrected or the bridge closed or traffic restricted and signs stating the maximum capacity of the bridge;
- clearing widths must be minimized and permanent culvert materials must be fabricated to CSA standards or to standards at least the same strength and durability as CSA standards; and
- roads must be structurally sound and safe. This replaces specific FPC requirements such as requirements to dispose of slash and stumps, meet drainage system requirements and locate borrow pits and maintain slopes when finished.

Road Maintenance

Road maintenance requirements were brought over from the *Forest Practices Code of BC Act* and include:

FPPR
S. 79-81

- licensee is responsible for road maintenance until deactivated or the DM notifies that the road should not be deactivated; and
- the DM can assign responsibility of maintenance of a forest service road to a road use permit holder.

Road Deactivation

Road deactivation requirements include barricading the road surface to motor vehicles, removal of bridges and stream culverts and stabilization of the road prism. Warning signs must be erected during the period of road deactivation activities.

FRPA
S. 107(3)

FPPR
S. 40, 82,
83, 114

After a road is constructed or deactivated, a licensee must ensure that exposed soil is revegetated within 2 years if it will reduce the likelihood of erosion

Once the road is deactivated, it becomes non-status and responsibilities shift to the Crown except if the road is in a Tree Farm Licence – this is the same as under the



8. Harvesting & Roads

FPC.

Holders of a timber sales licence must deactivate any road—cut block and road permit road—before their licence expires.

Use of Road for Minor Salvage Operations

A person is exempt from the requirements for industrial use of a road under section 22.1 of the *FRPA* if they are using a road on Crown land for minor salvage operations:

FPPR
S. 79.1,
80.1

- to remove less than 200 m³ of timber that is dead or damaged by forest pests; or
- for special forest products.

The following conditions apply:

- the road must be maintained according to road maintenance provisions in FPPR. Only maintenance of the road surface is permitted on roads in or near a stream or stream bank;
- the road surface and drainage must be returned to a condition comparable to the condition immediately before using;
- use of the road must not materially affect or impact other *FRPA* values listed in section 149 of *FRPA*;
- giving five days notice before using the road or re-starting use of the road after a 3 month period of inactivity. The notice must be given to holders of road permits, cutting permits, road use permits, special use permits or timber sales licences that do not provide for cutting permits. The permit holder may require payment for using the road within limits referred to in section 22.3 of the *FRPA*; and
- giving five days notice to the person required to maintain the road. The person is granted an exemption from the requirement in section 22.1(7) of *FRPA* to give notice to the Minister if notice is provided to the person maintaining the road.

Exemptions

The Minister responsible for the *Forest Act* (MOF) and the Minister responsible for the *Wildlife Act* (WLAP) may grant exemptions to some practice requirements if **not practicable given local conditions or circumstances**. See

FPPR
S. 72, 73,
75, 76,
78, 79,
82-84,



8. Harvesting & Roads

	<p>exemptions listed in the Managing and Protecting <i>FRPA</i> Values section of this Guide.</p> <p>The Minister of Forests may grant an exemption from the requirement to post a sign warning users of road deactivation.</p> <p>If an approved result or strategy is consistent with an established objective but inconsistent with a practice requirement in part 4 or 5 of FPPR, then the Minister responsible for the practice requirement must grant an exemption to the practice requirement.</p>	91, 92, 92.1
Notice of Harvesting & Road Activity	<p>The agreement holder must notify the District Manager before:</p> <ul style="list-style-type: none">• starting timber harvesting in a cut block larger than 1 ha;• starting construction of a road that is a permanent access structure; or• restarting harvesting or road construction if either has been inactive for a period of 3 or more months. <p>The notice must specify the location, projected start date and contact information. Affected water licensees, or affected water purveyors, must be notified at least 48 hours in advance of any road construction or deactivation in a community watershed.</p>	FPPR S. 84, 85
Retaining information on bridges & major culverts	<p>Construction reports, as-built drawings and inspection records relating to a bridges or major culverts must be prepared and retained for the duration of the life of the structure or until such time as responsibility passes to another party.</p>	FPPR S. 77
Annual Reports—Harvesting Activity	<p>Before June 1 of each year, the agreement holder or timber sales manager (for activity by holders of a timber sales licence and forestry licence to cut) must submit an annual report to the District Manager. The report covers the 12 month period beginning on April 1 of the preceding year and contains:</p> <ul style="list-style-type: none">• information where harvesting has been completed such as the location of harvesting, area harvested and an update of the forest cover inventory and the associated wildlife tree retention areas; and	FPPR S. 86



8. Harvesting & Roads

Annual Reports— Road Activity

- the location of any resource features or wildlife habitat features located in or contiguous to a cut block or road if the order establishing it as such requires this and the feature has not been previously reported to government.

⊞ There is a new definition of location with respect to reporting under section 86 of FPPR—“location” means the approximate location.

Before September 1 of each year, the agreement holder or timber sales manager (for activity by holders of a timber sales licence and road permit) must submit an annual report to the District Manager. The report covers the 12 month period beginning on April 1 of the preceding year and contains:

FPPR
S. 86

- information on the construction of roads during the reporting period including the location of bridges, culverts, stream crossings, other structures and location of road sections containing stumps, roots and logs; and
- the location of roads that have been deactivated.

The reporting requirements refer to roads that are:

- the subject of a road permit and not in a cut block;
- a forest service road;
- a permanent access structure providing access to a cut block; or
- a permanent access structure (PAS) constructed on or through areas unsuitable for the establishment of a commercial crop of trees. The PAS must be longer than 500m and connected to a road that provides access to the cut block.

There is a new definition of location with respect to reporting under section 86 of FPPR—“location” means the approximate location.

The first annual report for road construction and deactivation does not need to be submitted until after December 31, 2005. This report will cover activity for



8. Harvesting & Roads

Annual Reports-- General

both 2004 and 2005 reporting periods. However, agreement holders and timber sales managers must furnish to the District Manager information, before December 31, 2005, about any road construction and deactivation activity that has not previously been reported, regardless of the reporting period.

Refer to the notification and reporting section in Chapter 9 of this Guide for additional reporting requirements for silviculture.

FPPR
S. 86.1,
86.2

Exemptions from the annual reporting requirements now include the following:

- reporting harvesting activities on cut blocks of less than 1 ha unless the cut block is adjacent to another cut block of less than 1 ha and the combined area exceeds 1ha,
- reporting by holders of a licence or permit awarded under a Timber Sales Manager. This reporting is undertaken by the Timber Sales Manager.

Additional Information

Planning aspect of Road Design

The planning aspect of road design has changed under *FRPA*. Road Designs/plans do not need to be prepared, and there is no approval by government process under *FRPA*. Planning for roads is addressed by:

- the FSP showing approximate locations of FDUs within which road construction may occur. The site plan shows the approximate location of roads;
- proposing results and/or strategies to meet objectives established by government;
- meeting applicable practice requirements for roads defined in Part 4 and 5 of the FPPR; and
- in addition, there is also no longer a requirement in legislation for assessments, such as visual, archeological or terrain stability field assessments to be prepared. These requirements are now addressed by practice requirements to construct stable roads and to meet engineering requirements where



8. Harvesting & Roads

established.

Tools and Information

The non-legal realm contains a wide range of information to help select practices that deliver outcomes:

- documents such as the Fish Stream Crossing Guidebook and the MOF Land Management Handbook “Landslide Hazard & Risk Case Studies in Forest Resource Management (should be available for the next field season);
- experience and training of professionals;
- science; and
- databases and assessments.

Roles

Licensee (including BCTS):

- achieve results and/or strategies in approved FSPs. Professionals must select and carry out harvesting and roads practices to meet these results and/or strategies;
- comply with measures (e.g., invasive plants, range barriers) in the approved operational plan;
- meet the practice requirements established in regulation;
- request exemptions to practice requirements or amendments to FSP if cannot meet the requirements; and
- notify and report activities to government.

Government:

- enforce requirements in *FRPA* through compliance & enforcement activities including inspections for delivery of results and/or strategies in approved FSPs and meeting practice requirements;
- approve or reject exemptions to specified practice requirements; and
- approve or reject amendments to FSPs (e.g., new or changed results or strategies).





9. Silviculture

What's Changed Since January, 2004?

The major changes occurring in silviculture since January, 2004 include the following:

Free Growing Obligations

The requirements to establish a free growing stand are clarified and include the following.

- The government will undertake obligations to ensure stands with more than 500 m³ of timber harvested under a forestry licence to cut (not a major licence or a minor tenure) conform to the applicable standards. The applicable standards are defined in the MOF Reference Guide for FDP Stocking Standards or through other standards specified by the Minister (s. 46 of FPPR);
- A person must notify the Minister if they determine they cannot meet the requirement to establish a free growing stand. They must also submit a proposal for establishing the free growing stand (s. 46.2 of FPPR).

Stocking Standards

New FSP stocking standards can be applied to existing requirements. The application of new standards in the future does not excuse a person from any non-performance that may have occurred up to the point when the new standards apply.

The holder of a community salvage licence must meet the specified stocking standards for a period of 12 months after harvesting. The standards are specified by either the Minister or in the MOF Reference Guide for FDP Stocking Standards. If the standards are not met, the agreement holder must establish a free growing stand (s. 46.1 of FPPR).

If a person determines that the free growing requirements cannot be met, they must give notice to the Minister with reasons and submit a proposal for establishing a free growing stand on the area (e.g., new stocking standards)—s.46.2 of FPPR.

The approval test for the stocking standards has been clarified (s. 26 of FPPR). The clarification states the Minister **may** approve the stocking standards if he/she is satisfied that the regeneration date and stocking standards are reasonable having regard for the future timber supply for the area.



Other

- Free growing height may be “certified” by a professional and submitted in the FSP (see “certify” discussion above in Chapter 6: Forest Stewardship Plans). The Minister may review minimum heights after the FSP is approved. Note: there are no early free growing dates required under FSPs. The free growing height is a surrogate for early free growing (EFG) date.
- Those persons who are required to establish a free growing stand may transfer the obligation to another. The criteria for the transfer of this obligation including the ability to amend the stocking standards has been added to the *FRPA* and the FPPR (s. 29.1 of *FRPA*, s. 94 of FPPR);
- Timber sales managers are required to submit annual reports of silviculture activity on areas where they must establish a free growing stand (s. 86 of FPPR);
- Agreement holders and timber sales managers do not need to submit updates to the forest cover inventory in the annual report if the information has already been reported, for example, in a declaration of a free growing stand (s. 86.1 of FPPR);
- A person may declare a stand free growing at anytime after the applicable free growing height and stocking standards have been met. The Minister has 15 months to reject a declaration of free growing based on the requirements specified in section 97 of the FPPR (e.g., more likely than not that the stand will conform to the applicable stocking standards after 20 years or 5 years after the last brushing or spacing treatment); and
- The Minister may relieve an agreement holder’s requirement to establish a free growing stand if one of the following damaging events occurred after December 17, 2002 (s. 108(6) of *FRPA*, s. 96 of FPPR):
 - a wild fire,
 - an outbreak of *Dothistroma*, or
 - another event that renders the area ill-suited for the establishment of a free growing stand.



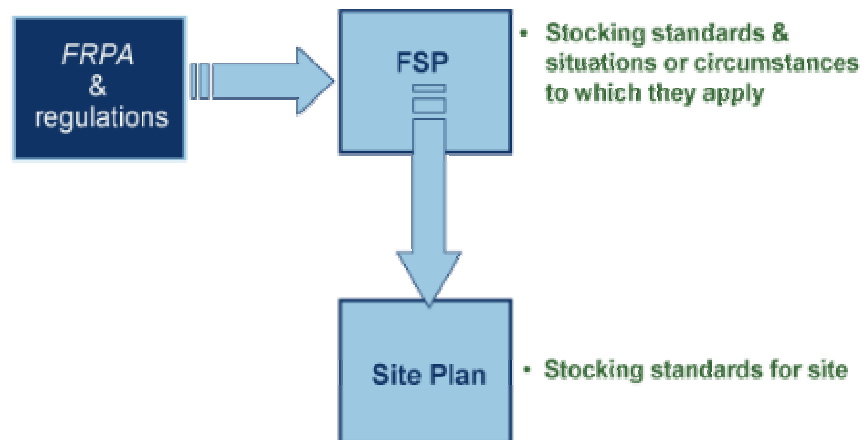
Introduction

For silviculture, *FRPA* requires the establishment of a free growing stand in accordance with the applicable stocking standards in the approved Forest Stewardship Plan.

Major changes under *FRPA* include the following:

- the Chief Forester has established a standard that must be followed by anyone using tree seed;
- licensees can group cut blocks for purposes of establishing free growing stands;
- reporting of silviculture treatments and progress will be in an annual report prepared by the licensee for the District Manager; and
- achievement of stocking standards and practice requirements will be enforced by C&E personnel.

Plans for Silviculture



9. Silviculture

Plans required under *FRPA* that guide silviculture activities include the Forest Stewardship Plan and Site Plan.

Forest Stewardship Plans:

- contain stocking standards that must be met and the situations or circumstances to which the standards would apply.

Site Plans:

- identify the standards units for the area and the stocking standards that have been assigned to a site.

FRPA
S. 10

FPPR
S. 34

Legal Requirements for Silviculture

Practice Requirements

The practice requirements for managing and protecting *FRPA* values during silviculture activities are described above in the section on Objectives & Practice Requirements.

FPPR
S. 37, 38,
41-46.2,
51, 54,
56-60,
63, 69,
70

Establish Free Growing Stand

Harvesting under a FSP

FRPA requires agreement holders who harvest under a Forest Stewardship Plan to establish a free growing stand on the harvested areas within the net area to be reforested.

FRPA
S.29,
29.1

FPPR
S. 44-
46.2, 94

This obligation is waived if the silvicultural system is:

- Clear cutting and the harvested area is less than 1 ha.;
- Other than clear cutting and, at the end of harvesting, the area conforms to specifications by the Minister or the MOF Reference Guide for FDP Stocking Standards.

If a person required to establish a free growing stand determines that the requirement cannot be met, they must give notice to the Minister with reasons and submit a proposal for establishing a free growing stand on the area.

The obligations to establish a free growing stand may be transferred to another person if the Minister is satisfied



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.

and the free-growing height is sufficient to demonstrate that the tree is adapted to the site, growing well, and can reasonably be expected to continue to do so.

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



9. Silviculture

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

- a summary of silviculture treatments carried out.

On or before submission of the annual report, the agreement holder and timber sales manager, if required to establish a free growing stand, must submit to the District Manager, a map of the standards units and the standards that apply upon the completion of harvesting and when changes to the standards have been made.

The licensee must maintain records of silviculture treatments carried out on an area until 15 months after the area is declared free-growing, or earlier if specified by the Minister. The timber sales manager, if required to establish a free growing stand, must maintain records of silviculture treatments carried out until a free growing stand is established on the area.

Refer to the annual reports section in Chapter 8 of this Guide for additional reporting requirements for harvesting and road activity.

Release from Obligations

A person may make a declaration stating that a free growing stand(s) have been established. This can be done at any time once the stand has met the stocking standards and free growing height described in the FSP. The declaration must include an update of forest cover inventory for the area.

FRPA
S. 29.1,
107, 108

FPPR
S. 44-46,
94-97

The Minister has 15 months to reject the declaration based on determining that it is more likely than not that:

- the stand will not conform to the applicable stocking standards, or
- will be impeded in its growth because of adverse effects on the area from forest health factors or competition from plants, shrubs or trees after:
 - 20 years after the commencement of harvesting; or
 - 5 years after the last brushing or spacing treatment, that was carried out more than



15 years after harvesting commenced.

The free growing obligations can be transferred to a third party if the Minister is satisfied the new party is likely to meet the obligations and has provided a security deposit. **If approved by the Minister, the person who acquires the obligation may further transfer the obligations and amend the stocking standards.**

The government, under specified conditions, can assume a licence holder's responsibility for establishing a free growing stand if requested by the licence holder.

The Minister may relieve an agreement holders requirement to establish a free growing stand if one of the following extraordinary conditions occurred after December 17, 2002 (s. 108(6) of *FRPA*, s. 96 of *FPPR*):

- a wild fire,
- an outbreak of *Dothistroma*, or
- another event that renders the area ill-suited for the establishment of a free growing stand.

These provisions only apply to obligations incurred under a FSP.

Forest Health Under *FRPA*

FRPA contains several provisions related to forest health including:

FRPA
S. 25-
27.5

- **Sanitation Exemptions** – the Minister of Forests may exempt a person from specific requirements under *FRPA* where necessary to reduce damage by forest pests by harvesting or modifying timber to prevent their spread;
- **Control of insects and disease** – the Minister of Forests may require a licensee to submit and carry out a plan to control or disperse of forests pests. The Minister can exempt the licensee from *FRPA* provisions in carrying out the plan to control forest pests; and
- **Forest Health Emergency** – The government may designate a forest health emergency by regulation. If so, the Minister may order a licensee within the emergency area to deal with forest health factors.



Chief Forester's Standards for Seed Use

Introduction

The Chief Forester's standards for seed use will take effect on April 1, 2005. These will apply to all persons who use seed in establishing a free growing stand under *FRPA*. These standards are designed to ensure that seed:

FRPA
S. 169
FPPR
S. 43(2)

- is properly identified and can be tracked from its origin to its planting site;
- meets minimum acceptable levels of genetic and physical quality; and
- is adapted to the environment in which it is planted.

"Seed" is defined in *FRPA* as any part of a forest tree represented, sold, or used to grow a plant. This definition encompasses seed, as it is commonly recognized, and vegetative material, such as cuttings and plant material derived through tissue culture and biotechnology.

Chief Forester Standards reside in the legal realm of the *FRPA* framework and hold the same weight and force as law.

Scope of Standards

The Standards includes requirements for registering, storing, selecting and transferring tree seed to be used in establishing a free growing stand.

Chief
Forester's
Standards
for Seed
Use

Alternatives, and record keeping and reporting requirements are not contained within the Chief Forester's Standards. These provisions are covered in applicable sections of Forest Planning and Practices Regulation.

The collection of cones and seed from Crown forests is also not covered by these Standards. This activity will continue to be regulated under permits issued in accordance with the FPC's Tree Cone, Tree Seed and Vegetative Material Regulation during the transition period.

Alternatives to Standards

Under the *FRPA* regulations, a person may propose an alternative to any of the Chief Forester's Standards. A proposed alternative may only be approved by the Chief Forester if the latter is satisfied that the proposed

FPPR
S. 43(6)



alternative can achieve the intent of the standards.

Alternatives should be supported by sufficient information and analysis, and developed with the same thoughtfulness as the standard to which the alternative is being sought. A request for an exemption to a standard would not qualify as an alternative. Alternatives to the Chief Forester's Standards may not be submitted to district managers, or included in a Forest Stewardship Plan, for consideration.

Additional information on alternatives will be provided along with the details of the standards at a later date.

Transition

As of April 1, 2005, persons planting trees to establish a free growing stand under *FRPA* must use tree seed registered, stored, selected and transferred in accordance with the Chief Forester's Standards for Seed Use.

Chief
Forester's
Standards
for Seed
Use

Persons planting trees under the FPC must continue to follow the transition seed use regulations and cited guidebooks—the latter of which will be brought in line with the Chief Forester's Standards.

Additional Information

Tools and Information

The non-legal realm contains a wide range of information to help select practices that deliver outcomes:

- guidelines;
- experience and training of professionals;
- science; and
- databases and assessments.

Roles

Licensee (including BCTS):

- achieve stocking standards in the approved FSP;
- meet the practice requirements established in regulation;
- request exemptions to practice requirements or amendments to FSP if he/she cannot meet the requirements; and



- notify and report activities to government.

Government:

- enforce the requirements in *FRPA* including practice requirements and results and/or strategies in approved FSPs;
- approve, or reject exemptions to specified practice requirements; and
- approve, or reject amendments to FSPs (e.g., new or changes results or strategies).







10. Range

What's Changed Since January, 2004?

Amendments to the Range Planning and Practices Regulation (RPPR) are planned for the Spring of 2005. Revised information will be provided at that time on the *FRPA* website:

<http://www.for.gov.bc.ca/code/>

An updated version of this Guide containing range information will also be available under the training section of the *FRPA* website.

Introduction

Value Regime for Range

Under *FRPA* range tenure holders have their own regulation, the Range Planning & Practices Regulation (RPPR).

The Range Planning & Practices Regulation has detailed objectives for the following values: soils, forage/plant communities, water, fish, wildlife, and biodiversity. Range use plans, range stewardship plans and associated range practices must be consistent with these “objectives set by government” and with objectives for wildlife habitat areas and ungulate winter range applicable to the plan area. The Minister may identify issues (i.e., concerns) specific to an area and require actions in a range plan to address them, and may prescribe requirements such as range readiness, levels of utilization and plant communities where deemed necessary. There are also several practice requirements in regulation that will protect resource values.

Planning under FRPA



Range Planning Framework



FRPA introduces a new framework for range management, which includes the following key changes:

- the planning requirements for all range plans have been streamlined;
- content requirements are different to reflect the resources and depth of competency available to assist range agreement holders develop plans;
- the default plan continues to be the Range Use Plan for grazing and hay cutting. The Range Use Plan has reduced content requirements and focuses on how measures required by the Minister apply on the range unit;
- a range agreement holder may apply to prepare a Range Stewardship Plan. The Minister must consider the applicant's performance record, the condition of the Crown range and other prescribed matters when judging eligibility; and
- the Range Stewardship Plan allows more flexibility. Proponents can propose innovative ways of achieving management objectives on their area.

FRPA
S.32

Practice Requirements

Range

Follow Approved Operational Plan

FRPA
Part 4

The approved RUP or RSP defines the obligations for a licensee's practices. In some cases, the plans will include the results and/or strategies to be achieved. C&E will focus on consistency with approved plans—are results being delivered and/or are strategies being carried out.

Practices

RPPR
Part 4

Range agreement holders must meet the practice requirements defined in the Range Planning and Practices Regulation.

Notify Government (Grazing Schedule for RSP)

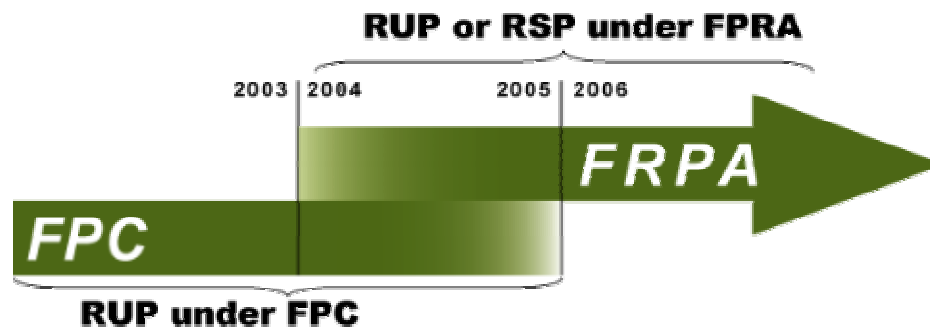
FRPA
S.43

Each RUP contains a grazing schedule. A grazing schedule is also required for holders of RSPs. While a



grazing schedule is not part of a RSP, it must be prepared each year and submitted to the District Manager prior to livestock turnout.

Transition



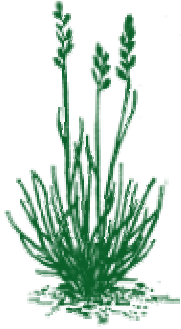
“Current RUP will continue until Dec 31 2005 or their expiry date which ever is sooner”

- All current RUP will continue until December 31, 2005 or until they are replaced by a new plan under *FRPA*.
- New RUPs or RSPs must be prepared & approved once existing RUPs have expired.
- New RUPs and RSPs will last for up to 5 years and they can be extended for up to 5 years.

FRPA
S. 205-
207



Additional Information



A *FRPA* training module for range agreement holders has been developed. Materials from the range module are available on the *FRPA* training website. In addition to these range module materials, the following resources are available:

- Range Use Plans & Range Stewardship Plans (available from: <http://www.for.gov.bc.ca/hfp/range/range.htm>)
- Range Management and the *Forest and Range Practices Act* (available from: <http://www.for.gov.bc.ca/hfp/range/range.htm>)
- MOF Policy Manual (available from: <http://www.for.gov.bc.ca/tasb/manuals/policy/poltoc.htm>)
- MOF Legislation and Regulations (available from: <http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>)
- MOF Training Catalogue (available from: <http://www.for.gov.bc.ca/pscripts/hfd/mtc/cat.asp?cat=20>)
- MOF Brochures Abstract Listing (available from: <http://www.for.gov.bc.ca/hfd/pubs/Bro.htm>)
- MOF Range Manual (available from: <http://www.for.gov.bc.ca/hfp/range/manual/TabICont.htm>)
- Forest Investment Account (available from: <http://www.for.gov.bc.ca/hcp/fia/>)



11. Woodlots



What's Changed Since January, 2004?

Amendments to the Woodlot Licence Planning and Practices Regulation (WLPPR) are planned for the Spring of 2005. Revised information will be provided at that time on the *FRPA* website:

<http://www.for.gov.bc.ca/code/>

An updated version of this Guide containing woodlot information will also be available under the training section of the *FRPA* website.



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12. Compliance & Enforcement

What's Changed Since January, 2004?

The major changes occurring in compliance and enforcement since January, 2004 include the following:

- specifying which new contraventions are offences;
- reinstating the Forest Service Road Use Regulation (FSRUR) under *FRPA* effective February 27, 2004;
- enabling stop work orders to be effective immediately under the *FRPA*. Now, stop work orders are effective immediately under both the *FRPA* and the *FPC*. The order must be rescinded if it is determined that there were insufficient grounds for issuing the order (s. 66(6) of *FRPA*);
- establishing ticketing authorities in place for the *FPC*, and the *FRPA*. In addition, the *Waste Management Act* has been repealed and replaced by the *Environment Management Act* in terms of ticketing for litter and waste. While this was a WLAP initiative, it impacts Forest Official's ticketing authorities;
- providing the person an opportunity to be heard prior to the sale of seized items (s. 67 of *FRPA*);
- considering remedial action taken by a person after an offence or contravention in the penalty for which that person is liable (e.g., incentive to take remedial measures and prevent/mitigate an adverse impact on the environment). Section 116(2) of *FRPA* stating that remedial action did not affect the penalty as been repealed; and
- requiring a person to comply with an order, exemption or condition. It is now a contravention and penalties can be levied for failure to do so. This is a change from the past where a court order was required to enforce a person complying with a stop work order.



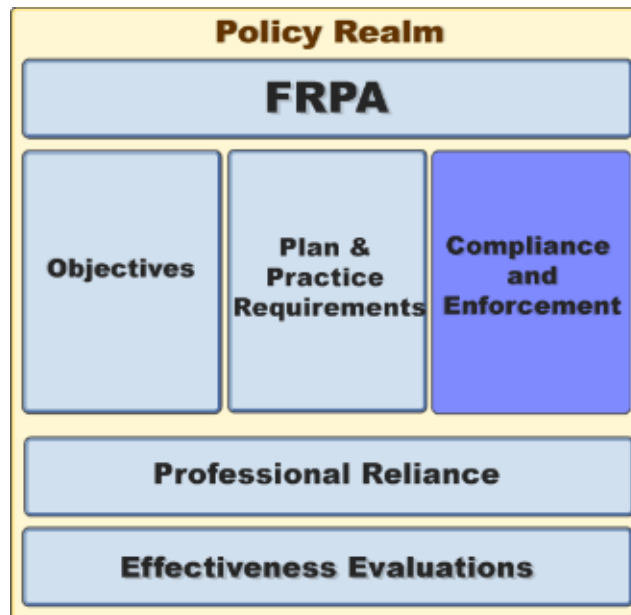
12. Compliance & Enforcement

Compliance & Enforcement Regime

“Compliance & Enforcement is the third pillar of the FRPA Architecture”

Compliance and Enforcement (C&E) is the third pillar of the *FRPA* Architecture.

What to enforce has changed from the Forest Practices Code but how enforcement is conducted has not changed significantly. For areas under *FRPA* plans, C&E staff will not enforce the prescriptive activities that comprised the FPC’s planning requirements but they will inspect and enforce the results and/or strategies, measures and stocking standards in approved operational plans. They will ensure that approved results are achieved and approved strategies carried out. They will also continue to enforce provisions of the Acts and regulations that apply generally to persons undertaking forest or range practices.



12. Compliance & Enforcement

What is enforced?

Results and Strategies

C&E staff will inspect and enforce results, strategies, measures and stocking standards applicable to the five approved operational plans: Forest Stewardship Plan, Range Use Plan, Range Stewardship Plan, Woodlot Licence Plan and Forest Development Plan (under the FPC). C&E does not enforce consistency with the objectives set out in the *Act* and regulations—this is addressed at the operational plan approval stage.

Site plans for cut blocks and roads must be prepared and must comply with prescribed requirements, all of which are enforceable. Although site plans are not “approved” plans, C&E may use them to guide the planning of C&E activities.

FRPA
S.10

Licensees will continue to require authorization by way of a cutting permit or road permit to cut timber or construct, modify or use a road.

Practice Requirements

C&E will also inspect and enforce practice requirements provided in the regulations. When conducting practices, you must comply with those practice requirements in Parts 4 and 5 of the FPPR unless:

FPPR
S. 12.1-
12.5, 91,
92

- an alternative result and/or strategy is approved in the FSP in which case the alternative result and/or strategy is inspected and enforced; or
- granted an exemption, by the applicable minister, or delegate, to a practice requirement.

Inspections

In the *FRPA* world, licensee and government will continue to conduct their own inspections.

Some of the requirements that under FPC were approved at the planning stage will now be dealt with by C&E staff during their inspections. For example, cut block boundaries formerly were identified in approved operational plans. Under *FRPA*, C&E staff will rely on cut block boundaries identified in the cutting permit



12. Compliance & Enforcement

Exhibit A maps and appraisal maps for enforcing provisions such as unauthorized harvesting.

Licensee Inspections

Licensees should conduct regular inspections for maintaining a road to ensure the structural integrity of the road, that the drainage systems are functional and that the road can be safely used by industrial users.

These inspection records should be retained as C&E staff can request them to assist with their inspections and investigations.

Government Inspections

C&E personnel from MOF and/or WLAP will conduct inspections. Inspection planning will continue to be based on risk assessments **and the allocation of resources to the highest risk activities.**

There will not be significant changes in how inspections will be conducted other than C&E staff will no longer be inspecting against a silviculture prescription or a road layout and design except for those that continue to apply.

Defences under FRPA

Defences for Administrative Penalties

The three defences for administrative penalties introduced by the amendments to FPC in December 2002, will now also apply to alleged contraventions of the *Forest and Range Practices Act*, *Forest Act* and *Range Act*: These defences are:

- due diligence;
- mistake of fact; and
- officially induced error.

If a person who is shown by government to have contravened a provision of the *Acts*, can show, on a balance of probabilities that any one of the defences applies, the person will be found not to have contravened the specified provision and no penalty can be levied against the person **nor remediation order issued**. The government will, however, have authority to seek compensation from persons who have harvested Crown timber without authorization and to remove any economic gain from the wrongdoing—even if the

FRPA
S. 71(5),
106(3)



12. Compliance & Enforcement

wrongdoing was innocent.

The definitions provided in this guide are not meant to be comprehensive explanations of these defences. For a more in-depth understanding of these defences, please contact C&E staff.

Due Diligence

Due diligence refers to the standard of care required of a person acting reasonably and prudently in any given situation. A person who is using Crown resources is required to anticipate and take reasonable precautions to prevent any contravention that may reasonably be foreseen to occur. *FRPA S.72*

When assessing whether the defence of due diligence is applicable, the question will be asked “What was reasonable considering all the circumstances?” “Reasonable” does not mean superhuman efforts; it means a high standard of awareness and decisive, prompt and continuing action.

You may be able to support a defence of due diligence by doing all of the following that are appropriate in the circumstances:

- making sure you have processes in place that enable you to identify and avoid potential harm or contraventions;
- ensuring that the processes are followed;
- training your workers;
- using only qualified and experienced consultants and contractors;
- communicating legislation/procedures/practices to workers;
- having work done by a qualified registered professional;
- **spot checking work done to ensure quality;**
- gathering and using all the relevant information available to make each decision; and
- keeping good records so that you can show that you did things appropriately. An important aspect of due diligence is keeping good records!



12. Compliance & Enforcement

Mistake of Fact

Mistake of fact may apply if the person who is alleged to have committed the contravention had, at the time of the contravention, an honest but mistaken belief in a fact or set of facts which, had the facts been true, would have resulted in no contravention.

FRPA
S.72

Mistake of fact may apply, for example, where a woodlot licensee retains a properly qualified registered professional and reasonably acts on the professional's advice, only to discover later that the advice was incorrect and caused the contravention. Like due diligence, mistake of fact is a complete defence to both administrative contraventions and offences.

A key element in supporting a defence of mistake of fact is being able to show why it was reasonable for you to believe in and act on the mistaken fact. Keeping good records may help.

An example of "mistake of fact"

You were given information **from a qualified professional** regarding the size of culvert required to address peak flow return period, and you followed that advice. The advice later turns out to have been wrong, leading to a contravention. You are able to show that you honestly believed in the mistaken fact and that it was reasonable for you to believe and rely on it.

Officially Induced Error

The defence of officially induced error arises where a contravention or offence occurred as a result of a person having relied on the erroneous advice of a government official who is normally involved in the administration of the law in question. To be successful, the person seeking to establish the defence must show that:

FRPA
S.72

- the advice concerned the law (in relation to the person's legal position);
- they made reasonable efforts to determine what their position under the law was;
- the advice was sought and obtained from a responsible government official normally involved in the administration of the law;
- accurate information was provided to the official from whom advice was requested;
- the advice received was apparently reasonable;
- they relied on the advice in good faith;



12. Compliance & Enforcement

- such reliance was reasonable in the circumstances; and
- the advice was incorrect.

Remedies for Non-compliance of FRPA

FRPA contains severe penalties for non-compliance with requirements of the *Act* and regulations. These include administrative penalties and prosecution through the courts.

The enabling *Acts* for the various professions contain professional practice requirements that must be met by the respective professionals. These requirements will be enforced by the professional associations outside of *FRPA*.

Administrative Remedies

Under *FRPA*, statutory decisions that may be made by MOF officials include:

FRPA S.
66(6), 67,
71, 97(3)

- stop work orders—which must be rescinded if it is determined that there was insufficient grounds to issue the stop work order;
- forfeiture/seizure—under very specific circumstances, individuals whose timber or other specified items have been seized has an opportunity to be heard prior to the goods being sold at a public auction (s. 67 of *FRPA*);
- contravention determinations;
- new monetary penalties which are higher than the maximums in the *FPC*;
- remediation orders;
- violation tickets; and
- suspension or cancellation of operational plans approved under *FRPA*, or agreements or permits issued under the *Forest Act* or *Range Act*.

Power of Intervention

Power of Intervention: General

FRPA contains a new power that enables the Minister to require agreement holders to stop, mitigate or remedy any activity if the Minister believes the activity will

FRPA
S. 77

FPPR
S. 100(2)



12. Compliance & Enforcement

contravene the Acts (*Forest Act, Range Act, FRPA, Forest Practices Code*) or their regulations and cause:

- a catastrophic impact on public health or safety;
- a significant failure or delay in establishing a free growing stand; or
- a fundamental and adverse alteration of an ecosystem.

The Minister may reimburse expenses if the specified measures or activities associated with an intervention warrant it **or if such order is rescinded on appeal.**

Power of Intervention: First Nations

FRPA
S. 77.1

The Minister may also intervene and vary or suspend practices, plans or permits if carrying out activities may unjustifiably infringe on aboriginal rights or title based on information not known at the time the operational plan was approved.

This provision strengthens the ability for the Crown to address aboriginal rights and title issues after an operational plan has been approved, and provides greater protection to First Nations interests than what was provided for under the FPC.

Prosecution

The maximum fines that apply on conviction for an offence under *FRPA* range from \$5,000 to \$1,000,000 and imprisonment from 6 months to 3 years. For example, a person who carries out forest or range practices or other activities that result in damage to the environment can be fined up to \$ 1 million **or be jailed for 3 years, or both.**

FRPA
S. 46

Where a person is convicted of the same offence on a second or subsequent occasion, the maximum fine amount doubles.

Limitation on proceedings

The government may not impose both an administrative penalty and prosecute a person for the same offence. This ensures a person will not be subject to both an administrative penalty and a fine for the same offence.

FRPA
S.89



12. Compliance & Enforcement

Vicarious Liability

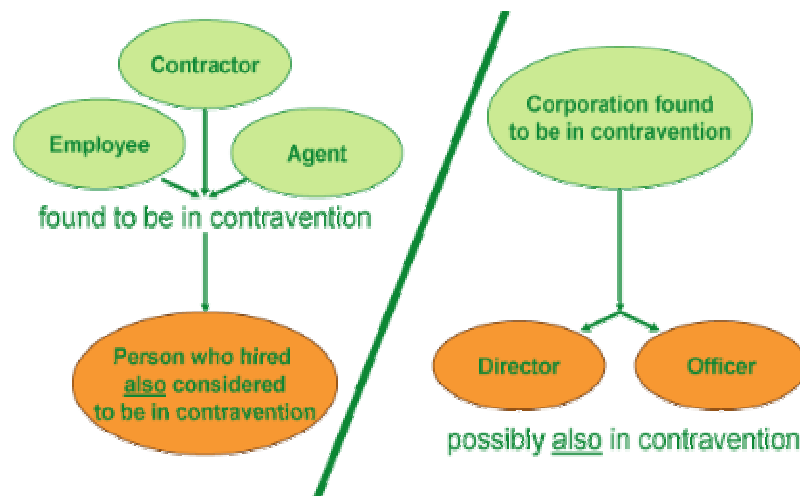
FRPA
S. 100

Vicarious liability means that responsibility for contraventions is not necessarily limited solely to the person or corporation who carried out the alleged contravention. Under *FRPA*, as under the *FPC*, if a person's contractor, employee, or agent contravenes a provision of the Acts, the person also contravenes the provision unless they can prove one of the defences.

This puts the onus on the employer to ensure that activities or work being carried out on their behalf is done in accordance with all the relevant requirements and rules.

Moreover, if a director or an officer of a corporation that is found in contravention authorized, permitted or acquiesced in activities that led to the contravention, he or she may also be held responsible for the contravention.

Vicarious liability ensures that a person cannot escape liability simply by hiring or directing someone else to do the work without taking an ongoing and active interest in how the work is being carried out.



12. Compliance & Enforcement

Liability Provisions

Changes to liability

There have been substantial changes to the liability provisions from the original FPC. Some of these changes were introduced in the December, 2002 amendments to the FPC, but others are new with the introduction of *FRPA*.

Limitation on Liability of persons to government

FRPA
S. 107,
108

This provision allows a licensee to make a written declaration to the District Manager that the licensee has satisfied a statutory or other obligation. The District Manager then has a prescribed time period within which he or she can reject the declaration. If the District Manager does not reject the declaration within the prescribed time period, the licensee's statutory obligation is ended, unless it subsequently turns out that the declaration contained false information or failed to provide relevant information.

The amendments to the FPC in December 2002 provided some relief for licensees in some situations where an obligation could not be met without significant extra expense because of a damage-causing event, such as a forest fire caused by lightning. This provision has been carried forward into *FRPA*.

If, because of such an event, a free growing stand cannot be achieved without significant extra expense to the licensee, the government will fund the extra expenses for **returning the stand back to the state when damaged** or waive portions of the obligation.

The **Minister** must grant this relief or provide funding as long as the licensee did not cause or contribute to the damage and exercised due diligence in relation to the cause of the damage.

Roles and Responsibilities

Joint Agency C&E

Compliance and enforcement will be conducted by personnel from the Ministry of Forests and the Ministry of Water, Land and Air Protection.



12. Compliance & Enforcement

Notification Requirements

A holder of a forest or woodlot agreement must notify the District Manager before starting, **or re-starting after an inactive period of 3 months or more**, timber harvesting or road building. However, it is not necessary to notify the government before undertaking silviculture treatments as it was under FPC.

FPPR
S. 85

The notice must include the location of the timber harvesting or road, a contact name and information, and the projected date for beginning timber harvesting or road construction.

Annual Reporting—Road Activity

Agreement holders and timber sales managers must submit annual reports to the district managers on road construction and deactivation activities in the previous year (by September 1 of each year):

FPPR
S. 86

- roads constructed, including location and information on any bridges, culverts, stream crossings, other structures and sections of the road containing stumps, roots or logs;
- the location of specified roads that have been deactivated.

There is a new definition of location with respect to reporting under section 86 of FPPR—"location" means the approximate location.

The activity must be reported for roads that are:

- the subject of a road permit and not in a cut block;
- a forest service road;
- a permanent access structure (PAS) providing access to a cut block; or
- a permanent access structure (PAS) constructed on or through areas unsuitable for the establishment of a commercial crop of trees. The PAS must be longer than 500m and connected to a road that provides access to the cut block.



12. Compliance & Enforcement

Annual Reporting—Harvesting Activity

Agreement holders and timber sales managers must submit annual reports to the district manager on harvesting activities in the previous year (by June 1 of each year):

FPPR
S. 86

- where the harvesting occurred;
- the amount of area that was harvested;
- associated wildlife tree retention areas; and
- the location of any resource features or wildlife habitat features in or contiguous to a cut block or road that the licensee is aware of, has not reported, and is required to report by the order establishing the feature.

There is a new definition of location with respect to reporting under section 86 of FPPR—"location" means the approximate location.

Annual Reporting—Silviculture Activity

Agreement holders and timber sales managers, for areas where they are required to establish a free growing stand, must submit annual reports to the district manager on silviculture activities in the previous year (by June 1 of each year):

FPPR
S. 86

- pertinent information on the seed used to grow seedlings planted in the cut block;
- an update of the forest cover inventory for areas where:
 - the requirements for the regeneration date have been met,
 - the requirements for the regeneration date have not been met but the regeneration date has passed, and
 - a free growing stand has been declared or the free growing date has passed without a declaration of free growing; and
- if the holder carries out a silviculture treatment in the reporting period, a summary of the treatments that were carried out.

Silviculture treatment reporting will not be block by block but will be in an annual summary by licence by district. This is a major change for licensees. It is also important



12. Compliance & Enforcement

for the agreement holder to keep silviculture treatment records after a declaration of free growing has been made. **Timber sales managers must keep silviculture treatment records until the stand is free growing.**

Disclaimer and Limitation of Liabilities

This information is provided as a public service by the Government of BC. None of the information in this Guide constitutes legal advice. Persons requiring interpretation of legislation should seek independent legal advice.

Under no circumstances will the Government of BC be liable to any person or business entity for any direct, indirect, special, incidental, consequential, or other damages based on any use of this Guide.







Appendices:

A. Resource Professional Acts

B. Summary of FRPA Regulations

C. Forestry Acronyms

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Appendix A: Selected Sections from the Resource Professionals Acts Describing Professional Practice

Each of the Resource Professionals Acts includes a section(s), describing the practice and a section(s) sometimes referred to as exclusion clauses that are intended to clarify the application and acknowledge the overlap between professions.

The Practice of Agrology

The *Agrologists Act* defines agrology, establishes the British Columbia Institute of Agrologists as a professional regulatory body, and reserves the title “agrologist” to members of the institute. The *Act* defines agrology as follows:

“agrology” means using agricultural and natural sciences and agricultural and resource economics, including collecting or analyzing data or carrying out research or assessments, to design, evaluate, advise on, direct or otherwise provide professional support to

the cultivation, production, improvement, processing or marketing of aquatic or terrestrial plants or animals, or

the classification, management, use, conservation, protection, restoration, reclamation or enhancement of aquatic or terrestrial ecosystems that are affected by, sustain or have the potential to sustain the cultivation or production of aquatic or terrestrial plants or animals.

Application

The *Act*, other than sections 17, 32 and 33, does not apply to a person who is not an agrologist, an articling agrologist, another member of the institute or an applicant.

A provision in another enactment that restricts the practice of another profession or occupation to members of a professional or occupational body does not restrict the capacity of a person to practice agrology under this *Act* and the bylaws.

The Practice of Applied Biology

The *College of Applied Biology Act* defines the terms “applied biological sciences” and “applied biology”, establishes the College of Applied Biology as a professional regulatory body, and reserves the titles Professional Biologist and Registered Professional Biologist, Applied Biology Technician and Registered Biology Technologist to members of the College. The *Act* defines applied biological sciences and applied biology as follows:

“applied biological sciences” means a biological science, including botany, zoology, ecology, biochemistry and microbiology, if the biological science is applied to the management, use, conservation, protection, restoration, or enhancement of



Appendix A: Summary of Resource Professional Acts

- aquatic or terrestrial ecosystems, or
- biological resources within these ecosystems.

“applied biology” means the application of the applied biological sciences, including collecting or analyzing inventories or other data or carrying out of research or assessments, to design, evaluate, advise on, direct or otherwise provide professional or technical support to projects, works, undertakings or field practices on public or private lands, but does not include

- pure scientific research, or
- teaching.

Application

The Act, other than sections 12, 35 and 36, does not apply to a person who is not a practicing member, trainee, member of the college or an applicant.

A provision in another enactment that restricts the practice of another profession or occupation to members of a professional or occupational body does not restrict the capacity of a person to practice applied biology under this *Act* and the rules.

The Practice of Professional Engineering

The *Engineers and Geoscientists Act* defines the terms “practice of professional engineering” and “practice of professional geoscience,” establishes the Association of Professional Engineers and Geoscientists of BC as a professional regulatory body, reserves the titles Professional Engineer and Professional Geoscientist to members of the association, and reserves the right to practice engineering and geoscience (as defined and limited in the act) to members of the association. The practices of professional engineering and geoscience are defined as follows:

“practice of professional engineering” means the carrying on of chemical, civil, electrical, forest, geological, mechanical, metallurgical, mining or structural engineering and other disciplines of engineering that may be designated by the Council and for which university engineering programs have been accredited by the Canadian Engineering Accreditation Board or by a body which, in the opinion of the Council, is its equivalent, including the reporting on, designing, or directing the construction of any works that require for their design, or the supervision of their construction, or the supervision of their maintenance, such experience and technical knowledge as are required by or under the *Act* for the admission by examination to membership in the association, and, without restricting the generality of the foregoing, shall include reporting on, designing or directing the construction of public utilities, industrial works, railways, bridges, highways, canals, harbor works, river improvements, lighthouses, wet docks, dry docks, floating docks, launch ways, marine ways, steam engines, turbines, pumps, internal combustion engines, airships and airplanes, electrical machinery and apparatus, chemical operations, machinery, and works for the development, transmission or application of power, light and heat, grain elevators, municipal works, irrigation works, sewage disposal works, drainage works, incinerators, hydraulic works, and all other engineering works, and all buildings necessary to the proper housing, installation and operation of engineering works embraced in this paragraph; but the performance as a contractor of



Appendix A: Summary of Resource Professional Acts

work designed by a professional engineer, the supervision of construction work as a foreman or superintendent or as an inspector, or as a roadmaster, trackmaster, bridge or building master, or superintendent of maintenance, should not be deemed to be the practice of professional engineering within the meaning of the Act.

“practice of professional geoscience” means reporting, advising, acquiring, processing, evaluating, interpreting, surveying, sampling or examining related to any activity that

- is directed towards the discovery or development of oil, natural gas, coal, metallic or non-metallic minerals, precious stones, other natural resources or water, or the investigation of surface or sub-surface geological conditions, and
- requires the professional application of the principles of geology, geophysics or geochemistry.

Exemptions

Nothing in the *Act* prevents a person registered as an architect under any *Act* relating to the practice of architecture from practicing the profession of architecture or requires him or her to be registered under this *Act* if his or her profession is confirmed to be architecture.

Nothing in this *Act* applies to a British Columbia or Canada land surveyor practicing his or her profession, except that the land surveyor must not style himself or herself or hold himself or herself out as a professional engineer unless the land surveyor is registered or licensed under this *Act*.

This *Act* does not apply to a professional forester as defined in the *Foresters Act* as long as the professional forester does not hold himself or herself out as a professional engineer or professional geoscientist.

This *Act* does not apply to a member of Her Majesty’s Canadian Forces while actually employed on duty.

This *Act* does not affect the rights, powers or privileges of a person under the *Power Engineers and Boiler and Pressure Vessel Safety Act* or the *Mines Act* or under a registration, license or certificate under those Acts.

Nothing in this *Act* prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of “practice of professional engineering” in section 1(1) if a professional engineer directly supervises and assumes full responsibility for the service or work.

Nothing in this *Act* prevents a person from assisting in the performance of any professional service or work of the kind described in the definition of “practice of professional geoscience” in section 1(1) if a professional geoscientist directly supervises and assumes full responsibility for the service or work.

Work as a contractor of work designed by a professional engineer or professional geoscientist or as a foreperson, superintendent or inspector supervising construction or as a superintendent of maintenance is not deemed to be the practice of professional engineering or the practice of professional geoscience.



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This *Act* does not apply to prevent persons from acquiring mineral titles or from performing work on mineral titles required under the *Mines Act* or the *Mineral Tenure Act* to maintain those titles in good standing as long as they do not hold themselves out as professional engineers or professional geoscientists.

The Practice of Professional Forestry

The *Foresters Act* defines the term “practice of professional forestry,” establishes the Association of British Columbia Forest Professionals” (renamed from the Association of British Columbia Professional Foresters) as a professional regulatory body, reserves the titles Registered Professional Forester and Registered Forest Technologist to members of the association, and reserves the right to practice professional forestry (as defined and limited in the act) to members of the association. The practice of professional forestry is defined as follows:

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

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



Appendix A: Summary of Resource Professional Acts

Application

Nothing in the Act, the bylaws or the resolutions prohibits a person from practicing a profession or an occupation in accordance with an enactment that governs the practice of the profession or occupation.

The *Act* does not apply to a member of Her Majesty's armed forces while actually employed on duty.

The *Act* does not apply to restrict a person from:

- appraising or valuing forest land or from quantity surveying on forest land if the appraisal, valuation or quantity survey has been designed by;
 - a registered member; or
 - a special permit holder acting in accordance with the special permit; or
 - engaging in the practice of professional forestry if the person does it under the supervision of
 - a registered member; or
 - a special permit holder acting in accordance with the special permit.
- this *Act* does not apply to persons in an occupational group while those persons are exempted by a resolution made in accordance with section 11 (2).



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Appendix B: Summary of *FRPA* Regulations

1. Government Actions Regulation
2. Forest Planning and Practices Regulation
3. Woodlot Licence Planning and Practices Regulation
4. Range Planning and Practices Regulation
5. Invasive Plants Regulation
6. Forest Recreation Regulation
7. Forest Practices Board Regulation
8. Security for Forest and Range Practices Liabilities
9. Administrative Remedies Regulation
10. Administrative Review and Appeal Procedure Regulation

Regulations carried forward from the FPC include:

1. Forest Service Road Use Regulation
2. TFL 49 Pilot Project Regulation
3. Fort St. John Pilot Project Regulation
4. Stillwater Pilot Project Regulation



Appendix B: Summary of *FRPA* Regulations

Government Actions Regulation

Intent:

The Government Actions Regulation provides the criteria and processes for the creation of localized areas that require special management of certain forest values. These values include wildlife, fish, water quality, visual quality, stream and lake sides, and recreation. The regulation also provides for the creation of objectives for managing these areas.

The actions covered by the regulation are carried out by either the Minister **responsible for the *Forest Act* (i.e., MOF)**, the Minister **responsible for the *Land Act* (i.e., MSRM)**, or the Minister **responsible for the *Wildlife Act* (i.e., WLAP)**, as appropriate for the specific value. In taking actions under this regulation, the Ministers must consider the consistency with other actions, the impact on timber supply, and the impact on tenure holders. The actions taken under this regulation will apply to forest tenure holders, including woodlot licence holders, and to range tenure holders.

Major content elements:

The actions government may take under this regulation are the designation, establishment, identification, categorization or specification of:

- wildlife habitat areas or ungulate winter ranges and their objectives;
- fisheries sensitive watersheds and their objectives;
- lakeshore management zones and their objectives;
- scenic areas and their visual quality objectives;
- community watersheds and their water quality objectives;
- temperature sensitive streams and their objectives;
- interpretive forest sites, recreation sites or recreation trails and their objectives;
- L1 lakes;
- riparian reserve zones and riparian management zones;
- resource features;
- wildlife habitat features;
- general wildlife measures;
- species at risk;
- regionally important wildlife; and
- specified ungulate species.

GAR also continues specified items from the FPC into *FRPA*:

- **existing community watersheds;**
- **existing visual quality classes—continued as a visual quality objective; 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 Service Road Use Regulation; Operational and Site Planning Regulation; Timber



Appendix B: Summary of *FRPA* Regulations

Harvesting and Silviculture Practices Regulation; Tree, Cone, Seed and Vegetative Material Regulation.

The planning flexibility provided by the Bark Beetle Regulation has been largely duplicated in the *Forest and Range Practice Act*.

The major technical specifications in the Forest Road Regulation and the Forest Service Road Use Regulation have been simplified and stated as results-based requirements in the Forest Planning and Practices Regulation.

Many of the very detailed and prescriptive planning requirements in the Operational and Site Planning Regulation have been replaced with a more streamlined approach. For example the content requirements for a forest stewardship plan now cover four pages instead of over 10 pages previously.

Similarly, the prescriptive practice requirements in the Timber Harvesting and Silviculture Practices Regulation are now stated as required outcomes in the new regulation. For the most part, there will be no significant change in field practices.

The Tree, Cone, Seed and Vegetative Material Regulation has been replaced with Chief Forester's Standards.

Woodlot Licence Planning and Practices Regulation

Intent:

The Woodlot Licence 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 woodlot licences.

Major content elements:

- Objectives set by government for soils, timber, wildlife, water, fish, biodiversity, and cultural heritage resources.
- Requires woodlot licence plans to map and/or provide a description of where harvesting will be avoided or modified to protect resource features, address the interests of private property owners or aboriginal peoples and to manage resource values, in the course of conducting primary forest practices.
- Establishes requirements for public review and comment on proposed woodlot licence plans, and for addressing those comments.
- Sets out considerations for government's review and approval of woodlot licence plans, and amendments to those plans.
- Establishes default performance requirements for soil disturbance, the extent of permanent access structures (primarily roads), stocking standards, management of streamside (riparian) areas, watersheds and retention of wildlife trees. These default requirements may be replaced by alternative performance requirements approved in a woodlot licence plan. The regulation also lists various factors that may be used to assist in the development and approval of alternative performance requirements.



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- Establishes mandatory performance 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 performance requirements cannot be changed through the WLP, but exemptions (with conditions) may be granted.
- 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.

Comparison to Forest Practices Code regulation:

The Woodlot Licence Planning and Practices Regulation replaces the Woodlot Licence Forest Management Regulation. It is less prescriptive and provides additional “freedom to manage” while achieving the objectives set by government. It is a considerably shorter regulation (approximately 50 pages vs. 100 pages).

Range Planning and Practices Regulation

Intent:

The Range Planning and Practices Regulation sets out the government’s objectives for managing range and forage values, and establishes the detailed planning and practice standards that must be met by holders of *Range Act* agreements or those carrying out range practices and constructing developments. These provisions regulate livestock grazing, hay cutting and construction of range developments on Crown range in British Columbia.

Major content elements:

- Objectives set by government for soils, forage and plant communities, water, fish, wildlife, and biodiversity.
- Specifies content requirements for range use plans and range stewardship plans.
- Requires range use plans and range stewardship plans to be consistent with established objectives and to specify measures to prevent the introduction and spread of invasive plant species.
- Establishes requirements for public review and comment on proposed range use plans, range stewardship plans, plan amendments and range development proposals, and for addressing those comments.



Appendix B: Summary of *FRPA* Regulations

- Establishes practice requirements for maintenance of range developments, range forage readiness, forage utilization, riparian areas, upland areas, identified wildlife, and the protection of fish, water quality, tree seedlings, wildlife habitat and resource features. Range stewardship plan holders have the option of proposing alternatives to these practices as long as the proposed alternative will achieve the same intent.
- Specifies requirements for monitoring and annual reporting to government.

Comparison to Forest Practices Code regulations:

- The Range Planning and Practices Regulation replaces the Range Practices Regulation and the range component of the Operational and Site Planning Regulation.
- The Ministry of Forests will no longer prepare range use plans or plan amendments; this is now the sole responsibility of range agreement holders.
- Agreement holders qualifying for range stewardship plans have the opportunity to propose and implement innovative range management techniques.
- Public review and comment on range plans, plan amendments and development proposals is no longer mandatory, but is at the discretion of the Minister.

Invasive Plants Regulation

Intent:

The *Forest and Range Practices Act* allows plants that may not be listed as noxious under the *Weed Control Act* to be specified as an invasive plant species. The *Weed Control Act* lists plant species that have significant negative impact on agricultural values, but does not list some plant species that have important ecological implications on Crown forest and range. This regulation allows the Minister of Forests to proactively deal with new invasive plant species as they become an issue.

Major content elements:

The regulation lists 42 species of invasive plants.

Comparison to Forest Practices Code regulation:

This is a new regulation. The Forest Practices Code allowed a district manager to require actions to deal with noxious weeds but did not include a list of the appropriate plants to consider. This regulation provides that list.



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Forest Recreation Regulation

Intent:

The Forest Recreation Regulation sets out the government's procedures for establishing recreation orders to restrict or regulate public recreation use on Crown land to protect range or recreation resources or manage conflicting recreation uses. It also identifies the rules that an applicant must follow when submitting a proposal to construct, rehabilitate or maintain a trail or recreation facility for public use. Lastly the regulation establishes the rules for the use of recreation sites, recreation trails and interpretive forest sites.

Major content elements:

- Identifies public notification requirements when establishing recreation orders that restrict or regulate public recreation use on Crown land.
- Lists the activities associated with trail or recreation facility construction, rehabilitation or maintenance that do not require the consent of government.
- Sets out the criteria for submitting a proposal to construct, rehabilitate or maintain a trail or recreation facility and the approval tests that a proposal must meet.
- The proposal must not cause:
 - significant risk to public safety;
 - unacceptable damage to the environment; or
 - unacceptable conflicts with other resource values or users.
- Specifies the rules concerning the use of recreation sites, trails and interpretive forest sites including:
 - operation of vehicles and equipment;
 - discharge of holding tanks and refuse;
 - use of traps and fire arms;
 - control of pets;
 - duration of stay;
 - cutting and use of firewood;
 - erecting structures; and
 - respect for other persons and their property.
- Establishes the formula for setting fees at recreation sites and trails.
- Sets out the authority for enforcement officials to order persons contravening the rules at a recreation site or trail to vacate.

Comparison to Forest Practices Code regulation:

The Forest Recreation Regulation has migrated to the *FRPA* with the following revisions:

- editorial changes to match *Forest and Range Practices Act* sections;



Appendix B: Summary of *FRPA* Regulations

- replaces references to district and regional managers with minister, consistent with delegated decision-making process under the *Forest and Range Practices Act*;
- places the onus on an applicant to demonstrate that their trail or recreation facility proposal meets the approval tests;
- removes references to wilderness areas as this designation is no longer used.

Forest Practices Board Regulation

Intent:

The Forest Practices Board Regulation outlines procedures the Board uses when dealing with audits and complaint investigations. These procedures elaborate on the Board's mandate and authorities set out in the *Forest and Range Practices Act (FRPA)*.

Under the *FRPA*, the Board continues to carry out independent audits and investigations to determine compliance with and the appropriateness of government's enforcement of the *FRPA*. As well, the Board continues to deal with public complaints, make special reports, and have authority to request administrative reviews of certain determinations (with the consent of the licensee) and to appeal those administrative review decisions.

The Forest Practices Board will help maintain high environmental standards by encouraging compliance, and will help enhance public acceptance of forest practices by acting on behalf of the public when auditing and investigating forest practices.

Major content elements:

With respect to audits, the Forest Practices Board Regulation outlines procedures related to audit standards, appointment of auditors, release of final audit reports, and significant breaches.

With respect to complaint investigations, the regulation outlines procedures related to the scope of complaints, the notice of complaint, follow-up to receipt of notices of complaint, and significant breaches.

Comparison to Forest Practices Code regulation:

Under the *FRPA*, the Forest Practices Board Regulation remains largely unchanged, except for two key changes.

First, the annual reporting requirements have been deleted, as they are now covered in the *Budget Transparency and Accountability Act*.

Second, under section 5 (2) of the regulation (per sections 121 and 122 of *FRPA*), the definition of "party" – which lists the parties that may be subject to Board audits or investigations – has been expanded to include three new categories of parties:

- a person responsible for establishing a free-growing stand under section 29 (5);
- a person responsible for maintaining or deactivating a road under section 155 (1) (d); and,



Appendix B: Summary of *FRPA* Regulations

- a person who acted for or at the direction of an agreement holder, in cases where the Board finds the agreement holder was not responsible for a non-compliance because: (a) it exercised due diligence to prevent the non-compliance; (b) it believed in the existence of facts that, if true, would verify its compliance; or (c) its actions were the result of officially induced error.

The intent of adding the first two new categories of party is to enable the Board to audit or investigate all parties having obligations under the *FRPA*, including parties that had FPC free-growing or road maintenance or deactivation obligations transferred to them from agreement holders.

The intent of the third addition is to update the Board's mandate to address the *FRPA*'s expansion of the due diligence defence to administrative remedies. This will allow the Board to:

- identify the party responsible for non-compliance when an agreement holder is found duly diligent;
- hold contractors of agreement holders publicly accountable for their contraventions; and,
- make recommendations to contractors to improve forest practices.

While there are no other significant changes to the Forest Practices Board Regulation, some additional miscellaneous housekeeping changes were made to remedy gaps and inefficiencies in the previous legislation. These minor changes do not affect the overall mandate of the Board.

Security for Forest and Range Practices Liability Regulation

Intent:

The Securities for Forest and Range Practices Liabilities Regulation is intended to provide the opportunity for the minister to require security in the form of a deposit be submitted to cover the costs of the silvicultural liabilities incurred from the exercising of timber harvesting rights associated with non-replaceable forest licences, woodlot licences, and community forest pilot agreements. The regulation also enables security to be required to cover obligations associated with range use plans and range stewardship plans.

Major content elements:

- Option for the minister to require a security in the form of a deposit.
- Types of licenses for which a security may be required.
- The option of a security being required if an obligation has been transferred to a third party as provided in the legislation.
- Provides for the minister to give written notice on details regarding the security, if required, including:
 - when the security must be paid;



Appendix B: Summary of *FRPA* Regulations

- the amount of security that is required; and
 - the form of the security.
- Provisions for the return of the security.
- Provisions for the circumstances around the commitment of an offence if a security is not provided when requested.

Comparison to Forest Practices Code regulation:

- All district and regional manager authorities are now vested in the Minister of Forests.
- References were updated to match the *Forest and Range Practices Act*.
- Provisions were added to require the providing of a security upon the transfer of silviculture obligations to a third party (something that was not possible under the *Forest Practices Code of British Columbia Act*).

Administrative Remedies Regulation

Intent:

The Administrative Remedies Regulation provides monetary penalties for contraventions of all forestry legislation. In the past, monetary penalties have not been available for contraventions of the *Forest Act*, the *Range Act*, or their regulations. Section 71 of the *Forest and Range Practices Act* provides for the levying of monetary penalties for contraventions of virtually all forestry legislation, and this regulation establishes the prescribed maximum amounts for these contraventions.

Maximum penalty amounts are derived using the following criteria:

- For contraventions that have the greatest potential consequences, the maximum penalty is \$100 000. These contraventions include, but are not restricted to damaging the environment, exceeding soil limits.
- For contraventions relating to key values or risks the maximum penalty is \$50 000. These include activities in community watersheds or riparian reserve issues, terrain stability, fish streams, identified wildlife and failure to rehabilitate an area.
- For contraventions that do not cause damage but could significantly increase the risk of damage, the maximum penalty is \$20 000. These include prohibited practices in riparian management areas, wildlife tree retention and rehabilitating landings.
- For contraventions dealing with planning or process, the maximum penalty is \$10 000. Examples of these include not having approved plans in place.
- For contraventions dealing with reporting requirements or the administrative process provisions, the maximum penalty is \$5 000. These include the failure to submit reports, failure to amend plans, not having a site plan or not completing assessments.



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Major content elements

- This regulation clarifies processes for various administrative remedies provided by the legislation.
- This regulation also establishes the prescribed maximum penalties that guide delegated decision-makers in levying monetary penalties, where appropriate.

Comparison to Forest Practices Code regulation:

New penalty provisions are being established for contraventions of the *Forest Act* and *Range Act*, and their regulations. With monetary penalties for all forestry legislation, the Schedule of penalties will be much larger.

The reference to some penalty determinations not being stayed as a result of a request for review or an appeal have been removed as it was not required.

Provision for the issuance of verbal stop work orders has been repealed. Now, only written stop work orders with specific content may be used. As this content is included in the *Forest and Range Practices Act* there is no need to list it in the Regulation.

Provisions for limitation periods have been repealed, as they are now referenced in the *FRPA*.

Administrative Review and Appeal Procedure Regulation

Intent:

The majority of determinations made under forestry legislation are subject to review and appeal provisions under the legislation. The first level for re-visiting a determination is the administrative review, which is conducted by staff internal to government with knowledge of the issue at challenge. If parties are not satisfied with the outcome of the administrative review, there is provision for them to appeal that decision to the Forest Appeals Commission and subsequently to the courts.

This regulation outlines and clarifies the processes around administrative reviews and appeals. With different review and appeal provisions for various legislation, it is necessary to outline the process for each piece of legislation, and this regulation does that.

Major content elements:

- Requirement for notifying parties that their request for review or appeal have been received.
- Establishes minimum content requirements for requests for review or appeal applications.
- Process for dealing with requests for review or appeals that are deficient.
- Prescribed periods for conducting reviews and appeals.



Appendix B: Summary of *FRPA* Regulations

- Process for notifying parties of the outcome of the review or appeal.
- Process for establishing the appeal panel.
- Outlines the content requirement for the annual report to be generated by the FAC.

Comparison to Forest Practices Code regulation:

Given that *FRPA* has different review provisions than either the Forest Practices Code or the *Forest Act* or *Range Act*, there is a need to outline process for the reviews under the *Forest and Range Practices Act*. Unlike reviews under the Forest Practices Code or the *Forest Act* or *Range Act*, the original decision-maker is the one who normally conducts a review of his or her original determination. This review is only conducted on the basis of new evidence arising *that was not available* at the time of the original determination. Under the *Forest and Range Practices Act*, there is provision for the party subject to any determination to forego the administrative review step and to go directly to an appeal to the Forest Appeals Commission, in certain circumstances.

Under *Forest and Range Practices Act*, the ability of the Forest Practices Board to request a review is more limited. The Board can only require a review of certain determinations with the consent of the person who is subject of such determination. However, the Board can still appeal any determination.

Administrative Remedies and Orders Regulation (planned—2005)

Planned amendments to the *FRPA* regulations in 2005 will create an Administrative Remedies and Orders Regulation. This will add content on “orders” formerly in Division 1 of Part 8 of FPPR.





Appendix C. Forestry Acronyms

AIA	Archaeological Impact Assessment
AIS	Archaeological Impact Survey
AOA	Archaeological Overview Assessments
ARR	Administrative Remedies Regulation
C&E	Compliance and Enforcement
CI	Continuous Improvement
CIMS	Compliance Information Management System
DDM	Delegated Decision Maker
DM	District Manager
FAC	Forest Appeals Commission
FDU	Forest Development Unit
FEN	Forest Ecosystem Network
FPC	Forest Practices Code
FPPR	Forest Planning and Practices Regulation
<i>FRPA</i>	<i>Forest and Range Practices Act</i>
FSMT	Field Services Management Team
FSP	Forest Stewardship Plan
GAR	Government Actions Regulation
GWMs	General Wildlife Measures
IWMS	Identified Wildlife Management Strategy
JSC	Joint Steering Committee
LGIC	Lieutenant Governor in Council
LMZ	Lakeshore Management Zone
LPC	Legislative Policy Committee
MOF	Ministry of Forests
MITD	Minimum Inter-Tree Distance
MSRM	Ministry of Sustainable Resource Management



Appendix C: Forestry Acronyms

NAR	Net Area to be Reforested
ODMT	Operations Division Management Team
OGMA	Old Growth Management Area
OSBG	Objectives Set By Government
PAC	Practices Advisory Council
PAS	Permanent Access Structure
PAS	Protected Area Strategy
RBC	Results Based Code
RLAD	Road Layout and Design
RPPR	Range Planning and Practices Regulation
RMA	Riparian Management Area
RMZ	Riparian Management Zone
RMT	Regional Management Team
RRZ	Riparian Resource Zone
SDM	Statutory Decision Maker
TAS	Temporary Access Structures
TSFA	Terrain Stability Field Assessment
TTAM	Timber Tenures Administration Manual
UWR	Ungulate Winter Range
VQO	Visual Quality Objectives
WHA	Wildlife Habitat Area
WLAP	[Ministry of] Water, Land and Air Protection
WLP	Woodlot Licence Plan
WLPPR	Woodlot Licence Planning and Practices Regulation
WTP	Wildlife Tree Patch
WTR	Wildlife Tree Retention

