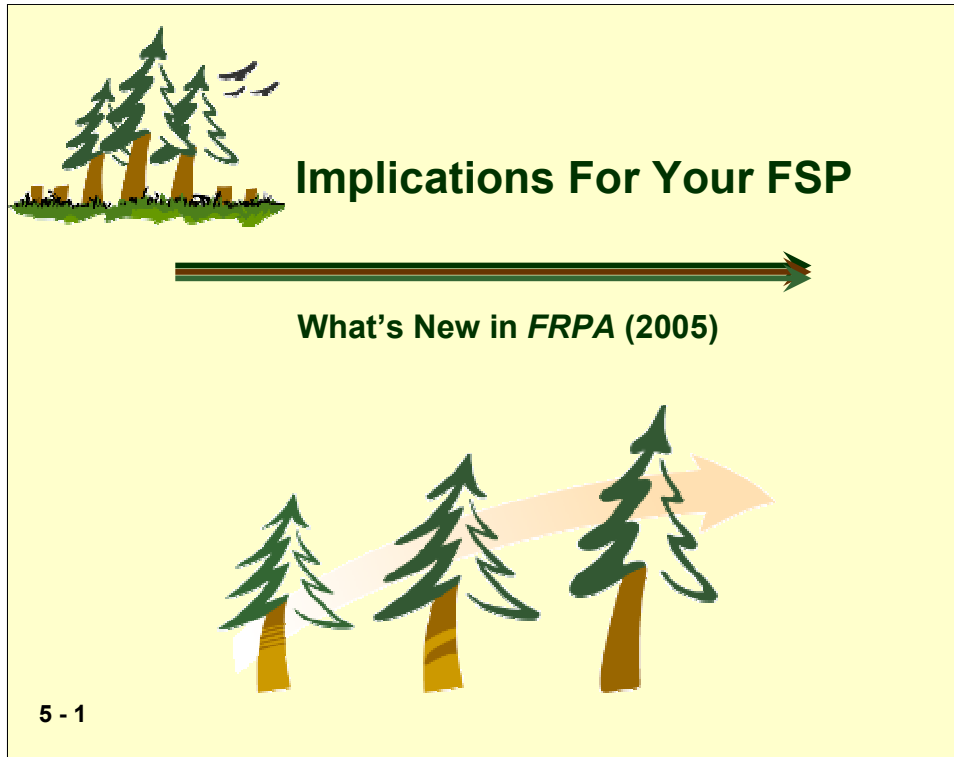




In this topic, I will explain the implications the changes to *FRPA* and regulations have on the development of FSPs

- This topic explains the implications of the major changes in *FRPA*. It does not explain the implication of all changes. Participants should refer to the *FRPA* Training Companion Guide for more details and/or seek legal advice for a complete and thorough understanding of the changes and their implications
- Please hold your questions until the end of the topic(s) in order to ensure we can cover all the material

NOTE TO PRESENTER(S):

- Refrain from quoting section numbers of the *FRPA* and regulations unless asked by participants. The section numbers have been included in the speaking notes for your benefit should you wish to read the legislation corresponding to the overhead.



Introduction

- **Results, strategies and consistency requirements**
- **Professional reliance and certification**
- **Planning protection and mandatory amendments**
- **Other changes impacting FSPs**
- **Lessons learned**

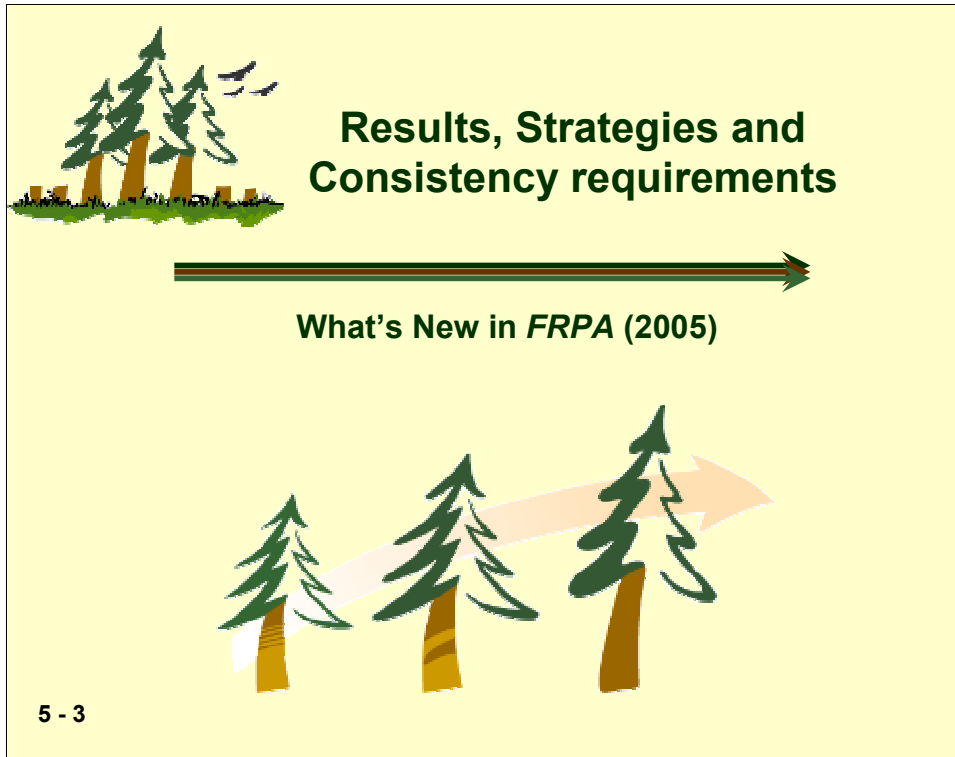
Implications For Your FSP



5 - 2

In this topic, we will cover the implications that the changes to *FRPA* and regulations have on the development of FSPs. This includes:

- Results, strategies and consistency requirements,
- certification by professionals and the larger role of professional reliance under *FRPA*,
- Provisions for planning protection and mandatory amendments,
- Other changes impacting FSPs such as the Public review and comment provisions, and
- lessons learned by our industry partners over the last year of implementing *FRPA*—specifically developing the initial FSPs



First, I will cover the changes regarding results, strategies and the requirements for consistency with objectives established by government.



Results and Strategies

- Structure in FPPR changed
 - Policy same—choose to comply with “default” practice requirements in FPPR or propose alternative results and/or strategies
- FSP must clearly distinguish between “defaults” and alternatives
 - Must state in FSP which “default” practice requirements you intend to follow

Implications For Your FSP



5 - 4

The criteria and process for creating alternative results and/or strategies in an FSP have been clarified.

- The policy is the same but the table in section 13 has been repealed and replaced with sections 12.1 through 12.5.

The FSP must clearly state and distinguish between the “defaults” and the alternatives to the “defaults” that the agreement holder does not commit to following

- If the plan holder intends to use the “default” practice requirements, they must state in the FSP that the plan holder will “undertake” to comply with specific set of practice requirements (section 12.1 of FPPR).
- This is a change from the previous FPPR which stated that if you didn’t propose an alternative, you must follow the “default” practice requirements in FPPR. The FSP must now specify that you intend to comply with specific “defaults”



“Default” Practice Requirements

Objective in FPPR	Defaults
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

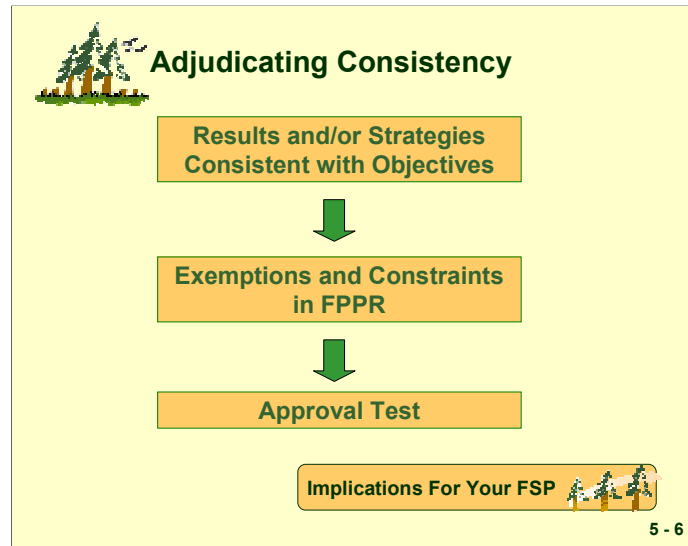
Implications For Your FSP



5 - 5

The “default” practice requirements in FPPR for which you can propose alternatives are shown in this table. This information is contained in section 12.1 of FPPR

- The default practice requirements in section 12.1 state, for example....If you follow the practice requirements in sections 35 and 36, you do not need to prepare a result and/or strategy for the objective in FPPR for soil.
- As discussed on the previous slide, the FSP must clearly identify which “defaults” a plan holder intends to comply with. For example, if the plan holder intends to use the “defaults” for the soils objective, they would state in the FSP something like “the plan holder will comply with sections 35 and 36 of FPPR”
- NOTE: the “default” practice requirements are those that you can prepare an alternative for in the FSP. There are other practice requirements that cannot be varied in a FSP (e.g., fish passage requirements of section 56 of FPPR that cannot be varied by a result or strategy in a FSP).



Enhancements to the FPPR have been made to help with adjudicating whether results and/or strategies are consistent with objectives. The adjudication of the consistency test involves the following:

1. Results and/or strategies must be consistent with government objectives (s. 5(1.1) of *FRPA*). In addition, every result and/or strategy must first meet the definition(s) in FPPR, that is, be measurable or verifiable and include the circumstances where they apply.
2. There are exemptions and constraints in the FPPR to the requirements that results and/or strategies be consistent with government objectives (s. 12, 25, 25.1 of FPPR)
 - 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 to:
 - Resolve any conflicts that may exist with legacy objectives (e.g., overlapping, inconsistent, duplicate)—amongst themselves and/or with new objectives in *FRPA*
 - Enable practicability to address local conditions and circumstances
3. The minister must approve a FSP, or amendment to FSP, if it conforms to the content requirements of the *FRPA*—which includes the approval test that results and/or strategies be consistent with government objectives (s. 16(1) of *FRPA*)

NOTE TO PRESENTER:

- The Administrative Guide for FSPs contains more information on exemptions and constraints if participants wish to pursue this area further



Adjudicating Consistency Flexibility

- Results and/or strategies must be consistent to the extent practicable (s. 25.1(1) of FPPR)
- Result / strategy consistent if restate steps in objective along with circumstances when achieved (s. 25.1(2) FPPR)

Implications For Your FSP



5 - 7

NOTE TO PRESENTER: this overhead has changed from the participant's materials. The title was changed. The sequence for displaying this slide was switched with the next slide (slides 5-7 and 5-8 switched). The order of the points displayed has reversed. The section number for the second bullet was changed from 25.1(1) to 25.1(2).

New flexibilities in developing results and/or strategies consistent with government objectives include the following:

- Results and/or strategies must be consistent with government objectives to the extent practicable given local circumstances and conditions (s. 25.1(1) of FPPR). If not practicable to prepare results/strategies, then go back to s. 12(7) of FPPR for an exemption.
- A result and/or strategy is considered consistent with the objective if it re-states the measurable or verifiable steps, if any, in the objective. The plan preparer must include the circumstances where the result and/or strategy will be achieved (s. 25.1(2) of FPPR)



Adjudicating Consistency Exemptions

- May exempt from all but one objective if multiple yet similar objectives apply to area (s. 12(5) FPPR)
- Must exempt from specifying result / strategy if not practicable for area (s. 12(7) FPPR)
- Must exempt from practice requirement if conflicts with objective(s) in approved FSP (s. 92.1 FPPR)

Implications For Your FSP



5 - 8

NOTE TO PRESENTER: this overhead has changed from the participant's material. The sequence for displaying this slide was switched with the previous slide (slides 5-7 and 5-8 switched). The last bullet was modified to replace "results/strategies" with "objectives".

New exemptions for when results or strategies may not be required include the following.

The Minister of Forests:

- 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 (s. 12(7) of FPPR). Section 25.1(1) of FPPR should be looked at first to determine if practicable to develop results/strategies—if not, grant an exemption under s. 12(7) of FPPR).
- may grant an exemption from results or strategies for all but one established objectives if two or more established objectives apply to the same area and refer to similar subject matter (s. 12(5),(6) of FPPR)
- must exempt the plan holder from a practice requirement if it conflicts with an objective used to develop results or strategies in an approved FSP (s. 92.1 of FPPR)
 - If an exemption is in regard to the wildlife provisions, conditions may be attached
 - The exemption does not affect those areas that have full protection



Adjudicating Consistency Exemption (cont.)

- MSRM may exempt result / strategy having to be consistent with land use objective established before January 31, 2004 (s. 25(2) FPPR)
 - if material adverse impact on the delivered wood costs of an agreement holder and
 - if constraints on ability to exercise timber harvesting rights
 - outweigh benefits to public
- MOF must consider the exemption when approving a FSP (s. 25(3) FPPR)

Implications For Your FSP



5 - 9

NOTE TO PRESENTER: this overhead has changed from the participant's materials. The words "relieve" and "relief" in the first and last bullets were changed to "exempt" and "exemption". The phrase "established before January 31, 2004" was added to the first bullet.

The Minister of MSRM:

- Upon application by the plan preparer, the Minister of MSRM may exempt a plan preparer from having to provide a result and/or strategy consistent with a land use objective. The result or strategy is still required, but may not need to be consistent with the objective. This provision applies to land use objectives established before January 31, 2004 under section 3 or 4 of the FPC (legacy objectives)—s. 25(2) of FPPR). NOTE: plan preparers should start this process during the plan preparation stage rather than when the plan is submitted to the MOF for the approval process. The intent is to address some of the legacy objectives in older LRMPs that may be difficult to prepare results/strategies for.
- The test for granting the exemption is that requiring consistency would:
 - Have a material adverse impact to the delivered wood costs of the holder of an agreement under the *Forest Act* and
 - Would unduly constrain the agreement holders' ability to exercise timber harvesting rights, and
 - That those impacts and constraints outweigh the benefits to the public that would be achieved by requiring the result or strategy to be consistent with the objective
- The Minister of Forests must consider any exemption granted by MSRM for the land use objective under section 25(2) of FPPR when approving the FSP or amendment (s. 25(3) of FPPR).



Introduce the Professional Reliance and “Certification” provisions under *FRPA*



Professional Reliance Concept

- Professionals are regulated through the legislation governing professional bodies
- *FRPA* does not regulate the relationship between employers and resource professionals
- Reliance on the experience, knowledge, judgment and accountability of professionals can make forest and range management more effective and efficient

Implications For Your FSP



5 - 11



Professional Reliance Concept (cont.)

- Employers are motivated by due diligence to rely on professionals
- *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 hold their members accountable for matters of conduct and competence
- Professionals are regulated by their Acts to practice only in those areas they are competent to practice in

Implications For Your FSP



5 - 12



Professional Reliance

- Means relying on appropriate professional to:
 - Act in the interest of the public and environment
 - Apply good judgment in meeting forest and range resource objectives
- Includes
 - Strategic advice for FSP's
 - Advice on assessments
 - Development of results and/or strategies
 - Consistent with objectives
 - Meet goals of *FRPA* (e.g. innovation, flexibility)
 - Implementation of *FRPA* in field:
 - Operational efficiencies

Implications For Your FSP



5 - 13

- The implementation of *FRPA* is predicated on the use of the appropriate professionals in applying their professional judgment in a variety of ways:
 - Providing strategic advice on FSPs including when to transition to a FSPs and the identification and development of forest development units
 - identifying and conducting assessments—requirements for assessments are no longer in legislation. Professionals will assist licensees by advising on assessments that should be carried out—including where and how these assessments should be done
 - developing and gathering support for results and/or strategies that meet the approval test (e.g., consistent with government objectives) that also meet the goals of *FRPA* such as costs savings, flexibility and innovation
 - providing advice on implementing *FRPA* through approaches that achieve the required results, meet legal requirements while delivering greater operational efficiencies as identified in one of the goals for *FRPA*.



Professional Associations

- Provide tools and information
 - Guidance documents
 - Code of ethics
 - Bylaws and standards of practice
 - Education
 - Practice audits and management procedures
 - Which documents require signing and sealing

Implications For Your FSP



5 - 14

The professional associations support professionals in their roles under *FRPA* through:

- Developing and providing tools and information to members such as:
 - guidance documents for technical items such as drafting results and/or strategies and conducting assessments
 - codes of ethics
 - Providing bylaws and standards of practice on how professionals conduct themselves
 - Providing information and education to members
 - Carrying out practice audits
 - Defining which documents require signing and sealing by professionals
 - Identifies the professional responsible/accountable for the work
 - Confirms the work is done to the standards of their profession

Continued on next slide....



Professional Associations (cont.)

- **Ensuring member's currency**
 - Continuing competence programs
- **Hold professionals accountable**
 - Handle complaints
 - Disciplinary process

Implications For Your FSP



5 - 15

Continued from previous slide....

Professional associations:

- Develop and maintain continuing competency programs to assist professionals maintain their standards of practice
- Hold professionals accountable including handling complaints and following a disciplinary process, if required



Actions of Professionals

- **Fully responsible for their recommendations, reports, decisions, assessment and any other professional activities undertaken**
- **Fully accountable to the public through their professional association**
- **Can delegate the task but not the responsibility/accountability**

Implications For Your FSP



5 - 16



Additions to *FRPA* Regarding Professional Reliance

- **Certifying is but one aspect of Professional Reliance**
- **Ability for professionals to “certify” that certain plan elements meet approval test (s.22.1 FPPR)**

Implications For Your FSP



5 - 17

One recent change in professional reliance as it relates to FSPs involves the provision to “certify” which is but one aspect of professional reliance:

- Resource professionals, if they choose to do so, may now certify that the plan approval tests have been met for a limited number of FSP content elements. These elements are listed in section 22.1 of FPPR.
- The thinking behind the “certify” provisions added to *FRPA* is not new. These concepts were identified several years ago by a joint government, industry and professional association task force.



“Certification” Elements

- FSP mapping elements (e.g. FDUs, reserves, declared areas)
- Results and/or strategies for visual quality objectives
- Measures for invasive plants and natural range barriers will be effective
- Free growing height is appropriate / sufficient

Implications For Your FSP



5 - 18

The elements of a FSP that can be “certified” in *FRPA* include (s. 22.1 of FPPR):

- The FSP mapping elements, such as FDUs, reserve areas, UWRs, WHAs, and declared areas
- That the results and/or strategies for visual quality objectives are consistent with objectives
- That measures for invasive plants and natural range barriers will be effective
- That free growing height is appropriate and sufficient to demonstrate the tree is adapted to the site



Who Can Certify?

- 5 types of professionals are given authority to “certify” content:
 - Professional Agrologists
 - Professional Biologists
 - Professional Engineers
 - Professional Geoscientists
 - Professional Foresters

Implications For Your FSP



5 - 19

NOTE TO PRESENTER: this overhead has changed from the participant’s material. The word “professional” has been added in front of “Agrologists”.

FPPR section 22.1 lists the five types of professionals provided authority to “certify” content:

- Professional Agrologists
- Professional Biologists
- Professional engineers
- Professional geoscientists
- Professional foresters

But, only those professionals who are appropriately registered and have the knowledge and experience in that particular area of practice may certify.



Definition of Certify

- **“Certify” means (paraphrased) to attest by means of a certificate that the professional (s. 1(2) FPPR)**
 - **believes the specified content conforms to *FRPA* sec 5**
 - **took all steps required as a professional, and**
 - **used their own knowledge and/or credible sources**

Implications For Your FSP



5 - 20

“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 FSP or amendment to a FSP conforms to section 5 of the Act in relation to the subject matter described in section 22.1 (2) of this 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.



How do I Certify?

- **Certifying is optional**
 - **Prescribed requirements**
- **Provide “certificate”**

Implications For Your FSP



5 - 21

- Certification is optional.
 - The person preparing the plan must provide the information as per the content requirements for a FSP
 - It is up to the professional to determine if they wish to certify any element that is certifiable
- If the qualified professional chooses to certify an element, they must “attest by means of a certificate” the items we just discussed under the definition of “certify”:
 - The element conforms to section 5 of *FRPA*
 - They took all steps required as a professional and
 - Their opinion is based on their own knowledge and/or information from credible sources
- The professional associations will develop the details around the “certificate”



Implications for Plan Approval

- Minister approves plan
 - “certified” elements conform to content requirements
- Minister can challenge certified elements
 - Amendment may be required
- The plan holder must notify the district manager when certified elements no longer conform to prescribed requirements

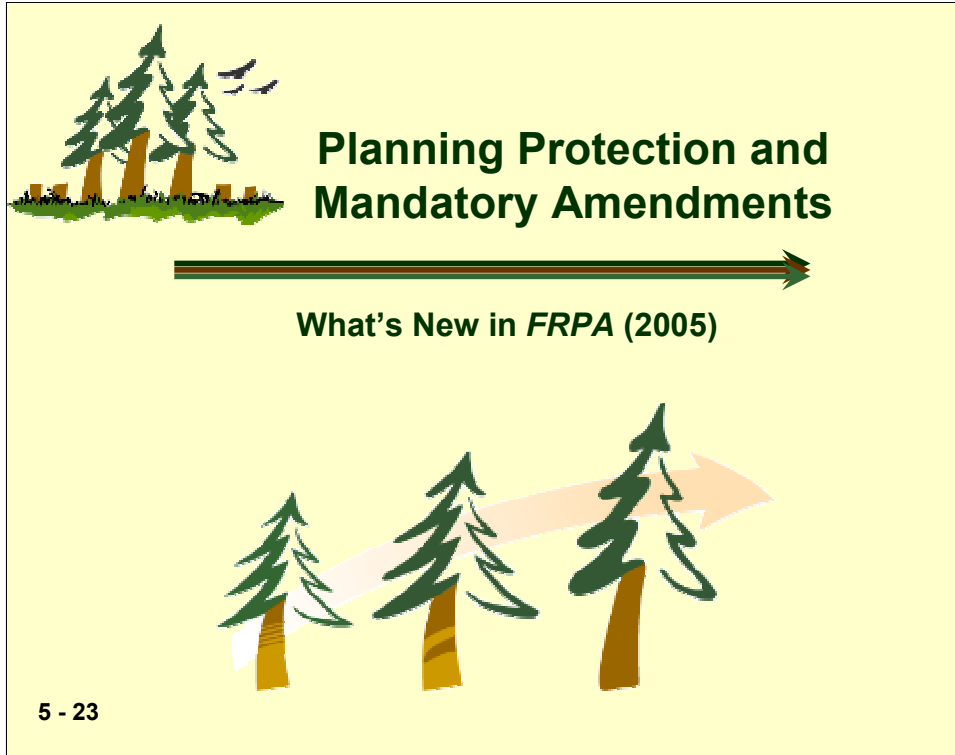
Implications For Your FSP

5 - 22

- Certification does not provide authority for professionals to approve the plan or elements of the plan. The Minister, or DDM, continues to be responsible for approving the entire plan.
 - *FRPA* states that if a qualified professional certifies prescribed subject matter, then the FSP conforms to the content requirements for the item(s) certified
 - It is not expected that DDMs will review the “certified” plan elements in detail.
- The Minister, or DDM may challenge the “certification” if they receive information that gives them reason to believe that the “certified” element does not conform to the content requirements
 - An amendment to the plan may be required
 - The plan holder must be given an opportunity to be heard before making the decision to require an amendment
- The plan holder is required to notify the District Manager and amend the plan if they determine the “certified” elements no longer conform to the prescribed requirements

NOTE to Presenter--OPTIONAL

- Ask participants if any questions on the professional reliance topic (while the professional association speaker has the floor)
- **Some questions that participants might ask based on feedback from other training programs. Presentations may wish to be prepared to answer these questions or know who to contact (e.g., association executive)—don’t answer the question if you are not qualified or do not have a solid answer.**
- What are the implications of professional deference in drafting the plan for items not “certified”? (e.g., what are the limits of professional deference in terms of the plan approval test for items not “certified”? If a professional defers part of a result/strategy to another professional, should it be approved?)
- Are there different tests if “certify”. For example, is the test to “certify” that the FDUs are specified “accurately” the same test as if it wasn’t “certified” (e.g., conforms to the content requirements of section 5 of *FRPA*)? Is this a new test? There is a little information in *FRPA* on this—the tests should be the same logic and wouldn’t differentiate the tests. The professional standards of practice will be the same whether they choose to “certify” or not
- What if the Minister notices the “certified” element doesn’t seem right at the time of plan submission. The Minister can give the licensee an opportunity to consider. The Minister can also challenge the “certified” element once it has been approved.
- Standards of practice—what is it and what role does it play in developing and approving a FSP?



Now we will cover some of the provisions for planning protection for FDUs and mandatory amendments.



Planning Protection Full Protection

Deemed Approval for Parts of Approved FSP

- Timber sale licence or cutting / road permit in effect
 - Declared areas
 - Cutblock or road in approved FDP with assessments complete
-
- Protected from mandatory amendments

Implications For Your FSP



5 - 24

The provisions for planning protection—limited and full protection—have been modified in *FRPA*.

- The intent of these planning protection provisions is to be equivalent to planning protection provisions under the FPC.
- Changes have been recently made to the *FRPA* and FPPR to address some elements that were overlooked in the original legislation (e.g., declared areas, category A cutblocks with assessments completed).

In order to provide licensees with continuity or protection of their earlier work in evaluations and activities, road building and layout, etc. some parts of an approved FSP are not subject to the plan approval test when a subsequent FSP is submitted for approval. Those parts with full protection listed in section 7(1) of *FRPA* are:

- A Timber sale licence or cutting or road permit that is in effect or has a term starting after the date when the FSP is submitted for approval
- Areas identified as a declared area
- A cutblock or road in an approved FDP with the necessary assessments completed as per the Operational and Site Planning Regulation and/or Forest Road Regulation of the FPC (s. 196(1) of *FRPA*)

These items are fully protected at the approval stage as well as protected from any mandatory amendment requirements

Planning Protection - Limited Protection at FSP Approval Stage	
Up To December 31, 2005	January 1, 2006 Onward
<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds Community watershed Catastrophic damage 	<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds Community watershed Catastrophic damage
<ul style="list-style-type: none"> Objective by Order: <ul style="list-style-type: none"> Interpretive forest sites, recreation sites and trails Lakeshore management zones UWR Visual quality 	<div>Implications For Your FSP</div>

5 - 25

NOTE TO PRESENTER—new slides on pages 25-28 replace overheads in participant's package (slides 25-29). Please refer participants to pages 6-24 to 6-27 in the *FRPA* Training Companion Guide.

The Limited Protection concept in *FRPA* is similar to that you're familiar with under the FPC.

- If certain events occur, FDP approved Category A blocks (without assessments) must go back through the plan approval process (1st FSP only). In subsequent FSPs, the limited protection applies to approved FDUs.
- The important change is that the list of items has been expanded & the list changes over time.

The 'ongoing' specified events are:

- New or amended enactment
- An objective set by government is established, varied or canceled
- An objective by order under *FRPA* or the regulation (e.g., GAR) is established, varied or canceled for:
 - Wildlife habitat areas **
 - Water quality **
 - Fisheries sensitive watersheds **
- A community watershed designated in or adjacent to the FDU is added, varied or cancelled by order
- Timber in the vicinity of the FDU has suffered catastrophic damage

Continued on next slide....

Planning Protection - Limited Protection at FSP Approval Stage	
Up To December 31, 2005	January 1, 2006 Onward
<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds Community watershed Catastrophic damage 	<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds Community watershed Catastrophic damage
<ul style="list-style-type: none"> Objective by Order: <ul style="list-style-type: none"> Interpretive forest sites, recreation sites and trails Lakeshore management zones UWR Visual quality 	

Implications For Your FSP

5 - 26

NOTE TO PRESENTER—new slides on pages 25-28 replace overheads in participant's package (slides 25-29)

Continued from previous slide...NOTE: the overhead has not changed. The speaking notes continue from previous page.

Limited planning protection for FDUs (Cat A blocks) can be pulled back for an additional list of events ONLY until December 31, 2005.

- The different dates for these elements reflect that government envisions having these objectives in place by the end of December, 2005.

This limited protection provision is the same for the others just discussed except these events must occur by December 31, 2005. Otherwise they do not apply and the Minister cannot consider the FDU to be inconsistent with the event (s. 7(1.1) of *FRPA*)

Before December 31, 2005, the additional list of events that would cause Category A blocks to be pulled back for re-approval are:

- An objective by order under *FRPA* or the regulation (e.g., GAR) is established, varied or canceled for:
 - Interpretive forest sites, recreation sites and trails
 - Lakeshore management zones
 - Ungulate Winter Range (UWR) or
 - Visual quality

After December 31, 2005, the establishment of objectives for these items do not trigger the limited protection provisions of s. 7 of *FRPA*

Planning protection does not apply (i.e., is "limited") if these events on both slides 25 and 26:

- occurred within the specified period before the plan is submitted
- are applicable to the FDU and
- the Minister considers the FDU to be inconsistent with the event (s. 7(1.1) of *FRPA*)

Mandatory Amendments - Within 2 yrs or longer if specified	
Up To December 31, 2005	January 1, 2006 Onward
<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds 	<ul style="list-style-type: none"> Enactment Objective Set By Government Objective by Order: <ul style="list-style-type: none"> WHA Water quality Fisheries sensitive watersheds
<ul style="list-style-type: none"> Objective by Order: <ul style="list-style-type: none"> Interpretive forest sites, recreation sites and trails Lakeshore management zones UWR Visual quality 	

Community watershed
Catastrophic damage

Implications For Your FSP

5 - 27

NOTE TO PRESENTER—new slides on pages 25-28 replace overheads in participant's package (slides 25-29)

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(1) of *FRPA*)

Similar to the limited protection 'events', we just went thru, there are two lists, one to Dec 31/05 & one ongoing beyond Jan 2006. The only difference between this list & the previous one is that Community Watersheds and catastrophic damage are not on the list (these would just get picked up at plan replacement instead of opening up a plan mid-term).

The 'default' time frame is two years, but the enactment/order can specify a longer period.

- New or amended enactment
- Land use objective established, varied or cancelled
- Objective set by government (in regulation) is established, varied or canceled
- a mandatory amendment must be made to an FSP if an objective established by Order (GAR) is established, varied or canceled, and applicable to the FSP for (s. 23(3) of FPPR):
 - Wildlife habitat areas
 - Water quality
 - Fisheries sensitive watersheds

The additional list UNTIL DECEMBER 31, 2005.....:

- Interpretive forest sites, recreation sites or recreation trails under s. 56(3) of *FRPA*
- Lakeshore management zones
- Ungulate Winter Range (UWR)
- Visual quality



Mandatory Amendments (cont.)

**Mandatory Amendment Within 2 Years.
The Order Can Specify a Different Period
(longer or shorter)**

- Land Use Objective
- Wildlife habitat area

Ref: *FRPA* s. 8(2)

Implications For Your FSP



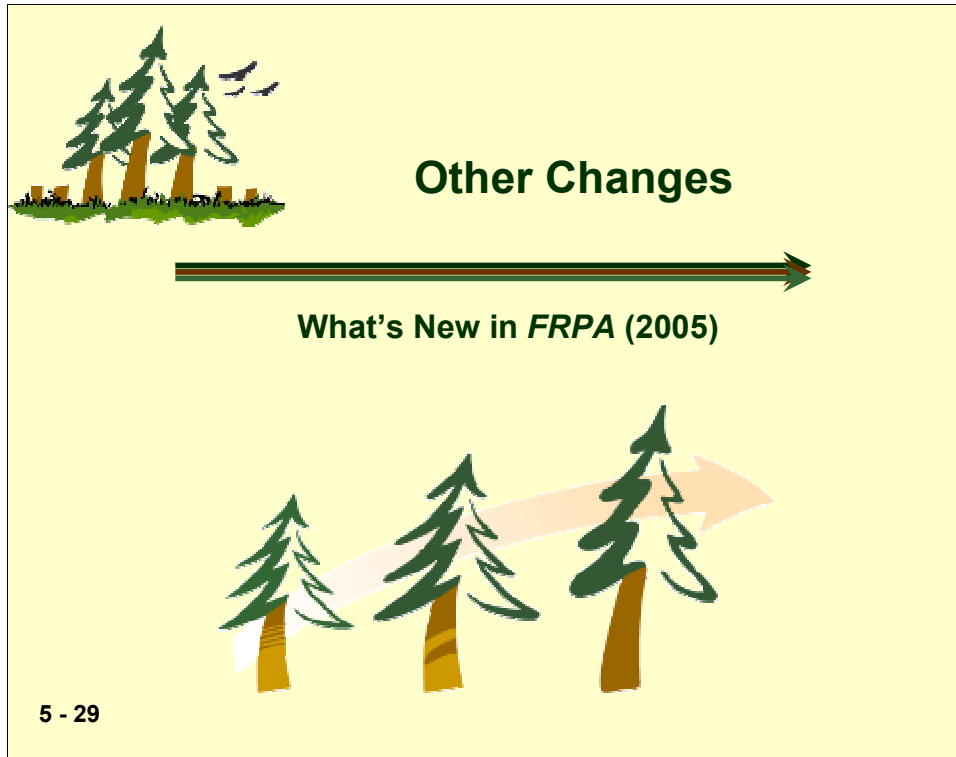
5 - 28

**NOTE TO PRESENTER—new slides on pages 25-28 replace
overheads in participant's package (slides 25-29)**

Continued from previous slide....

Two 'special cases' that apply under s 8(2) of the Act.....

- For Land Use Objectives and objectives for Wildlife Habitat Areas, Section 8(2) of the *FRPA* allows the Order to specify a different period within which you must amend your FSP — either longer or shorter than 2 years.
- For all the other objectives on the previous slide, *FRPA* only allows the order to specify a longer period than 2 years.



Now we will cover some of the other changes impacting the development of FSPs.



Other Changes (cont.)

- **Public review and comment (s. 20 FPPR)**
 - **Those interested in plan can review at licensee office**
 - **Those whose rights may be affected by plan**
 - **provided opportunity to review plan commensurate with rights**

Implications For Your FSP



5 - 30

- Obligations for providing public review and comment opportunities have been clarified by differentiating between:
 - those who are interested in the plan (who can review the plan at the licensee's place of business), and
 - those whose rights may be affected by the plan (by providing an opportunity to review the plan commensurate with the effect on their rights).
 - It will be important to conduct up-front dialogue with the DDM, other licensees and tenure holders regarding who these rights holders are, and what their rights are



Other Changes (cont.)

- Minister may waive review and comment for mandatory amendments (s. 32 FPPR)
- Amendments not requiring approval
 - Take effect on the date a copy is provided to the DM (s. 30 FPPR)
 - Provide opportunity to be heard if should have submitted for approval (s. 31 FPPR)
- Notice not required for amendments to stocking standards (s. 20(5) of FPPR)

Implications For Your FSP



5 - 31

NOTE TO PRESENTER: this overhead has changed from the participant's materials. The word "Provide" was added to the start of the fourth bullet.

Other changes to the FSP amendment requirements include the following:

- the Minister may waive the review and comment obligations for mandatory amendments if not practicable given local conditions (s. 32 of FPPR).
- Amendments not requiring approval
 - An amendment not requiring approval takes effect on the date a copy of it is provided to the District Manager (s. 30 of FPPR)
 - If the Minister determines that an amendment made without approval should have been submitted for approval, he/she must give the holder of the FSP an opportunity to be heard before declaring the amendment is without effect and/or suspending applicable operations (s. 31 of FPPR)
- A person proposing an amendment to the stocking standards is not required to publish a notice in a newspaper (s. 20(5) of FPPR).



Other Changes (cont.)

- **Limited liability for multi-licensee FSPs (s. 106.3 FPPR)**
 - **FPPR limits liability for activities under permits held by another co-holder**

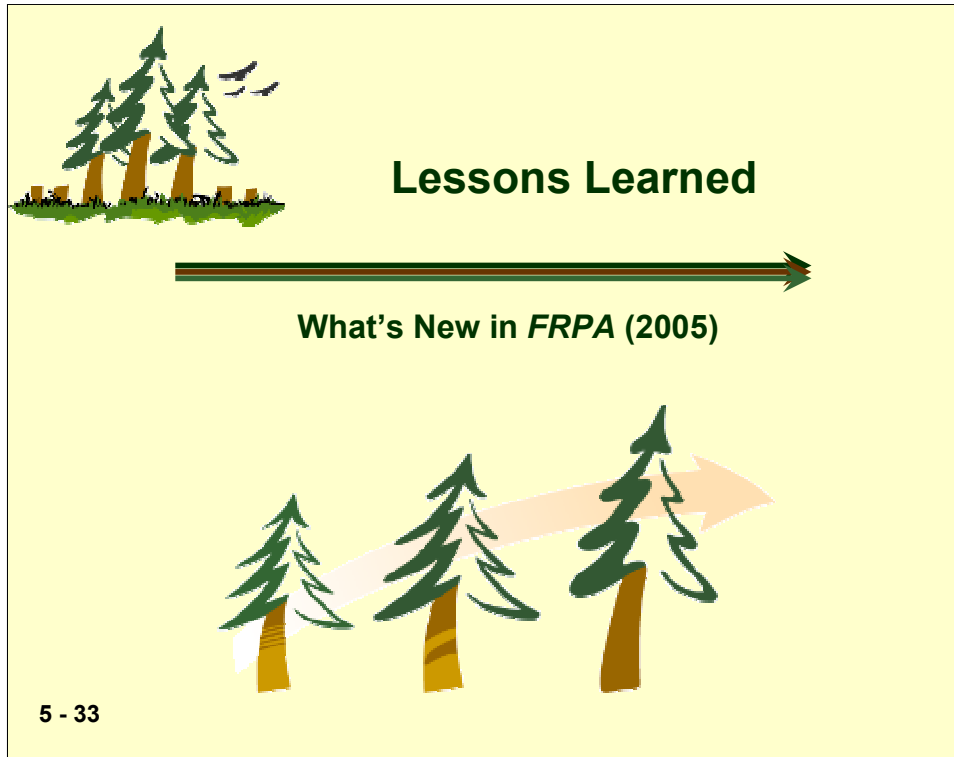
Implications For Your FSP



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A provision to limit the liability of multiple holders of an FSP was incorporated into FPPR (s. 106.3 FPPR):

- If a FSP is held by more than one person, individual plan holders are exempt from the requirement to ensure the results and/or strategies specified in the plan are carried out on areas subject to a cutting permit, road permit or timber sale licence held by another co-holder.
- Previously, plan holders were drafting limited liability clauses into their FSPs and other legal documents to cover this matter. Plan holders do not need to continue this under the new provision in s. 106.3 of FPPR



Over the past year, industry and government have gained experience in developing/reviewing/approving FSPs through both the FSP pilot projects and other FSPs developed under *FRPA*. We will discuss some of these lessons learned.

NOTE to Presenters--THIS IS AN OPTIONAL SECTION (TIME PERMITTING)

You can use this section of the presentation to break up the delivery depending on the agenda and number of participants in session. If time permits, you can open this section up into a audience discussion by:

- Asking participants for their lessons/experiences in developing FSPs
- Open the floor for discussion based on time permitting
- Debrief the discussion using the following slides (for example, "findings and lessons learned from other locations include the following...")



Lessons Learned

- **Approach to alternative results and/or strategies**
 - **Consider how to document**
 - More innovation = more effort to communicate and understand
 - **Develop alternatives for problem areas or areas where you can improve practices/lower costs**
 - **Ensure don't over commit**

Implications For Your FSP



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Feedback from the FSP pilots and initial FSPs prepared/approved regarding approaches to preparing alternative results and/or strategies includes the following:

- Consider how you will document the alternative such that others can review and approve or implement. Documenting your alternative in a supporting document, in a way that makes it easier for others to review and understand, could shorten the approval process and aid the success of your implementation. Not only will government need to understand the alternative, so will your harvesting supervisor and their teams. NOTE: the supporting document should contain background information for a result/strategy. Information contained in the FSP is subject to compliance and enforcement—keep the results/strategies in the plan and the supporting material outside the FSP.
- Look to develop results and/or strategies around areas that have caused you issues in the past under the Code; things that have not worked well or areas that you'd like to improve practices on (e.g., address inefficiencies and/or reduce costs through greater innovation and flexibility). For example, on the coast, getting access to and setting buffers for blowdown in riparian areas is an issue local foresters would like to address. Planning foresters are developing alternative results and/or strategies for their FSP to address this.
- Ensure you don't over commit the licensee/company to something that can't be delivered



The following sources of information and tools were identified in the FSP pilot projects and initial FSPs

- Talk to neighbor/licensee that work around you
 - Ensure you talk to other licensees and agreement holders in the plan area. Work together on the landscape/broad strategies to avoid impacting each other. You don't want to leave this to the DDM to identify during the plan approval process
 - Innovation and cost reduction will come through licensees and professionals working together to capitalize on opportunities to create broader plans and implement more innovative approaches that permit flexibility
- Checklists/peer review of your FSP—use these tools to review your plan for flow, missing content, over commitment in results and/or strategies, etc. before submitting to the MOF. Under professional reliance, you are responsible to ensure your plan is complete and accurate
- Use all the resources you can to develop your plan:
 - Work with other professionals and leverage material in the public domain to identify the issues and ways to address. This isn't fettering your decision as a professional but a resourceful way to develop results and/or strategies.
 - Look for other work done in your area that may be useful in your FSP. Many research projects, including those funded by FIA, contain useful information for your consideration
 - Utilize specialists—some aspects of the FSP are very specialized with skills most licensees will not have in-house (for example, dealing with cultural heritage resources or marbled murrelet). Planners should work with input from specialists to ensure these areas are addressed in the plan

Don't forget about practice requirements that must be met on the ground. You don't need to cover these in your plan but your operational teams will need to meet.



Lessons Learned (cont.)

- **Consider Multi licensee FSP**
 - Constraints on resources
 - Many licensees in same area without defined boundaries
- **Consider single licensee FSP**
 - Only operator in TSA

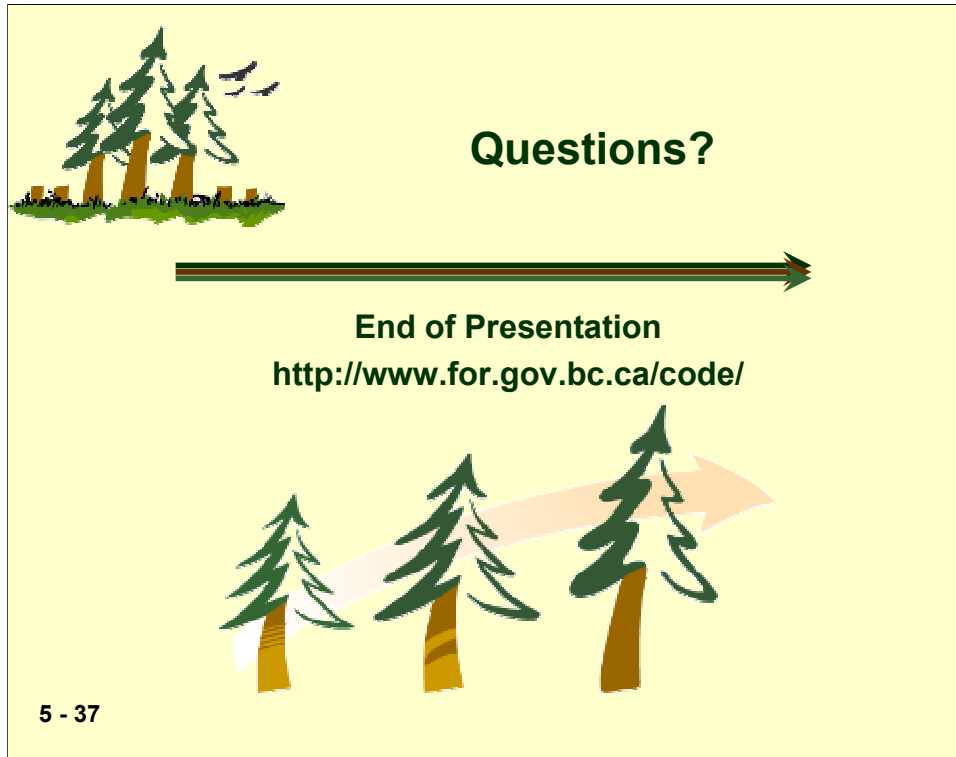
Implications For Your FSP



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Additional feedback on when to consider a multi-licensee FSP that may extend beyond district boundaries:

- A multi-licensee FSP may be appropriate if:
 - A licensee has limited resources
 - Many licensees are operating in the same area without defined boundaries and will want to avoid tripping over each other (for example licensees sharing the landscape). There may be other efficiencies in plan development such as licensees working together to create core plan content and then turning it into separate FSPs (i.e., not multi-licensee but sharing some of the development process).
- A licensee may want to submit their own FSP if they are the only operator in the TSA



Questions?

NOTE to presenter:

- Introduce the last presenter (Facilitator) and hand the floor over to them to begin Topic 6: Wrap-up.

