

PAC Minutes

Minister's Forest and Range

PRACTICES ADVISORY COUNCIL (PAC)

July 3, 2003

Richmond, BC

Attendees:

Duncan Barnett, BC Cattlemen's Association
Mark Haddock, Forest Caucus, BC Environmental Network
Brian McNaughton, Federation of BC Woodlot Associations
Gary Merkel, First Nations Summit Task Group
Roy Nagel, Central Interior Logging Association
Kim Pollock, Industrial Wood & Allied Workers of Canada
Ric Slaco, Major Licensees
Deane Strongitharm, Council of Tourism Associations of BC

Michael de Jong, Minister of Forests
Larry Pedersen, Chief Forester, Ministry of Forests
Ralph Archibald, Director, Forest Practices Branch, Ministry of Forests
Rodger Stewart, Regional Manager, Cariboo Region, Ministry of Water, Land and Air Protection
Shirley Turcotte, PAC Coordinator, Ministry of Forests

Absentee:

Corinne Lonsdale, Natural Resource Committee, Union of BC Municipalities

Welcome, Introductions & Opening Remarks - Larry Pedersen

- Minister asked Larry Pedersen to be Chair
- Review of Admin. Package
- Questions:
 1. Minutes re Practices Advisory Council (PAC) meetings?
 - not verbatim, however, PAC will be transparent body, recommendations with supporting rationales to be recorded and differences documented
 - A PAC website will be developed.
 - draft minutes will be circulated out to PAC members for review and approval
 - Once reviewed, minutes will be posted on the PAC website.
 2. PAC areas of consideration?
 - focus on forest and range practices regulations
 - Minister will provide clarity
 3. Funding? Administrative Support?
 - Ministry of Forests' budget very limited. PAC members' costs will be covered, however, ability to provide funds restricted by budget. Support will be within existing resources.
 4. Alternates?– Possible if up to speed with issues
 - Confidentiality Agreements in place
- Binder: Forest and Range Practices Act Knowledge Transfer Companion Guide
 - includes overhead material with detailed information
- How does government develop legislation?
 - historically inconsistent, more even-balance required
 - reviewed how other areas (e.g. Ontario and Alberta, etc.) were handling
 - recommended Minister follow model of standing advisory bodies to reflect broad-based interests to provide good and rigorous debate - PAC

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Terms of Reference - Larry Pedersen

- General purpose is for PAC to provide feedback to Minister (practically some issues may come from up PAC to Minister)
- Regulations to be evaluated and measured against objectives.
 - PAC to review, comment wrt achievement and if PAC does not believe objectives are being achieved, propose improvement if consensus, or options where consensus not reached.
 - Duncan Barnett raised Range concern regarding last objective

(Ric Slaco identified the objectives as 8 objectives coming out of the Discussion Paper and Public Consultation Process, and noted in the Hoberg report as follows:

In the spring of 2001, a new government administration was elected. The new government voiced a New Era commitment to “streamline the Forest Practices Code to establish a workable, results based Code, with tough penalties for non compliance”.

Consistent with that commitment, the Ministry of Forests, supported by the Ministry of Sustainable Resource Management and Ministry of Water, Land and Air Protection, led the development of a results based forest practices regime to meet the objectives of:

- *reducing the transactional and operational costs to industry;*
- *reducing the Code’s complexity;*
- *providing the forest industry “freedom to manage” in delivery of defined results*
- *maintaining the Code’s high environmental standards;*
- *continuing to balance social, environmental and economic interests,*
- *maintaining and enhancing the level of public acceptance of forest management;*
- *consistency with the resource capacity of government; and,*
- *strengthening the compliance and enforcement regime.*

ACTION: S Turcotte to include in minutes list of objectives for PAC

- **Initial** PAC focus on Draft Regulations
 - opportunity to influence regulations
 - principally 3 regulations (Forest Planning and Practices Reg, Range Reg and Woodlot Reg), however, PAC will be provided with other regulations for information.
- Bill 69 - Minister would need very significant issue to be brought forward to make change at this time
- PAC Meetings - expectation will be perhaps a meeting and/or teleconference July/August as required with frequent meetings in September.
- Draft Regulation - still drafting (expect early next week).

ACTION: Draft Regulation to be circulated out to PAC as soon as drafted and printed (after confidentiality agreement signed as per Cabinet Confidentiality rules)

- PAC Support - (Contact list in Admin. package) will assist with technical questions.

ACTION: Shirley to provide means of communication for all Answers with Questions for PAC

- PAC will be vehicle to provide consultation prior to regulations going to Cabinet.
 - September - Address specific issues, problem solve, get advice from Minister if necessary, re-draft regulation if required, to provide final product for Deposit.

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PAC Mandate - Hon. Minister de Jong

- Minister de Jong thanked members for their participation
- any law government passes must be seen as legitimate by the people it impacts
- Minister seeking PAC advice regarding complex BC forest policy
 - PAC focus on operational side - how we practice forest and range activities
 - Minister looking for consensus coming out of broad-based discussions by PAC
 - Where consensus not reached, then clearly stated positions should be brought forward for Minister Decision (solution may sometimes be compromise)
- Minister's first request from PAC is to assess regulation package, however, PAC body will have on-going role
- Minister directed PAC not focus on adjudication of legislation that is already in House (unless a review of a regulation leads to concern with legislation).
- PAC Meetings - frequent meetings in September
 - Minister may attend some, particularly at points where he can benefit from clearly identified positions /options being debated
- PAC opportunity for dialogue, should be viewed as a Working Group, engaging in operational/technical discussion focused on how operating within this legislative framework will impact their sector, other sectors not at the table and the general public of BC

Questions:

1. Representing Association / Personal Opinion concerns?
 - Member's opinion is their own , however, all members are experienced professionals who are able to bring perspective to table that likely represents at least a fair number of their colleagues views, and able to fairly articulate other points of views.
2. Term of PAC?
 - Body of PAC - ongoing, though membership may change.
3. Issues in specific areas that are raised by lobbying?
 - Minister de Jong advised that issues will continue to be brought to him, but, in some instances, he will ask if the issue has been raised by their representative who sits on the PAC
 - Minister may direct issues to PAC with a request for feedback and recommendations
4. How does PAC deal with other Forest-related issues? (e.g. Working Forests)
 - Minister requested PAC focus only on how forest and range activities will be practised, understanding that some other issues may have an impact cause PAC to consider them in that context.
 - PAC consideration to be - Is the regulatory regime being proposed going to ensure the outcome will be achieved? Is it an enforceable measure?
 - Is the regulation drafted in a way that will achieve environmental standards?

FRPA Knowledge Transfer – Ralph Archibald

- [Timelines Chart–Amend timeline with respect to PAC recommendations to Minister from mid-to end-Sept.](#)
 - PAC will have September to try and reach consensus and/or clearly state positions for recommendations to Minister
- Explained structure of Joint Management Committee and Joint Steering Committees as internal communication/decision-making roles and how PAC would be “plugged in”

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Functional Architecture - Rodger Stewart

- Forest and Range Practices Act - statute enables regulation
- Objectives - 3 styles of objectives (Land Use objective, objectives set in regulation and objectives enabled by regulation)
- Hierarchy of Objectives - example explored for visual quality for scenic areas
 - requires high level of communication between agencies
- Range Plans - 2 types of plans: Range Use Plan and Range Stewardship Plan
- Operational Plans - Alternatives - opportunity to propose alternatives, must be able to show delegated decision maker how alternative will be consistent with objectives

ACTION: S Turcotte to provide direct Internet links to current Forest Practices Code and Regulations, Forest and Range Practices Amendment Act First Readings, etc. for background information.

Questions:

1. Environmental Standards - are objectives too broad?
 - Flag as exercise for PAC wrt objective set by specific Ministry and follow process.
2. Health and Safety - not an objective, therefore, delegated decision maker does not consider safety issues in approval process?
 - Where other statutes or other civil procedures cover, then regulation doesn't contemplate
 - This issue would be taken to Workmen's Compensation Board

ACTION: Chief Forester will explore ? and report back to PAC:

"Could DDM knowingly approve a plan that wasn't complying to health or safety standards?"

3. Range - Performance Record concern where past record is not good?
 - Need clear opportunity to hire "professional" to do plan and have range owner sign off that they will follow plan.

Next Steps – Larry Pedersen

Planning and Practices Regulation

- PAC Members to read through binders in preparation for review of regulation
- Draft Regulation expected to go out to PAC early next week
- Set up means of questions and answers; communication available to all PAC
- Possible Teleconference week after Draft Regulation out to PAC
- Interim meeting – suggested date July 30th – address PAC Goals, process
- Two day Working Session to be planned for early September – suggested dates Sept 3-4
 - to address key areas of interest, workshop style with specialists to assist
- PAC e-mail Distribution List to be circulated
- PAC Members wishing to send out communication pieces to the sectors they represent may send to Larry Pedersen for review, if desired
- Confidentiality Agreements – signed by PAC Members

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Flagged issues: *(from flip chart)*

1. Need clear communication and coordination between agencies - given more involvement
 - Ministry of Sustainable Resource Management; Ministry of Water, Land and Air Protection; Ministry of Forests
2. Transition for Range Tenures - December 2005 vs. Plan Expiry?
3. Process for establishing objectives set by government
 - process to be formalized
(concern around agencies setting objectives outside of the framework)
(and are objectives set by government clear enough to allow consistent interpretation for approval of alternatives?)

(Point here was that it would be useful for PAC members to review sections of regulations that state 'a Minister may set objectives' to determine if PAC is comfortable with the value or feature for which a decision may come later, where and with whom decision making resides and the process by which a decision will be made.)
4. Concern that no test for worker safety when considering plan approval.
 - How does this legislation and Workman's Compensation Board legislation work together?
 - Should there be a standard for worker safety?
5. What process will Ministers use to set objectives?
 - *PAC should review and become familiar with this***
6. Make sure range tenure holders can employ whoever they think is appropriate to prepare plans.
 - *i.e.* use agrologists to do a plan vs. being bound by past performance for eligibility to do stewardship plan)
7. Compliance and Enforcement, and Effectiveness Evaluation
 - How does it work? Will it be fair?
 - How will we learn and grow from learnings from the field?
8. Is professional reliance properly balanced with risk and liability?
9. Review "Localized Resource Feature" or "Localized Objectives" in Range and Woodlot Regulations respectively
 - what enforcement tools would apply to locally set objectives?