

PAC Minutes

Minister's Forest and Range PRACTICES ADVISORY COUNCIL (PAC) July 30, 2003 Richmond, BC

Attendees:

Duncan Barnett, BC Cattlemen's Association
Mark Haddock, Forest Caucus, BC Environmental Network
Corinne Lonsdale, Natural Resource Committee, Union of BC Municipalities
Brian McNaughton, Federation of BC Woodlot Associations
Roy Nagel, Central Interior Logging Association
Kim Pollock, Industrial Wood & Allied Workers of Canada
Ric Slaco, Major Licensees, Forest Industry

Larry Pedersen (chair), Chief Forester, Ministry of Forests
Ian Miller, Ministry of Forests
Rodger Stewart, Ministry of Water, Land and Air Protection
Terje Vold, Ministry of Forests

Absentees:

Garry Merkel, First Nations Summit Task Group
Deane Strongitharm, Council of Tourism Associations of BC

Welcome, Introductions & Opening Remarks

- Intent is for PAC to provide oversight recommendations on draft forest and ranges practices regulations (not detailed line by line reviews) and to drive towards consensus where possible, but if not option out any outstanding issues

Minutes and Action Items

- Acronyms used in the minutes can be confusing and terms should instead be written out; minutes were otherwise accepted and will be changed as noted
- Public website (i.e. Ministry of Forests' *Forest and Range Practices Act* site) will post Practices Advisory Council (PAC) membership, terms of reference and minutes of meetings
- Confidentiality agreements were signed by PAC members and four draft regulations were distributed (Forest Planning and Practices Regulation; Range Planning and Practices Regulation; Woodlot Regulation; and Invasive Plants Regulation)
- Internal discussion forum was set-up for PAC and government contacts
- Internet links on *Forest Practices Code of BC Act* and regulations, and on *Forest and Range Practices Act* were provided to PAC
- **Action #1:** Permission to distribute legal opinion to PAC will be sought regarding approval of Forest Stewardship Plans that a decision maker knows will be in violation of a non-*Forest and Range Practices Act* legal requirement

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- Relationship between *Forest and Range Practices Act* and other acts such as *Heritage Conservation Act* needs to be clear (e.g. in training material)

Action #2: Review contractual obligations in cutting permits and road permits related to other laws, and how other Acts in general relate to *Forest and Range Practices Act*

PAC Goals and Process

Action #3: Follow-up to be done to determine how to effectively address team building at the next PAC workshop on Sept 3 and 4th

Action #4: Larry to share with PAC a draft charter on Effectiveness Evaluations at a future meeting given need to promote continuous improvement

- PAC discussion ensued on role of members: to represent their organizations alone or to represent the broader public interest. The PAC terms of reference was interpreted to mean that PAC collectively includes a wide array of interests and in that regard likely captures the broader public interest, but PAC is not being held accountable to represent every and all organizations or associations interests that may exist on forest and range practices

Action #5: Each PAC member to provide a short (one or two page) interest statement and a short (one paragraph) personal biography before the next meeting

- It was agreed that best use of PAC's time and experience is to focus scope of review of draft regulations at broader level of structure, themes, gaps and overlaps

Draft Forest Planning and Practices Regulation

- The Forest Planning and Practices Regulation is one of several regulations that support the *Forest and Range Practices Act*. Understanding this regulation provides insights on how many of the other regulations work
- The overall framework (e.g. how objectives work with respect to results and strategies), the 11 resource values noted in the Act, and the Forest Stewardship Plan were first reviewed

Action #6: Review how draft regulations work with respect to capturing soil disturbances outside of the net area to be reforested to determine if a gap exists or not. Soil disturbances can cause the spread of invasive plants.

- Concern was raised that the “bottom line” requirements in the regulation are unclear given the wording of qualitative objectives and factors that are optional (not mandatory) considerations --particularly given a section in draft regulations that defers to person preparing the plan unless result or strategy is unreasonable

Action #7: Provide clarity on approval test considerations with respect to meeting objectives

Action #8: Consider “objectives” as an agenda item for next meeting since objectives are worded differently in the three draft regulations related to forest licensees, range holders and woodlot operators

- Desire for flexibility raised with respect to stocking standards i.e. need to balance fibre production while accounting for non-timber values such as forage and traditional uses

Action #9: Describe legal or policy prompts that non-timber values such as forage production is a reason to modify stocking standards

Action #10: Explore if a gap exists with respect to cultural heritage values under the draft regulations and *Heritage Conservation Act* (e.g. old trapper's cabins)

- Since objectives enabled in the regulations for regionally important species, ungulate winter range and wildlife habitat areas for species at risk (identified wildlife) are not in place for most of province at this time, some “backstop” objective for wildlife is considered needed
- How wildlife is treated in draft regulations is still very much a “work in progress”

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- Importance for a clear process whereby various decision makers in different agencies can address objectives enabled in the Act was stressed; given hierarchy of objectives in Act concern expressed that there could be potential problems with three ministries involved

Action #11: Memorandum of Understanding on ungulate winter ranges to be distributed as example of non-legal support intended to clarify agency roles and responsibilities

Action #12: Status report on ungulate winter ranges and wildlife habitat areas to be provided

- Government believes volume 2 of identified wildlife can still be delivered with 1% timber supply impact consideration
- Concern was raised about access in community watersheds by non-licensed users whose activities could put at risk drinking water quality; it was noted that *Drinking Water Protection Act* may address this

Action #13: Assess if gap exists with respect to controlling access and protecting water quality in community watersheds

- Although riparian is not one of 11 resource values under the Act, it is covered in the draft regulations since riparian values address water, fish and wildlife
- The clause in riparian objective “without unduly reducing the supply of timber” was considered needed to help ensure the understood timber supply impacts associated with delivery of riparian management was a clear legal factor when considering the objective

Action #14: Assess if there could be confusion having practices standards related to stream provisions (such as ensuring safe passage of fish) under heading “riparian” in the regulation

- It was clarified that licensees are held accountable (in terms of compliance and enforcement action) for delivering results or strategies in the approved plan not whether objectives have been achieved. The latter issue is addressed in effectiveness evaluations
- The Ministry of Sustainable Resource Management is preparing an objective for old growth retention through a provincial order so regulations may not have to address this

Action #15: Draft old growth order will be distributed for PAC review

Action #16: Assess how land use objectives that are not legally established as a higher level plan influence the new *Forest and Range Practices Act*

Action #17: Assess regeneration standards in biodiversity context in terms of influencing species mix at landscape level

- Other biodiversity factors that may need to be considered include tree encroachment and ecological restoration
- With respect to Forest Stewardship Plans, concern expressed about absence of clear “reciprocity” provisions (i.e. where one licensed users needs to account for another licensed user in their plan)

Action #18: Assess whether provisions for review and comment by persons “affected” by the plan adequately addresses the issue of other licensed users

- Concern expressed that plan approval test may not allow a designated decision maker to consider impacts on other tenure holders unless it relates to an objective

Action #19: Clarity to be provided on plan approval test as it relates to considering comments in terms of obligations on part of licensee to respond and decision maker to consider

Action #20: Assess if gap exists with respect to invasive plants particularly if its introduction and spread may be caused by activities not covered by the draft regulations

Action #21: Examine if it is more appropriate to put part of the draft regulations which specifies government’s obligations with respect to orders as a separate regulation

- It was noted that site plans must be prepared and made available for public viewing but are no longer reviewed or approved by government

Action #22: Further PAC discussion is needed on the role of site plans

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Action #23: Explore whether issues related to road design and cattle movement can be addressed through best management practices advice

- Consider cattle guards as one of the structures maintained in regulations
- Ministry of Forests has a special project on topic of notification and reporting and is looking at it not only from perspective of *Forest and Range Practices Act*, but also from broader perspective; a proposal is expected shortly with intent to capture this in the regulations

Chief Forester Genetic Resource Material Standard

- Rationale for standard is that the issue is very technical and standards are easier to change than if requirements are in regulation
- It was also discussed that key matters in the “public interest” should be addressed in the regulation by elected officials, and standards should be used sparingly, only for clearly technical issues

Action #24: Discussion points on tree gene resource standards prepared by Ministry of Forests’ Tree Improvement Branch will be forwarded to PAC

Next Steps

Action #25: Next workshop meeting September 3-4th

Action #26: PAC to book September 17 and 18th for possible follow-up meeting

Action #27: PAC to send other concerns or issues so that they – along with ones raised at today’s meeting – can be used to help shape the agenda for Sept. 3/4th workshop