

# PAC Minutes

## Minister's Forest and Range PRACTICES ADVISORY COUNCIL (PAC)

Workshop  
September 3-4, 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  
Garry Merkel, First Nations Summit Task Group  
Roy Nagel, Central Interior Logging Association  
James O'Hanley, Major Licensees, Forest Industry  
Kim Pollock, Industrial Wood & Allied Workers of Canada  
Ric Slaco, Major Licensees, Forest Industry  
Deane Strongitharm, Council of Tourism Associations of BC

Larry Pedersen (chair), Chief Forester, Ministry of Forests  
Ralph Archibald, Ministry of Forests  
Ian Miller, Ministry of Forests  
Rodger Stewart, Ministry of Water, Land and Air Protection  
Shirley Turcotte, Ministry of Forests

### Workshop Summary:

#### Soils

#### **Concerns with regard to Planning and Practices Reg. (P&P Reg.):**

- Clarity of overall description of soil regime (soil disturbance (movement, compaction), soil productivity (hydraulic function, etc.), soil management)
- P&P Reg. doesn't deal with underlying role of soil in ecosystem (only surface disturbance)
- Definition for Soil Disturbance - with regard to instances where soil disturbance occurs outside site plan/road
- Regulation does not address the issue of rehabilitation - post catastrophic events
- Objective and Defaults (*also across other values*) - wrt Alternatives - no clear criteria to measure against (*but need to ensure we allow ability for creativity*)
- Fire Disturbed Areas (Soil wrt Range) - also (Soil wrt Timber) need to consider how to re-vegetate. What kind of seed?  
Need to consider forage for wildlife - not just cattle - and address invasive plant issue.

Noted: Gov't obligation to address re-vegetation after catastrophic events was removed, however, that does not mean gov't - for the public good - will not undertake, and Minister has requested seeding assessments that are already underway.

Noted: PAC Members generally agreed "balance" has been addressed for soils.

**ACTION:** Policy Team to consider revegetation issue and provide response back.

**ACTION:** Policy Team to consider proxy statement wording "minimize degradation of soil or maintain integrity of soil".

**ACTION:** Policy Teams to provide "one-page info" per value addressing question "Do factors listed provide basis for maintaining stated intention of objectives" - in response to PAC concern with regard to Objectives and Defaults across values.

## Objectives Set by Government

### **Concerns:**

- No specific objective for Timber - implicit to "*Maintain Economic Value of Timber*"
- No specific objective for Forage as this would lead to modifying stocking standards
- Objectives Set by Government differ across Forest Practices, Range, Woodlots. They are similar, but not necessarily the same for values (e.g. soils, water, etc.).

**Noted:** Structure differences - Public may expect structure to be same across regulations?

**ACTION:** Policy Team to consider structure concern and report back to PAC whether they see need to made any change wrt structures.

**Concern:** The objective statements, factors and the effect of Section 89 are fundamental to the effective implementation of FRPA.

- objective statements are too general to provide effective direction
- factor sections contain detail stating gov't intentions, separate from the objective itself
- Section 89

## LRMPs

**Concern:** Lack of legal authority for LRMPs. Gov't cannot compel a licensee to address an objective from an LRMP that has not been given legal weight under the appropriate authority. A licensee can act voluntarily to address an objective from a policy LRMP, but can also choose not to with impunity.

- backcountry high value for resource users
- SDM will not have grounds to fail FSP if the FSP fails to address a policy LRMP. The FSP must be approved if the FSP is consistent with Objectives Set by Government and any other objectives set under authority in the regulation.

## Cultural Heritage, Recreation, Visuals, Resource Features

### **Concerns with regard to Visuals:**

- Sec. 71.1 and 71.2 Definition for Scenic Areas GAP: If MSRMs doesn't designate scenic areas - MOF not obligated to set VQ objectives; even if MSRMs does designate scenic areas - MOF is not obligated to set VQ objective
- Under Forest Practices Code (Sec. 89) Site Plans were approved by SDM, SDM discretion would take visual quality into account.
- public review, stakeholder review/comment may raise issues re scenic areas - now site plans not approved, will there be sufficient information to allow informed public review/comment?

**ACTION:** Industry/Tourism PAC reps committed to discuss public review issues off PAC table

**ACTION:** Policy Team will follow up re Sec. 89 and report back to PAC for Sept 17/18 Workshop

### **Concerns with regard to Cultural Heritage/Resource Features:**

- Sec. 76- Minister Delegation not stated.
- "traditional use" - not defined - (change working?)
- Aboriginal people - not defined
- Sec. 73 (c) - Traditional Use - legal use is very clear (change wording)
- How to address within identifying cultural heritage site in FSP - without making "known" to public (issue: protection re damage/vandalism)
- Process used under Forest Practices Code is not captured under FRPA Regulation
- **Sec. 77 Cultural Heritage Resource Features.** Authority under Sec. 77 wrt First Nation issues limited to Minister only BUT cultural heritage resource features can be addressed by delegate.

**Noted:** PAC concerned it appears inappropriate delegate could authorize damage or destruction of CHR resource features.

**Noted:** *Cultural Heritage Act* offers protection for First Nations to "list" sites.

**Noted:** *Heritage Conservation Act* allows for other non-First Nation objects to be identified (old railway stations, bridges, etc.), wording (change from First Nations) should include others (old trappers cabins, cow camps, etc. The use of recreation feature to achieve the goal is not acceptable.

**Noted:** Need to be able to designate a "localized feature" (e.g. old mining site)

**Noted:** First Nations are committed to doing impact assessments for archaeological sites and have a large archaeological department.

**ACTION:** Policy Team to review wording Sec. 72-76, inconsistencies b/n Sec. 72 and 74 and propose required amendments for PAC Sept 17/18 Workshop

**ACTION:** Policy Team to review and report back, belief is that confidentiality is covered if sites are found and identified (e.g. archaeological items).

### Water Quality/Watersheds

#### **Concerns:**

- **GAP:** Sec. 58 - Water supply "licensed" under Act
- Ground Water (intake and catchment areas) and well water - no licenses required.
- *Drinking Water Act* does not cover intake nor the water delivery infrastructure..
- PAC questioned if changing the 2 licensing clauses to MAY instead of MUST may address issue.

**Noted:** Water issues concern broadly - not static - populations grow - considerations re change must factor into equation

**ACTION:** Policy Team to review Water Act and report back to PAC for consideration for PAC advice to Minister.

### Fish Sensitive Streams – Clarity required

#### **Concern: Sec. 56**

- Industry offered possibility to move and consolidate into Community Area Handbook?

**ACTION:** Policy Team to review and report back.

### Water Quality

#### **Concern: (Sec. 55.2, 56.2):**

- No provincial objective re Roads and Harvesting impacts on late summer supply of water

**Proposal:** Edit 55.1 - Desire for broad perspective when considering regulations re water quantity and overall public interest

- Clarity required re Sec. 56. Should fertilizer regulations be here OR moved to other Act?

**ACTION:** Policy Team to review and report back.

### Forest Health/Timber Health

#### **Concerns:**

- No specific objectives for Timber and Forage.
- How to balance Forage and Range interests?
- Overlaps re Forest Health: Defined Forest Area Management vs. Forest Stewardship Plan?
- Underlying statements re maintaining the Economic Value of Timber. **Proposal:** Move to "up front" focus?

#### **Concern:**

- Do we need a definition for Forest Health and Timber Health? Historically forests have not always been "green". A natural forest was different, before we were "protecting" it from fire, intensely "managing" it, etc. Need to think of Forest Health as trying to "mimic" nature as closely as possible?
- Above concern includes bark beetle, etc.

**Noted:** Forest Health vs. Timber Health - Higher level issue identified e.g. Ecosystem Functioning. Regulations are inadequate as a Land Management Tools

### FSPs

#### **Concerns:**

- Sec. 89
- Sec 95, Sec 103 - Public Review and Comment - lack of notification of other tenure holders in or adjacent to the operating area. Affected parties?

**Proposal:** Consider a centralized referral and public engagement (e.g. Alberta) process?

- Is content of FSP adequate as basis for public review and comment? Detail important where conflict of interests present.

- Implied right re taking public input into account? No SDM discretion/consideration?

- Detail found at Site Plan level not in FSP to enable informed review with respect to OHS

**Proposal:** Flag re design and approval subject to compliance with OHS Laws

- Notification wrt First Nations - First Nations prefer to work at strategic land use level with developers (e.g. detail at site plan level). Under this regulation there is no obligation to do site plans and make them available for review.

**Proposal:** PAC Industry rep. suggested consideration if including a "practice requirement" in Sec. 74.2 (a) might be a way to address issue

**Noted:** There is a legal duty re First Nations - constitutional law.

**Noted:** First Nations PAC rep reported - First Nations are undertaking drafting an MOU wrt FSPs

**ACTION:** **Sec. 89 - Policy Team to provide work in preparation for Sept 17/18 workshop**

**ACTION:** **Policy Team work still drafting - report out to PAC future meeting.**

### **FSP Concerns provided by PAC Industry Rep.:**

The Regulation should provide for the efficient creation of a workable Forest Stewardship Plan that is more strategic and results oriented than the Forest Development Plan and, generally, subject to similar public review and comment as are FDPs.

- *Current Assessment:* There is a need to establish that certainty is provided to plans or portions of plans, throughout the planning and approval processes, including amendments to plans, in the draft regulation.
- There needs to be clarity of rights granted under FRPA to other tenured users of the forest resources or related resources.
- For the interests of both the public and the forest industry there needs to be clarity on what review and comment processes are anticipated and the roles and responsibilities of the parties involved.

### **Professional Reliance**

**Concern:** Choice of the use of a professional or not to prepare and sign plans is a risk management choice (legislation does not designate who must sign the plans)

- Professional Associations legislation may cover what professionals are required to sign-off?

**ACTION: Policy Teams to examine further and consider recommendations**

### **Notification Requirements – FRPA Regulations Generally**

**Concern: Fundamental policy question identified by PAC for detailed review.**

- Issues around public review and comment (including FSP content)
- Lack of site plan oversight

### **Wildlife**

**Concerns:**

- Sec. 28.1 (Policy work still underway)
- Environmental community concerned effectiveness evaluations meaningful, as some wildlife have already been lost.

**ACTION: Policy Team work on-going on. Policy Team to provide report for PAC Sept. 17/18 Workshop (requirement for objective, proposal, etc.).**

**Noted:** Higher Level Issues: Use of FRPA Regs. to solve other policy problems in other Acts/mandates, e.g. *Cultural Heritage Act*, WLAP Mandate (transferred from Forest Practices Code), *Weed Act*, etc.

### **Biodiversity (Policy work still underway)**

**Concerns:**

- Old Growth as Part of Biodiversity - need clear, measurable Objectives and a strategy for future
- Old Growth as "interim" measure - timeframe requirement for "Interim"
- "Meaningful" Effectiveness Evaluations (program developing under MOF).

**ACTION: PAC needs to consider timeliness of Old Growth Order, acceptable timeline if "Interim Order".**

### **Woodlots**

**Concerns:**

- Objectives Set by Government - need for parallel wording across regulations (Forest Practices, Range, Woodlots)
- Notification Requirements - Lack of notification to other tenure holders and broader affected parties? Need "trigger" to consider "reciprocal" users (Timber/Ranch/Woodlot/BCTS Best Practices)

**ACTION: Policy Team to review wording across FRPA Regulations.**

### **Range/Invasive Plants**

**Concerns:**

- Objectives Set by Government - need for parallel wording across regulations (Forest Practices, Range, Woodlots)
- No specific objective for Forage in Planning and Practices Reg. (there is in the Range Reg)
- Flexibility needed where regeneration growing in too thick to allow cattle to move through openings
- Old Growth Orders concern for ranching community
- Notification Requirements - Lack of notification to other tenure holders and broader affected parties? Need "trigger" to consider "reciprocal" users (Timber/Ranch/Woodlot/BCTS Best Practices)

- Forest Investment Account - Range/Invasive Plants sees need for similar funding account
- Range Practices key wrt encroachment and ingrowth management, but are not highlighted in the Range Regulation
- rancher's dependent on Crown rangeland, want to be recognized as "licensed" users.
- Regulation does not address the issue of range/forage rehabilitation - post catastrophic events (wildfire)
- Fencing is requirement under Range Use Plans. Fire damaged fencing will be big immediate rehabilitation cost.
- Fire Disturbed Areas (Soil wrt Range & Forage) - How to re-vegetate? What kind of seed? Linked to opportunity for invasive plants.

## **Range/Invasive Plants (continued)**

- Noted:** Fire Damaged Fencing: Engineering assessment underway - includes Riparian rehabilitation, etc.
- Noted:** L Pedersen advised PAC that an MLA Committee struck wrt issues under Ministry of Agriculture Fish and Food. Options around government's obligation and who pays have been drafted and a Treasury Board Submission is going forward.
- Noted:** Industry/Cattlemen discussions underway re MOU for guidelines documenting how timber/range operate on landbase.

**ACTION:** **Policy Team to consider Timber and Range/Forage issues.**

## **Catastrophic Fire Damage**

- Noted:** In past, gov't had obligation to address revegetation after catastrophic events. Fiscal restraint has removed this obligation from gov't, however, that does not mean gov't - in the public good - will not undertake, and seeding assessments are already underway. At this time funding sources are still unclear
- Noted:** Minister, MOF, has requested policy work wrt fire and on-going droughts - analysis is underway. Higher Level Issue: Ecosystem restoration occurs across programs, land use decisions, ecosystem objectives as well as within FRPA framework

**ACTION:** **Catastrophic Fire Damage removed from PAC Table:  
L. Pedersen committed to raise issue again with government wrt where to access funding to do work and report back**

## **NEXT STEPS:**

### Information and Reporting Under FRPA Report

**ACTION:** **PAC to review Sept 17/18 Workshop.**

### Policy Team Responses

**ACTION:** **High Priority issues to be provided for PAC review for Sept. 17/18 Workshop.**

### Agenda for Sept. 17/18 PAC Workshop

**ACTION:** **Continuation of discussion of concerns regarding the various parts of the regulations.**