

# draft PAC Minutes

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

Workshop  
September 17-18, 2003  
The Coast Vancouver Airport Hotel  
Vancouver, BC

### Attendees:

Duncan Barnett, BC Cattlemen's Association  
Mark Haddock, Forest Caucus, BC Environmental Network (Sept 17, a.m. & Sept 18)  
Corinne Lonsdale, Natural Resource Committee, Union of BC Municipalities  
Brian McNaughton, Federation of BC Woodlot Associations  
Roy Nagel, Central Interior Logging Association  
James O'Hanley, Major Licensees, Forest Industry  
Kim Pollock, Industrial Wood & Allied Workers of Canada – (Sept 18/03 only)  
Ric Slaco, Major Licensees, Forest Industry  
Deane Strongitharm, Council of Tourism Associations of BC –(Sept 17, a.m. only)

Larry Pedersen (chair), Chief Forester, Ministry of Forests  
Terje Vold, Ministry of Forests  
Shirley Turcotte, Ministry of Forests

### Summary Notes:

**Wednesday, September 17**

#### **Wildlife - (Policy Drafting Team review underway)**

**ACTION: Defer PAC review until Faxed copy available.**

### Roads

Concern: Sec. 106 "Industrial" users / different standard implication

- Safety criteria for Industrial users /heavy equipment more rigorous not less
- prime use is industrial (mainly vehicular), need to consider cost impacts
- use of word "user" – a road can be built to a standard acceptable for industrial use, but a licensee (or road permit holder) has little or no control over the user

**ACTION: Policy Team to review wrt use of "Industrial" in wording.**

#### Bridges (size and other specifications)

Concern: Sec. 108 (2) bridge use only for set period of use by licensee

- if bridge washed out, then access is lost to "other users" (e.g. recreation)
- requirement for professional sign-off not in FSP (requirements is Professional Foresters Act, Professional Engineers Act, etc.)

Concern: wrt Culverts/Peak Flow

- to "not reference" peak flows would be a risk to gov't (even though not an exact science)

Note: FSP must satisfy all objectives/tests (not all are addressed under Roads)

**ACTION: Policy Team to review wording for clarity.**

Concern: Vicarious Liability

- Licensee still concerned need for "shared liability" to cover situations where both licensee and contractor have done due diligence - but a hired employee of the contractor caused problem.

**Note: This change in legislation is under review by government.**

## Roads (Con't)

### **GAP Identified:**

Concern: Need for "preventative maintenance"

- other users (e.g. woodlot/rancher/non industrial users causing damage to roads meant for industrial use
- abusing public - need authority to remove/charge/ticket

Note: PAC was advised Policy Team believes that the Act is very clear on this point.

**ACTION:** Policy Team to review Act to confirm issue addressed under Act.

Concern: Access Management issues and Notification wrt Planning and Deactivation of roads

- PAC Cattleman Assn. Rep. raised need for consultation at planning stage wrt where roads are placed
  - roads often will follow natural contours that historically have been old wagon trails, cattle pathways, etc.
- Deactivation issue as other Tenure Holder's needs still apply, even after industrial use no longer applies
- Licensee obligation to maintain road (cost issue) may in some instances now be addressed by Wilderness Road Standards
- not covered in FPPR, was addressed in draft RBC.

**Note:** Sec. 22 FPRA Act addresses enabling provision.

**FLAG:** Consider how Tourism/Industry could collaborate on agreement/protocol to address roads.

Concern: Confusion by having some information in Act and some in Reg.

- e.g. Removal of livestock from road (Act)
- Ranch community need "escape paths" along roadways (livestock by nature are drawn to lie on warm roadway, they run along road in front of trucks/vehicles with no easy escape)
- impression that "industry" interests appear in Act and "Range" interests appear in "Best Management Practices"

**Note:** PAC agreed this an important issue that should be addressed outside of regulation - in best management practices or agreement between users.

**FLAG:** PAC Mid-Term Discussion - At what point can we say public interests are best served by Regulation/Acts, and when Best Management Practices come into play?

**FLAG:** PAC advice to government with regard to Notification and Reporting / data collection requirements in an open, fair method for future PAC Discussion.

Concern: Slope/Terrain Assessments no longer required

**Note:** PAC Industry Rep. reported under Sec. 16 of FPPR assessments of risk wrt landslides *must* be done and signed off by professional.

## **Wildlife - (PAC review of Faxed new text)**

### **Objective Set by Gov't**

Concern (Fine Filter Focus): Sec. 28.1 (2)(a) - issue of order

**ACTION:** Policy Team to clarify if issue should be set out in Div. 1 rather than Div. 2.

Concern: Objectives consistency (within FPPR and between other regulations)

- will this objective be consistent across regulations?
- need same format in Range Reg. but need to include forage "e.g. unduly .....forage..."

Concern: Clarification "unduly"

- intent to consider impact on timber (e.g. 10% impact acceptability of IWS)

**Note:** WLAP Rep of Policy Team believes that by providing necessary wildlife habitat the potential for viable populations is provided for.

**ACTION:** Policy Team to review objective statement "forage" wrt consistency and Objectives Set By Gov't for clarity.

Concern: No Timber Objective

**Note:** Woodlot Reg. has set broad objective for Timber, therefore, Minister must consider.

### Wildlife Habitat Area (backstop)

- WLAP must create list of species that must be managed for
- FSP proponent must include delivery plan for the management obligation (Results and Strategies on the ground)
- Obligation on Government to prepare list and provide information to licensee for management plan on landbase

### Summary:

1. Clarification of 28(2) – should this be in Div. 1 rather than Div. 2?
2. OSBG – consistency within and across regulations
3. “unduly reducing... - wording is problematic, OSBG unclear
4. “only if Minister.....” – wording (could we require Minister to list?), concern with WLAP capacity / history in addressing these
5. removing “viable populations” – are we confident being addressed via habitat area?

### Range

**Range Act:** sets out provisions re Tenures, fees (based on "animal use months"), etc.

### Range Reg. based on 2-level system

(everyone must choose either Basic Range Use Plan or Stewardship Plan)

1. Basic Range Use Plan (fairly prescriptive, similar to FPCode, aimed at small ranch owners)
2. Stewardship Plan (higher level)

Exemption: No Plan requirement (e.g. Minister requests rancher place cattle on an area for short period of time)

**Concern:** Linkages - FRPA and Range Reg. , etc.

- Range needs to be consulted / considered across regulations

**Concern:** C&E

- range management not science based
- ranchers agreed to accept more responsibility if provided with flexibility to manage
- C&E staff mostly from timber background

### Plan Content

**Concern:** Maps - MOF planning assistance has been taken away - where can information be obtained?

(Range Tenure Holders/Woodlot Owners will not have technology to produce maps-some may be available from Forest District Offices)

- should maps be a content requirement?
- Economic Scale to accommodate cost of Planning
- Advertising needs some clarity/efficiency
- if too much required, will not meet the "streamlining" objective

**Concern:** Sec. 11 - Advisory Group

- wrt dispute resolution - no representation from community concerned on Advisory Group

### Definitions

**Concern:** Woodlot Reg. using "localized feature" in different way than Range Reg.

- confusion wrt Resource Features, Cultural Heritage Sites and Localized Features?

**Note:** wrt Wildlife/Ungulate Winter Range/Fish and Fish Content - in an attempt to address consistency, good portion was brought across from the FPCode

**ACTION: Policy Team consider need for Definitions generally and review need for consistency across regulations.**

### Objectives

Part 2, Div. 2 - wrt Objective for "Forage"

**Concern:** Woodlot/Range Acts reciprocal values for Timber/Forage missing from FPPR but were in previous draft regulation

- Objective statements: "... respect Timber values and minimize damage to Timber" and "...respect Forage values and minimize damage to Forage"
- Could be managed under Best Management Practices "don't distress" "don't let cattle damage F-G"?

**Note: "Intervention Power" covers removal of livestock from an area**

## Riparian

**Concern:** Consistency Issue - structural difference between regulations noted. (Part 2, Div.2 Objective under Water and Part 4, Div. 1 (23) under Riparian Areas)

- PAC Industry Rep. explanation: FPPR must meet test; Range Reg. is practices operationally
- WLAP have requested more detail in objectives in Range Reg. than under FPPR

**Note: Regulations structured to be functional for user, however, PAC noted structural unevenness may be questioned by public.**

## Soils

- Soils is already an objective under FPPR
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## **September 17<sup>th</sup> - Evening Session**

### **LRMPs - Bruce Sieffert, MSRM**

Q. Why not legalize right away?

- can meet the intent outside the legal framework - easy to make changes
- inflexible once legalized - legally need Amendment

Future Access Management considerations?

- need to address "integrated use" rather than "exclusive use" management planning

**FLAG: For PAC Mid-Term Discussion - L Pedersen suggested possible to capture this discussion under good forest management**

Spotted Owl Strategy legalized?

**ACTION: Policy Team to confirm and report back to PAC**

Inside Legal Framework or in Policy?

- Licensees need to consider broad public review and comment - therefore, implications on not managing to LRMP standard.

### **Visual Areas**

- Localized Resource Use Plans - not under law - but followed because of broad public support

### Summary

The system is complex but it has/is generally working. There are a number of options to the planning need, some are being exercised, some not (e.g. legalization).

Note: The term Higher Level Plan will be replaced by Objectives Set by Government

**Woodlot Reg. Dave Haley**

Woodlot License - Private land + Crown Land (area based (400 coast, 600 interior))

**Localized Features**

- local agreements between Woodlot Licensee and "public user group" set out obligations to maintain/limit damage (e.g. trail)
- authorization through *Land Act* required to put trail on the Crown portion of a Woodlot License
- intent of "Localized Feature" is to offer forest practices recognition and address long-term comfort.
- PAC suggested a "good neighbour policy" or "statement of principle" would get the same result.
- [PAC noted recognition of localized features may somehow give credence to illegal activities and lead to designation that would not otherwise have occurred.](#)

**ACTION: Policy Team to request legal review of putting Localized Feature under regulation, and consider whether it should be handled in another way outside of legal realm.**

**Training**

- Woodlot Licensees and Range Tenure Holders will be presented with the same level of MOF support wrt Training
- Web Based Training Modules will likely remain available for use in future.

Concern: Woodlot Owners/Range Tenure Holders don't have technology. Need to seek other means of raising funds for training (FIA, etc.)

**ACTION: PAC plan to address Training issue in PAC advice to Minister**

**Objectives Set By Gov't for Biodiversity**

- Timber Objective possibly being drafted, and wording in Sec. 62 (3) "...without unduly reducing the supply of timber..." will then be removed.
- need to ensure clarity for users sufficient wrt "spatially and temporally"

**ACTION: Policy Drafting Team considering Timber Objective and PAC will review Oct 2-3**

Concern: Goals & Objectives seem to be mis-matched for Biodiversity

- need to look to intent in preamble
- review current definition for biodiversity
- tracking/monitoring for wildlife trees still an issue

Cut Block & Adjacency Rules ([this issue which falls outside the Woodlot Reg., arose regarding the FPPR](#))

Concern: The 40:60 rule for coastal doesn't always apply

- challenge for alternatives to be enabled
- 40:60 rule still the Default

**Note: PAC consider "Landscape Areas" (e.g. Bulkley model) may be best forest management**

**Sec. 93 Affect on Other Tenured Resource Users**

- Intent is to require reciprocal consideration b/n forest licensees and other affected other licensed tenure holders
- Obligates licensees to bring forth results and strategies (so long as gov't identifies "other party" and as long as the other party's "activity" is authorized) - Positive duty on Crown.

**GAP** The way this has been drafted, "Trigger" needed in *Range Act* and *Woodlot Act* and to include Tourism a "Trigger" would be required in the *Land Act*

**ACTION: Policy Team to review draft wording. Intent based on principle of fairness. Need to assess whether deliverable?**

**Notification**

- Wording distinguishes between "people with rights" and "public", obligation greater on "affected party" than on "interested party"

Concern: 5 Day "Emergency" provision - Is it the "right thing to do?"

- This was brought over from FPCode to address equivalency.

Concern: Confirm all First Nation notification requirements are covered off.

**ACTION: Policy Team to give due diligence review and respond back to PAC.**

Concern: Notification requirement to WCB/OHS/JHSC (Union)?

- "Abundance of caution" rule should apply to human safety
- Opportunity to see site plans prior to work on the ground?

**ACTION: Policy Team to consider how to address issue wrt WCB/OHS/Union notification needs and respond back to PAC**

## Occupational Health and Safety - Kim Pollock

### Plan Review

Concern: Need to consider Worker Safety under FRPA.

- guarantee opportunity for review of site plans, logging plans, or specific portions of FSPs that pertain to worker safety issues (e.g. single stem removal by helicopter) (e.g. alternative/innovative new harvesting practices).
- other Notification Requirements under "abundance of caution" so wish to include obligation for licensee or SDM to also consider Worker Safety under "abundance of caution"
- propose value under FRPA for "safety and well-being of people"?

Note: PAC voiced concern wrt WCB/OHS/JHSC (Union) offices capacity to review and comment. PAC would like confirmation from these associations.

Note: Occupational Health and Safety Regulation provides for notification requirements

(**Note:** AG advised FRPA Policy Team not to use legislation as "communication tool")

**ACTION: OHS PAC Rep to draft proposal and submit to S. Turcotte**

**ACTION: Industry PAC Rep. committed to take forward to his Joint Health & Safety Committee for discussion.**

## Invasive Plants Reg.

### List

- Why treated as separate Reg.? Why not Definition, CF Standard or Order?
- Necessary because of structure of how Act was drafted, authorized Regulation be created.
- Change would require Amendment to Act.

· **Sec. 47 FRPA Act requests prevention and spread of Invasive Plants and FPPR Sec. 93 follows up.**

**ACTION: Policy Team consider efficiencies for alternative authorities and to provide rationale back to PAC**

Links to FRPA?

- Fraser Basin Invasive Plant Strategy
- Alien Species (WLAP)

**Note: Industry PAC Rep. sees Fraser Basin Strategy as increase in regulation.**

- Positive duty responsibility/obligation for licensees

**FLAG: For Future PAC Discussion: Forest Health/Range Health impacts by Invasive Weeds.**

## Riparian

Concern: Criteria for guiding alternatives confusing, too onerous to satisfy obligations

- need clear objective statement, parameters need clarity (factors help to identify)
- test for alternatives/achievability needed
- need management provision without rigid numbers (e.g. stream width)
- Tabulation of basal area in regulation may lose opportunity for alternatives

**ACTION: Policy Team to further review objective statement / provide clarity and continue to improve draft policy.**

**FLAG: For Future PAC Discussion: Watershed Assessment Plan (by professional agrologist) as alternative**

## Section 89

**ACTION: Policy Drafting Team work underway.**

## Next Steps: Oct 2-3 PAC Meeting

1. PAC confirm Issues requiring Minister Direction
2. PAC preparation of advice and report out for Minister  
PAC advice to include:
  - On-going Training requirements
  - PAC FRPA Monitoring role
  - Links to Effectiveness Evaluation Program / Innovation Index