

# Summary Notes

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

February 3-4, 2005

### Attendees:

Garry Merkel, First Nations Summit Task Group  
Brian McNaughton, Federation of BC Woodlot Associations  
Wayne Lintott, Representing CILA, ILA & NWLA  
Duncan Barnett, BC Cattlemen's Association  
Corinne Lonsdale, Union of BC Municipalities  
David Littlejohn, COTA  
Bruno Delesalle, Grasslands Conservation Council of BC

Jim Snetsinger, Chair, Ministry of Forests  
Ralph Archibald, Director, Forest Practices Br., Ministry of Forests  
Ian Miller, Legislation and Policy Specialist, Ministry of Forests  
Shirley Turcotte, PAC Coordinator, Ministry of Forests

### Guests:

Bill Quinn, FRPA Implementation, Ministry of Forests  
Van Scoffield, Assn. of BC Professional Foresters  
Rodger Stewart, Ministry of Water, Air and Land  
Dan Graham, Compliance and Enforcement, Ministry of Forests

### **1. Introductions/ Welcome / Agenda / Minutes - Jim Snetsinger, Chair**

- Jim Snetsinger/Ralph Archibald as requested by PAC, researched results based approaches throughout the province, in Alberta and Ontario.
- One significant finding was that both Alberta and Ontario had Public Advisory Councils - PAC can play an important role in assisting government with policy development.
- Welcome to two new members: Bruno Delesalle, GCCBC and David Littlejohn, COTA.

### **Review of PAC Oct 6<sup>th</sup> Minutes:**

- PAC Members approved minutes (subject to any final review).

### **2. Mountain Pine Beetle - Jim Snetsinger/Ralph Archibald**

- MPB expected to peak in 2008, by which time more than half the province's pine will be killed
- AAC raised to increase amount of pine harvested, recover some economic value and expedite regeneration and decrease blowdown, etc.
- Expressions of Interest (applicable on half of the uplift) have attracted approx. 60-80 varied proposals.
  - Changes to the *Forest Act* aimed at only non-timber values (emerging industries)
  - Advertisements close March 2005
  - Gov't as yet to determine how the other half of the uplift will be disposed of.
- Submissions have been sent forward – both federally and provincially – for funding.
- A cross-gov't Mountain Pine Beetle Action Plan to be released by Minister Harris mid-February  
It sets out 7 short term and long term (5 yr) strategies:
  - 1) long-term economic sustainability for communities affected by MPB
  - 2) protect public health, safety and infrastructure
  - 3) economic recovery of beetlewood, while respecting other forest values
  - 4) conserve long-term forest values identified in land use plans
  - 5) prevent/reduce damage to forest areas not yet affected by MPB
  - 6) restoration of forest resources in areas affected by MPB
  - 7) maintain management structure for coordinated planning and implementation of mitigation measures

### PAC Questions/Comments

- 1) Harvesting - Need to address stands with most beetles rather than best sites  
(Chief Forester response) Tenure & Revenue Division is reviewing all policy control issues and MPB lens likely factors in their recommendation.
- 2) Reforestation - Stocking Standards - Need to consider ecological changes on beetle harvested sites  
(Chief Forester response) Treasury Board Submissions going forward to Treasury Board and Federal Gov't
- 3) Cut Control Pressures - harvesting green has impacts on Woodlots and Community Forests.  
(Chief Forester response) Climate and Species Selection being reviewed (linked to Free-to-Grow & Stocking Standards)
- 4) International Trade / Blue Stain Pine - Opportunity to liquidate beetle killed wood and assist Tsunami stricken countries (provide at lost cost with added benefit to BC being our ability to reforest quickly.  
(Chief Forester response - Panel studying Future Forests (looking for gaps).
- 5) Opportunity for PAC and MPB Advisory Council to meet and compare views.

### PAC Questions/Comments – Range concerns

- 1) Concern that other forest values are being overlooked in rush to react to the MPB. Lack of range representation on MPB Advisory Committee)  
(Chief Forester response) CF committed to follow up with PAC request that a range representative be considered to sit on the MPB Advisory Committee
- 2) Gaps in Consultation causing concern with ranching community
  - Natural barriers concern wrt cattle management
  - Access Roads concern wrt cattle management
- 3) Relationships between Ranching community/Timber industry in Interior BC
  - Cheap beetle killed wood from Crown Lands flooded market, Private Lands unable to sell timber
  - (Chief Forester response) Forest Industry is trying to move forward to manage concerns.
- 4) Weeds/Invasive Plants - Concerns that uplift in funding not to relative to the amount being spent on MPB  
(Chief Forester response) Funding increase is being brought to Invasive Plants
- 5) Greenwood - Concern that greenwood still being taken, however, we have excess beetle dead wood to dispose of.
- 6) Forests in Future not being considered wrt cattle industry.

### PAC Questions/Comments – First Nations

- 1) Believes small licensees/woodlot owners at disadvantage - ability to put a plan together and get an operating area leave small licensees and woodlot owners struggling.
- 2) Ecosystem Restoration - formation of a Federation is underway by First Nations (structure similar to DFAM)

### PAC Questions/Comments – Communities concerns

- 1) Future Forests - long range plan needed to consider impact the lack of fibre will have on communities, and strategy to mitigate the impact.
- 2) New areas now experiencing MPB problems need to consider links to potential forest fires, etc. and possible MPB mutation to move into other species (e.g. MPB attacking White Pine stands are killing trees, but likely unable to multiply)
- 3) Reforestation - need to consider mixed planting species and minimum harvesting ages, etc.

### PAC Questions/Comments – Logger's concerns

- 1) Concerns mirror those of Range Tenures.
- 2) Consideration being given to forming a consolidation of licensees to try and enable them to bid on Timber Sales against the major licensees. Small licensees are unable to sell their products.

### **3. FRPA Update - Ian Miller**

- Regulation Amendment Package brought into force Dec. 13th
  - Woodlot PAC representative voiced disappointment with amendment package wrt Woodlot planning requirements. Amended Regulations did not address WL concerns regarding timelines.
  - Cattlemen/range tenures have same concerns with amendment package wrt to Ranching planning requirements causing confusion re extension of dates and increased workloads
- Authority for resource professionals to certify certain FSP content elements (*Note: resource professionals must be qualified members of ABCFP (Forest Professionals), APEGBC (engineers and geoscientists), CABBC (biologists) or BCIA (agrolgists)*)

**ACTION: S Turcotte to add weblink to latest version (Dec. 13th) of amendment package and direct link to the Timber Objective. <http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section6>**

Community Watersheds

- PAC noted need for Integrated Watersheds planning for community areas. (MSRM mandate)

Plan Requirements

- DDM Expectation Meetings will include discussions re stakeholders, issues, objectives (legal and non-legal), clarity re values, etc.

**PAC Concern raised re the DDM's power to lengthen the default review period of 60 days.**

Questions/Comments - Professional Reliance

- streamlining and cost reduction not achieved for small operators. In fact, expenses have increased (WL Owner's costs approx. \$7 cu metre higher under FRPA than under FPCode)
- Ranchers/Woodlot owners see as another layer of the approval process, taking away the ability of the small rancher/woodlot owner to manage their lands.
- lack of protection for public lands, believe "certification" is a step too far.

(Chief Forester response) - Plan is to monitor the Professional Reliance model and if necessary, gov't will re-evaluate.

Question: If professional "certification" of a plan is voluntary, what if they choose not to do so?

(Gov't response) The DDM still has to approve the whole plan – there are 4 elements of the plan that can be "certified by a professional", if specific areas of the plan have been certified, then those areas will be accepted. If there are no "certified" areas in the plan, then the DDM must assess the whole plan against all the tests.

- If a concern is brought forward after the FSP has been approved, the Minister can then request they meet and discuss, and if inconsistent, the licensee will need to amend the FSP.

Questions/Comments – Tourism

- Watershed areas on east coast Vancouver Island all connected to Private Forest Lands. Tourism has concern that visual quality is not a major consideration.

**ACTION: Gov't committed to follow up with COTA re gap btn FRPA / Private Land regulations.**

Questions/Comments – Visual Quality Objective

- This objective will only be clear if an LRMP is in place, otherwise possibly the wording "public viewpoint" will be open to dispute by various community groups.

#### **4. Professional Reliance - Van Scoffield, ABCPF**

(see handout – Professional Reliance – A Presentation to PAC)

New legislation in place:

- College of Applied Biology Act (Nov. 2002)
- Agrologists Act (March 2003)
- Foresters Act (March 2003)
- *Engineers & Geoscientists Act (pending - reached legislative drafting stage, but did not proceed)*

- Foresters Act was updated and strengthened
- Foresters are equally bound whether practicing on Crown or Private Lands.

#### **PAC Questions/Comments**

- Concern that government is off-loading responsibility of the stewardship of publicly owned resources onto professionals at the expense of small operators
  - all values are not considered equally (e.g. forage), and in many cases term “forests” means “timber”.
  - this may be “opening doors” we have not yet considered (e.g. costs, etc.)
- Need similar linkage between ABCFP/Engineers as Agrologists/ABCFP model (Van Scoffield response) A meeting has also been planned between ABCFP and Biologists to identify and clarify roles and responsibilities.
- Professional Sign off – Why can a Professional Forester sign off on visual quality and not of soil? (Van Scoffield response) This is a small step, Industry would have preferred a longer list and what is in 22.1.

#### **5. Implementation Teams – Bill Quinn**

- Provincial I-Team Meeting scheduled in mid-March

**ACTION: Bill Quinn committed to table need for representation from the Harvesting Sector**

**ACTION: Bill Quinn to consider adding Range Training Milestone to Chart.**

- FSP Workshop will bring together those that have already completed an FSP to share and roll up information and plan how best to communicate out to others.

**ACTION: Bill Quinn to follow up once the FSP analysis has been completed, if gaps are identified.**

- DDM Training is focused on MOF District Managers, but WLAP and MSRM were invited to attend, along with some District staff. 2 Sessions have now been delivered, 1 session still to deliver in March.

#### **PAC Questions/Comments**

(Question) – Acronyms -What does AGFSP stand for?

(Bill Quinn response) AGFSP -Admin. Guide for Forest Stewardship

- Very interested in how the cross district/cross regional model is managed, and requests this be brought back to PAC for future information update.

(Bill Quinn response) Only one DDM needs would review FSPs across district boundaries, if necessary, the ADM Operations Division would determine which DDM.

(Jim Snetsinger response) C&E will only need to address one FSP. BCTS can also be incorporated in FSPs.

**ACTION: Shirley Turcotte to bring forward on future PAC Agenda.**

#### **Change Management?**

(Question) How is change management and the change in culture being managed by I-Teams?

(Bill Quinn response) This has been covered off in the DDM Training Sessions.

## 6. **Training**

- PAC suggested possibility for using the Train the Trainer Module to train consultants who would then be equipped to sell on-going “training” to meet future training requirements.
- MSRM currently mapping out all information in their library – across all layers - for reference. This will allow licensees to access most current information available without having to go to each District Manager to provide it.

**ACTION: Training Team needs to address concerns raised with regard to preference to review Range Use Plans and resistance to Range FSPs.**

Invasive Plants - Need to train Forest Professionals on Invasive Plants.

(Gov’t Response) Need to include expert community in developing information

**ACTION: Bill Quinn to follow up re need for training wrt Invasive Plants.**

### Range Training

- BCCA have already raised the issue of Range Training to the Minister. Training for Range is still missing –concern that ministry personnel for Range, especially at headquarters, is also missing.
- Range Community would like to see the Range FSP mapped out.
  - Gap with non-forest licensees noted
  - Range criteria to meet dynamics of regulation need to include academia.

**ACTION: Gov’t / BCCA meeting to be arranged to discuss Range Training needs then ministry will develop and deliver.**

### Woodlot Component

- Operational involvement is needed as part of the plan and should be reflected on the Implementation Chart.

**ACTION: Bill Quinn to include Range and Woodlot Components on Implementation Chart.**

Provincial Implementation Team – Issues Management Framework

- Identify tool to address challenges (training, bulletins, etc.)
- Ensure challenges are solved in the field

**ACTION: PAC Members to notify Bill Quinn if they are aware of any examples where FSP requirements are being misinterpreted.**

### Delegation Matrix

- Bill Quinn reported he chairs a small group of District Managers who are working on the Delegation Matrix.

### Infoflip–Due Diligence under the *Forest and Range Practices Act*–What Employees and Forestry Contractors Need to Know

- PAC had recommended information to support FRPA was needed by contractors and employees regarding their due diligence obligations under FRPA.
- In response, MOF Forest Practices Branch, Compliance and Enforcement Branch, the Forest Practices Board and representatives of logging and silviculture associations (CILA, ILA, NLA, Woodlot Assn., Truckloggers, Steelworkers-IWA, W. Silv. Contractors,) worked together to develop a small waterproof brochure or “infoflip”
- Similar model for Range being considered.

### Cultural Heritage

- Cultural Heritage has potential for uncertainty because it does not have the science and methodology in place.
  - there needs to be some training in this area, but it is not well defined.

### Implementation

- Some implementation problems are anticipated, as FRPA is substantially different from FPCode. However, key is that we have a sound process in place to troubleshoot. We maybe need to include others (e.g. harvesting sector), and need to continue to manage structure and ensure the right people are at the table.

### Communication

- MOF needs to ensure the protection of resource values – need to track successes and failures and get information out to those working on the ground.
- Need to create a “learning group” (role for FOREX, Forestry Network, etc.) A strategy is needed to manage how to communicate effectively and get information into practice.
- An on-line discussion forum “Community of Practices” is being formed, to help professionals share information.
  - Need to keep in mind that small operators do not have the capacity to access information such as video clips, etc. provided via Internet.

**ACTION: PAC Members to forward any guidance on how they believe MOF should deliver extension.**

**ACTION: PAC continues to raise concerns around information exchange and continuous.**

### Monitoring/Effectiveness Evaluations

- PAC noted continued interest in an adaptive management approach and requested the ongoing updates on the Effectiveness Evaluations.

## **7. Non-Legal Guidance – Rodger Stewart, WLAP**

- Guidance: approx. 20% legal with 80% supporting information

### PAC Questions/Comments

- Advice on how to prepare an FSP has been prepared by Resources, Tenures and Engineering Branch.
  - How do we manage the cultural shift (e.g. guidebooks under FPCode to support for FRPA)?(Rodger Stewart response) Communication / training that it is the “result” that approval is on and not other considerations. Under FPCode, guidance was “cited”, there was a prescription culture. We are working to ensure this will be articulated clearly. The framework for this work is done, but work is still underway to finalize.
- Need to focus on a structure for communication, consider how to use networks and forums already in place, a strategy to manage the whole collection of communication pieces.
  - Regarding the culture shift, need to build in ability to meet FRPA objectives ***and improve.*** Need ability to focus on individual audiences, increase understanding and build linkages.
  - Need to pilot the Due Diligence test wrt C&E
  - Term “Non-Statutory Guidance” needs clear description for what this package is.
  - Prefers use of term “Reference Material” to avoid confusion with the FPCode culture of word “guidebooks”
  - Need to ensure the non-legal guidance does not become the defacto legal requirement.
  - C&E needs to have measurable, verifiable definitions to ensure consistent understanding for adjudicators. The concern is if licensees are working within the non-legal guidance – can they take any risk – and would they then be in contravention of the *Forester’s Act*? Could the DDM approve the plan?

**ACTION: R Archibald to take these recommendations forward as appropriate for development of a Communications Strategy**

### FRPA

- FRPA goal was to allow for those who wanted to be innovative, to be able to do so, and provide the defaults for those who were not interested in doing something innovative.

### PAC Questions/Comments

- There appears to be a gap with range monitoring and range science. Tools that are scientific, acceptable and applicable need to be developed to help ranchers.
- The GCC has done some grassland monitoring work for range. However, neither the GCC nor the BCCA have had the capacity to do the level extension that is needed. Gov’t does not have the resources or the willingness to do extension. MOF staff have been cut back, they have large areas to oversee and are they are not able to spend the time required with clients to discuss range management issues, concerns and practices.

**ACTION: Ralph Archibald to explore opportunities for partnering to build on the work already done by the associations. Identify clear sector profiles (who they are and how they communication amongst and between themselves)**

**8. Compliance and Enforcement / FRPA Implementation – Dan Graham**

- C&E now has power to issue intervention orders under FRPA. The Stop Work power has still been retained.
- C&E have prepared guidance for MOF staff and licensees to assist them in drafting results or strategies that are measurable and enforceable under FRPA, but it is up the licensee to ensure their result will be measurable and verifiable.
- If Licensees believe they have met their statutory obligation under FRPA, they may make a “declaration” prior to the time when the licensee is legally obligated to have reached the statutory obligation, including the free-growing milestone.

*PAC Questions/Comments*

- How will C&E manage cross boundary plans?  
(Dan Graham response) C&E are still working out a methodology to handles results and strategies at the landscape level. C&E looking at ways to average over a number of different cutblocks.
- First Nations have been successful using training and suggested MOF give all staff training in “Look, Record, Report” to assist C&E with monitoring what is happening on the ground.

## PAC Key Messages

### 1. FRPA Framework

- PAC concerned that the new regime will not meet objectives for the small tenure holders.
- PAC concerned there are no solid tests in place for Range Barriers/Invasive Plants.
- PAC concerned that WL licensees are reporting increase in costs (\$7 cu. Metre)

**ACTION: Jim Snetsinger to address opportunity for a Range Rep. on the Minister's Advisory Council for Mountain Pine Beetle.**

### 2. Certification/Professional Reliance

- PAC has concerns regarding the professional reliance "certification" delegating stewardship authority on public lands. PAC believes government moved to quickly on this.
- PAC concerned that this model puts licensee professionals in a compromised position and advises that there needs to be 3<sup>rd</sup> party overview. PAC believes this may give the balance to manage risk until public confidence has been gained.
- PAC raised issue that in the Minister's best interests, they have concerns that this model could provide opportunity for NGOs to build a case against government should a mistake occur on the land, causing serious "political" problem.
- PAC requested update on the Professional Reliance Task Force that was formed by the Professional Associations.

**ACTION: On behalf of PAC Briefing Note to be drafted re Certification/Professional Reliance and forward to S Turcotte for circulation out to PAC for review and comment.**

**ACTION: S. Turcotte to request update on the Professional Reliance Task Force for next PAC meeting.**

### 3. Monitoring/Effectiveness Evaluation

- PAC raised concerns wrt gov't ability to monitor / assess FRPA implementation  
– and how vulnerabilities will be communication out.

### 4. Communication Strategy

- PAC recommends a strategy to manage the whole collection of communication pieces (internal/provincially and internationally).
- Strategy needs to also include how Effectiveness Evaluations will be communicated.

### 5. Training

- PAC recommends a training analysis be undertaken to address Range training needs.
- PAC recommends training/extension plan be developed for all clients

### 6. Private Lands/VQOs

- PAC raised concerns regarding visual quality objectives and Private Lands (e.g. east coast of Vancouver Island posing concern to Communities/Tourism, etc.)

### 7. MPB Opportunity for International Trade

- PAC endorsed pursuing opportunity for province to offer beetle wood at reasonable cost to Tsunami stricken countries with view to quick reforestation.

### Items for Future PACt Meeting:

- 1) Mountain Pine Beetle – Bob Clark
- 2) Effectiveness Evaluations Update
- 3) Implementation – FSP Approval Process  
– Invitation to (MOF and WLAP) District Managers to attend PAC for discussion
- 4) 2005 FRPA Training
- 5) Minister's Response to PAC February 3&4, 2005 Advice to Minister  
– Invitation to Minister to attend PAC