

1. Introduction



In its New Era document, Government promised to streamline the Forest Practices Code (FPC) to establish a new forest and range planning and practices framework, with tough penalties for non-compliance.

Under the revised framework, government and industry resource professionals will focus on results and resource protection rather than process and paperwork. Government will set objectives and desired outcomes, and forest companies will propose results or strategies to achieve government objectives. The forest companies are then accountable for the results through a rigorous government compliance and enforcement regime.

Two Stages of Transition

Forest and range management in BC is changing from a prescriptive regime under the Forest Practices Code to a results-based regime under the *Forest and Range Practices Act (FRPA)*. This is happening in two stages:

“Legislative change is occurring in two phases.”

- The *Forests Statutes Amendment Act (No. 2) 2002 (FSAA)* was given Royal Assent on November 26, 2002 and makes amendments to the existing Forest Practices Code. These amendments will come into force on December 17, 2002 and provide some immediate efficiencies and streamlining in planning and practices.
- The *Forest and Range Practices Act (FRPA)*--expected to come into force in April 2003--replaces the *Forest Practices Code of BC Act* and enacts a new forest and range management planning and practices framework. Associated regulations will be developed to support this legislation, and will come into force at the same time.

This Primer only deals with the amendments to the FPC.

Training on the *Forest and Range Practices Act* will be covered in a separate program early in 2003.

What is the “Forest Practices Code Transition Primer”?

This Forest Practices Code Transition Primer outlines the major changes to the FPC resulting from the *Forests Statutes Amendment Act (No. 2) 2002*.

The Primer is a companion to the orientation sessions that are conducted in local communities throughout BC. The Primer and Orientation Session the “***FPC Transition Training Program***”.



The objectives of this training program are to provide a common message and consistently high level of understanding of the amendments to the *Forest Practices Code of British Columbia Act* and regulations to forestry and range practitioners across the Province, so that they are aware of their new legal obligations.

The target audience for this training program includes government personnel, licencees and others who plan, conduct and monitor forestry and range practices in BC. The training builds on the existing FPC legislation and assumes participants have a working knowledge of the FPC.

Where to get more information

Additional information can be obtained via the Internet:

- **Act and regulations**—the FPC legislation can be found at <http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>. The *Forest Statutes Amendment Act (No. 2) 2002* can be found at <http://www.for.gov.bc.ca/code/#act>
- **FPC Transition Training Website**—training material including the recorded presentations, overheads, notices of recent changes, future training and this Primer can be found at <http://216.210.103.125/>
- **Questions and Answers**—a question and answer forum will be available on the Internet and accessible via the FPC Transition Training Portal at <http://216.210.103.125/>



2. Changes to the Forest Practices Code



Why are changes being made?

When the FPC was introduced in 1995, it was primarily a planning-based regime. The planning regime was intended to consider impacts to forest and environmental values, and to design ways to mitigate these impacts prior to forest development and management activities. The FPC achieved its original objectives of creating a level playing field for all forest licencees, increasing environmental protection and applying consistent enforcement measures.

“The FPC had unintended consequences, notably increased costs for industry and government.”

However, the FPC had unintended consequences, notably increased costs for industry and government. Accountability for the outcomes of forestry activities was unclear. Further, certain key components of the FPC were not fully implemented, leading to uncertainty for forest resource management, environmental conservation, and industrial development.

The FPC has been revised over time to reduce costs by placing less emphasis on plan approvals and more on results. For example, in 1998, amendments were brought into force that reduced the number of operational plans from six to three.

However, costs remain a problem for both licencees and government. The prescriptive nature of the FPC has stifled innovation by requiring adherence to practices that were not always the most effective or efficient in delivering outcomes needed to meet the broad public interest.

To address these shortcomings, Industry, Ministry of Forests (MOF), Ministry of Sustainable Resource Management (MSRM) and the Ministry of Water, Land and Air Protection (WLAP), have worked together to develop forest practices legislation that has the following objectives:

- maintain the FPC’s high environmental standards;
- continue to balance social, environmental and economic interests;
- reduce the transactional and operational costs to both industry and government;
- reduce the FPC’s complexity;
- rely on the knowledge and skills of registered professionals;
- provide the forest industry "freedom to manage" in delivery of defined results;
- maintain and enhance the level of public acceptance of forest management;
- ensure the resource requirements are consistent with the capacity of government; and
- ensure a strong compliance and enforcement regime.



What was the process of determining the changes?

In 1999, an internal government Code Review Committee was struck to look at the existing FPC's strengths and weaknesses and review what changes should be made to improve forest management and practices.

In August 2000, a review of the forest management legislation development processes and roles of stakeholders in other provinces found the process in BC to be complex and inconsistently applied. This review, combined with the Code Review Committee's findings provided an initial framework for changes necessary to the Forest Practices Code.

“Government sought input from the public and stakeholders through several processes.”

In May 2002, the government released a discussion paper for public review and comment. A public consultation process, facilitated in two parts, one led by MLA Rod Visser and the other by Dr. George Hoberg (Head of the Department of Forest Resources Management, University of British Columbia), ran from May 1, 2002 until June 30, 2002.

The public consultation process included:

- MLA Public Hearings;
- Stakeholder presentations; and
- Website forum.

Following the conclusion of the public consultation process, Dr. Hoberg released a report containing 24 recommendations to government.

This consultation process led to changes to the new regulatory model that was proposed in the discussion paper. One such change to the model was the replacement of the proposed Resource Development Permit with a Forest Stewardship Plan (FSP) that must include measurable and enforceable results. This change along with many other recommendations has been included into the *Forests Statutes Amendment Act (No 2) 2002* and/or the *Forest and Range Practices Act*. These two pieces of legislation will enable the changes. Other recommendations from the public consultation process will be addressed as regulations are developed.

“This consultation process led to changes.”

How will the change happen?

The transition to a workable forest and range planning and practices framework involves substantial change. Therefore, it is being implemented in two phases covering December 17, 2002 through April 1, 2005 in a manner that achieves the greatest efficiencies as quickly as possible, while ensuring forest values are appropriately managed and conserved over time. The two phases are:

- amendments to the FPC; and



- *New Forest and Range Practices Act (FRPA)*.

Amendments to the FPC

Amendments to the FPC, introduced through the *Forests Statutes Amendment Act (No. 2) 2002* are now in force and will remain so until April 2005. These amendments implement changes as part of the transition to a results-based approach that will be in place under the *FRPA*.

“Government wanted to capture efficiencies immediately where possible.”

Key changes include immediate efficiencies to Industry and Government. Government will no longer review and approve site-level plans such as silviculture prescriptions and most road layout and designs. Government will no longer review and approve minor changes to approved forest development plans. Industry will begin the change (e.g., planning) that will continue through the new *FRPA*. They will have until April 2005 to complete the transition to the *FRPA*.

New Forest and Range Practices Act

The new *Forest and Range Practices Act* and regulations will complete the transition. This legislation will build on the transitional provisions introduced on December 17, 2002 via the *Forests Statutes Amendment Act (No 2) 2002*.

The *FRPA* will come into force in April 2003. It will include a two year period over which industry and government personnel will change from the FPC to the *FRPA*—for example, changing from forest development plans (FDP) to forest stewardship plans (FSP).

After April 1, 2005, the transition period is over and the new *FRPA* comes into full effect.

Whose work will be affected by the change?

The amendments to the FPC will mainly impact licensee and government personnel at the district level:

- **Industry**—whose role in preparing plans and carrying out practices will continue. Only some operational plans and amendments will be submitted to the government for approval.
- **Ministry of Forests (MOF)**—whose role in reviewing and approving plans will decrease while monitoring and enforcement activities increase;
- **Ministry of Water, Land and Air Protection (WLAP)**—whose role in joint decision-making will be reduced. This is consistent with the direction to assign clear ministry responsibilities. WLAP will be the statutory authority for identified wildlife, ungulate winter range and wildlife habitat features within the government’s policy limits (including the 6% limit on impacts to timber supply). The responsibility to make resource information ‘known’ for planning purposes is transferred to the MOF.



- **Ministry of Sustainable Resource Management (MSRM)**—whose role continues in the areas of establishing legal objectives, community watersheds, etc. MSRM's role under *FRPA* will be to ensure higher level plans or strategic land use planning objectives are in place.

Increased Reliance on Professionals

The new forest and range planning and practices framework places increased reliance on professionals.

If the FPC does not specify the use of a certain professional, resource practitioners must look to the right to practice acts to determine:

- if the practice is covered by one of the rights to practice acts; and
- if the act requires a particular type of professional to perform that practice. If so, the properly qualified—experienced, educated and appropriately registered—professional must perform that practice.

