

Forestry Roads

British Columbia is trimming the rules governing forestry roads and handing much of the responsibility for good design back to the industry.

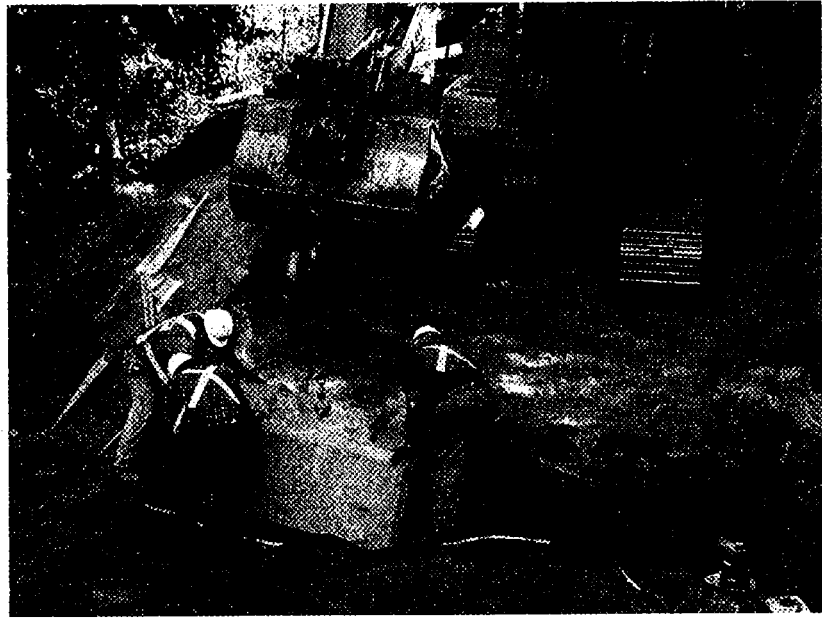
Make no mistake, Gordon Campbell warned British Columbians in the last provincial election: business is being smothered by a blanket of regulations that deter investment and inhibit growth. With more than 400,000 regulations costing the B.C. economy about \$5 billion a year, Campbell's stated goal was to cut by one third the number of rules.

Two years later, the Premier's promise to cut red tape has become an issue of pressing importance for B.C.'s forestry industry. The industry has been hit hard. U.S. softwood lumber tariffs have cost mill workers more than 15,000 jobs, mills in small communities throughout B.C. have closed, and retail companies large and small have packed up and moved away.

In an effort to fix the situation, B.C.'s Forests Minister, Michael de Jong, has moved quickly to replace one annoying piece of legislation, the Forest Practices Code Act, with the new Forest and Range Practices Act.

The industry, says Ron MacDonald, president and chief executive officer of the Council of Forest Industries, could not be more pleased: "The new code will allow us to meet and exceed B.C.'s stringent environmental requirements by allowing for flexibility and innovation in our forest practices. This will create a forest industry that is environmentally responsible and internationally competitive."

Ron Davis, P.Eng., chief engineer for the Ministry of Forests, helped develop the current Forest Practices Code back in 1995. He says the code was intended principally to allay British Columbians' fears that large



B.C. Ministry of Forestry

forest companies were trampling underfoot the province's rich legacy of old growth forests, pristine lakes and rivers. Landslides ripping into delicate wildlife habitat due to poorly built and maintained forest roads were of particular concern. While some professional engineers worked to ensure that roads and bridges were stable, where and how a structure would be built "was more or less at the beck and call" of forest companies themselves.

"Whoever was familiar with a tree operation in a particular drainage area would make some calls as to what the chances of a landslide might be and how to design some stability into the road," says Davis. "What we tried to do was to make sure that there was proper scientific expertise brought to the site, to determine what the risk of a landslide might be and what type of design measures should be intro-

duced to stabilize an area."

The code, says Davis, forced companies to bring more engineering skills to bear on the design and construction of forest roads, bridges and culverts, either by developing the skills in-house or by hiring outside engineering consultants.

But what the code also did was erect a complex system of approvals, often adjudicated by the local district manager, a government official who might possess many skills — engineering not often among them. Not only would a company's design for a bridge or road sit on a district manager's desk for long periods of time, but by undertaking to review a company's road or bridge design, the district manager automatically assumed responsibility for the end product.

Everyone agreed this was not appropriate. Under the new Forest and

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Range Practices Act, the government has decided to cut the number of approvals and to shift the responsibility for deciding where, when and how a structure should be built from government to industry. Under regulations expected in late spring, licensees will only have to submit a map of the proposed construction site and a cover letter explaining their intentions. The actual design for a bridge or road will remain back in the offices of the company's engineering department or with the consultant. As long as companies are not proposing to build in a riparian area, community watershed or an unstable area using risky methods, the call, says Davis, is theirs.

Removing the requirement for terrain stability field assessments does not mean that those assessments won't be made, Davis cautions. In fact, the Ministry expects the same level of soil protection to occur as before. It is just that how a company achieves the right level of stability will no longer be prescribed by regulation.

"We used to have a great deal of direct professional responsibility spelled out in the regulation," Davis says. "The code would require a professional engineer, a geoscientist, a forester or qualified registered professional to be involved. In the future we'll be turning that [area of responsibility] over to the professional associations themselves."

Engineers' response

Consulting engineers Darby Kreitz, P.Eng. and Bob Parolin, P.Eng. both worry that by shifting responsibility from government to industry, the new rules will undo the best part of the old code and allow forestry companies to turn design decisions for some road and bridge structures over to professional foresters — the situation that existed prior to the old code coming into existence. Professional engineers are so strongly opposed to this that they plan to lobby the Joint Practices Board for changes on this point.

"To put it bluntly, professional foresters are not qualified to take professional responsibility for design," says Parolin, who works in the Prince George office of McElhanney Consulting. "That should be done by a professional engineer."

Kreitz would like to see actual design standards beefed up under the new rules. Much new construction, he contends, is of poor quality. Roads are narrower, turnouts are fewer and grades are steeper. Tougher design standards are needed for safety's sake, he maintains, especially given industry's current harvesting method — delivering a large percentage of timber to sawmills over a narrow three-month window.

The current code requires a company to prepare proper plans, profiles and designs by a professional engineer — requirements the oil and gas sector tend to ignore.

"The amount of traffic on these roads is increasing while the standard is decreasing. That's a problem," Kreitz says.

For his part, Parolin is concerned about the way the new rules will be applied. Most forest companies abide by the current code when building roads, he says, but many of the oil and gas companies don't. He fears the situation will get even worse under a relaxed regime of regulations, notably in unstable Class 4 high hazard terrain. The current code requires a company to prepare proper plans, profiles and designs by a professional engineer — requirements the oil and gas sector tend to ignore.

"It's sometimes done after the fact. They're calling people in like myself to look at [a construction project] to see what they can do to stabilize it, but the planning and the design up front is not being done."

On the plus side, Parolin likes the fact that companies won't have to go to the expense of bringing in a consulting engineer when it's not necessary to do so. Under the old code his consulting firm would be hired to

develop plans for "kilometre after kilometre" of road where the slope of the ground was 50 per cent in gravel (i.e. stable). "I don't like being involved in projects where we're not required. So to go and look at a stretch of ground that's 50 per cent at gravel is a complete waste of time and money."

Both engineers agree that other portions of the province's "results-based" approach to road design and construction are long overdue. Eliminating over-complex requirements for using stumps, roots and embedded logs in road construction, for example, means engineers and their clients can choose these materials, or others if they wish, without consulting the local district office. That decision is "absolutely" one of the better features of the new code, Kreitz says.

"B.C. is a large province," he adds. "There are various practices that work extremely effectively in Fort Nelson that do not work in Victoria or on the Queen Charlotte Islands or the Rocky Mountain trench. When they're writing a code that says 'Thou Shalt Do This,' it really doesn't give them the latitude to account for that [geographic diversity]."

Latitude — giving industry more of it — is precisely the point, says Davis. "It's all part of making sure the industry is as viable as it can be." In other words, let's not hobble forest companies by throwing artificial constraints at their feet. We don't have to turn the clock back 30 years to a time when the industry worked with few or no prohibitions, but somewhere the delicate point of balance between economic and environmental sustainability exists.

B.C.'s chief forestry engineer thinks his province has found the balance. "We expect the forest industry to be working to that same end result of environment protection, but wherever there's an opportunity for direct or indirect cost savings we're going to provide for that too." **CCE**

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