

# **The Experience of Forest Management Practices in British Columbia: Vision, Challenges, and Approaches**

**A Synthesis of the Following Four Papers Submitted to and Accepted by the XII  
World Forestry Congress, September 2003**

Beaumont, Rod (Weldwood of Canada Limited) and Hanson, Kevin (Optimum Public Relations) *Canadian Public Involvement in Certification: A Shift in Managerial Responsibility*

[www.weldwood.com](http://www.weldwood.com)

Cafferata, Bill; Dahl, Darlene; Hughes, Steven; and Waldorf, Jacqueline (all of the Forest Practices Board of British Columbia) *Role of an Independent Forestry Watchdog in an Era of Certification*

[www.fpb.gov.bc.ca](http://www.fpb.gov.bc.ca)

Hoberg, George (University of British Columbia) *Alternative Approaches to Regulating Forest Practices: Lessons from British Columbia*

[http://www.forestry.ubc.ca/people/faculty\\_profile.asp?dest=hoberg.htm](http://www.forestry.ubc.ca/people/faculty_profile.asp?dest=hoberg.htm)

Vold, Terje (British Columbia Ministry of Forests) *Experience Developing a Results-Based Forest Practices Code for British Columbia, Canada*

[www.for.gov.bc.ca/hfp/hfp.htm](http://www.for.gov.bc.ca/hfp/hfp.htm)

This presentation is a synthesis of four diverse papers that discuss various approaches to forest management practices in British Columbia. George Hoberg, the author of *Alternative Approaches to Regulating Forest Practices: Lessons from British Columbia*, is Professor and Head of the Department of Forest Resources Management at the University of British Columbia. Terje Vold, author of *Experience Developing a Results-Based Forest Practices Code for British Columbia, Canada*, is in the BC Ministry of Forests. Rod Beaumont, Chief Forester and Senior Environmental Officer of Weldwood of Canada Limited, and Kevin Hanson, Account Director of Optimum Public Relations, co-authored *Canadian Public Involvement in Certification: A Shift in Managerial Responsibility*. And finally, Bill Cafferata et al of the Forest Practices Board, co-authored *Role of an Independent Forestry Watchdog in an Era of Certification*.

BC is Canada's most ecologically diverse and westernmost province. The province is vast, encompassing over 95 million hectares, which is larger than any European country except Russia. Nearly two-thirds of BC (about 60 million hectares) is forestland. Ninety-five percent of BC is in public ownership; the province as primary landlord issues tenures to licensees as tenants to harvest timber. Clearly, such a vast forest cover in public ownership will draw a great diversity in stakeholders. There are timber-harvesters, recreationists, First Nations, environmentalists, local community groups, scientists, and others with an interest in the forestland. Striking a balance between the various stakeholders' sometimes conflicting needs and interests is naturally challenging. We hope that the experience of BC in attempting to manage these divergent interests will be valuable to other regions of the world. To this effect, this presentation will attempt a broad overview of BC's vision, challenges, and approaches with focus on wider, global implications for sustainable forest management.

### **Forest legislation background**

Canada is a parliamentary democracy and a decentralized federation. Under its constitution, forestry is a provincial responsibility. Forest policy in BC is shaped by several laws: the *Forest Act*, which deals with timber allocation and revenue; the *Forest*

*Practices Code of British Columbia Act* (the Code Act), which provides direction on forest practices and planning; the *Forest and Range Practices Act*, which is in the process of replacing the Code Act; the *Foresters Act*, which sets standards of conduct and responsibility for the province's professional foresters; and the *Ministry of Forests Act*, which states the purpose of the ministry and defines its priorities. Some other laws implemented by other ministries—such as the *Wildlife Act* and the *Parks Act*—are also important. The Federal government has some related jurisdiction through the federal *Fisheries Act* and the new *Species at Risk Act*, but historically the federal government has not played a significant role in provincial forest management.

Compliance and enforcement of forest practices is embedded in BC's forestry legislation, and is undertaken by various provincial and federal agencies. Legislation also requires that at least once every five years, BC's chief forester must determine how much wood can be harvested in BC. This process involves a detailed technical analysis, including public comment and a review of non-timber values such as wildlife and fish habitat, soils, water, and recreation values. It seeks to ensure that all harvest levels are based on the latest information and practices, as well as government's economic, environmental and social policies.

Much of the information guiding forestry in BC comes from strategic land use plans. Strategic land use plans zone BC's forests based on resource values, and clarify objectives for each zone. These plans can provide direction to forest practices, and provide some certainty for users of the land. BC's land use planning process is undertaken with a diverse composition of stakeholders.

### **Forest practices legislation**

The papers by Hoberg and Vold describe the government's approach to regulating forest practices. Hoberg identifies four different approaches to forest practices regulation (p. 2). First, *guidelines* can be used to identify recommended practices. In this case, the standards are not legally binding, and operators cannot be penalized for not adopting them. Second, *technology- or practices-regulations* specify particular forest practices that

must be used in certain circumstances. An example would be a 20-metre buffer strip on a fish-bearing stream. Third, *performance- or results-based regulations* specify an outcome to be achieved rather than a specific practice. In the case of stream protection, an example would be maintaining water quality within the natural range of variation. Unlike guidelines, practices and results-based regulations are legally enforceable. The final approach to regulating forest policy is *compulsory management planning*, which requires operators to prepare a management plan but does not specify any particular practices or results that must be achieved. Hoberg also notes that the approaches are not necessarily mutually exclusive—a combination of approaches may be applied.

Vold discusses BC's regulatory framework and the ongoing transition from a practices-based code to a results-based code (p. 4-7). The BC government in 1995 introduced the *Forest Practices Code of British Columbia Act* (the Code). The Code was successful in increasing environmental protection and providing a consistent set of rules for forest licensees. However, the Code was also highly prescriptive, and called for six forest operational plans requiring government approval, along with 19 regulations and about 40 guidebooks, some of them tied to legal requirements under the legislation. A universal set of rules and regulations was thus laid down for forest practices on BC public land (as mentioned, about 95 percent of BC land is publicly-owned).

Within a few years, however, there was strong pressure to re-think such a prescriptive approach to regulating forest practices. Government and industry found the regime to be too costly and rigid, thus hampering innovation. Vold mentions that a 1997 study suggested that the Code was responsible for about 60 percent of forest industry cost increases from 1992 to 1996 (p. 3). Hoberg states that government could not effectively staff the cumbersome planning process prescribed by the Code (p. 3).

Hoberg notes that environmentalists were dissatisfied with aspects of the Code that are key to its environmental performance where legal designation decisions had not been made; for example, decisions to establish old growth management areas and wildlife habitat areas were not being made in a timely fashion. In addition, there was also general stakeholder dissatisfaction with the “one-size-fits-all” nature of the regulatory regime. Vold points to the diversity of BC's forest ecosystems, which would require a more flexible management approach that could incorporate local conditions (p. 3).

Hence it became clear to many that the Code needed reform. In May 2002, the BC government prepared a discussion paper that proposed a results-based approach. It distributed the discussion paper widely through an open and independent consultation process, headed by George Hoberg, which also included a panel of elected officials that held open public meetings throughout the province.

The public response reflected the great range of economic, social, and environmental conditions and interests inherent in the vast province of BC. Perhaps this divergence is best epitomized by the antithetical responses of industry and environmental groups. According to Hoberg, industry groups were sharply critical of the proposal because they felt that it still contained too many prescriptive rules, and they did not believe it would significantly reduce their costs (p. 4). Environmental groups, on the other hand, believed that the proposal weakened environmental standards and gave too much control to industry (*ibid*). Despite this contrast in opinion, Hoberg states that there was at least general agreement on one point: that many of the results-statements were vague, immeasurable, and unenforceable (p. 5-6).

Hoberg finds a possible solution to these criticisms in one of the core recommendations that emerged from the consultation process (p. 8). He proposed a different model that would incorporate more flexibility without jeopardizing environmental values. The proposed model would involve the government establishing a basic regulatory framework that is designed to adequately protect fundamental environmental values. For those licensees who have the resources to do robust sustainable forest management planning, an option could be provided in which they could substitute the results and rules they have developed for sections of the government regulatory model. Certification efforts, as discussed in the Beaumont and Hanson paper, might provide a basis for such an approach. This option, however, would only be made available to licensees if they could demonstrate that their proposed regulatory model would meet or exceed the basic government regulatory standards. Hence this proposal, argues Hoberg, would provide incentives for industry to be innovative in their specific methods to meet environmental standards, while assuring the general public that basic environmental values were being protected (p. 8).

Pursuant to this consultation process and discussion paper, the BC government undertook additional consultations (as recommended by Hoberg) and followed-up on this core recommendation to change the model. BC enacted the *Forest and Range Practices Act* in November 2002. The Act is expected to take effect in Fall 2003. Vold outlines the changes made, which are intended to transform BC's regulatory framework from a practices-based code to a results-based code (p. 5-7) over a transition period ending in 2005. BC is believed to be one of the few jurisdictions in the world now moving towards a results-based regime with respect to the regulation of forest practices (p. 1).

The regime also combines a *compulsory management planning* component (as described by Hoberg) since a major feature of the new Act is the requirement for licensees to prepare a Forest Stewardship Plan. The plan must include measurable and enforceable results or strategies that are consistent with government objectives for key resource values such as soils, visual quality, timber, forage, water, fish, wildlife, biodiversity, recreation, resource features and cultural heritage resources (Vold, p. 5). Government objectives will be specified in regulation and through land use plans. Default strategies or results for some values, such as riparian management and soil conservation, are to be laid down by government in regulation. Licensees could either adopt the default, or propose an alternative or innovative one. If they choose the latter option, then they would have to provide a rationale or justification in the plan, and demonstrate that their proposal meets the government's objectives (Vold, p. 6). The plan must also include a map showing the outer boundary of proposed forest developments. The plan must be available for review by the public and First Nations, and licensees must demonstrate how they have addressed comments received. Government approves the plan before it takes legal effect.

Regulations and provincial orders under the new Act are being prepared to help address concerns under the Code that site-specific decisions have not yet been made to protect some key environmental values. For example, a provincial order is under development that will specify minimum amounts of old-growth forests that must be retained by ecosystem type for each of the major landscape units (generally large watershed units) in the province.

To be successful, the new Act will require a greater primacy on registered resource professionals, for example, to propose results or strategies in the Forest Stewardship Plan that are consistent with government objectives. Therefore, the BC government introduced legislation that holds resource professionals, including foresters, agrologists, and biologists, more accountable for the plans they help prepare. This included a new *College of Applied Biology Act*, making BC the first province in Canada to register and license biologists (*ibid*).

In conclusion, Vold states that the BC government is confident that the new Act will maintain or exceed the province's environmental standards while being far less prescriptive (p. 7). He qualifies this statement by making clear that it is still too early to judge success (p. 8) since the Act has not yet taken effect.

Hoberg notes that government has undergone a major change in its approach, by abandoning its previous effort to put "one-shoe fits-all" measurable results into province-wide regulations (p. 9). Government has responded to criticism that this approach will likely not work well in a province as diverse as BC. Instead, since licensees are required to develop measurable results or strategies for a list of forest values specified by the government, and since they must prepare and submit a plan to the government for review and approval, Hoberg asserts that in essence the government has shifted from a model of results-based regulation to compulsory management planning (p. 9). This is consistent with Hoberg's core recommendation to provide more focus on sustainable forest management planning. Hoberg notes that since government is still working on regulations that support the new Act, which are to specify environmental objectives and default environmental standards, it is unclear at the time of his writing how this will work.

### **Forest certification supported by local advisory group**

Another key ingredient in the vision towards sustainable forest management in BC involves voluntary certification supported by local public advisory groups. For this approach, we shall draw predominantly from Beaumont and Hanson's paper, *Canadian Public Involvement in Certification: A Shift in Managerial Responsibility*. This paper draws upon the experience of the first company in Canada to achieve both International Organization for Standardization (ISO) 14001 environmental management certification at

all of its manufacturing and woodlands operations, and Canadian Standards Association (CSA) Z809 sustainable forest management certification at all of its woodlands operations: Weldwood of Canada Limited, in 2001 (p. 1).

The CSA certification framework is the product of an open, inclusive and consensus-oriented process, and has the imprimatur of the leading standards-development organization in Canada (Beaumont and Hanson, p. 2). Perhaps its most distinguishing feature is the extent of its requirements with respect to public involvement, which require the formation of a public advisory group (*ibid*). Some Weldwood operating areas already had public advisory committees prior to certification, while in others Weldwood had to start afresh. It took the most open approach possible, usually involving an advertisement in the local newspaper to solicit anyone interested to participate, and the response was typically high. The advisory committees that were eventually formed represented a diverse range of interests: municipal government, chambers of commerce, recreational forest users, commercial recreational interests (such as guide-outfitters), and in some cases aboriginal groups and local organizations interested in cultural or historical matters.

A number of common objectives emerged from these public committees (*ibid*, p. 3). Many related to the health of wildlife populations or other aspects of biodiversity, such as an objective to protect a certain amount of a given habitat-type. The groups would then determine auditable indicators or measurements of success in the achievement of objectives. For example, an objective concerning habitat-types might give rise to indicators relating to the distribution of a particular age-class of forest across a landscape.

Therefore, contend Beaumont and Hanson, the public in effect has considerable weight over determining the sustainable forest management plan (SFM) against which Weldwood's eligibility for certification is to be ultimately judged (*ibid*). Furthermore, inasmuch as CSA certification requires continuous improvement and re-certification, the public role is an ongoing one—involving both monitoring and periodic refinement of the objectives and indicators. And since objectives and indicators are clearly at the foundation of any forest management exercise, inviting the public to define them, Beaumont and Hanson maintain, represents a radical departure from previous company-driven approaches (*ibid*). And the authors further argue that, while there are numerous

other avenues by which the Canadian public can influence forest management, the one opened up by the CSA process is the most direct (*ibid*).

Beaumont and Hanson argue that the significance of this development may be masked by what they see as the current alignment of expectations between industry and the public (p. 4-5). That is, at least in Weldwood's experience, due to its prior commitment to sustainable practices and involving local community groups in decision-making, the management plans that have emerged from this new public role differ only in relatively subtle ways from the approaches the company was already implementing prior to its seeking certification (p. 4). This general agreement may change in the future, or may be already in the process of changing today. There is some community discontent in BC, for example, concerning industry and government-supported policy changes aimed in part at resolving Canada's longstanding softwood lumber dispute with the United States (*ibid*, p. 5).

Beaumont and Hanson also raise another important issue regarding this new increased public role in forest management: is there an accountability gap (p. 5-6)? That is, with this significant new power to design the forest management plan delegated to local communities, what degree of accountability do the local communities have to other stakeholders? It is important to remember that there are a number of stakeholders who are removed from the defined forest area in question, but who nevertheless have a valid interest in its sustainable management.

The Canadian public at-large most obviously represents a multiple layer of stakeholders exterior to the forest area to be certified. There are recreationists, climatologists, other scientists, and so forth. Will they have a say? Government, among others, traditionally represents this wider arena of stakeholders. Yet this new process of local decision-making could circumvent government-mandated planning processes. There is already one example of this possibly occurring in a Weldwood operating area in northern BC. A sustainable forest management plan has been completed in the area as part of the CSA certification process *prior* to any provincial sub-regional planning exercise (Beaumont and Hanson, p. 6). There are already indications of a strong local sentiment to the effect that the task of SFM planning has been completed, and so any subsequent provincial process would be redundant and unnecessary, and some would

even claim to be intrusive. Beaumont and Hanson argue that this raises significant questions from the standpoint of the future role of government and the representation of broad public interests in forest management planning (p. 6).

### **Independent monitor and ombudsman**

The fourth and final paper attempts to resolve other issues concerning both certification and government regulation. Cafferata *et al* in their paper, *Role of an Independent Forestry Watchdog in an Era of Certification*, describe the role of the *Forest Practices Board*, and address issues and implications regarding its activities. Their central thesis is that certification schemes alone are insufficient to guarantee sound forest practices, and that an independent body that serves as both monitor and ombudsman completes the equation.

The *Forest Practices Board* was borne out of the *Forest Practices Code of British Columbia Act* in 1995. The Board's mandate is to: audit licence-holders and government ministries for compliance with, and enforcement of, the Code; address public complaints regarding forest planning and practices under, and government enforcement of, the Code; carry out special investigations and issue special reports as the Board sees appropriate; request administrative reviews of approved forest development plans; participate on behalf of the public in reviews of penalty determinations; and participate in appeals to the *Forest Appeals Commission* (Cafferata *et al*, p. 2). Hence, the Board can be seen as a combination of an Auditor General and an Ombudsman for the forest (*ibid*). In other words, the Board is the public's tool to assess that the government and industry are sustainably managing BC forestland. And to ensure its independence from political influence, its funding comes directly from the Treasury Board, and its reports and findings are not subject to government approval before public release.

Cafferata *et al* identify a number of pitfalls they associate with relying solely on certification schemes for sound forest practices. Perhaps the most obvious is that they are entirely voluntary. It is not a legally enforceable mechanism of supervision or stewardship, and does not replace either the role of government compliance and enforcement, nor the *Forest Practices Board's* independent audits or investigations (Cafferata *et al*, p. 3).

Nevertheless, the majority of large forest companies—and many smaller ones—in BC have indeed met the requirements of at least one certifier. Most are certified under the ISO system—though ISO certification merely certifies a company’s environmental management system, and does not examine the company’s actual on-the-ground operations (*ibid*). This raises an issue—because of the diversity of certifiers (there are over 50 in the world) and their differences in criteria, many certification schemes may not address the expressed requirements of the public in the relevant jurisdictions.

For example, random *Forest Practices Board* audits of two of BC’s major forest companies that have achieved certification under ISO and/or CSA found some significant breaches of the Code, namely in bridge inspection systems, forest health management, windthrow management, and road construction (*ibid*). The two companies in question have since carried out the Board’s recommendations for improvement. On the other hand, had the respective certification audits identified these same failures to comply with the Code, the certification could still have been granted and the company in question would have been under no obligation to report these findings to the public (*ibid*, p. 4).

The above example points to a significant difference between certification and Board audits (*ibid*). A company can pass a certification audit as long as it has a plan to address any problems that are identified. The public would only see that the company passed the audit, and would not be made aware of any problems. On the other hand, the Board publishes the results of all audits, regardless of the outcome. It is hence completely open and accountable to the public. Furthermore, the Board has the authority to audit and investigate government practices, something that certification schemes do not.

Moreover, Cafferata *et al* argue that the Board reflects the interests and values of the BC public more than the majority of certification schemes, which usually consist of criteria dictated by distant markets and organizations (p. 4-5). Many communities, particularly in an era of increasing globalization, are sensitive to outsider influence—especially in rural and isolated communities that are resource-dependent and eager to plot their own future. While CSA certification directly addresses this issue, as explained in Beaumont and Hanson’s paper, most certification schemes do not. The Board therefore better reflects the interests of the people of British Columbia, as the Board’s mandate is to ensure enforcement of the Code, which the people of BC can influence and shape

through democratic institutions. Hence, this relates to Beaumont and Hanson's concern over a possible accountability gap between local communities in the context of CSA certification, and stakeholders who are removed from the public advisory committees.

In addition, the Board's range of activities and scope is, in many cases, greater than many certification schemes. For example, certification schemes can only examine the land-unit they have been commissioned to examine (*ibid*, p. 6). This restriction may render them incapable of assessing forest practices over a natural landscape unit that is larger than the certified forest area. Issues such as biodiversity, habitat protection, and community watersheds cannot be accurately audited on a small scale. And even broader values such as old-growth retention cannot be adequately incorporated in certification over small harvest areas. Furthermore, since certification audits are usually not open and accessible to the public at large, there is no mechanism to transfer new knowledge or strategies identified as a result of these audits. The scope of certification presented by Beaumont and Hanson is an exception, as Weldwood has chosen a certification scheme that does incorporate public input on values over the broader land base.

Of course, the *Forest Practices Board* should not be seen as a panacea to all the problems and issues concerning certification systems. There are a number of broader issues, such as First Nations land entitlements, which the Board does not at all address; others in which the Board is insufficient. The Board is, however, exploring the use of thematic audits, which would provide a broader sense of how a specific forest value (such as biodiversity) or a specific forest practice (such as windthrow management) is being addressed across a broader landscape area than a single company's forest licence (*ibid*). In any case, Cafferata *et al* assert that the Board plays a vital role in bridging the gap between government legislation, private certification systems, and the interests of the public at large.

### **Conclusion**

In conclusion, BC can serve as a very good example of an extremely diverse jurisdiction. There are many different ecosystems, stakeholders, values, economic, social, and environmental conditions, and certification standards and experiences. Fulfilling a sound forest management regime that incorporates all of these diverse factors is

obviously very challenging. BC is attempting to address this challenge through the approaches discussed in this presentation, from the different ways government can regulate forest management to the experience of voluntary forest certification (in this case Weldwood with CSA), and the role of an independent watchdog. We hope that they all complement each other, and together create a vibrant synergy that may inform the international forestry community at large.