

Coast Region FRPA Implementation Team Memorandum

Date: June 29, 2009

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To: Members of Coast Region FRPA Implementation Team

Re: Forest Stewardship Plan Development Options for Small Forest Tenure Holders

The co-chairs of the Coast Region FRPA Implementation Team (CRIT) have endorsed the attached document, *Small Licensee Forest Stewardship Plan Development Considerations*, for distribution to our clients. Please share this document with staff involved in Forest Stewardship Plan (FSP) development and/or review and approval processes.

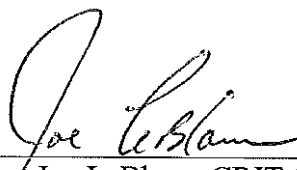
This document provides options, considerations and references to assist small licensees in determining how best to meet FSP planning requirements. It also includes some FSP development tips to help ensure efficient and effective approval of a small licensee FSP.

Thank you for your assistance in distributing the attached document. This document will be available for viewing on the CRIT web site at the "Messages From CRIT" page (see <http://www.for.gov.bc.ca/rco/stewardship/CRIT/index.htm>).

If there are any questions related to the document, please contact:
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Hal Reveley, CRIT Co-Chair



Joe LeBlanc, CRIT Co-Chair

Attachment

Cc: Brian Westgate, A/Provincial FRPA Implementation Team Chair

**Small Licensee Forest Stewardship Plan Development Considerations
Coast Region FRPA Implementation Team (CRIT)
June, 2009**

Background

Under the *Forests and Range Practices Act* (FRPA) forest tenure holders must prepare and get approval of a Forest Stewardship Plan (FSP) prior to harvesting timber or road construction activity. The cost, resources and time commitments associated with this requirement may be a proportionally larger burden for small volume and/or short term tenure holders (small licensees). To deal with these issues, many small licensees often look for opportunities to partner with larger licenses that have a FSP in place. While this is a useful means of meeting FRPA planning requirements, small licensees should be aware of all the options available to them before making a decision on how best to meet their FSP requirements.

Goal

Meeting FRPA operational planning requirements does not have to be a major impediment to a small licensee. The goal of this document is to provide options, considerations and references to assist small licensees in determining how best to meet FSP planning requirements. It also includes some FSP development tips to help ensure efficient and effective approval of a small licensee FSP.

Note: When considering the options identified in this bulletin, small licensees should be encouraged to review their specific circumstances with Ministry of Forests and Range (MFR) district staff to see how their circumstance relates to a particular option and to ensure there is clear understanding of the legislation requirement for an approved FSP in their operating area.

Small Licensee Forest Stewardship Plan Options

A licensee must prepare and obtain approval of a FSP if intending to harvest timber or construct road as an agreement holder under the Forest Act. However, if a tenure agreement is not listed in *Forest Planning and Practices Regulation* (FPPR) section 3(1)(a-d), then there is no requirement to prepare and obtain approval of a FSP. See section 2.1 of the Administrative Guide to Forest Stewardship Plans (AGFSP) Volume I for more details

There are three general options for a small licensee to consider in their effort to meet the FSP requirement, i.e.

1. Seek FSP exemption
2. Join a pre-existing FSP or
3. Develop a new FSP.

1) Seek FSP Exemption

Under specified circumstances there may be an ability to gain an exemption from FSP requirements.

- a) Exemption from FSP requirements is available for incidental harvesting (elimination of safety hazard or to facilitate the collection of seed) and for the purpose of limiting or mitigating the spread of forest pests.
- b) Limited content FSP can be used for Forest Licence To Cut that is not a major licence or community salvage licence agreement holders to gain exemption from specified content requirements, e.g. results or strategies, identifying forest development units (FDUs), stocking standards and/or measures.

Licensees need to be reminded that if and when an exemption is granted, it may be accompanied by conditions set by the Delegated Decision Maker that must be complied with. When utilizing a FSP exemption, licensees should also remember that other FRPA administration requirements will still apply, e.g. legislation practice requirements, legal orders, reporting requirements, terms of tenure agreement, etc. Legal requirements outside the FRPA (e.g. condition of tenure agreement, Heritage Conservation Act, Fisheries Act, Drinking Water Protection Act, etc) need to be considered despite any FSP exemption.

For additional information about FSP exemptions, see section 2.2 of the Administrative Guide for Forest Stewardship Plans, Volume I. For information about Limited Content FSPs, see FRPA General Bulletin #2.

2) Join a pre-existing FSP

Under FRPA legislation, there is an opportunity for two or more willing parties to be co-signatories to the same FSP (multi-licensee FSP). This option provides the opportunity to share the costs and resources associated with the FSP development and approval process. In the case where an existing licensee or BC Timber Sales business area already has an approved FSP, there is an opportunity for a licensee to be amended into the existing FSP as a co-signer.

This may be a good option in one or more of the following circumstances:

- Willing party's to an agreement with compatible business goals, expectations and circumstances.
- Good working relationship with other licensee, e.g. already have contracting or log supply agreements.
- Overlapping operating areas with possible cumulative impacts implications.
- Pooling of resources provides more efficient means of dealing with complex and costly operational plan development, e.g. development of community watershed assessments.
- Lack of planning and ongoing administration capacity, i.e. licensee with approved FSP acts as planning consultant for small licensee.
- Pressing timelines to gain harvesting authority.
- Complimentary resources and infrastructure, e.g. only one log dump facility available within a common operating area.

Amending into a pre-existing FSP allows a licensee to utilize the effort of the original FSP agreement holder to meet FSP requirements. Once the amendment is complete, the small licensee can proceed with cutting and road permit submissions.

When choosing this option, small licensees should be aware of and consider the following:

- They are now bound by all of the conditions and commitments within the approved FSP.
- Future FSP amendments are the responsibility of all licensees signatory to the FSP regardless of who initiated the amendment.
- They will likely have to work closely with other FSP signatories to define each licensee's roles and responsibilities and liabilities when working under the terms of the FSP, e.g. government reporting.
- They will likely be expected to come to a documented working agreement with the other licensee(s) signatory to the FSP related to operating area conflicts and contribute to the FSP development and maintenance costs.

For additional information about multi-licensee FSP, see section 3.1.4 of the Administrative Guide for Forest Stewardship Plans, Volume I. For information about preparing a multi-licensee FSP, see FRPA General Bulletin #2.

3) Develop a new FSP

Where there is no opportunity to gain FSP exemption or join an existing FSP, the licensee will be required to develop and obtain approval of a FSP. However, development of the FSP does not have to be a complex and costly exercise depending on a licensee's operational circumstances and business priorities. Given the scope and scale of small licensees' operations, FRPA provides some useful tools to minimize the effort needed to develop and obtain approval of a FSP. It should be remembered that FSP content requirements and approval criteria are the same regardless of the size of the tenure agreement. Some options for development and approval of a FSP include;

a) Transition FSP

In some cases, a licensee operating area may be located within and include cutblocks and roads that were previously approved in another licensee's expired Forest Development Plan (FDP). In this scenario a licensee may be able to utilize this previous planning investment to develop a "transition FSP".

Under the authority of section 196(1) of the FRPA, a licensee can develop a FSP based solely on previously approved FDP Category A cutblocks where the specified assessments have been completed. This "transition FSP" has minimal content requirement, would not be subject to public review and

comment requirements and would be considered to have received the minister's approval as soon as it was submitted to the MFR. Under this scenario, licensees are encouraged to contact local MFR staff to understand the government FN consultation and accommodation requirements associated with this option.

For additional information about transition FSPs, see section 1.3 of the Administrative Guide for Forest Stewardship Plans, Volume I, FRPA Administration Bulletin #8 and FRPA General Bulletin #2.

b) FSP based on Completed Stand Level Planning

Small licensees can take advantage of their tenure circumstances to use completed stand level planning to develop their FSP in a way that would be impractical to most large licensees. In many cases, small volume tenure agreements can be accommodated by a small number of cutblocks with little or no road requirements, e.g. only 2-3 cutblocks and 3-5 kilometres of road. A licensee in this situation could 1) choose to complete some or all stand level planning and site plan development prior to developing their FSP or 2) acquire this work from another licensee (e.g. FN take back tenure agreement) prior to developing the FSP.

A licensee could develop a FSP based on information and data derived from the completed stand level planning. In this scenario, completed site plans can be used to define the FDUs for the FSP. The advantage of doing this is that the results or strategies, stocking standards and measures can be precisely identified and are easily rationalized by the completed planning work, e.g. field inventory and analysis information can be used to rationalize the actual soil disturbance limits and stand level retention results or strategies. Similarly, the stocking standards and measures specific to the each FDU (i.e. cutblock) are precisely determined and rationalized by the completed field work.

In choosing this option, licensees should consider the following:

- Development of the FSP requires significant up front stand level planning expense and time.
- Investments in stand level planning are not protected from government actions until incorporated into an approved FSP as declared areas or the issuance of cutting authority (need to understand government land use planning priorities in the proposed operating area).
- The more precise the FSP commitments (i.e. results or strategy, stocking standards or measures) the less flexibility a licensee has to deal with changing circumstances (may require subsequent FSP amendments).
- Landscape level objectives cannot be ignored even though planning work is being done at the stand level. It is important

that licensees communicate with agency staff responsible for landscape level objectives as well as with other licensees operating within the landscape unit to understand how cumulative impacts may be affected by stand level planning.

c) FSP Management Techniques

If the above options are not available to a small licensee, there are other opportunities to manage the FSP submission to simplify the FSP development and approval process.

i) Managing Forest Development Units

The size, shape and location of a FDU will directly influence the degree and complexity of plan content, the public review and comment process, FN consultation and FSP approval tests. Licensees with small volume tenure agreements and operating area flexibility don't necessarily require large FDUs to meet their business needs. Careful FDU design can minimize FSP content (results or strategies, stocking standards and measures) and reduce the effort needed to complete public review and comment and FN consultation processes.

The key to assessing FDU requirements is to balance forest management objectives against a licensee's business needs. It will do no good to defer dealing with complex planning issues, e.g. operating in a community watershed, if there is nowhere else to operate in. It is recommended that licensees communicate with relevant government agency staff to understand the management implications associated with proposed FDU size, shape and location. The AGFSP, Volume I, section 3.3 provides discussion regarding considerations for choosing FDUs.

ii) Result or strategy exemption options

The number and complexity of results or strategies within a FSP has a direct influence on FSP development and approval processes. The FPPR (section 7, 12 and 12.1) provides a number of options to obtain an exemption from the requirement to include results or strategies in a FSP including:

- Automatic exemption from requirement to write a result or strategy for FPPR timber objective (FPPR s. 6).
- Undertake to comply with FPPR practice requirements ("defaults") in a FSP to gain automatic exemption from requirement to write results or strategies for FPPR objectives for soils (FPPR s. 5), riparian areas (FPPR s. 8), landscape level biodiversity (FPPR s. 9) and stand level biodiversity (FPPR s. 9.1).
- Exemption from requirement to write result or strategy for FPPR section 7(1) wildlife habitat objective based on status of Wildlife

Habitat Area, Ungulate Winter Range, General Wildlife Measure or Wildlife Habitat Feature within the FDU area if exemption is not already written into an associated order.

- Exemption from requirement to write results or strategies for FPPR objectives that conflicts with a land use objective. Look for direction within Land Use Objective order as means of defining the conflict, e.g. South Central Coast Land Use Objective.
- Exemption from the requirement to write results or strategies for all but one of the objectives if and when two or more objectives applicable to a common area covering the same or similar subject matter exist within a FDU.
- Exemption from requirement to write results or strategies where it is not practicable to write a result or strategy for an objective within a FDU.

For more information about results or strategies exemptions, see sections 3.5.2, 3.5.3 and 3.10.6.3 of the AGFSP, Volume I.

iii) Result or Strategy Development Techniques

Small licensee FSP results or strategy requirements may be simplified in the following circumstances:

- Restate land use objectives that are written as measurable or verifiable steps, processes or outcomes as a result or strategy in the FSP. In doing so, legislation states that the result or strategy must be considered to be consistent with the land use objective (see FPPR section 25.1(2)).
- Develop a result or strategy to address a land use objective as well as a corresponding FPPR objective with the same or similar subject matter, i.e. able to write one result or strategy that addresses more than one objective. See FRPA Administration Bulletin #4.
- Develop results or strategies consistent with an overlapping FSP is likely to have a better chance of being approved, i.e. has already been approved in overlapping plan for the same operating area. Note: the licensee needs to be careful that they can live up to the due diligence and professional reliance commitments used to support the neighbour's result or strategy.
- Develop results or strategies consistent to the extent practicable, with landscape level objective, i.e. it may not be necessary to write a result or strategy that addresses the global target within a landscape level objective. Licensees are encouraged to communicate with relevant government agency staff to assess what is practicable for the purpose of FPPR 25.1(1). See discussion in Question 9 of FRPA Administration Bulletin #3.

For additional information about considerations for proposing results and/or strategies, see section 3.5 of the AGFSP, Volume I.

iv) Stocking Standards Guidance

Unlike results or strategies, there is no legislated “default” stocking standards available to either provide exemption or direction associated with stocking standard determinations. However, there is information available to help guide development of stocking standards.

Licensees may wish to consider and utilize stocking standards listed in the Reference Guide for Forest Development Plan Stocking Standards as a starting point. It is a guide that may be used by licensees in preparing, and district managers in approving, stocking standards for inclusion in forest development plans.

To help understand how to meet stocking standards approval tests, a reference guide for evaluating stocking standards within an FSP is available. The document is entitled An Overview Reference for the Evaluation of Stocking Standards Under FRPA October 2006.

In addition to the provincial reference guide, licensees are encouraged to consider stocking standard professional guidance developed by local and regional implementation teams and other professional peer groups. For the coast, see stocking standard support information developed by the Coast Region FRPA Implementation Team at http://www.for.gov.bc.ca/rco/stewardship/CRIT/silviculture_working_group.htm

v) Measures Requirements

The FSP requires content for invasive plants and natural range barriers under specified conditions. If developing a FSP over a small operating area, it may be that the conditions associated with the requirement to include measures in a FSP do not exist, e.g. none of the invasive plants listed in the *Invasive Plant Regulation* are known to occur within the operating area. Licensees should be encouraged to review the conditions within their operating area with MFR district staff to determine the need to include measures within their FSP submission. See discussion in Questions 15-18 within FRPA Administration Bulletin #3.

Summary

Because of the unique circumstances related to small licensee operations, there are a number of considerations and options available to these tenure holders that can be used to simplify the effort and time associated with meeting FSP planning requirements. Small licensees are encouraged to consider all options available to them to best meet their business and forest management objectives and discuss the utility of these options with

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MFR district staff prior to the development of their FSP. For additional information on this topic, contact Chuck Rowan, CRIT Secretary at 250 751-7096 or chuck.rowan@gov.bc.ca

References

Administration Guide to Forest Stewardship Plans, Volume I

<http://www.for.gov.bc.ca/hth/timten/AGFSP/index.htm>

FRPA Bulletins

http://www.for.gov.bc.ca/hth/timten/FRPA_implementation/Bulletins.htm