

NR-File



Guidance on the Replacement of Forest Stewardship Plans

March 2016

Introduction

Purpose

This guidance is intended to inform decisions regarding forest stewardship plans (FSP) by the Minister's delegated decision-makers (DDMs) under the *Forest and Range Practices Act* (FRPA).

The purpose of this guidance is to help:

1. Address the issues identified by government and the Forest Practices Board regarding FSP quality and effectiveness, and
2. Bring provincial consistency and fairness to the management of FSP expiries.

Context

The majority of British Columbia's FSPs will reach the expiry of their term within the next two years. Practitioners under FRPA are looking ahead to what they must address as they prepare the FSPs that will guide forest management practices in the coming years.

In the decade since most FSPs were first approved, British Columbia's bio-physical landscape has changed and we have gained experience and feedback to apply in our planning and practices.

Specifically, government has learned the following:

- The approval tests for FSP content require more rigor with respect to content that is measurable and/or verifiable.
- Results and strategies in FSPs need to contain consideration of new information such as forest health strategies and monitoring information.
- The public seeks better opportunities to review the content of a FSP and understand the forest management intent contained therein.
- Periodic review opportunities should be predictable and invite a sustained level of engagement.

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- Improvements in planning and site-level information sharing are needed with all interested and affected parties, including reaching a common understanding of how the FSP can/cannot support these improvements.

The Replacement Process for Forest Stewardship Plans

— when does the FSP that govern our watershed expire

In constructing this guidance, the following has been considered:

- Government's strategic stewardship goals, as set out in the Service Plan for the Ministry of Forests, Lands and Natural Resource Operations (FLNR);
- Consistency with the *Forest and Range Practices Act* and its framework;
- That there should be no unjustified financial or operational hardship upon forest licensees or natural resource districts;
- The duty of government for the consultation and accommodation of First Nations asserted or proven rights and title and treaty rights (Aboriginal interests); and,
- Principles of Administrative Law and Natural Justice.

Guidance for replacing an FSP whose term has expired

- FSPs whose terms are expiring should be replaced with a new plan (a 'replacement' plan). The majority of FSPs in the province are approximately 10 years old and should now incorporate new information and new forest management considerations in their results, strategies, measures and stocking standards.
- Extensions to the term of an expiring, or recently expired, FSP should be temporary and provide additional time for comprehensive planning of a new replacement FSP when more time is required.
- The licence holder has the right to request an extension to the term of their FSP. If the licence holder exercises this right, the DDM should, in turn, exercise his/her obligation to review all content in the existing FSP, and may use his/her discretion under section 28 of the Forest Planning and Practices Regulation to deny, or approve, an extension.
- The decision to approve or deny an extension should be conveyed in a letter of determination to the licence holder(s) and should be accompanied by a rationale signed by the DDM that identifies the term of the extension and the reason(s) for it (e.g., time to prepare a replacement FSP). For most licence holders, up to eight months is a reasonable timeframe within which to prepare a new plan.
- If a licence holder proposes major amendment(s) to an FSP and requests an extension to the term of the FSP at the same time, these requests should be submitted as a single request to approve a new replacement FSP.
- It is reasonable to propose that previously approved content within an existing FSP will carry forward into a replacement FSP; however, plans should be reviewed to identify and rectify all provisions that have been problematic to understanding, measuring and/or verifying the commitments in the plan.

- Default practices should not be modified or they are no longer defaults. Default practices listed in the Forest Planning and Practices Regulation must be either followed as-written, or alternate results and/or strategies that better meet local conditions should be proposed.
- Where a result or strategy is proposed in an FSP, the plan should clearly indicate which option (result or strategy) has been selected and how it will be measured or verified. Adhering to the guidance set out in C&E Bulletin 12 (see 'Resources' below) will improve the measurability of results and the verifiability of strategies in FSPs.
- Measures for natural range barriers and invasive plants must specify actions that will effectively achieve their intended result, and must be enforceable. Therefore, measures should be reviewed to ensure they can be measured and/or verified.
- Wherever possible, the overlap of forest development units (FDUs) should be minimized and/or a single multi-signatory FSP should be proposed that covers the management unit to which it applies. This will help reduce management complexity, streamline approval and amendment procedures, and help facilitate public and stakeholder understanding and involvement.
- The timeframe for public review and comment must ensure that all interested and affected parties have ample time to understand and respond to proposed FSPs. DDMs may extend, or shorten, this timeframe. In some cases, such as where several overlapping FSPs are proposed for replacement, a longer review period should be allowed as per FPPR 20 (2) (b) to ensure that affected parties have time to review and understand the implications of the plan to them.
- The period for consultation with affected First Nations should remain at a minimum of 60 days unless a government-to-government agreement is in effect that provides otherwise. In some cases, additional time will be necessary to properly fulfill the Crown's legal obligation and to ensure adequate consultation has occurred.
- DDMs should produce written expectations for licence holders pursuant to this guidance. These expectations should be reasonable and substantiated, and if so, may effectively form criteria against which new FSP content will be evaluated. Expectations must be made known to licensees sufficiently in advance of the related decision that they can be discussed and addressed with all affected parties. Expectations should be communicated to all licence holders and affected parties in the district.
- Dedicated Decision maker
DDMs should produce a written rationale documenting their considerations for approval of the FSP, including their reasoning for how legal approval tests have been met, the adequacy of First Nation consultation and any conditions of approval that they specify under FRPA s. 112 (1). A set of standard criteria will be developed to aid DDMs in developing provincially consistent written rationales. FRPA s. 16 (3) requires a rationale for refusing to approve an FSP or an amendment to one.
- DDMs must follow the principles of administrative law including a consistent process, maintaining decision-maker independence, and fairness. DDMs should consider all relevant information and the strategic goals and objectives of FLNR.

New Information for FSPs: Changes to Provincial Forest Lands and Societal Values

In the decade since the majority of British Columbia's FSPs were first approved, numerous factors have shaped the state of forest resources and the expectations of the public for how government ensures those resources are managed. The following factors, taken together or in combination, warrant the development of new FSP content:

- The mountain pine beetle epidemic of the past decade has significantly altered the forest composition of interior forests and the ecosystems they support.
- New information regarding the impact of climate change upon British Columbia's forested ecosystems is continually becoming available and refined. This information directly supports the development of FSP content (e.g., stocking standards).
- Most of British Columbia's management units are now covered by a formal forest health strategy. Where these exist, they contain information that should inform the development of new FSP content, such as stocking standards.
- There are a wider range of natural resource-dependent industries now operating throughout British Columbia and in many places, a greater number of rights-holders now operate upon the same land base as forestry operations. All rights-holders are entitled to fully exercise the rights they've been given and must be able to fulfil their legal obligations. *Do we have a Right to Safety?*
- Our collective understanding of First Nations Aboriginal interests, the requirement to consider adverse impacts, appropriate accommodation options and ensuring adequate consultation before making decisions, continues to evolve within the context of the government objective of reconciliation.
- There is new monitoring information regarding changes to the values listed under FRPA such as water supply, water quality, forage supply, backcountry recreation, fishing, guiding, trapping, and wildlife viewing. As well, there is information from cumulative effects assessments in some areas.
- New integrated monitoring information, such as the Multi-Resource Value Assessment reports, is becoming widely available that depicts important trends and risks to forest resources that may require coordinated planning among licensees to address, or different results and strategies.
- The requirements of Species at Risk in British Columbia identified in either federal recovery strategies or provincial implementation plans.
- Where Type 2, 3, or 4 Silviculture strategies are complete, as well as any new Integrated Silviculture Strategies, the information should be used and reflected in the FSP where appropriate.
- A Provincial Timber Management Goals and Objectives policy was launched in May 2014, that sets out the government's expectations for how timber is managed.
- The mounting case for collaborative planning across watersheds or within timber supply areas and the potential gains of a single FSP per watershed or timber supply area.

- FSP results and strategies should reflect, project forward, and be based upon the factors used in the Timber Supply Review of the Timber Supply Area to ensure the projected timber supply is not disconnected from actual results and strategy outcomes.

Not all of the considerations above will apply everywhere, but practitioners should be aware of, and able to demonstrate, how such factors affect or do not affect, forest resources within the operating area under their FSP. The responsibility of setting clear expectations which reflect the above considerations and are appropriate for local conditions is that of the DDM for each FSP on a case-by-case basis.

Applying This Guidance

The essence of my guidance is to encourage and assist DDMs in obtaining replacement FSPs because the British Columbia context requires an operational forest management plan be revisited on a five-year basis.

It is recognized that the legislation does not require an FSP to be replaced with a new plan at any point, and that results and strategies in an FSP are only required to be amended where specified events occur during the term of the FSP (e.g., new enactments or objectives are established) as per FRPA Section 7, or where the DDM determines that the FSP no longer meets approval tests. It is also understood that considerations of liability and risk will influence the inclusion of content that is not legally required, and finally, that the final evaluation of an FSP is the jurisdiction of the province's independent DDMs who cannot be directed, except by the Minister. It is, however, my opinion that sufficient evidence is now available for the province's DDMs to find that many FSPs no longer meet these approval tests and ultimately require a replacement plan.

As a statutory decision-maker, I understand the duty to consider the representations of those who may be affected by a decision; that each decision is adjudicated on a case-by-case basis; and that considering these representations and the unique circumstances of each decision may cause a DDM to diverge from a preferred course of action, such as this one. In such cases, a detailed and comprehensive rationale should be produced and made available. These circumstances are important opportunities to learn about the evolution of interests and pressures upon the legislated regime.

Specific applications of this guidance

Professional conversations


This document outlines considerations that should be discussed in the professional conversations that occur between district staff and licensees well-in advance of the work to develop a new FSP.

Written expectations

DDMs should draw upon this guidance when drafting their letters of expectation to licence holders. DDMs are urged to further interpret this guidance for their respective operating environments –

particularly the considerations under 'new information' – and not to reissue these points verbatim without including local context.


Expectations above requirements in law should be presented and interpreted as best available information or voluntary guidance, and should not be prescriptive. As advisors to licence holders, professionals that prepare FSPs have the freedom to apply their professional advice and judgment to the task of preparing plans and prescriptions that assist licence holders in fulfilling their compliance obligations.



Expectation letters should be publicly available in keeping with the principle of fairness, which requires that those persons who may be affected by a decision have the opportunity to make representations to the DDM. All affected parties to the decision need to know about the decision that will be made, including considerations and decision-aids that influence the DDM, in order to have a fair opportunity to make representations.

Rationale for replacement FSPs

The DDM applies discretion in the decision to approve an extension to the term of an FSP (Forest Planning and Practices Regulation, section 28). In my view, this guidance provides a sufficient rationale for why a replacement of the expiring FSP is likely warranted.



This guidance pertains to all FSPs province-wide until they have successfully progressed through a replacement process that applies the considerations of this document.

Further Information

Ongoing Work

Government is aware of outstanding elements of the FRPA framework, such as a final set of provincial objectives or a shared understanding of the risks and opportunities inherent in innovation that, if defined, would further support practitioners in creating high-quality and effective FSPs. Addressing these elements will require ongoing work in collaboration with licence-holders and professionals. This is not expected to be a hindrance to the achievement of the desired improvements that are outlined above.

The issue of meaningful engagement with the public, communities and stakeholders is one of importance to forest management, and is not presently addressed to the satisfaction of all involved, including many forest licence holders. Until such time as the province can establish an improved model, licence holders are encouraged to reference their engagement activities in their FSPs, or to outline them in detail in supporting documentation to the FSP, as a means of broadly conveying their engagement activities with the public and stakeholders that already occur during operational planning. Similarly, licence holders are encouraged to include information regarding how they will consider the rights and interests of First Nations that pertain to the area under the FSP.



Resources

There are many resources available online to support the development of FSPs including interpretive bulletins, provincial guidance and early training modules. Essential information, including the C&E Program Staff Bulletin #12 (assessment of measurable or verifiable) is available at the following locations:

- FRPA Bulletins:
<https://www.for.gov.bc.ca/hth/frpa-admin/frpa-implementation/bulletins.htm>
- Administrative Guide to Forest Stewardship Plans:
<https://www.for.gov.bc.ca/hth/frpa-admin/agfsp.htm>
- FRPA Training (original training material):
<https://www.for.gov.bc.ca/code/training/frpa/>
- FSP Tracking System:
<https://www.for.gov.bc.ca/his/fsp/training.htm>

A newly developed provincial training course for FSP preparers and approvers is targeted for delivery beginning in spring 2016. More information will be available on this course shortly.

Any further information for practitioners regarding FSP renewals will be distributed via the joint ministry-industry network of the Provincial Forestry Forum. This includes the Resource Stewardship and Tenures Committee and the Operational Issues Forums of the North, South and Coast FLNR Areas. Information regarding the membership of these committees can be accessed through FLNR district offices or industry associations. Challenges and inquiries faced in the FSP renewal process should also be presented to this network of committees for discussion and resolution.

LLK-File



Ministry of Forests, Lands
and Natural Resource
Operations

MEMORANDUM

File: 220498

March 8, 2016

To: All District Managers
All Regional Executive Directors

From: Honorable Steve Thomson
Minister of Forests, Lands and Natural Resource Operations

Re: The renewal of forest stewardship plans

The Ministry of Forests, Lands and Natural Resource Operations is responsible for laws, policies and practices that maintain the evolving balance between economic, social and environmental considerations for the use of British Columbia's Crown forest and range resources. Although government promotes various initiatives to stimulate economic and social benefits derived from our renewable resources, these cannot succeed without a firm basis of environmental sustainability.

As delegated decision-makers on behalf of the Minister, you know first-hand of the challenges in maintaining this balance, and of its importance. Government supports you, and thanks you for the vital work that you do in managing the increasingly complex development, and protection, of our natural resources.

With the terms of the province's forest stewardship plans (FSPs) expiring now is the time to ensure we have a solid stewardship foundation that maintains the balance that government seeks. I have asked the province's Chief Forester to provide clear expectations for procedure and considerations to assist in your adjudication and ongoing management of FSPs.

Over the past decade, we've gained experience under a results-based regime and we've learned where to focus our improvement efforts. The outcome of this process will be an important indicator for strengthening the implementation of the forest and range management model.

Steve Thomson
Minister

cc: Diane Nicholls, Chief Forester

L.R. - File



Ministry of Forests, Lands and
Natural Resource Operations

Resource Stewardship Division

MEMORANDUM

File:
Ref: 220498

To: All District Managers
All Regional Executive Directors
Mike Falkiner, Executive Director, BC Timber Sales

From: Diane Nicholls, Chief Forester

Re: Guidance on the replacement of forest stewardship plans

Further to the Minister's letter dated March 8, 2016, I have attached guidance on the replacement of forest stewardship plans (FSPs) that outlines my expectations for the preparation of a new generation of plans.

Through the attached guidance, I aim to provide procedural certainty and fairness across the province, and to advocate that a reasonable approach is taken to address the expectations upon government, licensees and professionals for the management of British Columbia's Crown forest and range resources.

Furthermore, I expect that this opportunity is seized to advance our use of FSPs and to demonstrate our commitment to the FRPA model so that we can benefit from the business certainty and demonstrated resource stewardship that current and defensible plans can provide.

Improvements are the collective responsibility of the forest industry and government. If satisfactory improvements are not achieved, the province will consider whether more prescriptive actions should be taken.

Questions regarding the interpretation of this guidance may be directed to Jennifer Davis, Director, Resource Practices Branch at (250) 387-0088 or Jennifer.C.Davis@gov.bc.ca, or to Norah White, Sustainable Forest Management Policy Officer, Resource Practices Branch at (250) 387-8013 or Norah.White@gov.bc.ca.

A handwritten signature in dark ink, appearing to be "Diane Nicholls", with a long horizontal flourish extending to the right.

Diane Nicholls
Chief Forester

2015/16 LBIS Funding

Forest Tenures: Diane Nicholls - 250-356-2079 *← not in Cabinet*

pc: Tim Sheldan, Deputy Minister
FLNR Executive Committee

All Directors, Resource Stewardship Division

P. Georg - Perry Grilz, Director, Range Branch *Perry.Grilz@gov.bc.ca - 250-614-7460*

Victoria - Doug Stewart, Director, Forest Tenures Branch

Kevin Edquist, Director, Compliance and Enforcement Branch *250-952-4084 - Kevin.Edquist@gov.bc.ca*

Charles Hunter, Director, First Nations Relations Branch

All Members, Provincial Forestry Forum (c/o Patrick Russell)

All Members, Resource Stewardship and Tenures Committee (c/o Jacques Bousquet)

Talked to Shannon ^{Pike} in Diane Nicholls office

Chief Forester - annual allable cut -

- had hard climate

- email address - Diane.Nicholls@

Director -

D. Manager - Ray Crampton - 250-558-1729 - ray.crampton@gov.bc.ca

- Gerry MacDougall - 250-828-4239
Gerry.MacDougall@gov.bc.ca

ADR Rick Mawaring - 250-828-4449 -
(Regional operations South)

"monitoring" Cabinet level - decision -

HR-File



File: 19720/XX

October 3, 2016

Via email

To All Licensees and Forest Professionals Operating in the Okanagan Shuswap Natural Resource District:

Re: District Manager Letter of Expectation Regarding Forest Stewardship Plans

I am seeing some good results with respect to collaboration with First Nations, range tenure holders and residents who live in and near the working forest. This District Manager Letter of Expectation regarding Forest Stewardship Plans (FSP) is intended to build upon those collaborative efforts and provide some local Okanagan Shuswap Natural Resource District (DOS) content. It builds on, and is in addition to, the March 2016 Chief Forester Guidance. As the delegated decision maker, I set these expectations in consideration of the unique operational circumstances of the Okanagan Shuswap Natural Resource District and the increasing impact of forest health factors, fire, climate change, drought and the cumulative effects of multiple natural resource sector operations on the timber harvesting land base.

The following expectations constitute my guidance for the development of your FSP.

Okanagan Shuswap District Expectations

I expect that the following policies be considered as best practices:

- District Forage Supply strategy and the Memorandum of Agreement on grass seeding
file://acheron.dmz/public.web/DOS/Dist_docs/Docs/Forage%20Strategy%202011%20Sept.pdf
- Riparian debris protection
file://acheron.dmz/public.web/DOS/programs/range/range_index.htm
- Stump and Large Root Removal to Control Root Disease (Resource Practices Branch, September 2015)
https://www.for.gov.bc.ca/ftp/HFP/external/!publish/Forest_Health/Root%20Diseases/

Climate Change

I expect Climate Change adaptation and mitigation strategies to be considered in your FSP. The documents *Adapting Natural Resource Management to a Changing Climate in the Thompson Okanagan Region: Considerations for Practitioners and Government Staff*, FLNRO Climate

Change Adaption and the "Climate Action Plan: Thompson Okanagan Region 2016 – 2020 should be considered.

Collaborative Planning and Cumulative Effects

The combined effect of the activities of multiple licensees affects both aquatic and terrestrial values. Aquatic values are strongly influenced by factors of hydrology and geomorphology. Current watershed assessment guidance, new hydrologic research and cumulative effects assessment and monitoring suggests that the watershed scale is best suited to consider the effects of both past and planned forestry activity. Terrestrial values associated with forest biodiversity are also strongly affected by the amount and pattern of forest seral stages over the broader landscape level.

Coordinated planning amongst forest professionals is required to achieve positive outcomes for these values. I expect that licensees sharing one or more watersheds will provide consolidated mapping that is available to FN, stakeholders and the public.

Dry Belt Fir Ecosystems

I expect that timber harvesting will increasingly target dry belt fir ecosystems during the mid-term timber supply period. I expect that forest professionals engage with FLNRO regional specialists and DOS staff to review standards applicable to management of dry belt fir ecosystems, preferably before forest professionals commence development of replacement FSPs. Core elements of the dry belt fir standards will be applicable to plan content including, but not limited to: FSP requirements respecting stocking standards, cut block size/adjacency, visual resource management and stand level retention.

I expect that dry belt fir stands will be managed in a manner that will maintain the existing structures and tree species composition of stands. Dry belt fir management will maintain the representation of Douglas-fir across the region's dry belt fir ecosystem. I expect forest professionals to enhance dry belt fir stands on the landscape for timber production, wildlife habitat, forest health, fire resiliency, forage production and range use. Silviculture systems and stocking standards for dry belt fir stands must be consistent with these expectations.

Forest Health

As noted in the Chief Forester Guidance, I expect that the DOS Forest Health Strategy be incorporated in the development of new FSP content.

Fuel Management and Fire Management Stocking Standards

The Okanagan TSA is dominated by fire prone ecosystems, with many values at risk. DOS is working in partnership with Wildfire Services Branch to develop a Fuel Management Plan for the district. The plan will incorporate measures and actions to reduce fuels in the Crown land/rural interface and create landscape level barriers and strategic fire suppression control points in mid to upper elevation areas. I will be seeking industry cooperation in assisting the district and Wildfire Services Branch in achieving these objectives.

I expect that licensees will conduct harvesting operations within the two kilometre interface zone around communities to balance all values unique to these areas, including fuel reduction and scenic considerations.

Our Ministry has recently released *Guidance on Fire Management Stocking Standards*. I expect that forest professionals will consider this guidance for their FSPs as well as increase their awareness of fuel loading and fuel management. The most current district fire management plans, as well as local community wildfire plans should be consulted and addressed where appropriate.

Invasive Plants

I expect forest professionals to increase their awareness, address their responsibility to prevent the spread of invasive plants and provide more robust Measures. *Best Practices for Preventing the Spread of Invasive Plants During Forest Management Activities* is considered best available information. Key to preventing expansion of invasive plants is training of operators and staff, preventative practices, monitoring and treatments where necessary.

http://bcinvasives.ca/documents/Forestry_BMP_Final_WEB_04_22_2015.pdf

Results of Natural Resource Monitoring

I expect that forest professionals will continue to improve their management of the FRPA values and use tools such as Forest and Range Evaluation Program (FREP) and Multiple Resource Value Assessments (MRVA) to learn and improve on practices.

Reviewing Criteria

District staff will be using the methodology from the Forest Practices Board report *Forest Stewardship Plans: Are They Meeting Expectations?* to determine that Results, Strategies and Measures are both measurable and verifiable.

Roads and Access Management

Access resulting from forest development can lead to unintended cumulative impacts. I expect that forest professionals will consider mitigating these impacts through such things as increased coordination, planning and implementation of access management with other forest licensees and non-licensees access users where appropriate.

Stocking Standards

I expect that forest professionals consider the *Updates to the Reference Guide for FDP Stocking Standards (2014)*. I expect that professionals remain up to date with stocking standard changes and guidance as it becomes available.

Water Sustainability Act

The *Water Sustainability Act* and regulations were enacted February 29, 2016 and I expect that forest professionals familiarize themselves with this new act and ensure consistency within their FSP and operations.

Watershed Management

I expect that forest professionals recognize the importance of managing cumulative watershed effects to maintain water quality, quantity, timing of flows, stream channel dynamics, aquatic ecosystem integrity, fish and fish habitat that exist in all watersheds. I expect that forest professionals consider new hydrologic science and assessment guidance when considering the combined effects of forestry activities, other land uses and other land users, within a watershed. I further expect current, consolidated and complete watershed assessments in consideration of recommended thresholds for equivalent clear cut areas.

I look forward to the continued success of the relationships you have established with FLNRO staff, the public, First Nations and stakeholders within the Okanagan Shuswap Natural Resource District and continuing to work with you on the many shared initiatives within the district boundaries. My staff is available to assist you on the important work you are doing in preparing new Forest Stewardship Plans.

Yours truly,

A handwritten signature in black ink, appearing to be 'Ray Crampton', with a large, stylized 'R' and a cursive 'Crampton'.

Ray Crampton
District Manager
Okanagan Shuswap Natural Resource District