

Forests Statutes Amendment Act, 2021

Bills 21 & 23

ABCFP Webinar

June 07, 2022

Forest Science, Planning and Practices Branch,
Office of the Chief Forester

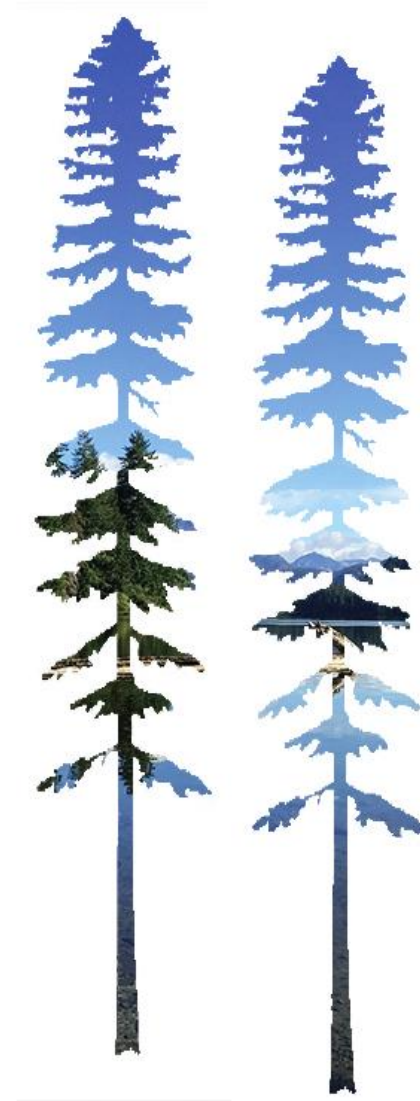


Ministry of
Forests

**CHANGING LEGISLATION AND REGULATION DEPENDS UPON NUMEROUS REVIEWS AND APPROVALS, CULMINATING IN THE APPROVAL OF ELECTED OFFICIALS IN CABINET FOR REGULATION, AND IN THE LEGISLATURE FOR LEGISLATION. AS SUCH, LEGISLATIVE ENACTMENTS ARE NEVER CERTAIN UNTIL FULLY ENACTED.*

OUTLINE

- Background
- Forest Operations Map Overview
- Forest Landscape Planning Framework Overview
- FLP Alignment with the Declaration Act



BACKGROUND

In fall 2018, Cabinet approved a multi-year process for FRPA improvement:

- Phase 1: Initial amendments introduced in April 2019 – Bill 21
 - Forest Operations Map (FOM) linked to FSP regime
- Phase 2: Transformative amendments introduced November 2021 – Bill 23
 - Forest Landscape Plan (FLP)
 - Forest Operations Plan (FOP) linked to FLP regime
 - FLP alignment with DRIPA

BILL 21 - FOREST OPERATIONS MAP

FOM PURPOSE & OBJECTIVES

FOM enhances the public engagement process around planned forest operations. It helps FSP holders to:

- Increase transparency of forest operations
- Facilitate public and stakeholder engagement
- Build public trust and strengthen social license
- Provide a better overview of all planned development

FOM OVERVIEW

- The Forest Operations Map (FOM) was introduced as part of Bill 21 - Forest and Range Practices Amendment Act
- Once enacted by regulation, Forest Stewardship Plan (FSP) holders must meet FOM requirements prior to obtaining a cutting permit (CP) or road permit (RP)
- The Ministry of Forests has developed a digital platform to streamline the FOM process, enhance public engagement, and minimize administrative burden

GENERAL FOM REQUIREMENTS

- FSP holders must prepare a map (FOM) showing proposed cutblocks and roads
- The FOM must be made available for review & comment for a period of 30 days
- The map, initial notice and all comments received must be submitted to government before applying for a CP or RP
- Cutblocks and roads submitted as part of a CP/RP application must be consistent with those depicted on a valid FOM

FOM CONTENT & VALIDITY

- Sufficient scale, size and detail to facilitate meaningful public engagement
- General geographic area of approximate cutblocks/roads
- Approximate year in which timber harvesting/road construction will commence
- Valid for three years to apply for CP/RP
- Must be retained for five years from date the commenting period commences

FOM NOTIFICATION REQUIREMENTS

- Must publish at least once in newspaper and once on a publicly-accessible website
- Notice must state:
 - Period when FOM is available for review and comment
 - Where (place of business or other specified location)
 - Business hours during which review is available
 - Contact information to submit written comments (Mail, Email)
 - Period during which FOM is valid to apply for CP/RP
 - If applicable, website where FOM can be reviewed

FOM PUBLIC REVIEW & COMMENT

- Review & comment period is 30 days
- Must provide review opportunities during business hours at place of business or other specified venue
- Must refer FOM to affected Timber Sales Managers
- Relevant written comments must be considered

FOM FINAL PACKAGE

- FOM holder must submit to Government a final package that includes:
 - Copy of notices
 - Record of each comment received
 - Description of any changes to the FOM as a result of comments
 - Final FOM in form and manner specified by the minister

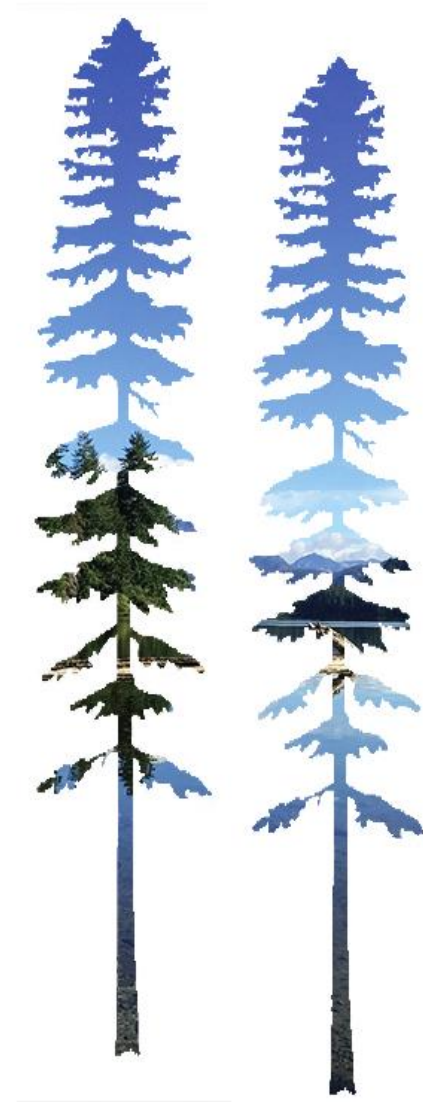
FOM WEBTOOL

- FOM webtool facilitates strong public engagement and simplifies compliance with online notification and comment report requirements
- The tool has separate functionality for FSP holders, government administrators, and the public
- It provides an easy process to collate public feedback and provide FOM submission to government
- [Demo the webtool](#)

QUESTIONS ABOUT THE FOM?

Please email additional
questions to:

Julius.Huhs@gov.bc.ca



BILL 23 - FOREST LANDSCAPE PLANNING

**CHANGING LEGISLATION AND REGULATION DEPENDS UPON NUMEROUS REVIEWS AND APPROVALS, CULMINATING IN THE APPROVAL OF ELECTED OFFICIALS IN CABINET FOR REGULATION, AND IN THE LEGISLATURE FOR LEGISLATION. AS SUCH, LEGISLATIVE ENACTMENTS ARE NEVER CERTAIN UNTIL FULLY ENACTED.*

FOREST LANDSCAPE PLANNING FRAMEWORK

- The new Forest Landscape Planning (FLP) framework includes forest landscape plans, accompanying forest operation plans, forest development schedules, and site level plans.
- FLPs will replace Forest Stewardship Plans across the Province over time.
- New 10-yr plan introduced – **“forest landscape plan”**
 - Sets landscape and stand level expectations for forest management
 - Established, by order, by the Chief Forester
 - Would apply to volume based tenures in Timber Supply Areas, area based tenures, or combination of these. Woodlot, small CFA and FNWL tenure holders are exempt
 - Developed in partnership with Indigenous Nations, with engagement from licensees, and input from stakeholders & local communities
 - Requirement to report to the public on plan performance every 5 years

FIVE OBJECTIVES TO CONSIDER IN PREPARING AN FLP

- Supporting the production and supply of timber in the forest landscape area
- Supporting the protection and conservation of the environment
- Managing the values placed on forest ecosystems by Indigenous peoples
- Managing the values placed on forest ecosystems by local communities
- Preventing, mitigating, and adapting to impacts caused by significant disturbances to forests and forest health, including wildfire, insects, disease, and drought

*There is no hierarchy associated with these objectives and the 11 FRPA values would be reflected in these 5 objectives.

WHAT'S IN A FOREST LANDSCAPE PLAN?

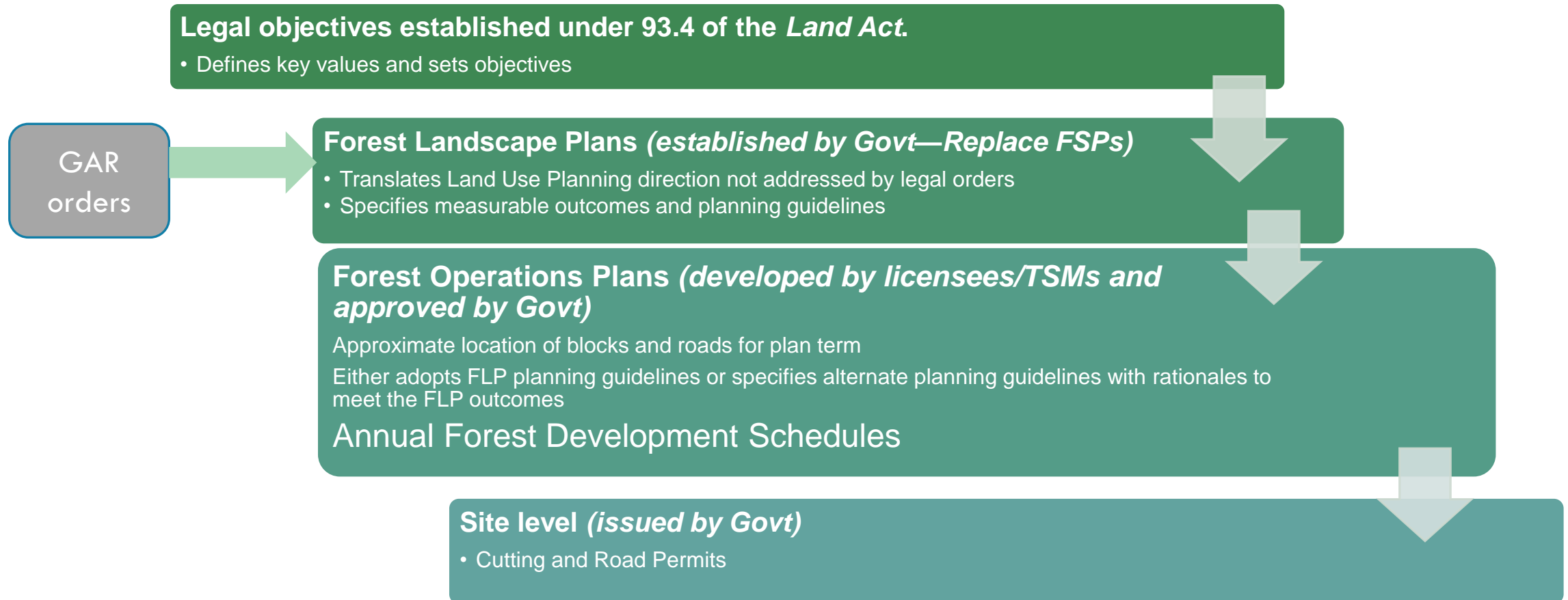
A Forest Landscape Plan includes:

- A map of the FLP area
- Outcomes (result) for specific values, with description of how they relate to the five overarching objectives. For a given value, the outcome may vary across the landbase—a zoning approach
- Planning guidelines (how the result is achieved)
- These concepts are being informed by the four FLP pilots

FOREST OPERATIONS PLAN

- Once an FLP is established, there is a 6-month to 1-year transition time for licensees to prepare and have their Forest Operations Plan approved.
- The FOP is approved for up to 5 years.
- Developed by forest licensees & TSM and guided by the FLP.
 - Includes approximate location of proposed roads and blocks
 - Specifies the legal obligations of the licensee and TSM e.g.: forest practices, silviculture system, stocking standards
 - Approved by statutory decision maker
 - Must be consistent with FLP or have a rationale that is approved by a statutory decision maker
 - Intended activities for each year to be published through the Forest Development Schedule (for information sharing only)
 - Regulations for the FOP are being developed

Forest Landscape Planning: Where does it fit?



TRANSITION BETWEEN FSP'S AND FLP'S

- There is no specific legislated timeframe for a transition to Forest Landscape Plans
- In areas where an FLP has yet to be established, a licensee will continue to require a Forest Stewardship Plan for operations
- During the transition, Forest Landscape Plan and Forest Stewardship Plan frameworks will not overlap geographically

NEW TOOLS & AUTHORITIES

- As the new Forest Landscape Plan framework will take time to implement, the following amendments will improve the existing Forest Stewardship Plan framework:
 - Authority for the Minister to request additional Forest Stewardship Plan content
 - Authority for the Chief Forester to specify stocking standards in prescribed circumstances
 - New mandatory requirements to declare achievement of a free growing stand (applies to both FSP and FLP frameworks)
 - New authority to make regulations respecting forest practices
 - Discretionary authority to establish new trail-based recreation areas

**BILL 23 - ALIGNMENT WITH
THE DECLARATION ON THE RIGHTS OF INDIGENOUS
PEOPLES ACT**

INDIGENOUS CONSULTATION & COOPERATION

- The *Forest Statutes Amendment Act, 2021* (Bill 23) strengthens the role of Indigenous Nations in forest planning and decision-making and supports Indigenous peoples' right to self-determination.
- Before establishing a Forest Landscape Plan, the chief forester must consult and cooperate with Indigenous peoples whose rights could be impacted.

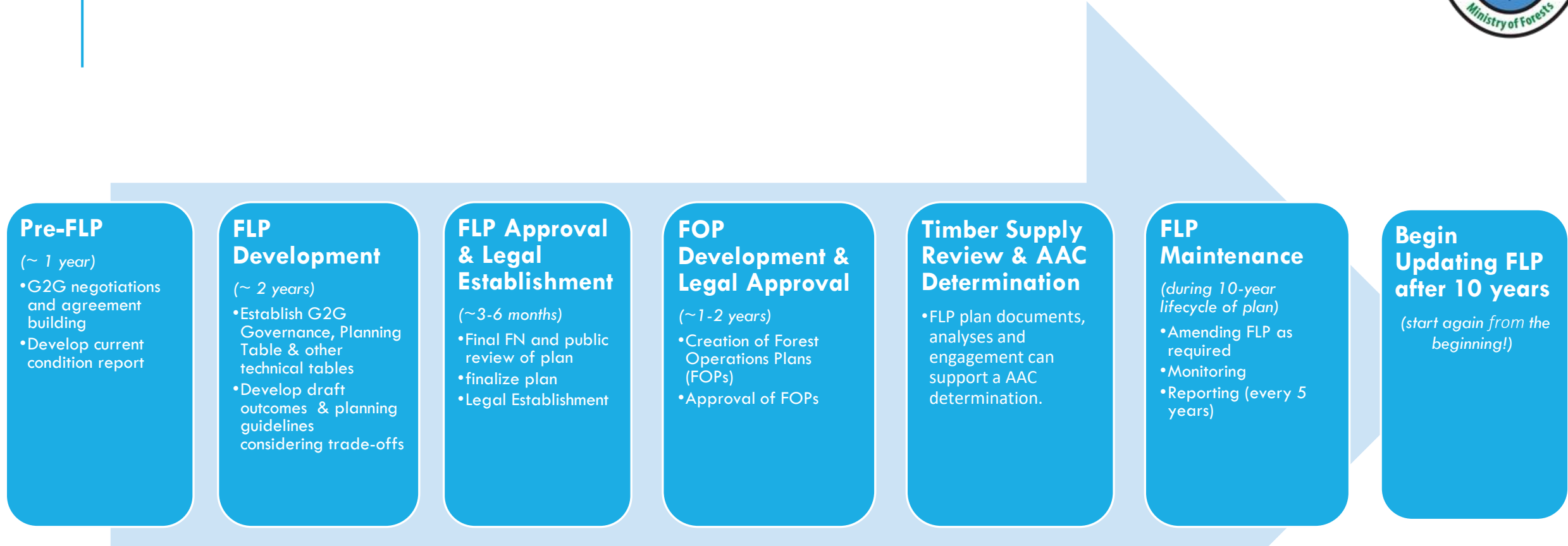
SHARED DECISION-MAKING

- Bill 23 enables implementation of joint or consent decision-making agreements negotiated under s. 7 of the *Declaration Act*.
- Where a s. 7 agreement is not in place, the chief forester must consult and cooperate with an Indigenous governing body by agreement or via the legislated process before establishing a Forest Landscape Plan.
- Dispute resolution may be triggered by either the chief forester or an Indigenous governing body if there is a lack of consent.

PROPOSED FLP PHASES



WHAT ARE THE PHASES AND ASSOCIATED TIMELINES OF A FLP?



ROLE OF THE FOREST PROFESSIONAL

FOREST PROFESSIONAL MAY PARTICIPATE AS FOLLOWS:

- FLP DEVELOPMENT
 - SMEs (e.g.: ecologists, silviculturalists...)
 - Facilitators, analysts
 - Forest licensee planners
 - Government staff
- FOP DEVELOPMENT by licensees, TSMs, and consultants
- FOP review and recommendation for approval by government forest professionals

QUESTIONS/DISCUSSION