

COMMUNITY INFLUENCE ON FOREST MANAGEMENT DECISION-MAKING

Existing Consultation Opportunities

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Government Regulations and policies provide opportunities for communities and individuals to influence forest management decision-making. Although there are inadequacies, it is important those concerned about the management of BC forests ensure all existing avenues are capitalized upon while promoting policy improvements.

Relative to BC forest management, there are five (5) major processes for communities or individuals to have input into key decisions. These are:

- 1) Development of Land Use Plans
- 2) Determining the Allowable Annual Cut
- 3) Developing Forest Stewardship Plans
- 4) Developing Site Plans
- 5) Forest certification audits

Consultation in all of these processes are guided by regulations, policy and/or a community engagement or forest audit framework.

MFLNRO Community Engagement Framework

In 2013, the Provincial Government established a community engagement framework for public consultation on resource issues¹. It includes the assignment of one of four (4) consultation levels to the issue, depending on its nature. These are summarized in Appendix 1 for ease of understanding. The purported purpose of the framework is to “increase efficiency” and “strengthen existing consultation processes” while being flexible to accommodate a broad spectrum of topics. The level assigned to a topic or issue resides with Government. There are four (4) criteria used to determine the level of consultation:

- 1) Economic mitigation opportunity
- 2) Risk to values
- 3) Community desire for engagement
- 4) Opportunity or need to update objectives

¹ A modern community engagement framework, MFLNRO, April 5, 2013, 19p, pdf

Land Use Plans

Land Use Plans are, for the most part, a legacy from the extensive strategic planning processes conducted during the 1990s. At that time, the processes took different forms but in all cases involved multi-stakeholder negotiations not only producing the Plan but establishing an Implementation Committee to monitor and update it over time. In the early part of the 2000s, Government decided there were many changes that had occurred and needed to be addressed. In 2006 they established a *New Direction for Strategic Land Use Planning in BC*.² This new approach included dissolving the Implementation Committees, with a couple of exceptions, and addressing issues on a case by case basis. Government to Government negotiations between First Nations and the Provincial Government became the priority focus. Subsequently, the MFLNRO Community Engagement Framework was developed with the intent of using it as the process to resolve the case by case issues. This continues to be the situation in 2015.

Allowable Annual Cut (AAC) Determination

The process of determining the AAC for the major tenures in BC (i.e., Tree Farm License-TFLs and Timber Supply Area-TSAs) resides with the Chief Forester of BC. The determination is based, in most part, on a Timber Supply Review (TSR) and becomes the basis for setting the level of harvest in each management unit. This is primarily a technical process conducted by the Government for TSAs or the Licensee in the case of TFLs. The Timber Supply Review Backgrounder³ provides a good description of the process for those interested in more information. Included in the process is an opportunity for communities to provide input through the Public Discussion Paper on the TSR and the draft Management Plan for the TFL.

Forest Stewardship Plans (FSP)

The Forest and Range Forest Practices Act (FRPA) requires forest companies to produce a Forest Stewardship Plan (FSP) for their operating area. A brief description of the requirements is included in the FRPA legal requirements for public consultation summarized in Appendix 2. These Plans provide a general outline of the area being considered for harvesting and the results and/or strategies the Licensee proposes to use in addressing the Government objectives identified to protect the 11 FRPA values. The Licensee must publish a notice and make draft plans available for review by the public and stakeholders. Although this is an opportunity for communities and individuals to provide input, the nature of the FSP has recently come under criticism by the Forest Practices Board⁴. Regardless, this is an opportunity for community influence on the management of their local forests.

² New direction for strategic land use planning in BC-synopsis, ILMB, 2006, 15p, pdf

³ https://www.for.gov.bc.ca/hts/pubs/tsr/Timber%20Supply%20Review%20Backgrounder_Nov_2013.pdf

⁴ <https://www.bcfpb.ca/reports-publications/reports/forest-stewardship-plans-are-they-meeting-expectations/>

Site plans

Site Plans provide more details regarding the proposed roads and cutblocks included within an approved FSP. The summary of FRPA legal requirements for public consultation in Appendix 2 provides more detail on this opportunity. It is a FRPA requirement for companies to produce these Plans. However, there is no obligation on their part to request public input but they must be made available by the Licensee to any individual or community wishing to review them. This opportunity must be made available by the Licensee at their local office.

Forest Certification

Forest certification began in the early 1990s in response to the public demands for assurances the wood in the products they were buying came from sustainably management forests. All the forest certification systems are voluntary and apply to the management of the forest. There is no Government requirement for companies to be “certified.” However, most of the larger companies in BC have their management units certified by one or more of the three (3) internationally recognized forest certification programs used in Canada (i.e., Forest Stewardship Council-FSC, Canadian Standards Association-CSA, Sustainable Forestry Initiative-SFI) to address public and customer demands. All three systems include either a requirement or expectation community issues will be recognized and addressed by the Licensee.

The audit process for all of the systems includes an independent auditor reviewing the practices, plans, policies, etc. of the Licensee relative to the certification system requirements of the forest under their management. This includes obtaining information regarding the views of communities. Providing this information as part of the audit process is another opportunity for community input into the management of their local forests. Benefiting from this opportunity requires communities to identify to the Licensee and the auditor that they want to be consulted during the audit process, which usually occurs every five (5) years.

There has been criticism of the certification systems in the past. This is usually relative to the general nature of the requirements and in some cases self-determination of practices by the licensee. Regardless, it provides an opportunity for communities and individuals to let the Licensee and auditor know their concerns.

APPENDIX 1 MFLNRO Community Engagement Framework Levels - Summary⁵

Purpose

This document is intended to describe a new framework for the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) to engage communities on natural resource issues and decisions. A modern engagement framework objective is to help in timely and better-informed ministry decisions by strengthening existing engagement processes with First Nations, communities and stakeholders. An effective engagement framework must be flexible in order to address a broad spectrum of topics and local circumstances.

Level 1 – Sharing information

To share with First Nations, community and stakeholders accurate, timely, relevant and easy to understand information (e.g. about implementation decisions regarding MFLNRO Mid-Term Timber Supply Action Plan). This level is the most basic form of community engagement. On its own it offers no further involvement. However, it is the foundation for successive levels of engagement to occur. Information assists the community in understanding issues, alternatives, and/or possible solutions, and increases their capacity to effectively contribute in successive levels of engagement.

Level 2 – Consultation

To actively seek and obtain First Nation, community and stakeholder response (views and options) before a decision is made by MFLNRO. MFLNRO will consider communities' views as one important source of input that helps inform the final decision. MFLNRO will report back on how community feedback is used in the decision-making process.

Level 3 – Planning together

To collaborate or partner with First Nations, communities and stakeholders in identifying or analyzing issues, developing alternatives and identifying preferred solutions. For example, if level 2 consultations associated with the MTTTS Action Plan indicate there is an informed need for changing land use plans, resource management objectives and/or sensitive areas and if there is general support to proceed to a process to revise, MFLNRO could initiate a specified process using level 3.

⁵ Key excerpts from reference "A modern community engagement framework," MFLNRO publication, April 5, 2013, 19p, pdf.

Level 4 – Acting together

To collaborate or partner with First Nations, the community and stakeholders in implementing the preferred solution. For example, if a level 3 process was initiated to support delivery of the MTTs Action Plan, and changes were recommended and accepted regarding sensitive areas, that process could move to a level 4 to support implementation of those decisions.

APPENDIX 2 Summary of FRPA legal requirements for public consultation

The Forest and Range Practices Act (FRPA) requires forest companies and BC Timber Sales to solicit public input into their draft Forest Stewardship Plans (FSP). Specifics about this include:

- FSP holders must publish a notice, and make draft plans available for review by public and stakeholders.
- Those with tenure rights (i.e. guide-outfitters, ranchers, trappers, etc.) are to be given opportunity to review draft FSPs that is commensurate with the potential impact of forestry activities on the tenured rights of others (see Bulletin 14⁶ for more on this).
- The tenure holder is to make reasonable effort to meet with First Nations to discuss draft FSPs.
- Site plans are to be publicly available, upon request, at the tenure holder's place of business nearest site.
- Generally, newly drafted FSPs are made available for a few months (60-90 days), at the discretion of the tenure holder. Advertisements regarding the opportunity for public input are usually placed in local papers, sometimes direct mailouts/email distribution lists, community bulletin boards etc. The nature of the advertisements is at the tenure holder's discretion.
- The District Manager (DM), as part of the FSP review/approval process, reviews copies of all public/stakeholder comments on the draft plan, and the licensee's description of how those comments have been addressed in the final plan. The DM may choose not to approve a plan if they feel that the concerns raised during the review period have not been sufficiently addressed.

Under the FRPA model, it is the responsibility of interested parties to engage in meaningful, timely dialogue about respective plans and areas of interest, in an on-going manner, to maximize resource use and minimize conflict. The FRPA provisions are a minimum, with minimal direction from Government, to allow and encourage forest tenure holders to design effective public engagement in ways, and to the

⁶ FRPA Administration Bulletin No 14, FSP Review and Comment Requirements Relative to Tenured Commercial Recreational Operations on Crown Land, MFLNRO, 17p, pdf



extent required, in their individual circumstance. Government can facilitate those conversations by making all tenure holders aware of the other tenure holders operating on the land base.

The review and comment provisions are carried out early in the planning phase at the Forest Development Unit level, and are not considered as part of Cutting Permit (CP) issuance. The CP is the legal document for a Licensee to begin harvesting. The provisions in the CP must be followed by major tenure holders that are issued Allowable Annual Cut (AAC) volume in the Timber Supply Area (TSA).

NOTE: smaller tenures such as small scale salvage are not required to carry out planning and therefore public review and comment.