

BUILDING PUBLIC CONFIDENCE IN FOREST MANAGEMENT

Professional Reliance Contribution

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British Columbia (BC) has legislative and policy instruments directed to providing the public with information on the management of Crown forests to meet identified objectives. There are three main questions relative to strategic decision-making that contribute to building trust in forest management and awareness by communities and concerned citizens, specifically:

- 1) Is the public aware of proposed plans and activities?
- 2) Are the public expectations being met through implementation of plans and activities?
- 3) Is there adequate compliance and enforcement?

Building community and public confidence in forest manager decision-making would benefit from integrating instruments associated with answering each of these questions. The instruments exist to address these questions but recently, there have been concerns raised by the public and independent bodies regarding their adequacy. This paper addresses the second area with an emphasis on Professional Reliance.

BACKGROUND

One of the areas of concern has been the application of the Professional Reliance tool. This was introduced into the management of BC forests in 2005 when there was a change in legislation from the previous Forest Practices Code (FPC) to the current Forest and Range Practices Act (FRPA). This change was in response to the desire to overcome the heavily prescriptive FPC and move to a “results-based code.” The objective was to rely on the professional decision-making of foresters, biologists, etc. managing the forest and reduce the emphasis on Government professionals’ involvement. The concept included Government providing the objectives for the forest manager to attain through developing strategies and plans which would be approved by Government, if felt to be adequate.

Government created a Professional Reliance Task Force in 2006 composed of professional associations, Government ministries and the Oil and Gas Commission. The Task Force has since been dissolved and replaced by a series of Committees to address specific issues related to forester implementation of the concept.

What Is Professional Reliance? FRPA does not include a description of professional reliance. Professional reliance is not a result or an activity; it is not an objective or a strategy, instead, professional reliance is an approach or attitude and involves two or more parties and two or more behaviours – one party which accepts or relies upon the other, and another party which accepts responsibility and can be held accountable. **Ref:** Association of BC Forest Professionals, *Assessing Professional Reliance in the Forest Sector: Improving professional reliance*, January, 2010.

They provided three key recommendations as outlined in the Association of BC Forest Professionals (ABCFP) Committee Report¹:

- 1) It is recommended that communications and education about professional reliance, including information about the distribution of accountability and liability, be given a high priority. The target audiences for this communication are government officials and staff supporting them, tenure holders and consultants who employ resource professionals, and the resource professionals themselves.
- 2) It is recommended that the resource professions undertake a coordinated communications initiative to put professional reliance into lay-terms and actively deliver the information to a broad range of stakeholders, with the intent to increase general understanding and acceptance by the end of 2007.
- 3) It is recommended that the resource industries take a strong, visible role in communicating, encouraging, and recognizing the value of professional reliance and accountability from a business perspective.

ISSUE

The concept of Professional Reliance has come under criticism over the last few years.

CURRENT SITUATION

Public opinion surveys have been consistent with identifying forest professionals as the most trusted providers of forest management information. The previous Government did not show an interest in reviewing or modifying the Professional Reliance model for FRPA. Consequently, the public trust of Government and the Professional Reliance concept remains elusive and the model is in jeopardy, if the public concerns are not addressed.

The current Government has identified professional reliance as an issue of interest. The Terms of Reference for reviewing the model have been recently released². The following outlines the current situation relative to comments provided by a range of authors, organizations and concerned citizens.

The participants in the *Healthy Forests-Healthy Communities* (HFHC) dialogue sessions across BC in 2011 resulted in the recommendation that:

“Government revise the Professional Reliance-FRPA-[Forest Stewardship Plan] FSP concept implementation requirements to improve accountability, public credibility and concept delivery by:

- 1) Embarking on an assertive communications program with a focus on the lay public and non-timber resource users to:

¹ **ABCFP**, *Professional Reliance in Forest & Range Management in British Columbia From Concept to Practice* Professional Reliance Task Force, 2006 <https://tinyurl.com/yd4mqhq3>

² **BC Government**, *Reviewing BC's Natural Resource Sector Professional Reliance Model Terms of Reference*, October 2017

- a) Clarify the responsibilities of foresters, companies and Government relative to Professional Reliance and the development and implementation of FSP,
- b) Simplify the description of responsibilities, and
- c) Clarify that Professional Reliance does not apply to the on-the-ground activities³.”

Since this, the Forest Practices Board (FPB) has produced a Bulletin⁴ to provide clarity on the concerns related to the use of the tool. “Professional reliance appears to be meeting its intent where resource management objectives and priorities are clearly defined at appropriate scales and best management practices are either well known or required in law. Where objectives are not clear, or where competing interests and values are in play, it is not realistic to expect professionals working for licensees to define the public interest. The current source of concern about professional reliance may actually stem from misplaced expectations or deficiencies within the other elements of our forest management framework, rather than deficiencies with professional reliance itself.”

The Environmental Law Centre, University of Victoria, did an evaluation of the application of professional reliance⁵. In assessing the use in BC they had these comments. “The political level of government has given direction to resource agencies to expand the opportunities for downsizing and professional reliance. Professional Reliance was used as a tool to meet this requirement.

Despite professed support for “adaptive management,” there has been negligible effort to assess the effectiveness of the current professional reliance regimes, or resolve to address known problems identified by the Auditor General, Ombudsperson, Forest Practices Board and others.

We conclude that much of BC’s deregulation goes too far in handing over what are essentially matters of public interest to those employed by industry. Proponents should not be decision makers for matters involving the weighing and balancing of multiple, often competing, environmental and societal values. This raises irresolvable conflicts of interest and a lack of democratic accountability for many resource management decisions.”

Forest Stewardship Plans (FSP) are a direct product involving Professional Reliance. It is not that the MFLNRO staff has totally ignored the issues around Professional Reliance. Following the Union of BC Municipalities (UBCM) 2016 AGM, the BC Chief Forester provided guidance to District Managers regarding improving FSP’s which was a major issue identified by the Forest Practices Board⁶. The District Managers have since provided Licensees with a list of expected content in the renewal or new FSPs. This is expected

³ **HFHC Initiative**, *Restoring BC’s Forest Legacy*, February 2013

<http://bcforestconversation.com/restoring-bcs-forest-legacy/>

⁴ **FPB Bulletin** 14 June 2013 <https://tinyurl.com/y9vy7ncs>

⁵ **Mark Haddock**, *Professional Reliance and Environmental Regulation in British Columbia*, Environmental Law Centre, University of Victoria, February, 2015 <https://tinyurl.com/ycvm2ojy> -

⁶ **FPB**, *Forest Stewardship Plans: Are they meeting expectations*, August 2015 <https://tinyurl.com/y7fubtf4>

to improve the implementation of Professional Reliance. However, it must be recognized that this does not change the legal requirements of FRPA but it has more support than previous guidance.

The ABCFP has continued to update their members and the Government regarding improvements to the Professional Reliance model. Most of these are associated with actions by the forest professionals, their employers and Government⁷. However, there is little information or guidance provided relative to addressing public understanding and concerns. This is reflected in the 2014 “action check list” for ABCFP to its members⁸.

In conversations with forest professionals regarding the implementation of the Professional Reliance concept, there is no desire to return to the FPC prescriptive approach. However, there needs to be modification of the current application from both a professional perspective and to meet the needs of communities and sustainable forest management. The Professional Reliance model must be in a form that generates the trust necessary to support its continuance. **Forest Professionals must realize the availability of the tool is a privilege, not an entitlement.**

RECOMMENDED ACTIONS

Based on the recent criticisms of the current application of the Professional Reliance model, the following actions are recommended:

- 1) Government, professional associations and industry jointly develop a coordinated communications strategy that includes communities and the public as target audiences for understanding Professional Reliance.
- 2) Simplify and clarify the description of Professional Reliance, the responsibilities of various parties and what Professional Reliance applies to and what it does not for public understanding.
- 3) Transfer, to Government, the requirement for forest professionals to make judgement decisions where competing public interests occur.
- 4) Implement the recent Government commitment to “modernize land use plans” such that they will provide guidance to forest professionals regarding land allocation and management expectations.

⁷ ABCFP, *Assessing Professional Reliance in the Forest Sector: Improving Professional Reliance*, January 2010 <https://tinyurl.com/yce5wkdf>

⁸ ABCFP, *Professional Reliance Tool for ABCFP Members*, 2013 <https://tinyurl.com/yc4bjsu7>