



BC *Forest* Facts

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»»» UPDATE ON BRITISH COLUMBIA'S FOREST AND RANGE PRACTICES ACT

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British Columbia is moving ahead with its new Forest and Range Practices Act, which will maintain the province's high level of environmental protection in a more efficient and effective manner. At the end of January 2004, legislation takes effect that, among other things, strengthens accountability, expands security deposit requirements and substantially increases penalties for non-compliance.

The Forest and Range Practices Act, which will be fully implemented by the end of 2005, replaces the Forest Practices Code. The new act reduces administrative requirements, encourages efficiency and allows greater flexibility to address third-party certification and local interests. It will apply to any forest activities on public land, which makes up 95 per cent of B.C.'s land base.

FOREST STEWARDSHIP PLANS

Comprehensive forest stewardship plans are the cornerstone of the new results-based regime. In the plans, forest companies outline how they can best achieve objectives set by government for soils, timber, wildlife, water, fish, biodiversity and cultural heritage resources, and are held accountable for their on-the-ground performance.

Government may also require results or strategies for special management of areas of local concern, such as recreation trails, wildlife habitat areas, winter range for animals such as deer and mountain goats, lakeshore management zones, community watersheds, fisheries-sensitive watersheds and scenic vistas. All activities must be consistent with existing local land use plans.

Forest and range licensees or third-party contractors involved in harvesting or silvicultural activities may be required to post a



security deposit that would be used to meet their obligations if they fail to fully achieve them. Forest stewardship plans must include processes to invite and address public comments, and are subject to government review and approval.

In addition, the new regulatory regime specifies requirements to conserve soils, provide sustainable reforestation, and to protect riparian areas, fish and fish habitat, watersheds, biodiversity, and wildlife. The regulations also specify the requirements for construction, maintenance and deactivation of forest roads.

TOUGHER PENALTIES

Under the act, licensees must prove they took every reasonable measure to achieve the required results or they risk fines and administrative penalties. For example, if they fail to comply with a ministerial order, such as being directed not to harvest in the habitat of an endangered species, they may face a maximum penalty of \$500,000 – 5 times more than the highest maximum of \$100,000 under the Forest Practices Code.





Other maximum penalties include \$100,000 for activities that significantly impact forest health, \$50,000 for activities such as those that adversely impact community watersheds or stream-side reserves, and \$20,000 for activities that do not cause damage but could significantly increase the risk of damage. Government also has the extraordinary power to stop work before a contravention occurs if there is an unacceptable risk of damage – a power not available under the Forest Practices Code.

In addition to administrative penalties, companies or individuals could face prosecution in court, with fines of up to \$1 million and jail time.

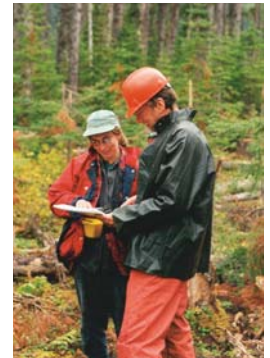
IMPROVED ACCOUNTABILITY

The act strengthens accountability by expanding the role of the independent Forest Practices Board, clarifying the review and appeals process and creating a new advisory council. This is in addition to B.C.'s comprehensive compliance and enforcement regime, which concentrates on the highest-risk activities.

The Forest Practices Board reports publicly on how well industry and government are meeting the intent of B.C.'s forest legislation. Its role has been expanded to allow audits or investigations of anyone responsible for establishing free-growing stands or for road maintenance and deactivation, and for

contractors acting on behalf of a licensee so they are held publicly accountable for their actions. B.C. has already amended its law to strengthen the professions of forestry and agrology, and is the first province in Canada to register and license biologists.

The act is also accountable to the public through the Forest and Range Practices Advisory Council, which represents a range of interests including First Nations, communities, environmental organizations, labour, and the forest and tourism industries, and makes recommendations to the Minister of Forests to ensure continuous improvement.



»»» *The maximum monetary penalty under the new act is*

\$500,000 – 5 times higher than under the Forest Practices Code. <<<



BC Market Outreach Network

For more information:

The BC Market Outreach Network delivers facts about B.C.'s sustainable forest management on behalf of B.C.'s government, industry and communities. Visit our website at www.bcforestinformation.com to learn more about B.C. forests and how the province has become a world leader in forest management.

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