



January 17, 2018

The Honourable George Heyman
Minister of Environment and Climate Change
PO Box 9047 Stn Prov Govt
Victoria, BC V8W 9E2

By email: ENV.minister@gov.bc.ca

Dear Minister Heyman:

Re: Professional Reliance Review

Thank you for the opportunity to provide input to government's review of professional reliance in the management of the natural resource sector in British Columbia. Professional reliance is a critical component to the results-based regulation of forest practices in the province, particularly with respect to planning and implementation of operations. The Managed Forest Council recognizes that strong enforcement of professional standards and regulatory requirements is necessary to ensure the public and elected officials have confidence in the professional reliance model. This includes robust independent inspections, professional practice audits, effectiveness monitoring, appropriate penalties for non-compliance, together with public reporting of the results achieved.

The Managed Forest Council (Council) is a public agency established under the *Private Managed Forest Land Act* (Act) to regulate forest management activity on private managed forest land in British Columbia. A key priority is protecting public environmental values. The objective under the Act is to encourage sustainable forest management practices on private managed forest land, considering the social, environmental, and economic benefits of those practices. The Council is accountable to the government, managed forest landowners, and to the public representing a broad range of interests. The Council is a quasi-judicial administrative tribunal that operates independently from the government. Council's mandate includes administering the Act and related regulations; approving land owners' forest management commitments; and enacting and enforcing results-based forest practices regulations to meet objectives associated with soil conservation, fish and wildlife habitat, water quality protection, and reforestation. Managed forests on private land are important economically. There are 276 private managed forests in British Columbia, encompassing 822,000 hectares. In 2016, 4.7 million m³ of timber were harvested on managed forest land, representing approximately 6% of the total provincial timber harvest and 22% of the timber harvested on the Coast. These managed forest properties are located mostly on Vancouver Island, the southern mainland Coast, the Kootenays, and the Okanagan-Shuswap. Given the scope and significance of private managed forests in British Columbia, the Managed Forest Council welcomes a systematic review of the results-based regulatory mechanisms which protect key environmental values and promote sustainable forest practices.

The results-based model inherent in the regulation of forest practices under the *Private Managed Forest Land Act* is predicated on three interrelated processes that have implications for professional reliance: (1) establishment of clear and enforceable standards by Council; (2) implementation of professional planning, risk assessment, and operational procedures by landowners; and (3) independent regulatory oversight of forest practices on private land to ensure that standards are met. Responsibility for oversight on private

managed forest lands includes the Managed Forest Council's mandate to enforce the Act and regulations, as well as the professional association's legislated responsibility to ensure resource professionals are practicing competently and ethically.

Council has developed and communicated clear expectations that owners, and their agents, employees and contractors exercise due diligence in complying with the legislation by applying sound judgement and proper work practices. This includes employing professional foresters, biologists, geoscientists, engineers, and others appropriate to the scale and risk of their operations. Council is currently undertaking a comprehensive review of risk assessments undertaken by private managed forest land owners to help identify any weaknesses.

To ensure environmental values are protected, Council administers a rigorous inspection program by reviewing each managed forest at least once every five years. This enables us to monitor and report on the results achieved. Where high environmental risk has been assessed, operations are inspected more frequently. In the thirteen years since our inception, our office has conducted over 500 inspections, with owners demonstrating a compliance rating of well over 95%. Our office also conducts regular audits of owners' practices to assess their compliance, and has funded several studies to review the effectiveness of our regulations. Where non-compliance is observed, Council has the authority to issue administrative penalties, remediation orders, stop work orders, or prosecute through the Courts. The results of inspections and enforcement actions are routinely published on our website.

Council has twice updated the *Private Managed Forest Land Council Regulation* to address matters identified through our audit program. Past audits have focused on protection of fish habitat, road construction and maintenance, reforestation standards, and protection of drinking water.

Council maintains accountability by establishing strategic performance measures through a transparent corporate planning and annual reporting process, through an ongoing program of community engagement, and by ensuring detailed information is available to owners and the public on our website. Our commitment to continuous improvement has strengthened Council's regulation, improved our inspection program, and resulted in significant new public engagement initiatives.

Given its interests in ensuring an effective professional reliance model, particularly in a period of significant public concern about risks to the environment, the Managed Forest Council would welcome an active role in this review. We are committed to effective delivery of our legislated mandate, and we would look forward to working with government, professional associations, industry, and other stakeholders to explore opportunities for improvement. Please do not hesitate to contact Phil O'Connor, our Executive Director, at 250-386-5737 should you have any questions or to arrange further discussion.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Rod Davis". The signature is fluid and cursive, with the first name "Rod" and last name "Davis" clearly distinguishable.

Rod Davis, PhD, PAg
Chair

cc. Hon. Doug Donaldson