



**Forest  
Practices  
Board**

## **Audit of Forest Planning and Practices**

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*Cooper Creek Cedar Ltd.  
Forest Licence A30171*

**FPB/ARC/237**

May 2020

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# Board Commentary

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This was an unusually complex audit; in a 2012 complaint investigation of Meadow Creek Cedar<sup>1</sup> (the licensee who previously held this forest licence), the Board found some of the highest levels of non-compliance it has ever encountered. The issues were systemic and far-reaching and contributed to the suspension of the licence by the Province. In addition to this chequered history, the operating area for this licence is challenging for engineering, harvesting and silviculture, has many sensitive environmental values, and is the subject of local public interest in sustainable forest management.

When the Board selected Cooper Creek Cedar's forest licence as part of the 2019 audit program, it was aware of the complexity associated with the licence. The Board's audit process and procedures are the same for all audits, and apply a risk management framework that allows auditors to focus their efforts on areas with the greatest risk of non-compliance.

The audit found a broad and consistent improvement of practices by the current licensee, compared to the 2012 investigation. On the ground, the licensee carried out sound forest practices in the areas of harvesting, road construction and maintenance, and silviculture, as well as good proactive efforts to engage the public. The licensee is also making significant investments to address the legacy issues arising from poor reforestation in the past, and the quality of practices on the ground exceeded legal requirements in several respects. As this is a very challenging area in which to operate, the Board acknowledges these results.

Several management issues of significant public interest in the Kootenay region are considered in this audit report. The Board believes it would be beneficial to the dialogue on forest management in this region to comment on how the audit addressed these issues:

## **Old growth management**

Old growth is a topic of significant public concern in the Selkirk Natural Resource District. There are legal objectives established in the Kootenay Boundary Higher Level Plan Order (KBHLPO). Those objectives are translated into measurable results and strategies through the approval of the licensee's forest stewardship plan. The audit examines compliance with those measurable results and strategies.

In this area, the public has raised concerns that some of the legal objectives for old forest in the KBHLPO are not being met. District staff in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) have commissioned an analysis and confirmed that some units have a deficit of old forest, as defined by age relative to the objectives. As a result, the district manager has set out expectations for licensees that they not harvest old growth in those units with a deficit.

Because the Board was aware of this concern, and was aware of the district manager's expectations, auditors examined harvested blocks to determine if the licensee logged old growth in units that had old forest deficits. This was in addition to the assessment of whether the licensee was meeting the results and strategies outlined in its forest stewardship plan. Audits do not examine the sufficiency of legal orders such as the KBHLPO.

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<sup>1</sup> Meadow Creek Cedar Ltd, Forest Practices and Government Enforcement, May 2012, Complaint Investigation, FPB/IRC/182.

The audit concluded that

- the FSP strategies were being met;
- no harvest took place in spatial old growth management areas; and
- no harvest of old growth took place during the audit period in those units with a deficit of old forest.

The Board is encouraged to see that efforts are underway to monitor the implementation of the old forest objectives in the KBHLPO order.

### **Caribou habitat**

The Province's Mountain Caribou Recovery Implementation Plan resulted in the protection of approximately 95 percent of high suitability winter habitat through legal orders (ungulate winter ranges or UWR) that preclude logging. These legal orders are enforceable under the *Forest and Range Practices Act*, (FRPA), and the Board's audit examined compliance with the orders.

In 2014, the Federal government released the *Recovery Strategy for the Woodland Caribou, Southern Mountain Population in Canada*. It identifies proposed actions, including protection of habitat, to recover caribou to self-sustaining populations.

The habitat protection proposed under the Federal recovery strategy is different in some cases from what is protected under the current legal requirements. The Province is currently undertaking herd planning across BC that will determine actions to be taken for caribou recovery, including whether additional habitat will be protected. The legally enforceable habitat protections set out in the existing UWR for mountain caribou were assessed in the Board's audit. The licensee complied with the legal protections by not logging in the established mountain caribou UWR. Board audits examine compliance with the requirements of FRPA; because the recovery strategy is a Federal strategy and not part of FRPA, the audit did not examine compliance with the Federal recovery strategy.

### **Healy Creek**

In its 2012 complaint investigation, the Board reported that there were significant issues with the status of roads and bridges in the Healy Creek drainage.

During the audit, the Board found that the original issues still exist. FLNRORD informed the Board that it has secured funding to undertake planning for deactivation work in Healy Creek in the coming year. The Board is concerned that substantial progress to address these issues has taken so long. The proposed actions are encouraging; timely action is needed by both the licensee and the Province to address the long-term safety and environmental risks from roads and bridges in Healy Creek.

# Audit Results

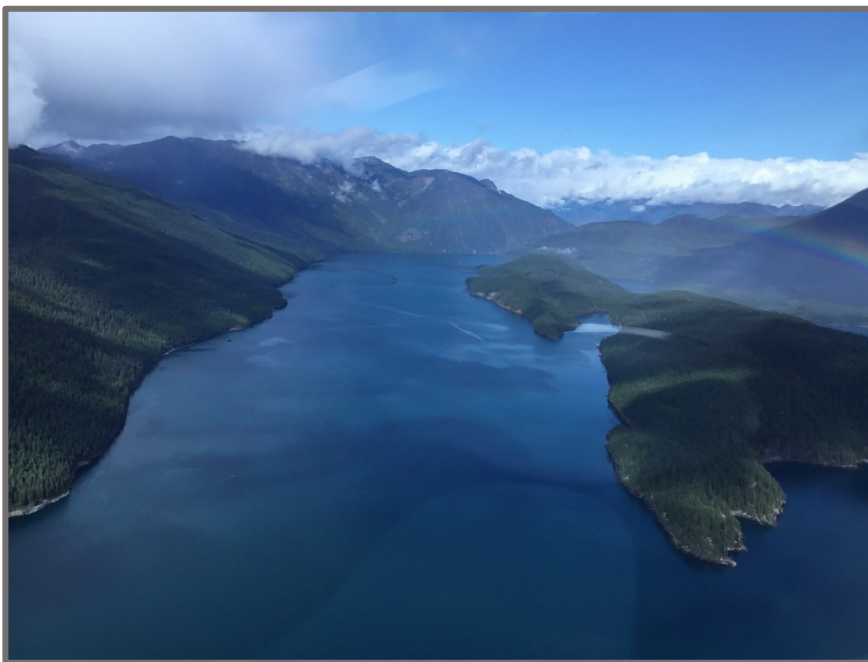
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## Introduction

The Forest Practices Board is the public's watchdog for sound forest and range practices in British Columbia. One of the Board's roles is to audit the practices of the forest industry to ensure compliance with the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act*.

As part of its 2019 compliance audit program, the Board randomly selected the Selkirk Natural Resource District as the location for a full scope compliance audit. Within the district, the Board selected forest licence (FL) A30171, held by Cooper Creek Cedar Ltd. (Cooper Creek), for audit.

This report explains what the Board audited and the results. Detailed information about the Board's compliance audit process is provided in Appendix 1.



*Looking north up Duncan Lake.*

## Background

FL A30171 is in the Kootenay Lake Timber Supply Area (TSA) portion of the Selkirk Natural Resource District. The licence was held by Meadow Creek Cedar Ltd. until 2014, when it was transferred to another licensee, and then in 2016 was transferred to Cooper Creek.

The Kootenay Lake TSA is located in south-eastern British Columbia and covers approximately 1.2 million hectares of the Southern Interior Forest Region. The TSA is located in the Selkirk and Purcell Mountain ranges and encompasses three major drainage systems (Kootenay Lake, Duncan River and Lardeau River). To the north of the TSA is Glacier National Park and to the south is the Canada-U.S.A. Border. Cooper Creek's operations extend from Balfour to the north end of Kootenay Lake, along Duncan Lake and its tributaries, and along the Lardeau River and its tributaries to the south end of Trout Lake (see map on page 2). Much of the topography is similar to the BC coast, with steep side-slopes and narrow valley bottoms.

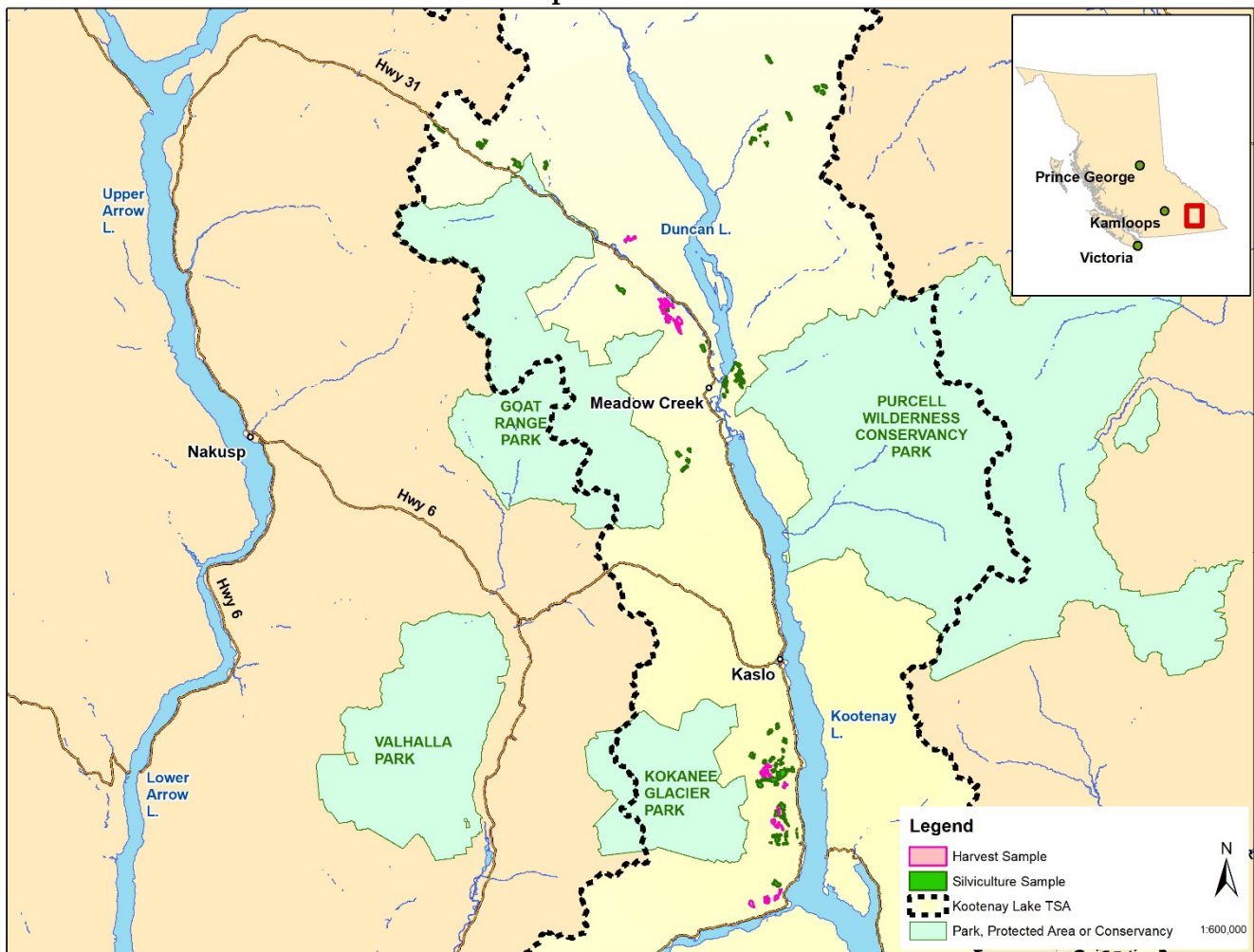
The current allowable annual cut in the Kootenay Lake TSA is 640 000 cubic metres and FL A30171 has an apportionment of 60 200 cubic metres per year. Between September 1, 2017, and September 26, 2019, Cooper Creek harvested about 132 000 cubic metres.

From 2010 through 2015, Meadow Creek Cedar accumulated numerous contraventions related to outstanding silviculture obligations and road issues within the operating area of FL A30171.

In 2011, the Board investigated Meadow Creek Cedar’s practices on FL A30171, and found numerous instances where roads, harvesting and silviculture activities did not comply with legislation, as well as silviculture, protection and road construction practices that were considered unsound. One area of concern specifically identified in the investigation was Healy Creek, which is discussed later in this report under “Other Issues – Healy Creek.”

When Cooper Creek obtained FL A30171 in 2016, it assumed the legacy issues that had accumulated when Meadow Creek Cedar was the tenure holder.

**Map of Audit Area**



## Audit Approach and Scope

This was a full scope<sup>i</sup> compliance audit with a two-year timeframe. All activities carried out by Cooper Creek on FL A30171 between September 1, 2017, and September 26, 2019, were subject to audit. The activities included harvesting, road and major structure<sup>2</sup> construction, maintenance and deactivation, silviculture, wildfire protection and associated planning.

Auditors assessed these activities for compliance with FRPA, the *Wildfire Act*, and related regulations. Auditors' work involved interviewing Cooper Creek staff and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) staff in the Selkirk Natural Resource District, reviewing the forest stewardship plan<sup>ii</sup> (FSP) and site plans (SPs), assessing silviculture records, and conducting field visits. Field sites were accessed by truck and helicopter. Two forest professionals, a professional engineer, and a chartered professional accountant made up the audit team. The audit team was in the field with Cooper Creek staff from September 24 to 26, 2019.

The standards and procedures used to carry out this audit are set out in the Board's *Compliance Audit Reference Manual, Version 7.1, July 2016*.

## Planning and Practices Examined

### Operational Planning

Cooper Creek planned its forestry activities under two FSPs. One FSP was prepared by a previous licensee and was in effect until Cooper Creek replaced it with a new FSP that came into effect on January 26, 2018, with an expiry date of January 26, 2023.

Auditors examined the FSPs for consistency with legal requirements, including government objectives for mature and old seral targets; streams licensed for domestic water use; UWR for moose, elk, mule deer, whitetail deer and caribou; visual quality objectives; and wildlife habitat areas. Auditors also reviewed SPs during harvesting, road and silviculture field sampling, to ensure that they accurately identified site conditions.

### Timber Harvesting

Cooper Creek harvested 23 cutblocks during the audit period. Auditors examined 10 of these cutblocks.

### Road and Major Structure Construction, Maintenance and Deactivation

Cooper Creek constructed 40 kilometres, maintained 423 kilometres and deactivated 19 kilometres of road during the audit period. It installed 2 bridges, maintained 11 bridges and 3 major culverts, and removed 2 bridges.

Cooper Creek has road maintenance obligations in Healy Creek. This drainage is currently inaccessible to industrial traffic and is discussed below under "Other Issues – Healy Creek."

Auditors examined 29 kilometres of constructed roads, 203 kilometres of maintained roads, and 8 kilometres of deactivated roads. They also examined both bridges that were installed, 9 bridges and 3 major culverts that were maintained, and the 2 bridges that were removed.

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<sup>2</sup> Major structure includes bridges and major culverts, where:

- Bridge means a temporary or permanent crossing structure with a span length equal to or greater than 6 metres or an abutment height of 4 metres or greater.
- Major culvert has a pipe diameter of 2 metres or greater or is a pipe or open bottom arch with a span greater than 2.13 metres.

## **Silviculture Activities and Obligations**

Cooper Creek planted 46 cutblocks and brushed 76 cutblocks during the audit period. Regeneration delay was due or declared on 38 cutblocks and free growing was due or declared on 31 cutblocks. Cooper Creek did not conduct any other silviculture activities within the audit period.

Auditors examined 13 of the brushed cutblocks, all 46 planted cutblocks, 9 cutblocks where regeneration delay was due or declared and 8 cutblocks where free growing was due or declared.

## **Wildfire Protection**

There was one active site encountered during the field review. Fire hazard assessments were required on 13 cutblocks in the audit harvest population.

Auditors examined the active cutblock and fire hazard assessments on 6 cutblocks.

## **Findings**

### **Bridge Maintenance**

Section 75 of the *Forest Planning and Practices Regulation*<sup>iii</sup> (FPPR) requires a licensee who identifies a structural defect or deficiency on a bridge that is part of a road that it maintains to do one or more of: correcting the defect or deficiency; closing or removing the bridge; restricting traffic loads; or placing a sign on each bridge approach.

In one instance, due to a noted deficiency, a bridge constructed in 1995 had the load limit down-graded to five tonnes. Cooper Creek appropriately posted the load rating on both approaches to the bridge. However, auditors established that an excavator crossed the bridge to conduct some silviculture work and to mitigate a potential road fill failure. Although the bridge did not fail and no injury occurred, crossing the bridge with equipment that exceeds the posted load limit contravened Section 75 of the FPPR. While the licensee placed a sign on each approach, it did not restrict traffic loads for industrial users under its control. Therefore, crossing the bridge with an excavator compromised user safety and this is considered a significant non-compliance.

### **Operational Planning**

Cooper Creek maintained accurate documentation of planning and operational activities. The files were accessible and complete. Cooper Creek addressed site-specific resources in its SPs by accurately identifying and prescribing practices for resource features such as riparian, wildlife, visuals and soils. Cooper Creek is proactive with respect to community engagement and shares information through the company web site, meetings and field reviews. It was apparent to auditors that the level of commitment to community engagement is very good.

The FSP and SPs were consistent with FRPA requirements and legal objectives. Cooper Creek completed visual impact assessments on all cutblocks in the harvest sample, even when not required.

Legally enforceable habitat protection for wildlife is established in two UWR Orders, and spatially defined wildlife habitat areas. One UWR Order addresses Mountain Caribou, and the other UWR Order addresses mule deer, white tail deer, elk and moose. Cooper Creek did not harvest or construct road within the caribou UWR no harvest zone, and did not harvest or construct roads within established wildlife habitat areas. Cooper Creek conducted an analysis in the non-caribou UWR prior to harvesting to confirm that it would meet the UWR objectives.



All harvesting was outside of spatialized non-legal old growth management (OGMAs). In 2017, the chief forester directed the district staff to review the existing OGMAs with respect to new inventory data. District staff is in the process of reviewing the existing OGMAs, which may change based on the outcome of the review.

In the interim, the district manager has requested licensees not to log in the existing OGMAs without submitting a rationale and identifying an alternative area to replace the portion of the OGMA that is proposed to be logged, and not to log any old forests in specific biogeoclimatic and landscape unit combinations identified by government where old growth is in deficit based on the inventory age of the stand. Cooper Creek met the district manager's requests and did not log in any OGMAs or old forests in specific biogeoclimatic and landscape unit combinations identified by government.

## Timber Harvesting

Harvesting met the requirements of legislation and conformed to SPs. Topography in the operating areas ranged from gently rolling to steep-mountainous terrain. Harvesting was done with ground-based and cable systems.



*Cooper Creek's harvesting ranged from ground-based harvesting with internal leave tree retention (left) to steep-cable harvesting using intermediate supports (right).*

Natural drainage patterns were maintained, and streams were managed consistent with the FSP obligations. Site disturbance was well managed and below allowable limits.

Cooper Creek maintained an average of 14 percent of the gross block area in wildlife trees. The FSP required a minimum of 7 percent. Wildlife trees were retained around riparian features whenever possible.

In summary, auditors found no issues with harvesting practices.

## Road and Major Structure Construction, Maintenance and Deactivation

### *Construction*

All roads were well constructed. Road construction used a conventional cut and fill construction technique, although there were some rock and steep slope sections requiring blasting and engineered road sections. Cooper Creek maintained natural drainage patterns on the road segments field reviewed and there was no evidence of erosion or slope failures associated with the roads constructed. Cooper Creek installed additional cross drain culverts as required. In addition, auditors field reviewed both new

bridges and found they were well constructed. All required documentation was complete, accurate and compliant with legislation.

However, section 10 of FRPA<sup>iv</sup> requires licensees to complete SPs for roads constructed outside of cutblocks. Cooper Creek Cedar had not prepared SPs for the roads in the audit sample constructed outside of cutblocks. Since all roads were well constructed and adhered to the professional assessments and recommendations, this is considered an area requiring improvement.

Subsequent to the audit, Cooper Creek addressed this issue by developing a road site plan template and is now preparing road SPs for roads constructed outside of cutblocks.

### *Maintenance*

Cooper Creek has risk-rated roads and assigned maintenance inspections. Auditors found no issues with road maintenance. Culverts were functional and natural drainage patterns were maintained. Ditch lines were functioning and no evidence of sloughing that would affect drainage patterns was evident. No stability issues were identified.

Cooper Creek has inspected accessible structures and the posted the appropriate load ratings. However, auditors noted one issue related to bridge maintenance that was discussed above.

### *Deactivation*

Road deactivation was well done. Deactivation of the two bridges was also well done, with the stream banks armoured, thereby mitigating the potential for sediment delivery into the channels. Cooper Creek blocked vehicular traffic at both locations.

There were no issues with road maintenance and deactivation or bridge construction and deactivation.

### *Silviculture*

As described in the background section of this report, Cooper Creek inherited legacy silviculture obligations when it obtained FL A30371 in 2016. Most of the legacy issues were the result of poor forest management when Meadow Creek Cedar held the licence. Cooper Creek has worked with district staff to identify the outstanding obligations and has been aggressively addressing the silviculture legacy issues through planting and brushing treatments. It is working towards bringing the outstanding blocks into compliance in a timely manner, and keeps district staff informed on progress.

Cooper Creek is planting within one to two years after harvest and is addressing the legacy reforestation obligations. It plants a mix of Douglas-fir, spruce, western red cedar, western white pine and larch. Planting met the chief forester's seed transfer guidelines.

Brush competition is a significant limiting factor to crop tree establishment and growth in Cooper Creek's operating area. The planting program is using tea-bag fertilization with the seedlings to increase growth so that they have a better chance of surviving in the brushy environment. In addition, Cooper Creek has an aggressive brushing program with two main types of brushing; herbaceous and woody



*Road crossing of Tea Creek after Cooper Creek removed the bridge.*

shrub. The herbaceous brushing is done on areas where seedling establishment is a concern and the woody shrub brushing is done as a final treatment for crop trees to meet free-growing standards. Much of the woody shrub brushing is to address legacy blocks that require additional treatments due to the gap in silviculture management during Meadow Creek's tenure.

RESULTS<sup>3</sup> records were complete and accurate, and completed within required timeframes.

Overall, auditors found no issues with silviculture and recognize the efforts Cooper Creek is making to address the legacy issues.

## **Wildfire Protection**

### *Hazard Assessment*

Auditors examined six cutblocks that required a hazard assessment for compliance with the *Wildfire Act*. Cooper Creek had completed hazard assessments for all six cutblocks.

### *Hazard Abatement*

Cooper Creek piles slash within cutblocks and abates the hazard by burning the slash piles when safe to do so. Where slash was piled, it was done in a manner that will facilitate disposal by burning. Slash was piled along the road and internal to the cutblock boundary on many of the blocks that were harvested, using ground-based system. This allowed Cooper Creek to prepare the cutblock for planting and reduce the fire hazard at the same time.

### *Active Operations*

One active site was encountered during the field review. Adequate fire tools and a water delivery system were on site, as required by legislation. Fire risk was low at the time of the field review.

In summary, auditors found no issues with wildfire protection.

## **Other Issues – Healy Creek**

A wildfire burnt a large area of Healy Creek in 2003, and the resulting degradation and loss of root mass has resulted in several natural landslides along a one-kilometer section of the Healy Mainline. The slides originate above the road and continue across the road corridor. In 2008, government removed most of the Healy Creek drainage from the operable forested land base and placed it into a “no-harvest area” to conserve habitat for mountain caribou. Since 2008, government and licensees have been negotiating how to deal with outstanding forestry obligations in the Healy and other drainages impacted by the no-harvest designation.

The Board released the [Meadow Creek Cedar complaint investigation](#) report in June 2012. In the report, the Board expressed concern that natural landslides and the lack of road maintenance and management along the one-kilometre section in the Healy Creek drainage placed the integrity of Healy Creek and downstream fisheries resources at risk. The report recommended that government assess the potential environmental risk of the roads in the Healy Creek drainage and coordinate a maintenance / deactivation strategy involving all resource users. This has not been done and the road maintenance concerns continue.

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<sup>3</sup> RESULTS (Reporting Silviculture Updates and Land Status Tracking System) tracks silviculture information on the landbase by managing submissions of opening definitions, disturbances, silviculture activities, forest cover and obligation declarations as required by FRPA and the FPPR.

In addition, FLNRORD is responsible for maintaining a bridge at the start of the Healy Creek drainage. The bridge was re-decked in September 2019, but the load limit remains downgraded to light traffic only and is closed to heavy industrial equipment.

Cooper Creek holds the road permit in Healy Creek, which requires it to maintain 45 kilometres of road and 15 bridges. Although Cooper Creek has never had industrial access or operated in Healy Creek, it has accessed the area by quad to conduct inspections of 9 accessible bridges.

Auditors sampled 17 kilometres of road maintenance and 8 bridges by helicopter and on foot. The 8 bridges audited were compliant with legislation, but would need to be inspected prior to industrial use. Although there were no concerns noted with most of the road audited, the one-kilometre section identified in the Meadow Creek Cedar investigation remains an issue. Cooper Creek Cedar and FLNRORD are still planning and coordinating the deactivation of the roads in Healy Creek.

## Audit Opinion

In my opinion, except for the issue identified below, the operational planning, timber harvesting, road and bridge construction, maintenance and deactivation, silviculture and fire protection activities carried out by Cooper Creek Cedar Ltd. on forest licence A30171 between September 1, 2017, and September 26, 2019, complied in all significant respects with the requirements of the *Forest and Range Practices Act*, the *Wildfire Act* and related regulations, as of September 2019.

In reference to compliance, the term “in all significant respects” recognizes that there may be minor instances of non-compliance that either may not be detected by the audit, or that are detected but not considered worthy of inclusion in the audit report.

As described in the *Bridge Maintenance* section of the report, the audit identified a significant non-compliance.

Without further qualifying my opinion, I draw attention to the *Construction* section of the report that describes an area requiring improvement.

Also without further qualifying my opinion, I draw attention to the *Other Issues – Healy Creek* section of the report that describes an ongoing road maintenance issue.

The *Audit Approach and Scope* and the *Planning and Practices Examined* sections of this report describe the basis of the audit work performed in reaching the above conclusion. The audit was conducted in accordance with the auditing standards of the Forest Practices Board, including adherence to the auditor independence standards and the ethical requirements, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour. Such an audit includes examining sufficient forest planning and practices to support an overall evaluation of compliance with FRPA and the *Wildfire Act*.



Christopher R. Mosher CPA, CA, EP(CEA)  
Director, Audits

Victoria, British Columbia  
January 23, 2020

# Appendix 1: Forest Practices Board Compliance Audit Process

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## Background

The Forest Practices Board conducts audits of government and agreement-holders under the *Forest and Range Practices Act* (FRPA), section 122, and the *Wildfire Act*. Compliance audits examine forest or range planning and practices to determine whether or not they meet FRPA and / or *Wildfire Act* requirements. The Board conducts about 10 compliance audits annually. Most of these are audits of agreement holders. The Board also audits the government's BC Timber Sales Program (BCTS).

## Selection of auditees

To begin with, auditors randomly select an area of the Province, such as a natural resource district. Then the auditors review the forest resources, geographic features, operating conditions and other factors in the area selected. These are considered in conjunction with Board strategic priorities (updated annually), and the type of audit is determined. At this stage, auditors choose the auditee(s) that best suits the selected risk and priorities. The audit selections are not based on past performance.

For example, in 2016, the Board randomly selected the Dawson Creek portion of the Peace Natural Resource District as a location for an audit. After assessing the activities within the area, it was noted that there were two community forest agreements that had not yet been audited by the Board. As the Board strives to audit an array of licence types and sizes each year, these two community forest agreements were selected for audit.

For BCTS audits, a district or timber supply area within 2 of the 12 business areas in the province are selected randomly for audit. Only those areas that have not been audited by the Board in the past five years are eligible for selection.

## Audit Standards

The audits are conducted in accordance with auditing standards developed by the Board. These standards include adherence to the auditor independence standards and the ethical requirements, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour and are consistent with Canadian generally accepted auditing standards. The standards for compliance audits are described in the Board's *Compliance Audit Reference Manual*.

## Audit Process

### Conducting the Audit

Once the Board randomly selects an area or district and determines the scope of audit to be conducted and the licensee(s) to be audited, all activities carried out during the period subject to audit are identified (such as harvesting or replanting, and road construction or deactivation activities). Items that make up each forest activity are referred to as a population. For example, all sites harvested form the timber harvesting population and all road sections constructed form the road construction population.

A separate sample is then selected for each population (e.g., the cutblocks selected for auditing timber harvesting). Within each population, more audit effort (i.e., more audit sampling) is allocated to areas where the risk of non-compliance is greater. For smaller audits, the sample will include the full population.

Auditors' work includes interviewing licensee staff, reviewing applicable plans, assessing features from helicopters and measuring specific features like riparian reserve zone width using ground procedures. The audit teams generally spend three to five days in the field.

## **Evaluating the Results**

The Board recognizes that compliance with the requirements of FRPA and the *Wildfire Act* is more a matter of degree than absolute adherence. Determining compliance, and assessing the significance of non-compliance, requires the exercise of professional judgment within the direction provided by the Board.

The audit team, composed of professionals and technical experts, first determines whether forest practices comply with legal requirements. For those practices considered to not be in compliance, the audit team then evaluates the significance of the non-compliance, based on a number of criteria, including the magnitude of the event, the frequency of its occurrence and the severity of the consequences.

Auditors categorize their findings into the following levels of compliance:

**Compliance** – where the auditor finds that practices meet FRPA and *Wildfire Act* requirements.

**Unsound practice** – where the auditor identifies a significant practice that, although in compliance with FRPA or the *Wildfire Act*, is not considered to be sound management.

**Not significant non-compliance** – where the auditor, upon reaching a non-compliance conclusion, determines that one or more non-compliance event(s) is not significant and not generally worthy of reporting. However, in certain circumstances, these events may be reported as an area requiring improvement.

**Significant non-compliance** – where the auditor determines a non-compliance event(s) or condition(s) is, or has the potential to be, significant and is considered worthy of reporting.

**Significant breach** – where the auditor finds that significant harm has occurred, or is beginning to occur, to persons or the environment as a result of one or more non-compliance events.

If a significant breach of the legislation has occurred, the auditor is required by the *Forest Practices Board Regulation* to immediately advise the Board, the party being audited, and the Minister of Forests, Lands, Natural Resource Operations and Rural Development.

## **Reporting**

Based on the above evaluation, the auditor then prepares a draft audit report. The party being audited is given a copy of the draft report for review and comment before it is submitted to the Board.

The Board reviews the draft report and determines if the audit findings may adversely affect any party or person. If so, the party or person must be given an opportunity to make representations before the Board decides the matter and issues a final report. The representations allow parties that may potentially be adversely affected to present their views to the Board.

The Board reviews representations from parties that may potentially be adversely affected, makes any necessary changes to the report, and decides if recommendations are warranted. The report is then finalized and released: first to the auditee and then to the public and government seven days later.

## ENDNOTE

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<sup>i</sup> Depending on scope, audits may examine all aspects of forest practices, including obligations, from planning through to regeneration of Crown forests (full-scope audit), or they may focus on one or more forest practice(s) (limited-scope audit).

<sup>ii</sup> A forest stewardship plan (FSP) is a key planning element in the FRPA framework and the only plan subject to public review and comment and government approval. In FSPs licensees are required to identify results and/or strategies consistent with government objectives for values such as water, wildlife and soils. These results and strategies must be measurable and once approved are subject to government enforcement. FSPs identify areas within which road construction and harvesting will occur but are not required to show the specific locations of future roads and cut blocks. FSPs can have a term of up to five years.

<sup>iii</sup> **Section 72 of the *Forest Planning and Practices Regulation*:**

**Roads and associated structures**

**72** A person who constructs or maintains a road must ensure that the road and the bridges, culverts, fords and other structures associated with the road are structurally sound and safe for use by industrial users.

<sup>iv</sup> **Section 10 of the *Forest and Range Practices Act*:**

**Site plans for cutblocks and roads**

**10** (1) Except in prescribed circumstances, the holder of a forest stewardship plan must prepare a site plan in accordance with prescribed requirements for any

- (a) cutblock before the start of timber harvesting on the cutblock, and
- (b) road before the start of timber harvesting related to the road's construction.

(2) A site plan must

- (a) identify the approximate locations of cutblocks and roads,
- (b) be consistent with the forest stewardship plan, this Act and the regulations, and
- (c) identify how the intended results or strategies described in the forest stewardship plan apply to the site.

(3) A site plan may apply to one or more cutblocks and roads whether within the area of one or more forest stewardship plans.





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