

## **Panel 3: After 10 Years of the Forest and Range Practices Act, What have we learned?**

Thanks Walt, I appreciate the warm introduction and once again being asked to participate on a panel at SISCO. I am hoping to pass along a few of my observations and thoughts about the journey we call FRPA. However before I get started I will digress with a little story:

*Two RCMP Highway Patrol Officers were conducting speeding enforcement on Highway 97, just north of Kelowna. One of the officers was using a hand-held radar device to check speeding vehicles approaching the city. The officers were suddenly surprised when the radar gun began reading 300 miles per hour and climbing. The officer attempted to reset the radar gun, but it would not reset and then it suddenly turned off. Just then a deafening roar over the tree tops on Highway 97 revealed that the radar had in fact, locked on to an RCAF CF-18 Hornet which was engaged in a low-flying exercise in the area.*

*Back at RCMP Headquarters in Kelowna the RCMP Superintendent fired off a complaint to the Base Commander of the CF-18's in Cold Lake Alberta for shutting (actually frying it) down the Highway Patrol's Radar. The reply came back in true Royal Canadian Air Force. "Thank you for your letter. "You may be interested to know that the tactical computer on the Hornet had detected the presence of, and subsequently locked on to, your hostile radar equipment and automatically sent a jamming signal back to it, which is why it shut down." "Furthermore, an air-to-ground missile aboard the fully armed aircraft had also automatically locked on to your equipment's location." "Fortunately, the Air Force pilot flying the Hornet recognized the situation for what it was, and quickly responded to the missile system alert status and was able to override the automated defense system before the missile was launched to destroy the hostile radar position on the side of Highway 97. The bottom line is "your guys were lucky they didn't get their doors blown off! "The pilot suggests you cover your mouths when swearing at them, since the video systems on these jets are very high tech." "Staff Sergeant Johnson, the officer holding the radar gun, should get his dentist to check his left molar. It appears the filling is loose. Also, the snap is broken on his holster." If you need any more details, please don't hesitate to call.*

Does this story relate to my talk, I will let you be the judge?

My grandmother once said that if you do not understand your history you are doomed to repeat it, so I will start with a short reflection of the transition from the Code to FRPA.

Under the Forest Practices Code – District Manager's as SDMs were guided by the mandate to "adequately manage and conserve", some of you in this room will remember that period however some will not have experienced it, the Forest and Range Practices Act (FRPA) changed that decision making model for both government and industry some ten years ago. It essentially transferred liabilities from the Crown to Industry. FRPA swept away the Code with the intent to address the economic weight of the Code regime, to create greater reliance on professional opinion and expertise, to excite land managers to be innovative, creative, to think "outside the box" and be willing to go beyond "just what the law asked to be done". The construct was to create a more flexible environment where the economic, social and environment triangle could be supported to create a balanced approach on the land. In essence the operational oversight for land management shifted from government to industry with government playing a lesser role in guiding and influencing the outcomes of proponent's activities on the land. That guiding hand shifted from being operational to be more strategic in nature – results and strategies; meeting Government's objectives. So, how have we done? With no surprise there has been some

success, some trickies and some pay attention to elements. Given where we are at today I believe that FRPA needs a revisit/refresh for some continuous improvement.

It is hard to specifically determine whether the economic burden for both government and industry was ever addressed by FRPA as that topic remains front and center in the conversation between government and industry and is a constant – Provincial Forest Forum and Opportunities Initiative Forums continue that discussion. In my mind the existence of these forums is more a product of inherent economic stresses within the forest sector driven by market cycles and global competition, it causes us to always need to seek better ways to manage our collective business in a more effective and efficient manner; that conversation will never go away.

As we learned the new FRPA language we also experienced the rollercoaster of the markets with the deepest economic trough that I have seen in my career; we experienced the impacts of an extensive mountain pine beetle epidemic across the interior of the province with MPB challenges likely to be with us for many more decades; we also watched as many new entrants entered the sector to operate on the land with different forms of tenure; we managed during a period where pine salvage harvesting dominated all aspects of our business resulting in – reactive planning, primarily clear-cut harvesting, manufacturing and marketing challenges – fibre dryness, lower grade lumber, chip and fines abundance of a lower quality chip; we operated in the backcountry generally away from the landscape conflicts and some would argue that less attention was being paid to land stewardship – the need for multiple use considerations. Of interest during this period we also experienced sector succession in government, industry and in stakeholder groups. With our heads down we adapted to a new reality just trying to survive, I wonder if we missed some of the sign posts of change during that journey.

Inter-sector communication dropped as we lost historic connections due to our singular focus on economic survival and our imbalanced focus on fibre saw less attention to those values described by the public during the land use planning era. Coupled with the impact of succession it resulted in silence between those with interests on the land when there should have been conversation. Planning processes changed as did our technology and communications tools – the loss of a five year development plan – a key in communicating present and future plans on the landscape and identifying trickies were replaced by the Forest Stewardship Plan – a tool describing results and strategies; a tool one level up from operations that created an accountability however did not encourage nor required connection between proponents, stakeholders and the public. In addition I suggest that an unintended consequence of our new approach to planning was a lack of a collaborative vision for the landscape, the creation of sector boundaries and isolated thinking that caused a mind shift. The landscape became “mine” not “ours” and the extraction model of the resources became singularly focus at the expense of others. We are beginning to see the outcome of this management model as the public and the land reacts to the accelerated extraction strategy that seemed to be spot forest management and not landscape forest management.

You may ask how all of this relates to FRPA. I suggest that there was an indirect link expected; one that thought that some of the best practices created during the Code period would be carried forward into the FRPA era. It is clear that government and industry were not aligned with respect to those best practices. Industry in my view responded by setting the performance bar at “what is legal will be done”. Maybe necessary in the early days however as times change and as

the landscape evolves I suggest that that bar needs to be raised before the question of social licence emerges once again.

When I look inside FRPA and some of its tools, I wonder how the same land base can be covered by multiple results and strategies within individual FSPs addressing the same set of government objectives and guided by the same science. It is not about the diversity and different paths to success it is about the ineffective and fragmented approach to land management that the public experiences and sees on the landscape today. If you have ever played the XY game you would learn that collaboration will generate better results when compared to isolation.

From time to time I hear a professional when challenged about a decision remarks that it is just that way; my opinion. I view that response as a form of professional deference and not one of professional reliance, one of the cornerstones of FRPA. All professionals need to be able to articulate in simple language their decision and how they got to that decision. Although many professionals have learned this lesson there remains those who when challenged see the question as criticism and not as an opportunity to articulate their forest management expertise.

In parallel with the FRPA journey the Courts were raising the bar. In a way FN consultation has to a degree replaced the “adequately manage and conserve” mandate of the government. In an insular world that lacks attention to detail; the recognition of others rights and opportunity; time spent on communicating; instilling respect and sharing information, we see log rounds driven by specific FN issues, Courts providing direction on “how” to communicate, share information and consult. Case law has forced government to develop new tools to address First Nations concerns – Strategic Economic Agreements, - SEA and ECTA, Business to Business agreements, revenue sharing, impact benefit agreement etc. I wonder if these are substitutes for FRPAs gaps.

Going forward and once again Court initiated, the Cumulative Effects model being developed by government with a foundation in values and supported by data – inventories gathered by both government and industry and through monitoring results – FREP/MRVA just may create a FRPA like environment across all sectors. I recommend that you pay attention to the development of this tool as it could become a new element in the next generation of FRPA.

***So was FRPA a fix for the economic stresses of the forest sector?*** I suggest it improved some of the cost structure however another economic challenge replaced the Code. ***Has professional reliance works?*** I suggest that for its technical elements the continuation of good work occurs however I believe the professions still need to demonstrate considerable growth within the FRPA model. ***Has FRPA improved forest management on the land?*** I would suggest that some elements have remained static however others have digressed. ***Does FRPA need to evolution?*** Yes, question is who will hold the pen?

In real time as we move to the front country, the real test of FRPA has begun and I wonder if we are ready for it? I wonder if our social license is secure. It is time to step back and assess the strengths and weaknesses of FRPA with a view to grow the model before external forces dictate the change.