

Plan Amendment Criteria and Processes

Babine Watershed Monitoring

Background Document

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Part I

Babine Watershed Plan Amendments

Summary of Criteria and Processes

The Babine watershed's land use plans normally described provisions for their amendment. This document summarizes the direction found in those plans for what can be amended, the information required to support amendments, and the amendment processes. Changes to the provincial government's structure means that some of the authorities for developing and approving plan amendments have changed since the plans were published.

Covered here are the land use plans applicable to the Babine watershed comprising two Land and Resource Management Plans (LRMPs), one Sustainable Resource Management Plan (SRMP), two Landscape Unit Plans (LUPs) and a provincial park Management Direction Statement. Other resource management plans also documented for the watershed include an Angling Use Plan (AUP) and forest licensees' future Forest Stewardship Plans (FSPs).

With some exceptions, requirements for plan amendments are typically not legally enforceable. The exceptions are zones and objectives of land use plans which are designated as Higher Level Plans (HLPs) under the Forest Practices Code, (a provision soon to be under the Land Act). As well, amendment processes for FSPs are governed by the Forest and Range Practices Act (FRPA) and its regulations. In both cases, legislation provides minimum requirements for public review and comment on proposed changes.

The Babine watershed plans are integrated and coordinated to the extent that LRMPs provide direction to lower level plans and FSPs must be consistent with HLPs. There is little coordination of plan amendment processes, although some common requirements do emerge. For one, new information is required to trigger an amendment proposal. This normally includes results from research or monitoring, or more detailed planning processes. Secondly, most plans anticipate periodic reviews. As well, some plans specify a more elaborate amendment process for amendments that have significant social or economic impacts and a streamlined process for those that do not.

The plans lack details on various aspects of amendment process and criteria. There is a need for the provincial government to develop additional policy in order to improve coordination of plans and to make more explicit the expectations for plan amendments.

Plan Amendment Criteria and Processes

As Described in Land Use Plans for the Babine Watershed

	Information Required	What Can Be Amended	Amendment Process (Also see Changes and HLP Procedures following table)
Bulkley LRMP	<ul style="list-style-type: none"> • More detailed planning & mapping • Research • Public involvement • Monitoring 	<ol style="list-style-type: none"> 1. Updates are minor changes in: <ul style="list-style-type: none"> • Wording • Priorities for detailed plans • RMZ boundaries • Objectives & strategies based on more detailed plans • Conforming to new laws or policy 2. Amendments are: <ul style="list-style-type: none"> • Major revisions to objectives or management statements • RMZ boundary changes of 500 ha or more 3. Amendments cannot include: <ul style="list-style-type: none"> • Changes to protected area or special management 1 zone boundaries • Changing special management 1 zone to protected area. 	<ul style="list-style-type: none"> • PR IAMC reviews & approves minor plan updates. • Major changes approved by Ministers • Unscheduled amendments may occur as identified • Scheduled amendments at 8th year • Unscheduled & Scheduled amendments process ToR established by IAMC and require public and CRB involvement • Anyone can propose amendments to CRB or provincial government • CRB can recommend PR IAMC consider amendments • CRB also provides input into amendments <p>HLP procedures apply to Resource Management Zones and their objectives. Those relevant to Babine watershed are:</p> <ul style="list-style-type: none"> • Bulkley Timber Supply Area • Barbeau Creek Resource Management Zone (Sub-unit 1-1) • Babine River Resource Management Zone (Sub-unit 2-2)

<p>Kispiox LRMP</p>	<ul style="list-style-type: none"> • More detailed planning processes • New information • Monitoring 	<p>Not specified</p>	<ul style="list-style-type: none"> • LRMP reviewed regularly and amended every 10 years or as required. • Major review required in 8th year after approval or earlier if directed by IAMC. • Monitoring committee of public, First Nations and government representatives may recommend amendments to the IAMC. • IAMC may direct amendments. • Appropriate public participation processes will be defined for amendments. <p>HLP procedures apply to the provisions regarding resource management objectives and zones in sections 6 and 7 of the LRMP that are applicable to operational plans. In addition to objectives for specific resources, the zone objectives relevant to Babine watershed that are HLP are for:</p> <ul style="list-style-type: none"> • Kispiox General Resource Development Zone • Atna/Shelagyote Scenic/Recreation/Wildlife Habitat Zone • Babine River Valley Scenic/Recreation/Wildlife Habitat Zone
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West Babine SRMP	<ul style="list-style-type: none"> Effectiveness reviews using SRMP indicators Monitoring results 		<ul style="list-style-type: none"> Plan reviewed by MSRM every 5 years or as issues arise to assess effectiveness in meeting plan goals. MSRM coordinates improvements in consultation with First Nations and stakeholders. MSRM responsible for plan amendment decisions. <p>HLP procedures will apply to objectives, indicators and targets.</p>
	Province and First Nations cooperatively plan to further incorporate First Nations interests in SRMP.		Consultation with public & stakeholders
	Monitoring results show objectives ineffective in achieving plan goals.	Objectives	Consultation with First Nations, public & stakeholders Reviewed every 10 years.
	Monitoring results show indicators and targets ineffective in achieving plan objectives and amendment has minimal social or economic impacts.	Indicators and targets	Minimum consultation
	Monitoring results show indicators and targets ineffective in achieving plan objectives and amendment has significant social or economic impacts.	Indicators and targets	Consultation with First Nations, public & stakeholders
	Monitoring results show management considerations ineffective in achieving plan targets and indicators.	Recommended management considerations	Does not require plan amendment.

Babine LUP	<ul style="list-style-type: none"> • Monitoring • Operational planning experience • First Nations consultation • Lake classification • Watershed assessments • Inventories • Species management • Ecological information • New rare & endangered species habitat identified • Significant impacts on ETD (Enhanced Timber Development areas) due to VQOs or wildlife. • Timber supply impacts. 	<ul style="list-style-type: none"> • Provide further detail in strategies to meet objectives • Provide details of monitoring strategies when developed • Objective 2.7 re grizzly bear habitat if Nichyeskwa connector road built¹ • ETD boundary • Ecosystem network (EN) boundary 	<ul style="list-style-type: none"> • Interagency team and licensees review results of monitoring objectives by May 2002. • Amendments must take direction from LRMP. • Changes cannot result in additional constraints to timber supply without considering “LRMP budget”. This limits total LRMP impacts to 10% of 1996 timber supply for Bulkley TSA. • Ecosystem network amendments by joint agreement between MoF district manager and MELP district biologist. <p>HLP procedures apply to 7 landscape unit objectives for biodiversity.</p>
Nilkitkwa LUP	<ul style="list-style-type: none"> • Monitoring • Operational planning experience • First Nations consultation • Lake classification • Watershed assessments • Inventories • Species management • Ecological information • New rare & endangered species habitat identified • Significant impacts on ETD due to VQOs or wildlife. • Timber supply impacts. 	<ul style="list-style-type: none"> • Provide further detail in strategies to meet objectives • Provide details of monitoring strategies when developed • ETD boundary • EN boundary 	<ul style="list-style-type: none"> • Interagency team and licensees review results of monitoring objectives by May 2002. • Amendments must take direction from LRMP. • Changes cannot result in additional constraints to timber supply without considering “LRMP budget”. This limits total LRMP impacts to 10% of 1996 timber supply for Bulkley TSA. • Ecosystem network amendments by joint agreement between MoF district manager and MELP district biologist. <p>HLP procedures apply to 7 landscape unit objectives for biodiversity.</p>
Babine River Corridor Park Management Direction Statement	Consultation with Gitxsan and Lake Babine First Nations		BC Parks intends to complete a full management plan by 2010.

¹ The Nichyeskwa connector road has been built.

Changes since plans published:

1. Prince Rupert IAMC (Inter-Agency Management Committee) is now centered in Prince George with a subregional IAMC based locally. MSRM chairs the Prince George IAMC, while the local IAMC has a rotating chair.
2. Kispiox LRMP monitoring committee is currently not active.
3. EN and ETD amendments no longer have joint approvals, and are likely a MoF district manager decision. Ministry of Forests District operations procedures describe EN and ETD amendment criteria and process for the LUPs.
4. CRB has specified its requirements for considering amendment proposals for the Bulkley LRMP.
To summarize, CRB requires that proponents of an amendment:
 1. Describe how LRMP isn't meeting needs of resource values.
 2. Explain efforts to work within LRMP to address concern, or why not possible to do so.
 3. Present new information.
 4. Show, with results of effectiveness monitoring, that a technical assumption is incorrect or social choices are not being met, or unanticipated values or management issues have arisen.
 5. Provide data sources, methods and analyses.
 6. Demonstrate support from a broad cross-section of community to amend the plan.

HLP Procedures – Legislated Requirements for Amending Higher Level Plans

Forest Practices Code

Higher Level Plans (HLP) established under the Forest Practices Code of British Columbia Act (FPC) have legislated requirements for amendments. Resource Management Zones and objectives, and Landscape Units and objectives can be established, varied or cancelled by any of the FPC Ministers: Forests, SRM, WLAP, Energy & Mines, or delegate. If this action would significantly affect the public, then review and comment must be provided in accordance with the Strategic Planning Regulation. The regulation requires that a notice, announcing the proposed change and its location, be published in the Gazette and in a newspaper nearest to the area. The publication is followed by 60 days (or less in certain circumstances) for public comments to be received by the Ministry of Forests' district or regional office. No notice is required if the minister decides that the public would not be significantly affected by the change.

Land Act

In spring 2004, the Land Amendment Act, 2003 is expected to replace the HLP requirements of the FPC. The new legislation received third reading, (Bill 46) in October 2003 and comes into force through regulation. This will transfer responsibility for objectives from the FPC Ministers to the Minister of Sustainable Resource Management. All Resource Management Zones and objectives, and Landscape Units and objectives established under FPC will be grandfathered under the Land Act revisions. Bill 46 does not substantively change the procedures for amending objectives. The new legislation requires the minister to make proposed amendments to objectives publicly available for review and comment unless the amendment is urgently required to protect a resource value. Regulations can be made prescribing procedures and criteria to be followed in establishing objectives. The minister may delegate, with directions, any duties or powers concerning the establishing or amending of objectives to anyone in any ministry. All minister delegations concerning objectives already made under the FPC also continue when the Land Act revisions come into force.

Amendments to Other Plans

	Information Required	What Can Be Amended	Amendment Process
Babine Angling Use Plan	<ul style="list-style-type: none"> Situational Analysis Background information Angler use data Issue identification 	Angling Use Plan itself cannot be amended. Instead, a new Angling Management Plan is prepared.	<p>Process is currently being finalized as a result of WLAP's Angling Guide Management System and Classified Waters Review.</p> <p>http://wlapwww.gov.bc.ca/fw/home/guide/agmscw_review.html</p> <ul style="list-style-type: none"> River must be selected by Skeena regional angling stakeholder committee, then provincial committee as priority for developing Angling Management Plan (AMP). Working group prepares draft AMP, using template. Public input to identify issues and review draft AMP. Public process follows Terms of Reference developed by WLAP. Review of final draft at regional and provincial levels.
Forest Stewardship Plans	<ul style="list-style-type: none"> FSP must meet FRPA content requirements, except in emergencies. Results and strategies must be consistent with government's objectives existing 4 months before amendment submitted for approval, except in emergencies. Additional information that minister or delegate reasonably requires to determine whether FSP conforms with FRPA. 	<ul style="list-style-type: none"> Result Strategy Adding or changing a Forest Development Unit (FDU) Regeneration date Free growing date Free growing height Stocking standards 	<p>Governed by Forest and Range Practices Act</p> <ol style="list-style-type: none"> Minor Amendment <ul style="list-style-type: none"> Does not require approval if results and strategies are not materially changed. No public review required. Amendment <ul style="list-style-type: none"> Requires approval by minister (or delegate). Requires public review and comment as specified in regulation. Minister must give written reasons for refusing to approve amendment. Mandatory Amendment <ul style="list-style-type: none"> Required within 2 years if new enactment or new objective set by government affects FSP. Deadline for amendment can be shortened if specified for a Wildlife Habitat Area or Land Use Objective under Land Act. Public review and comment required unless exempted by Minister.

Part II

The Role of Monitoring by BWM Trust

In Amending Babine Watershed Land Use Plans

Introduction

Essential to success of the Babine Watershed Monitoring (BWM) Trust is establishing clear linkages between monitoring results and plan amendment processes. This document describes the principles and organizational roles required to facilitate those linkages.

Role of BWM Trust

The BWM Trust will fund monitoring to assess the implementation and effectiveness of land use plans in the Babine watershed. The monitoring results are aimed at providing the information required to improve the plans. Changes to land use plans are made by the provincial government following a plan amendment process. The Trust itself does not recommend plan amendments. However, any organization or individual may use the Trust's monitoring results to support their proposals for amendments.

Monitoring Projects

Monitoring activities funded by the Trust will directly assess implementation and effectiveness of Babine watershed land use plan objectives, targets, strategies, indicators for various resource values. The Trust's monitoring projects will be designed to support plan amendment processes. Monitoring techniques will involve bio-physical field sampling and analysis following defensible technical and scientific methods. Reporting on projects will include results and conclusions concerning the resource values and the land use plan components that were monitored. If monitoring results raise any issues, reports shall also include options for resolving any issues. The information will be provided in a format suitable to inform government's plan amendment decision-makers.

Providing Results

BWM Trust will make monitoring reports available to the public. Monitoring results will also be reported directly to Bulkley Valley Community Resources Board (BVCRB), any equivalent group for the Kispiox LRMP area of the Babine watershed, and all relevant plan amendment authorities such as MSRM and MoF Skeena Stikine District. The Trust may provide reports in a format to facilitate government's tracking and responding to monitoring results, such as an annual compilation.

Responding to Monitoring Results

The value of monitoring by the Trust hinges on the results being fully considered by statutory plan amendment decision-makers. The Trust, then, needs to provide monitoring results in a format relevant to informing decisions regarding plan amendments. The Trust also needs feedback from plan authorities on their consideration of the monitoring results. This information will help guide the Trust in setting priorities for subsequent monitoring.

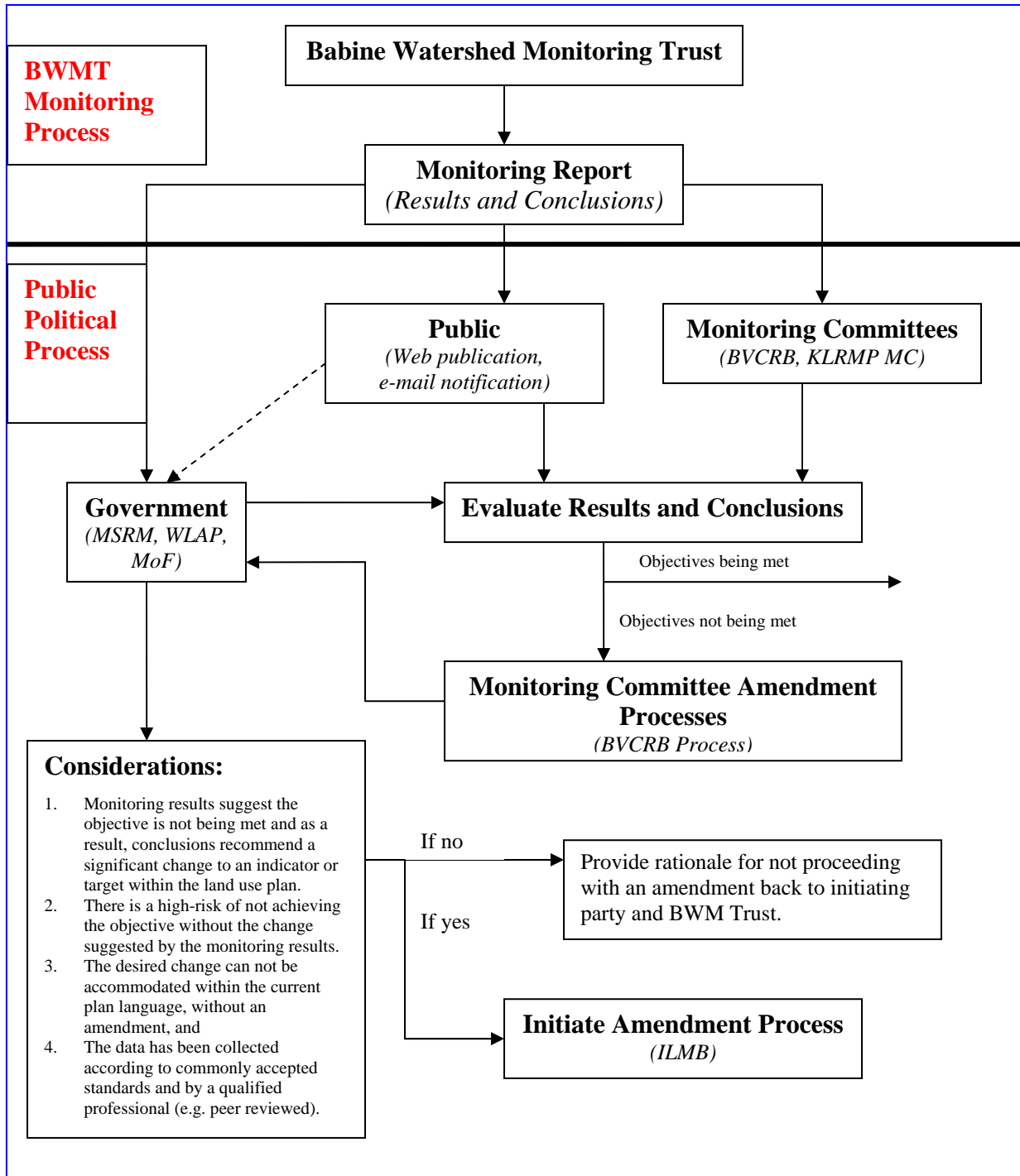
Proposing Amendments

Any organization or individual may initiate a proposal for a land use plan amendment and use the Trust's monitoring results to support their proposal. The Trust, however, will not be directly involved in proposing plan amendments. Anyone initiating a proposal for a plan amendment is advised to follow BVCRB guidelines and include options to address the issue and may include the consequences of those various options. The level of analysis required would be greater for major amendments involving land use objectives or significant socio-economic implications, compared with minor amendments of targets, strategies or indicators that are consistent with land use plan objectives and do not result in large socio-economic impacts. Provincial government plan amendment authorities may consider monitoring results along with other information and analyses, including socio-economic and public consultation when making decisions on amending plans.

Recommendations

The BWM Trust needs assurances that its efforts and resources are well spent. There currently exist several aspects of the plan amendment processes that require further clarity before the Trust can effectively conduct its work. This information is essential for enabling the Trust to set relevant priorities for monitoring activities. To support the Trust in effectively monitoring land use plans, the Babine GDG recommends that the provincial government's Babine watershed plan authorities provide the following:

1. clarity regarding plan amendment criteria so that monitoring projects can be designed to meet those criteria;
2. clarity regarding responsibilities for plan amendments where government structure or legislation have changed since plan approval;
3. commitment to provide the BWM Trust with rationales for government's consideration of monitoring results and any decisions made on proposed plan amendments.



The Babine Land use plans may be amended for the following reasons:

- monitoring results suggest that indicators and targets will not meet plan objectives,
- there is a change in social values,
- new values emerge that were not considered in the original plan,
- unanticipated management issues (e.g. Mountain Pine Beetle or catastrophic events)
- administrative errors were made in the original plan, and
- new science suggests the plan objectives will not be met.

This diagram only considers amendments that may arise as a result of monitoring.

Amendment Process

Amending	Criteria	Timeframe	Process
Environmental Objectives	Minimal social or economic impact		<ul style="list-style-type: none"> - Legislated process <ul style="list-style-type: none"> o local advertizing, o 60 day public review and comment - FN consultation - Minimal consultation with stakeholders - Local approval
	Significant social or economic impact	Environmental values at risk in short-term (<10 years)	<ul style="list-style-type: none"> - FN Consultation, - Public and stakeholder involvement, - Legislated process <ul style="list-style-type: none"> o local advertizing, o 60 day public review and comment - Subject to available resources, initiate process within one year - Ministerial approval
		Environmental values at risk in long-term (>10 years)	<ul style="list-style-type: none"> - Review monitoring results in 10 years and initiate amendment based on those results, - Amend plan to incorporate mitigation measures that have little social or economic impact.
Social or Economic objectives	Minimal environmental impact		<ul style="list-style-type: none"> - Legislated process <ul style="list-style-type: none"> o local advertizing, o 60 day public review and comment - FN consultation - Minimal consultation with stakeholders - Local approval
	Significant environmental impact	Social or economic values at risk in the short-term (<10 years)	<ul style="list-style-type: none"> - FN Consultation, - Public and stakeholder involvement, - Legislated process <ul style="list-style-type: none"> o local advertizing, o 60 day public review and comment - Subject to available resources, initiate process within one year. - Regional approval
		Social or economic values at risk in the long-term (>10 years)	<ul style="list-style-type: none"> - Review monitoring results in 10 years and initiate amendment based on those results, - Amend plan to incorporate mitigation measures that have little environmental impact.