

Section 2

Update on the implementation of
recommendations from:

**Removing Private Lands from
Tree Farm Licenses 6, 19 & 25:
Protecting the Public Interest?**

July 2008

April 2009



File: 19700-25/TFL 6, 19700-25/TFL 19, 19700-25/TFL 25

FEB 18 2009

Morris Sydor, Assistant Auditor General
Office of the Auditor General of British Columbia
8 Bastion Square
Victoria, British Columbia
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Dear Mr. Sydor:

Thank you for your January 30, 2009 letter regarding your July 2008 report, *Removing Private Land from Tree Farm Licences 6, 19 and 25: Protecting the Public Interest?* and asking for an update on any developments the ministry may have taken as a result of your report as of January 30, 2009.

As you are aware, there were no recommendations to improve decision-making or the public process in the Auditor General's Report – recommendations against which to measure changes in our process. However, we considered the observations outlined in the report along with our own observations from that decision to identify potential improvements to our processes with regard to our documentation, consultation, and communication.

Public Consultation and Communication

We appreciate the advice you provided us around Western Forest Products' requests to delete private land, and have taken steps to enhance our consultation processes.

In the only decision of a similar nature since your report, the Ministry of Forests and Range undertook comprehensive consultation with local government, Crown agencies, local public and First Nations regarding the request to remove private lands from Tree Farm Licence (TFL) 23. This occurred through public meetings held in Revelstoke, Castlegar and Nakusp and through correspondence and meetings with First Nations, local government and Crown agencies. In his decision to remove the private lands in October 2008, the minister accepted from the receiver-manager for the licensee several conditions to the removal, including guaranteed payments for local unsecured creditors (as part of the bankruptcy proceedings), retention of caribou habitat in the TFL land base, and the sale of significant local resources on the private land – the Eagle Bay recreation site and another property – to the province for \$1.

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Ministry of Forests
and Range

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Response from the Ministry of Forests and Range

Morris Sydor, Assistant Auditor General

Including these conditions as part of the private land removal was supported through the public consultation process undertaken. It was apparent that the minister felt that this decision was clearly in the public interest. The implications of the minister's decision were clearly communicated to key stakeholders in advance of a public news release. The mayors of Nelson and Nakusp, and the Interior Logging Association, indicated their support for the minister's decision. A dedicated webpage was also set up on the ministry's website which included a news release, copy of the minister's decision letter and other key supporting documents. In addition to advising local mayors and stakeholders, the minister also held a conference call with local media and answered their questions about the decision.

Documentation

Since the publication of your report, we have reviewed our documentation and confirmed it to be sufficiently comprehensive to inform the minister as the statutory decision maker. As we noted in our formal response to your report in July 2008, briefing notes are intended to be of sufficient breadth and depth to provide the incremental or unique information required to make an informed decision, taking into account the minister's existing knowledge.

We have begun work on a policy regarding the deletion of private land from TFLs that we expect will provide us with clarity on how key considerations are to be discussed and how they are to be documented. We anticipate having a draft of this policy completed during the summer 2009.

Conclusion

We are aware of your related report, published in November 2008, on the broader issue of government's public consultation processes, *Public Participation: Principles and Best Practices for British Columbia*. This report was distributed to all ministries, including the Ministry of Forests and Range, by central government as information to consider when designing public engagement processes. We intend to review this report in more detail to determine whether the recommendations contained in that report might further inform our processes.

We appreciate this opportunity to highlight what the Ministry of Forests and Range has done to improve its processes in support of the Minister's decision making on the deletion of private lands from Tree Farm Licences.

Sincerely,



John Dyble
Deputy Minister

Attachment(s): 1

pc: Jim Gowriluk, Regional Executive Director, Coast Forest Region