
Applying Professional Reliance Under FRPA

Developed by the Professional Reliance Working Group*
April 2008

Report

*The Professional Reliance Working Group is comprised of representatives from the Ministry of Forests and Range, Coast Forest Products Association, Council of Forest Industries, and Association of BC Forest Professionals.

Ensuring BC's Forests Are In Good Hands.

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1.0 Introduction

In July 2007, a Professional Reliance Steering Committee¹ met to agree on how to guide the application of professional reliance under the *Forest and Range Practices Act* (FRPA). The Steering Committee assigned the production of that guidance to a smaller Professional Reliance Working Group², which developed, by consensus, this draft document of professional reliance principles for discussion. This document was the basis for professional reliance workshops in November 2007. The Working Group was also tasked with developing key success measures and recommendations for professional reliance implementation. These have been attached to this document but were not included in the workshop materials.

The judgement and advice of resource professionals has been relied on by the public and employers in the forest sector since the inception of the various professional organizations. Reliance, in some form, was probably common practice prior to the formal establishment of professional organizations and their associated legislation because this establishment attested to an existing critical mass necessitating some level of organization, administration and regulation. Within the forest sector, both government and the private sector have long-standing traditions of systematically seeking out and relying on the advice of resource professionals in undertaking most aspects of their respective activities.

If professional reliance has already been in practice, why has a greater emphasis been placed on providing professional reliance guidance to today's resource professionals?

The regulation of forest practices has matured to a result-orientation with less regulation and less government oversight of methods or processes used to achieve the results. This model is meant to promote greater reliance on the judgement of resource professionals and remove duplication of effort by government staff systematically reviewing the method-based judgement of professionals employed by licensees³. This results in a different culture that both industry and government professionals must embrace. The intent of this paper is to help forest professionals complete the transition to working under the current legislative framework, specifically FRPA and the *Foresters Act*.

1 Represented by Ministry of Forests and Range (MFR), Tolko Industries Ltd., Council of Forest Industries (COFI), Coast Forest Products Association (CFPA) and Association of BC Forest Professionals (ABCFFP).

2 Same representation, minus Tolko Industries Ltd.

3 For the purposes of this paper, unless otherwise stated, licensee should be read to include BCTS since BCTS has FRPA obligations similar to a licensee.

Employers rely significantly on resource professionals to undertake activities in ways that demonstrate and support professional reliance. For example (the following are not complete lists):

a) Resource professionals working for licensees:

- coordinate the development and submission of operational plans (including amendments), support documents, mandatory reports and declarations.
- provide advice and recommendations on complying with operational plans, practice requirements and reporting obligations. This usually includes the development of compliance systems and documentation that will form the licensee's due diligence in the event of a compliance issue arising.
- supervise, implement and monitor forest practices in compliance with operational plans and practice requirements under FRPA.
- assist with compliance and enforcement matters.
- provide advice and recommendations with respect to what actions would constitute good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society.
- provide input on behalf of the licensee to government decisions including operational plan decisions, declarations, proposed Government Actions Regulation (GAR) orders, etc.

b) Government relies significantly on resource professionals to fulfill its various mandates under FRPA to undertake the following professional reliance-related activities:

- Provide advice and recommendations to develop and revise FRPA legislation (involves professionals within and outside government).
- Develop or provide input to government decisions including operational plan decisions (e.g.: to Statutory Decision Makers (SDMs), declarations, proposed GAR orders, etc.
- Professionals from within and outside government provide advice and opinions to:
 - compliance and enforcement staff while interpreting legislation,

conducting investigations and serving as expert witnesses in compliance and enforcement matters.

- Forest Appeals Commission and the courts to deal with FRPA appeals.
- the Forest Practices Board, when undertaking investigations, audits and special reports under its mandate.

Principles presented in this document are not a complete list. They are intended to generate discussion regarding the implementation of professional reliance in FRPA. These principles were written for resource professionals but the content in this draft version is geared towards forest professionals [Association of BC Forest Professionals (ABCFP)]. The discussion will be broadened to include other resource professions [College of Applied Biology (CAB), Association of Professional Biologists of BC (APBBC), BC Institute of Agrology (BCIA) and Division of Engineers and Geoscientists in the Forest Sector (DEGIFS) - part of the Association of Professional Engineers of BC (APEGBC)].

While the paper addresses applicable obligations of licensees under FRPA and forest professionals under the *Foresters Act*, it does not attempt to present an exhaustive or detailed summary of these obligations. It is left to the individual professional to fully understand and properly apply all obligations that may be relevant to their areas of practice.

Content that does not refer to FRPA or professional obligations⁴ is guidance from the Professional Reliance Working Group and not obligations or standards.

2.0 Definitions

2.1 Professional Reliance

*Professional reliance is the practice of accepting and relying upon the decisions and advice of resource professionals who accept responsibility and can be held accountable for the decisions they make and the advice that they give.*⁵

The active part of the definition – “the practice of accepting and relying” can be explained in this context as:

- having confidence or certainty based on experience,
- trusting and thus, having confidence arising from belief that may be based on

⁴ In this document, professional obligations or requirements refer to requirements under the *Foresters Act* and accompanying Bylaws or other professional Acts and Bylaws.

⁵ From the definition of professional reliance in the Professional Reliance Task Force Report, 2006.

inconclusive evidence, and

- having implicit confidence in.

The definition also implies limits to professional reliance by linking professional reliance to matters for which the professional can be held accountable.

Reliance under FRPA can take the form of:

- Reliance on the professional's judgement or advice. This includes reliance on the background information and process used to determine the judgment/ advice, as well as reliance on it being consistent with FRPA requirements⁶.
- Reliance on the process and background information associated with the judgement / advice while independently assessing its conformance with FRPA requirements.
- Auditing the process and supporting information used to arrive at the professional's judgement as well as compliance of the judgment to legal requirements.

Professional reliance is exhibited, in one way, by deferring to a professional opinion based on an objective assessment of its reasonableness. This distinguishes it from blind deference, which would be inappropriate when it comes to accepting professional judgments or work product. Professional reliance under FRPA will usually be a matter of degree based on the risks, uncertainties and potential implications related to legal requirements and the knowledge and experience of the professional being relied in providing judgements consistent with FRPA requirements.

As with any other aspect of their professional interactions, respectful regard (common courtesy) is practised by resource professionals when applying professional reliance.

2.2 Professional Accountability

Professional accountability is acknowledgement and assumption of obligations under professional legislation and accompanying bylaws, including the potential for investigations and discipline to be imposed by the profession.

Resource professionals are accountable to the public through the statutory obligations and enforcement of the acts and bylaws of their associations. A consequence of this accountability is professional or other types of liability (If

⁶ In this document FRPA obligations or requirements is also meant to include other applicable forest practice-related statutes.

professional obligations are not met, potential fines and penalties may be applied to the member).

Where a practice that an ABCFP member believes is detrimental to good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society, that member has duties under the Code of Ethics to raise the matter with the responsible person and/or the ABCFP – this is not optional. Similarly, where a forest professional believes another member is not practising to a professional standard, then he or she must raise the matter with the other member and if it is not resolved must report the matter to the association.

It is important to note that professional accountability and discipline processes are primarily complaint-driven and their ultimate effectiveness will depend on the willingness of both members and non-members to appropriately pursue concerns.

Professional reliance and professional accountability are two different but linked concepts. As outlined in the above section, professional reliance refers to the practice of relying on the judgement and advice of a resource professional which is reasonable because their accountability to the public is an incentive for resource professionals to work in the public interest. It is this accountability and the consequences of professional liability that provides the rationale and justification for professional reliance. Without accountability, reliance may not be justified and conversely, without reliance, accountability may not be justified. It takes the collective effort of professional membership to make the practice of professional reliance, and its reliance on accountability, work.

3.0 Principles of Professional Reliance under FRPA

The following are some principles of professional reliance under FRPA which help to define terms and responsibilities and reconcile misconceptions and perceived conflicts between professional and FRPA obligations. **All** of these principles apply to forest professionals who are involved with administering and implementing FRPA. Members must view these as a collective and not “cherry pick” which principles to follow.

- 1) Professional reliance is compatible with the principles of administrative law applicable to FRPA and other statutes

It is appropriate for SDMs and their staff to rely on the judgment and recommendations of professionals when making decisions, whether or not those professionals are employed in their organization. It is also appropriate for SDMs and their staff to practise risk management in relying on that judgment. It is important to note that professional reliance by SDMs or their staff does not require them to

agree with the professional judgement on which they are relying. In other words, the professional judgment doesn't necessarily have to reflect the course of action that the SDM would take if he or she were the prescribing professional. The SDM must approve operational plans if they meet approval tests.

Within FRPA, SDMs are permitted to practise professional reliance. They cannot practise complete reliance or blind deference except where this is enabled in the legislation [i.e. in the certification of operational plan content under FRPA s. 16 (1.01)]. Otherwise, the decision makers must be able to show that they independently put their mind to the decision.

Likewise, professionals working for licensees can expect to deliver a higher level of background information to support their work where outcomes are unclear and especially where they propose an unproven approach towards achievement of an objective.

2) Demonstrated delivery of professional obligations enable and promote professional reliance

When resource professionals embrace professional obligations, including competency in interpreting FRPA requirements, decision-makers, employers, the public and peers are more likely to rely on their professional judgment. When professional credibility is demonstrated, progressive reliance is warranted and the intensity of review the professional's judgements receive should decrease. Aspects of professional reliance between professionals link to professional obligations under association Codes of Ethics and professional standards. Members applying either blind reliance or mistrust towards other resource professionals would not normally be consistent with these professional obligations.

3) FRPA requirements and professional obligations are usually distinct

FRPA requirements are binding on licensees and government decision-makers. While resource professionals may be employed by a licensee or government to provide advice and undertake activities with the implementation of FRPA, they are not normally the party to whom obligations under this legislation apply. FRPA decision-makers and their staff are not authorized to enforce professional obligations or consider them in their FRPA decisions. However, if they are forest professionals, they are obligated to resolve matters related to professional obligations with other resource professionals or appropriate professional associations in accordance with their relevant professional requirements.

Professional obligations apply to the resource professional, originate from the relevant professional statute and are administered by the appropriate professional association. Obligations of a professional under their professional legislation cannot be made obligations of their employer under FRPA. However, resource professionals should describe their professional obligations to the employer.

- 4) FRPA requirements and professional obligations were designed to be compatible

There is some perception that professional obligations and FRPA requirements can be in conflict and that administering FRPA may not permit professional reliance.

FRPA, in coordination with other forest policy and legislation, is meant to be comprehensive in addressing stewardship of forest land and resources that may be impacted by forest practices. It is enacted by the legislature whose members are accountable to the public and sworn to uphold the public interest. For these reasons, FRPA can be relied on by resource professionals as a reflection of the values assigned by society in the stewardship of public resources. For a situation where a professional believes more than FRPA is required refer to principle # 6.

Other elements of FRPA also exhibit a high degree of compatibility with obligations of resource professionals. For example, due diligence is a legal concept recognized in FRPA that can be used as a defence against alleged contraventions. If the defence is established, then the party subject to the allegations is found to be not guilty of the contravention. It has been argued that the availability of the due diligence defence offers a strong incentive for those subject to the legislation to make all reasonable efforts to comply with it. In order to establish the defence it must be shown, usually through complete and credible documentation, that the licensee:

- took steps to understand the legal requirements applicable to it.
- assessed foreseeable risks to compliance resulting from its activities.
- took all reasonable care to address the foreseeable risks and prevent non-compliance.

Thresholds necessary to establish due diligence are progressive. As previously unforeseeable incidents occur, they become foreseeable thus raising the threshold necessary to establish due diligence. As well, what is considered “foreseeable” and “all reasonable care” is viewed in relation to the knowledge and approaches of expertise within the field of practice, not necessarily the knowledge and expertise of an individual licensee and the professionals they employ.

Facilitating due diligence when practising in the FRPA regime may simultaneously

permit resource professionals to satisfy many professional obligations related to stewardship, for example: considering risks to forest resources and public safety, remaining current in their fields of practice, and undertaking work with careful attention to completeness, accuracy and appropriate documentation of practices.

- 5) Resource professionals employed to provide services under FRPA must clearly and accurately communicate FRPA requirements to their employers

As part of competently providing professional services, resource professionals employed to provide judgement, advice or implement requirements under FRPA must be able to clearly and accurately determine the relevant requirements and communicate them to their employers.

- 6) Professionals employed by licensees and BCTS to administer FRPA requirements must not commit their employer to more than the legislation requires without first receiving the employer's consent

Licensees have obligations specified under FRPA and employ resource professionals to assist with discharging these obligations. Resource professionals are not authorized to unilaterally add to these obligations and have a duty to seek the consent of the licensee before undertaking additional activities or obligating their employer to undertake additional activities.

- 7) Where forest professionals believe, in the interests of Bylaws 11.3.1⁷ or 11.3.3⁸, that something in addition to FRPA obligations is appropriate, they have a duty to advocate for this with their employers and, if appropriate, advocate for legislative change.

This advocacy cannot influence or delay decisions otherwise warranted under FRPA.

Bylaw 11.3.3 requires forest professionals to have regard for legislation, policy and common law while seeking a balance between what could be interpreted as environmental, social and economic values. This means that professional opinions or judgements made by forest professionals should satisfy a balance between environmental, social and economic values. A perfect balance or providing equal weighting to each social, economic and environmental value for every decision is not realistic. However, no matter how small or site specific a given professional decision may be, a forest professional cannot only consider one value. He or she may decide

⁷ Bylaw 11.3.1: To advocate and practise good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society.

⁸ Bylaw 11.3.3: To have regard for existing legislation, regulation, policy and common law; and to seek to balance the health and sustainability of forests, forest lands, forest resources, and forest ecosystems with the needs of those who derive benefits from, rely on, have ownership of, have rights to, and interact with them.

to give more weight to one or the other values for any given decision. Decisions should be principled and consider the medium- and long-term implications on the values assigned by society⁹.

As explained in an earlier principle, resource professionals are entitled to view legislation as valid expressions of good stewardship and societal values outlined in Bylaw 11.3.1 and the balancing identified in Bylaw 11.3.3. However, resource professionals must also recognize that legislation may be only one source of these considerations, and in some cases, legislation may be silent with respect to certain societal values or balancing of interests. The resource professionals should not assume that there are gaps in legislation related to these considerations but, must consider any additional information they could reasonably be expected to be aware of in their assessment of their professional duties under the Bylaws.

In light of this information, if a resource professional believes that enhancements to legislative requirements are advisable or necessary he or she has a professional obligation to advise or advocate for additional voluntary measures amongst practitioners, clients or employers and if appropriate, advocate for legislative change. Any such voluntary measures must still be consistent with legal requirements and their implementation can occur outside the administration of FRPA, unless the licensee consents to both doing more than required by the legislation and including these additional measures as binding legal requirements.

8) Public expectations do not necessarily equal the public interest¹⁰

In arriving at professional judgements under principle #7, it is important to distinguish between “public expectations” and the “public interest.”

Public expectations (e.g.: needs of stakeholder groups, public or individual response to consultation) may or may not equal the public’s interest. In some cases public expectations may be contrary to the public’s interest. A public expectation serves the need of an individual or group, but public’s interest is the greatest good for the greatest number of people. Resource professionals are required to consider, not necessarily follow public expectations. Weighing and considering public expectations may trigger certain actions but determining the public’s interest is the key when making professional judgements or offering professional opinions.

⁹ This paragraph is presented as guidance to interpreting Bylaw 11.3.3 in this context.

¹⁰ Section 4(1) (a) of the Forester Act states: “It is the duty of the association to serve and protect the public interest.” 4(2)(a)(i)(ii) states: “The objects of the association are the following: to uphold the public interest respecting the practice of professional forestry by ensuring the competence, independent, professional conduct and integrity of its members, and ensuring that each person engaged in the practice of professional forestry is accountable to the association.”

Bylaw 11.2.1 states: A member has responsibilities to the public.

4.0 Key Success Measures for Professional Reliance Implementation

Key success measures for professional reliance implementation are linked to key success measures for FRPA implementation. The following are success measures identified by the Professional Reliance Working Group:

- 1) Measure trends in review and approval timelines when operational plans are submitted or amended.
 - There are consistent, streamlined processes designed to further professional reliance.
 - There are no inappropriate roadblocks in the review and approval process.
- 2) Measure the extent to which surveys of resource association members show they understand their legal and professional obligations with respect to professional reliance (e.g.: Do preparers and reviewers understand their duties – are professional reliance concepts being appropriately applied?).
- 3) From ABCFP surveys, SDM and reviewing staff performance is consistent across the province and supportive of professional reliance.
- 4) From ABCFP surveys, SDMs are leaders of, and advocates for, professional reliance.
- 5) From ABCFP surveys, MFR staff are well trained in the principles and concepts of professional reliance.
- 6) There are positive trends with respect to:
 - professional reliance-related complaints against members,
 - the number of professional reliance-related issues brought forward by members, and
 - Practice Review results.
- 7) Future forest practices legislation adequately considers professional reliance

before it is enacted.

8) There is a reduction of new forest practice-related statutes.

9) The number of innovative practices increases.

10) Resource professionals are following appropriate communication processes.

5.0 Recommendations

The following recommendations outline future direction for the Professional Reliance Working Group and for providing professional reliance advice to resource professionals.

1) The professional reliance steering committee include APEGBC (DEGIFS), CAB, APBBC and BCIA as part of the Working Group to develop joint professional reliance advice for resource professionals.

2) Employers and associations support a joint and shared responsibility to implement professional reliance including, but not limited to, the recommendations from the Professional Reliance Task Force.

a. Develop implementation measures and steps.

b. Establish key performance indicators (how/when they are measured).

c. Develop and implement monitoring requirements and establish a continuous improvement process.

d. Provide mechanisms and common and accountability processes.

3) The ABCFP ensure that resource associations, forest companies, industry associations and applicable government ministries work together to provide and clarify professional reliance expectations of their members/employees.

4) The ABCFP ensure that resource associations, forest companies, industry associations and applicable government ministries formally endorse the principles underlying professional reliance and revise Bylaws, policies

and procedures to clarify and/or implement them within professional and legislative requirements.

5) The Steering Committee maintain the Professional Reliance Working Group to provide professional reliance advice as needed.

Appendix 1: Professional Reliance Scenario and Interpretation

The following scenario is provided by the Professional Reliance Working Group.

Scenario: (Regarding FRPA implementation as of November 2007)

Reconciling perceived conflicts between FRPA and professional obligations (e.g.: good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society and serving the public interest)

- Government has signed off on a land use plan that covers some or all of a Forest Development Unit (FDU) under an operational plan;
- Right now, this plan has not resulted in any legally established “objectives set by government” for the purposes of FRPA;
- A forest professional is preparing an operational plan for a licensee to be reviewed and approved by the MFR;
- The land use plan was developed by multi-stakeholder consensus; and
- There is an expectation by some stakeholders that elements of this land use plan will lead to some new “objectives set by government” in the near future.

Questions:

Obligations and Guidance for the Preparer

- 1) Does the forest professional need to consider the land use plan?

Yes. The forest professional should be aware of, weigh and consider relevant information related to the operational plan area. The recommendations need to be considered in light of both the employer’s legal obligations and the professional’s own obligations. If there are recommendations from the plan that are relevant to either, the professional must bring them to the employer’s attention (Bylaw 11.3.3).

- 2) Is the licensee legally obligated to follow the land use plan?

No. In this case, the land use plan is guidance and it creates no binding obligation on the licensee.

- 3) Is the forest professional developing the operational plan legally obligated

to include content in the operational plan that delivers land use plan recommendations?

No. FRPA specifies plan content requirements (FRPA Division 1) and does not provide for content that is not linked to these requirements.

(FRPA doesn't prohibit additional content, it just doesn't provide for it, and it should be discouraged).

4) Are there options for the forest professional to address land use plan recommendations in the operational plan?

Yes, but only in cases where land use plan recommendations are consistent with FRPA operational plan content requirements.

If so, the forest professional may advise ways to address the land use plan recommendations in the plan. However, even where land use plan recommendations are consistent with plan content requirements, the forest professional is not obligated to include the recommendations at the expense of other potential options that are also consistent with plan requirements. This choice should be clearly identified to the employer for its decision. Where the recommendations are not consistent with plan content requirements or if they are consistent but, the licensee does not wish to include them in the plan, another option would be for the forest professional to advise ways to deliver the land use plan recommendations outside the legal obligations of the operational plan.

5) Is the forest professional required to inform his or her employer about the implications (with advice) of following or not following the recommendations outlined in the land use plan?

Yes, where the implications relate to the employer's legal obligations, questions of good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society or other professional obligations under the Foresters Act and Bylaws (Bylaws 11.3.1 and 11.5.5).

6) Is the licensee required to accept the advice from the forest professional regarding how to incorporate the land use plan recommendations?

No.

7) What are the forest professional's obligations if the licensee does not follow

his or her advice with respect to the land use plan?

- Provide advice to the licensee and document this advice and the licensee's response. This partially discharges the professional obligations of the forest professional (Bylaws 11.5.1 and 11.5.5);
- The forest professional needs to determine if his or her employer's potential actions are detrimental to good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society. If so, the forest professional must raise the issue(s) with his or her employer and document this action. This is done by advising the responsible person (i.e. the licensee or its representative) promptly and, if the matter is not resolved, inform council immediately in writing of the particulars; or if it is not possible to raise the matter with the responsible person or if it is inappropriate in the circumstance to do so, to inform council immediately in writing of the particulars (Bylaws 11.3.4 and 11.5.1);
- The forest professional needs to determine if he or she needs to advocate for legislative or other types of change. For example, "change" might include advocating for a new GAR order or a new land use objective. Documenting this advocacy (why or why not) would partially discharge the member's professional obligations (Bylaw 11.3.1); and
- In extreme cases, the forest professional may decide to withdraw services; however, this may have implications under the professional's terms of employment or a contract. It is recommended that the forest professional clearly determine the employer's or client's objectives and expectations for professional services in relation to the employer's or client's legal obligations and matters related to the professional's obligations. This is best done before accepting employment or a contract.

8) In order for operational plan preparers, MFR reviewers and SDMs to prepare for developing/reviewing/approving operational plans, what is a recommended practice?

The parties need to determine and understand the legal requirements relevant to the plan. Open communication between the three parties before and during plan preparation is recommended to identify, discuss and resolve anticipated issues or sensitive topics related to the plan requirements or the submission and approval process. It is recommended that SDMs consider providing their own statements of their guiding principles for plan adjudication. This is a principle of administrative fairness, such that those affected by a SDM's decisions know how that decision is normally made and what key factors/considerations should be considered by plan

preparers. It is also recommended that the preparer plan to submit a supporting document with the operational plan.

Obligations and Guidance for the Reviewer

9) What are the professional obligations of a MFR reviewer (who is a forest professional) when the operational plan does or does not address the land use plan recommendations?

In either case, the reviewer needs to consider the FRPA approval tests.

If the submission does address the land use plan:

- The reviewer must consider if the results or strategies which incorporate the land use plan recommendations are consistent with FRPA objectives. If so, the reviewer would recommend plan approval, provided other required approval tests are considered to be met.
- If the reviewer considers that the results or strategies which specifically incorporate the land use plan recommendations are not relevant to plan content requirements and therefore should not be included (for example, have an undue impact on timber supply), then he or she should inform the licensee representative of this opinion and the basis for it, [assuming there are other results or strategies for the Objectives Set By Government (OSBG) in question]. The reviewer may indicate options to address the land use plan objectives outside the operational plan process.
- In any case, the content in the operational plan cannot include, or be written to specifically and solely address, a “non-legal” objective from a land use plan.

If the submission does not address the land use plan:

- The recommendations in the land use plan are not required to be operational plan content. The reviewer cannot expect or ask the plan preparer to include land use plan content in the operational plan or insinuate that the operational plan cannot be approved because of the absence of land use plan-related content;
- The reviewer may, in communication outside the operational plan review process, or in a proactive plan preparation process, ask the plan preparer if, or how, his or her employer plans to address the land use plan; and
- If there is no intent on the part of the licensee to address the land use plan and the reviewer is of the professional opinion that this will be detrimental

to good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values that have been assigned by society, then the reviewer must raise it promptly with the responsible person. If it is not possible or is inappropriate to raise the matter with the responsible person or the concern is not resolved after doing so, the reviewer must inform the ABCFP council immediately in writing of the particulars (Bylaw 11.4.3).

Obligations and Guidance for the Approver

10) What are the professional obligations of the SDM (if he or she is a forest professional) when the operational plan does or does not address the land use plan recommendations? In either case, the SDM must follow the FRPA approval tests.

If the submission does address the land use plan:

- The SDM must determine if the results or strategies which incorporate the land use plan recommendations are consistent with FRPA objectives. If so, the SDM must approve the plan, provided other required approval tests are determined to be met; and
- If the SDM determines that the results or strategies which incorporate the land use plan recommendations are not relevant to plan content requirements and therefore should not be included, then he or she should inform the licensee representative of this opinion and the basis for it. The SDM may indicate options to address the land use plan objectives outside the operational plan.
 - The SDM cannot unilaterally “exclude” information from a proposed plan any more than he or she can unilaterally add information. It is the licensee’s plan. The SDM can suggest that the licensee add or remove parts of the plan, but cannot do so him or herself. If the licensee insists on leaving information in or out of the plan, the SDM then has to assess the plan as it is submitted.

If the submission does not address the land use plan:

- If the submission meets FRPA approval tests, the SDM must approve the operational plan. Only the FRPA requirements and not professional obligations can be used as the basis for rejecting an operational plan or requiring its amendment.

If there is no intent on the part of the licensee to address the land use plan and the SDM is of the opinion that this will be detrimental to good stewardship of forest land based on sound ecological principles to sustain its ability to provide those values

that have been assigned by society, then he or she should raise it promptly with the responsible person. If it is not possible or is inappropriate to raise the matter with the responsible person or the concern is not resolved after doing so, the reviewer should inform the ABCFP council immediately in writing of the particulars. (If the SDM is a forest professional, then Bylaw 11.4.3 applies).