

**AN EVALUATION OF STAKEHOLDER INVOLVEMENT IN THE
B.C. MINISTRY OF FORESTS PLANNING PROCESS**

by

DORLI MARTHA DUFFY

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School
Department of Community and Regional Planning

The University of British Columbia
Vancouver, Canada

Date December 23, 1991

ABSTRACT

Disputes over forest land use and forest land management continue despite a formal planning process administered by the Ministry of Forests that is designed to achieve integrated resource use planning on B.C. Crown lands. These disputes result in costly and time-consuming delays in the completion and implementation of forestry plans. Calls continue for improved stakeholder participation and effective resolution of disputes and conflicts by the Ministry of Forests. At the same time, there is growing interest among decision-makers in alternative dispute resolution strategies, and particularly in the opportunities associated with consensus-based decision-making.

The primary purpose of this thesis is to evaluate the Ministry of Forests forest planning process to determine if inadequacies in the institutional arrangements contribute to inadequate stakeholder involvement, thereby contributing to ongoing forestry disputes. Through a review of literature on participatory democracy and conflict management, twelve normative criteria are extracted, comprising elements of a planning and decision-making process which contribute to fairness, efficiency and stability in decision-making.

These criteria are applied to the Ministry of Forests planning framework. Generally, the current planning framework proves inadequate in terms of making provisions for stakeholder involvement and conflict management. Decision-making by government provides limited opportunities for stakeholder involvement.

Reforms to the planning process are necessary if fair, efficient and stable decisions are to be realized. Legislation must be amended to provide for meaningful stakeholder involvement, an appeal process and improved access to information. A comprehensive planning document which clearly defines the planning and decision-making processes is required. It should also clearly outline stakeholder involvement opportunities, key decision points and the appeal process. Provisions are required for intervenor funding, written reasons for decisions and effective monitoring of decision implementation. These revisions will contribute to a process which builds trust, relationships and understanding between forestry stakeholders in an effort to reduce forestry conflicts and disputes in this province.

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CHAPTER I. AN EVALUATION OF STAKEHOLDER INVOLVEMENT IN THE B.C. MINISTRY OF FORESTS PLANNING PROCESS

Disputes over forest land use and forest land management continue despite a formal planning process administered by the Ministry of Forests that is designed to achieve integrated resource use planning on B.C. Crown lands. These disputes result in costly and time-consuming delays in the completion and implementation of forestry plans. Calls continue for improved stakeholder participation and effective resolution of disputes and conflicts by the Ministry of Forests.

1.1. THESIS OVERVIEW

1.1.1. Purpose and Objectives

The purpose of this thesis is to evaluate the B.C. Ministry of Forests (MoF) planning processes to answer the following question: Do inadequacies in institutional arrangements for forest planning contribute to inadequate stakeholder involvement (thereby contributing to ongoing forestry conflicts and disputes)?

The objectives of this thesis are (i) to analyze the relationships between institutional arrangements, stakeholder involvement, conflict management and improved decision-making, (ii) to evaluate the MoF planning process, and (iii) to identify reforms to the planning process to provide for improved stakeholder involvement and thereby minimize lingering disputes.

1.1.2. Rationale

The rationale for this thesis stems from the concern of numerous forestry stakeholders that the existing MoF planning and decision-making process does not provide for adequate stakeholder involvement.

Greater stakeholder involvement is needed because societal values are changing. Natural resource decision-makers have noted the societal trend from representative democracy to participatory democracy. These same decision-makers continue to show interest in the potential for alternative dispute resolution mechanisms to resolve ongoing resource disputes. Provincial bodies such as the B.C. Round Table on the Environment and the Economy, the B.C. Forest Resources Commission and the Old Growth Strategy Project, for example, all discuss the benefits of increasing participation in decision-making and alternative dispute resolution mechanisms.

Through a review of literatures on public participation and conflict management, a number of common provisions are found calling for increased stakeholder involvement that contributes to improved planning.

1.1.3. Scope

This thesis utilizes the MoF planning process as the case study and therefore focuses on options for conflict management and stakeholder involvement in a government-led resource planning process. Although the MoF legislative mandate, organizational structure and planning processes are discussed, this analysis primarily considers the activities of MoF branches involved directly in planning and decision-making.

The focus of this thesis is on the relationship between stakeholder involvement, conflict management and the quality of decision-making. In the theoretical foundation for this thesis there is an overlap between "public" participation and "stakeholder" involvement. Readers familiar with the literature on public participation in resource management and environmental decision-making will recognize many of the arguments being used to advocate stakeholder participation as being similar to those used when advocating public participation. The term "stakeholder" must be interpreted more broadly than it has been in the past. Traditionally, stakeholders have been thought of as those individuals or groups with a direct stake in the outcome of planning and decision-making, such as forestry licensees, government agencies, some formal public interest groups and select community groups. The "public" meanwhile, has been thought of as the broader general public having no direct stake or direct interest in a decision or planning outcome. This "public" has been typically considered at certain stages in a planning or decision-making process, but rarely directly included into these processes. Traditional "stakeholders", on the other hand, have been more readily involved.

In decision-making about environmental and resource management, each citizen of this province is a stakeholder. Forest resources are among the wealth of natural resources on Crown lands managed by the provincial government for the public. Therefore, this thesis examines the role of stakeholder involvement where "stakeholder" is defined as all those willing to participate in a decision-making process.

This thesis focuses on the institutional arrangements for forestry planning where institutional arrangements are interpreted to mean "the legal and organizational

or administrative arrangements defined by government for carrying out its various functions" (Gardner 1984:123). Thus this thesis focuses on the written provisions for planning and decision-making rather than how they are actually implemented in the field. While noting that implementation of a planning process need not necessarily reflect the process on paper, the assumption is made here that practice follows form. A well-constructed process on paper is more likely to result in a well-implemented process than one that is unclear. Because the bulk of forestry planning effort occurs at the Timber Supply Area (TSA) and Tree Farm License (TFL) level, this thesis also focuses on this level.

Through a preliminary evaluation of the MoF planning process, this thesis presents issues, normative criteria and a preliminary assessment of the existing process. While some of the weaknesses identified in the evaluation would suggest the need for major structural reform, such a task is beyond the scope of this thesis. Rather, changes within the existing planning process that can contribute to improved decision-making are identified. The case study is also not detailed enough to provide more than qualitative conclusions about the performance of the MoF planning process with respect to the normative criteria.

The B.C. Ministry of Forests is in the process of reforming its planning process. Therefore the analysis and conclusions related to the Ministry's activities should be considered relevant as of April 1991.

Other provincial policy initiatives such as the Forest Resources Commission and the Old Growth Strategy Project have completed (at least interim) reports that include recommendations related to the forestry planning processes discussed in this

thesis. To fully assess the substance of these reports and the implications of these recommendations is beyond the scope of this study. Instead, a number of recommendations from these initiatives that complement the findings of this thesis are incorporated into the conclusions and recommendations of this report.

1.1.4. Approach and Organization

To evaluate the Ministry of Forests (MoF) planning process, a descriptive, qualitative approach is taken. The process is evaluated in terms of the provisions it makes for stakeholder involvement in planning and decision-making, and not in terms of any site-specific planning effort. To carry out the evaluation of the MoF planning process, an analytical framework was developed. From the literatures on public participation and conflict management, twelve normative criteria relating to institutional provisions for stakeholder involvement are extracted.

This thesis is divided into six chapters. This introductory chapter provides an overview of the thesis and further explores the problem context and rationale for this line of research. In the second chapter, a broad overview of public participation and conflict management literatures provides an argument for increased stakeholder involvement in planning and decision-making. The third chapter builds on the second and outlines the analytical framework used in the evaluation of the MoF planning process. Normative criteria are presented that provide both an evaluative function and an ideal model for effective stakeholder involvement.

The fourth chapter presents the case study, including the Ministry of Forests legislative mandate, organizational structure and planning processes. These institutional

arrangements are evaluated in the fifth chapter which applies the normative criteria to the case study. To conclude this study, the last chapter provides conclusions and recommendations, based on the evaluation in Chapter V. In addition, opportunities for further research in this area are identified.

1.2. PROBLEM CONTEXT AND RATIONALE: TOWARDS A REASSESSMENT OF FORESTRY PLANNING IN THE MINISTRY OF FORESTS

1.2.1. Problem: Conflicts and Disputes in B.C. Forestry

Forestry planning in B.C. has been plagued by confrontations and conflict during the past decade. Confrontations in the Stein Valley, South Moresby, Clayoquot Sound, Carmanah Valley, Walbran Valley and Tsitika Valley have provided some of the most visible examples of forest land disputes. These disputes have divided communities, pitted forest workers against environmental advocates, cost forest companies millions of dollars in foregone profits, reduced investment in the province and have resulted in time-consuming delays and appeals to plans developed through the formal Ministry of Forests (MoF) planning process.

While the MoF has used the planning process to generate forest plans, many stakeholders continue to argue that in doing so, the MoF has failed to provide an open and participative process in which all stakeholders can be involved. Recent initiatives to improve participation in forestry planning have not improved stakeholder understanding of planning and decision-making processes. As a result, some stakeholders rely on direct action and others on political means to influence decision-making. In addition,

the closed nature of the planning process has led to a lack of trust in Ministry decision-makers.

The Ministry of Forests planning and decision-making processes are widely perceived as having failed to incorporate stakeholders through an open and accountable process. References to this perceived failure can be found in submissions to the B.C. Forest Resources Commission, the B.C. Round Table on the Environment and the Economy, the Ministry of Forest's TFL Hearings, and in editorial columns in a range of interest group publications including Forest Planning Canada and The Truck Logger. In various ways, disenchanted stakeholders have voiced their dissatisfaction with being excluded from an ostensibly open and accountable process.

1.2.2. Evidence of Stakeholder Dissatisfaction

References to conflicts and disputes in B.C. forestry planning and decision-making are prevalent in public forums and recent publications. Select comments and conclusions from a number of sources are reviewed in this section to provide a stakeholder commentary of conflicts and disputes in B.C. forestry, and provisions for stakeholder involvement. These comments provide the basic rationale for further exploration of the relationships between stakeholder involvement, conflict management and improved decision-making.

In his introduction to the final report of the B.C. Forest Resources Commission (BCFRC), Chairman Sandy Peel noted that "the way the forests and their many values are currently being managed by government and industry is out of step with what the public wants. It must change" (BCFRC 1991:6). Achieving the "enhanced

stewardship" called for in this report will require "significant change in how we plan, manage, and finance the activities that are carried out in our forests" (BCFRC 1991:7).

The final report of the British Columbia Task Force on the Environment and the Economy (BCTFEE) concluded that the public appears to be increasingly cynical about the ability of traditional decision-making mechanisms to be responsive in protecting its interests (BCTFEE 1989). Moreover, the BCTFEE determined that assertive, well organized groups on both sides of the environmental protection/economic development debate "frequently urge a greater degree of coordinated planning and seek greater levels of public access to the decision making channels of government" (BCTFEE 1989:13):

... the perception is that existing policies and programs are insufficient to achieve balanced integration. As a consequence, there is evidence that the public's response to government decisions can be confrontational. (BCTFEE 1989:13, emphasis added)

And further:

While many diverse viewpoints were expressed at both provincial and regional levels, one frustration common to all is the absence of channels for public consensus building and input to decision making (BCTFEE 1989:20, emphasis added).

Recent surveys attest to the increased concern by the general public over environmental and land management issues. A survey of public attitudes regarding forestry found that a primary concern among Canadians is the environmental and health effects of current forest industry practices (Environics 1991). This level and focus of concern draws attention to the need for access to the planning process at the level where decisions are being made about forestry practices. When foresters were polled in another survey about problems affecting forests in their province, 64% regarded the

problems of forest land administration as very or somewhat serious (Omnifacts Research 1991).

Public and stakeholder participation in forestry planning and the changing role of professional foresters and resource management decision-makers are increasingly recognized as critical challenges and are receiving greater attention in professional forestry journals.¹

Arguing that the strong timber management bias in resulting plans no longer reflects public opinion, M'Gonigle (1989:356) calls for more open, democratic professionalism in forest management including "a more intensive, and authoritative, role for public participation." Tanz and Howard (1991) concur and add that "multiple resource management and meaningful public participation must be the key elements in the modern paradigm for forest management in North America" (1991:126). They also call for a process that involves decision-making through consensus and conclude: "We can no longer exclude the public from participating in the design of forest management - we have to develop ways to share management planning with the public, or we face the possibility of not being allowed to do it at all" (Tanz and Howard 1991:128).

Fox (1991) sees the resolution of collective decision making as a major challenge for resource managers:

Since a large proportion of resource use and management activities requires some degree of collective decision-making, the development of procedures, processes, and entities through which these decisions are made constitutes the major challenge in the management and use of natural resources. (1991:291)

¹ See for example, M'Gonigle 1989; McQuillan 1990; Knopp and Caldbeck 1990; Tanz and Howard 1991, in addition to the community forestry journal, Forest Planning Canada.

The above comments demonstrate a widespread perception that the existing MoF planning and decision making process has failed to provide an open and accountable planning and decision making process. The following section and chapter demonstrate that the presence of these conditions is most critical in terms of fostering relationships and trust in forest land management decision-making, thereby resulting in more enduring decisions and implementable plans.

1.2.3. Reassessment of Forestry Planning in the Ministry of Forests

The preceding section has provided the rationale for a reassessment of forestry planning in B.C. by documenting that many stakeholders perceive the provisions for stakeholder involvement in the MoF forestry planning and decision-making processes to be inadequate. As mentioned earlier in this chapter, there has also been a great deal of interest in these issues on the part of the provincial government.

Numerous initiatives have been undertaken at the provincial policy level to address these and other related concerns. The B.C. Round Table on the Environment and the Economy has consulted widely in an effort to develop a sustainable development strategy for the province. The roles of public participation and conflict management have been discussed extensively in deliberations about land allocation and land management.²

The B.C. Forest Resources Commission was formed to undertake an examination of the state of the provincial forest land base and to make recommendations for improving its management (BCFRC 1991). Through a

² See for example BCRTTEE 1991a, 1991b.

combination of forums, public meetings and written submissions, the Commission dealt extensively with the need for improved public participation in forestry planning and management.

The Old Growth Strategy Project deliberated many aspects of old growth forestry over a period of eighteen months. Two of the Project's five working groups focused particularly on the roles of dispute resolution in decision-making and on appropriate institutional structures for decision-making. Working within a consensus environment, these working groups were able to produce consensus manuscripts approved by stakeholders from all sides of the forestry debate (Salasan 1991a, 1991b).

As mentioned earlier, the MoF is also in the process of reforming their Forest Land Management Planning Process. Early drafts of the revised Timber Supply Area Planning Process suggest a greater emphasis on public participation and consensus building.

The foregoing policy initiatives demonstrate a keen interest by the provincial government in at least posing the question of whether the current planning and decision-making processes are adequate in the face of growing societal pressure for greater involvement. Within this context, this thesis explores further the literatures on public participation and conflict management in an attempt to highlight necessary reforms to the institutional arrangements for forestry planning and decision-making.

CHAPTER II. CONFLICT, STAKEHOLDERS AND THE CHALLENGE FOR FORESTRY PLANNING

In order to address the adequacy of institutional arrangements for forestry planning, this chapter explores the literature behind the societal trend towards participatory decision-making and the growing literature in conflict management as it relates to natural resource and environmental disputes. The argument is presented that there are common goals and characteristics of participatory decision-making and conflict management with respect to the role of stakeholder involvement in planning and decision-making. By developing and substantiating this argument, a theoretical foundation is provided for the following chapter that develops these common characteristics into normative criteria for use in the evaluation of the Ministry of Forests (MoF) planning process.

2.1. STAKEHOLDER INVOLVEMENT IN FORESTRY PLANNING

The literature supporting public participation in natural resource and environmental decision-making is extensive.³ More specifically, the rationale for public participation as rooted in modern democratic theory is widely appreciated.⁴ This

³ See for example Sadler (1980), Crowfoot and Wondolleck (1990), Parenteau (1988), Brenneis (1990), and Vance (1990).

⁴ Much has been written recently about the advantages of public participation in forestry and natural resource decision-making. As a result, this topic is dealt with in a cursory fashion. The purpose here is to emphasize the rationale and potential for meaningful stakeholder involvement and demonstrate the similarities between public participation and conflict management with respect to stakeholder involvement in forestry planning.

section demonstrates that the primary rationale for meaningful stakeholder involvement in forestry planning is rooted in the democratic maxim that those affected by a decision should participate directly in the decision-making process (Smith 1982, Parenteau 1988). Given that British Columbia's forest resources are publicly owned, the manner in which the government is structured to interpret stakeholder interests with respect to these resources is directly relevant.

2.1.1. From Representative to Participatory Democracy

In response to increasing size and complexity of governments, the early part of this century saw the adoption of elected or representative democracy as the appropriate governance structure. However, by the middle of this century, expanded mandates and responsibilities of governments had rendered this structure unsatisfactory; current government and administrative structures are no longer able to respond to individual needs (Smith 1984, and Parenteau 1988). The primary weakness associated with a representative democracy is the reliance on infrequent voting (in which the public must choose from a broad bundle of policies and positions) as the primary means for participation. A representative government structure requires that elected representatives be fully cognizant of all issues and goals of concern to their constituents. This is a requirement that is increasingly difficult to fulfill.

Interest in participatory democracy has grown out of the frustrations and limitations of representative democratic structures:

- 1) the inability of current government structures to respond to individual needs, and public concern about inadequate accountability of decision-makers;

- 2) public dissatisfaction with decisions stemming from a "black box" in which the decision-making process is inaccessible and poorly understood (Knopp and Caldbeck 1990); and
- 3) the concern that certain special interest groups have political and economic power permitting them to influence the decision-making process and potentially hinder the governments' ability to make decisions in the best interest of the public (Parenteau 1988).

Formally recognizing the need for and providing for meaningful participation in planning and decision-making offers numerous benefits to all stakeholders.

Parenteau (1988), Gardner (1989) and Brenneis (1990) discuss political, functional and democratic motivations for enhanced participation in decision-making. The political motivations are that improved public participation enhances a government's image, increases credibility with the public, and legitimizes government actions. These authors add that a public participation strategy motivated purely for political reasons is unlikely to be in the public interest.

The functional motivations are that increased participation in decision-making leads to better decisions by improving the efficiency and effectiveness of decisions, the use of information and public expertise, and by enhancing public education about planning and decision-making (Brenneis 1990).

The democratic motivations for participation are based on the notions of ethics, morals, fairness and equity--the characteristics of participatory democracy itself. Resting within a structure of representative democracy, participatory democracy provides a system of checks and balances against the limitations of a purely representative system (Parenteau 1988).

2.1.2. Participation and Planning: Implications for Stakeholder Involvement

If one accepts that the benefits of a participatory democratic structure are desirable, then achieving these benefits has far-reaching implications for the design of institutional arrangements. Realizing meaningful stakeholder involvement requires appropriate provisions in legislation, organizational structures and provisions within the planning process itself.

Discussion surrounding public participation has pervaded the agendas of environmental and natural resource planning for the past two decades. In response, formal recognition has been provided at some levels of government through the adoption of legislation legitimizing public participation initiatives. However, policy statements supporting stakeholder involvement are inadequate if they are not supplemented by sufficient resources, staff and commitment to develop and implement meaningful provisions and opportunities for participation.

Meaningful involvement requires that all concerned and affected stakeholders are provided with the information, resources and opportunities to meaningfully influence and contribute to the planning and decision-making processes. According to Arnstein (1969), consultation of stakeholders is no longer adequate. Rather, stakeholders are demanding cooperative decision-making, if not outright control over decision-making. However, this thesis addresses a process that is administered by a provincial government agency. Therefore, while stakeholder control may not be feasible, full cooperation by all parties is certainly desirable.

Goals for meaningful stakeholder involvement directly impact institutional arrangements for forestry planning. From the recognition of the importance of

stakeholder involvement in government policies, mandates and legislation to the design and implementation of stakeholder involvement strategies, the implications for planning and decision-making are far-reaching. Before exploring the literature further in the next chapter, the following section explores conflict management in an effort to demonstrate the numerous common elements of strategies designed to achieve both greater participation and conflict resolution.

2.2. CONFLICTS AND CONFLICT MANAGEMENT

2.2.1. Conflicts and Disputes

"Conflicts" and "disputes" are terms often used synonymously, yet they infer very different things. Mediator Gerald Cormick (1982:3) defines a conflict as "a disagreement over values or scarce resources", and a dispute as "an encounter involving a specific issue over which the conflict in value is joined".

Bercovitch (1984) distinguishes between "latent" and "manifest" conflict: latent conflict expresses itself at the level of attitudes, whereas manifest conflict expresses itself at the level of behaviour. "Latent conflict" is then synonymous with "conflict", while "manifest conflict" is synonymous with "dispute".⁵

The literature on conflict and alternative dispute resolution is quick to note that conflict can have both beneficial and destructive consequences. Deutsch (1973) suggests that the challenge is not one of eliminating conflict altogether, but rather of

⁵ Although not always consistent, these distinctions are observed in most literature on environmental and natural resource dispute resolution (see for example, Crowfoot and Wondolleck 1990, and Wondolleck 1988).

making it productive, or at least, preventing it from being destructive. He distinguishes between destructive and productive conflict in terms of whether or not participants feel that they have lost or gained as a result of the conflict. Destructive conflict is characterized by a tendency to expand and escalate, becoming independent of its initiating causes, and is likely to continue after these have become irrelevant or have been forgotten (Deutsch 1973). He suggests that making destructive conflict productive is possible in any situation where there is a mix of cooperative and competitive interests and where a variety of outcomes is possible. He is therefore not referring to a zero-sum (or "pure") conflict where there is a winner and a loser, but a "mixed motive" situation where there is the possibility that either, both or neither parties may win (Minnery 1985). Deutsch argues that most conflicts can be made productive because there are very few cases of pure conflict:

... conflict is determined by what is valued by the conflicting parties and by what beliefs and perceptions those parties hold. But values, beliefs, and perceptions are not always unalterable. In addition, there are few circumstances, particularly if the situation is repetitive or if the participants are involved in many different relationships together, that are so rigidly structured as to cause one's gains to come inevitably from the other's losses. (Deutsch 1973:18)

Decision-making can thus be improved by stakeholder involvement opportunities that provides a forum to share and exchange ideas and concerns.

In addressing the role of conflict in urban planning⁶, Minnery (1985) argues that planning has failed to recognize certain crucial characteristics of conflict:

1. conflict is a powerful ubiquitous force;

⁶ Minnery defines urban planning as "intervention in the workings of the allocation process for resources (especially land and action on the land) in the urban and regional activity system by legitimate public authority to achieve desired future ends, using means appropriate to those ends" (1985:42). Clearly then, this definition houses planning in the context of natural resources management.

2. conflict is not necessarily destructive, and can in fact have beneficial effects;
3. the level and type of conflict can be regulated and managed;
4. urban planning is closely intertwined with both conflict and conflict management;
and
5. conflict is if not inevitable then extremely likely in the social context of urban planning. (Minnery 1985:xiii)

Recognizing these characteristics presents a challenge in the design of planning processes to maximize the advantages of conflict and minimize the disadvantages.

Having briefly explored the nature of conflicts and disputes, the discussion now turns to the various approaches for resolving them.

As with "conflict" and "dispute", the terms "settlement" and "resolution" are used synonymously by some, yet they also infer different things. Wondolleck (1988) uses Cormick's definitions of conflict and dispute to distinguish between dispute settlement and conflict resolution. Conflicts are therefore resolved when "the basic value differences that separate the parties are removed" whereas a dispute is settled "when the parties find a mutually acceptable basis for disposing of the issues of disagreement, despite their continuing differences over basic values" (Wondolleck 1988:213).⁷ Coming from his definitions of latent and manifest conflict which focus more on the behaviour of disputants, Bercovitch (1984) defines the settlement and resolution of conflicts somewhat differently.

A conflict is settled when destructive behaviour has been reduced and hostile attitudes have been lessened. In contrast to that, a conflict is said to be resolved when the basic structure of the situation giving rise to destructive behaviour and hostile attitudes has been reevaluated or re-perceived by the participants in the conflict. Conflict management can, therefore, be directed

⁷ Crowfoot and Wondolleck (1990:18) note that "social conflict is essential for bringing about the change and adjustment of society to the natural environment", and therefore call for the "settlement" of specific disputes rather than the "once-and-for-all disappearance of conflict" implied by the term "resolution".

toward conflict settlement, or it can be directed toward achieving the more complex, if enduring, outcome of conflict resolution⁸ (1984:11).

Bercovitch (1984) notes that conflict management is often confused with conflict prevention or conflict control. Further, he adds that the notion that conflicts can be managed "implies that conflicts are dynamic social processes, moving from an incipient, latent stage to maturity and termination" (1984:7). Conflict management is therefore an attempt to make conflict more productive and less costly by reducing the expansion and escalation of conflicts and creating a structure or conditions more conducive to realizing the beneficial consequences.

2.2.2. Conflict Management Strategies

In choosing a conflict management strategy, it is important to know whether latent or manifest conflicts are being dealt with. Bercovitch (1984) suggests that strategies such as creative decision-making and third party problem-solving are suited to addressing latent conflicts whereas bargaining, negotiation, mediation and arbitration are better suited to manifest conflicts. This distinction helps again to demonstrate the difference between settling and resolving conflicts. Disputes (or manifest conflicts) are settled by strategies that address the problem once it has arisen. Conflicts (or latent conflicts) which occur at the level of attitudes can be better resolved by strategies that anticipate and address those differences at the level of attitudes (e.g. creative decision-making and third party problem-solving).

⁸ "A conflict is settled when one party decides to accept a loss, a compromise or a binding decision. A conflict is resolved when it reflects both parties values and interests, and satisfies them both" (Bercovitch 1984:34).

This thesis suggests that disputes in forestry may at least be partly the result of a failure to meaningfully incorporate stakeholder issues and concerns into the planning and decision-making process. This suggests that conflict management strategies which focus on these manifest sources of disputes should be utilized.

Alternative dispute resolution (ADR) is a growing field in environmental and natural resource management. Generally, ADR strategies include negotiation, mediation and arbitration.⁹ These processes are "alternative" in the sense that they are outside the traditional judicial, litigative route of problem-solving.

Traditional legal channels used to resolve disputes have been criticized for being excessively costly and slow, contributing to a climate of uncertainty in decision-making and emphasizing win/lose over win/win solutions. In response, interest in ADR has grown significantly in recent years. In addition, however, interest in consensus-based dispute resolution strategies has also escalated.¹⁰ This section briefly reviews the characteristics of these ADR strategies, focusing on provisions made for stakeholder involvement in the process.

Negotiation occurs whenever two parties attempt to settle their dispute without outside help (Porter and Taplin 1987). Many people think of negotiation as positional bargaining in which a decision produces a winner and a loser. However, Fisher and Ury (1981) advocate a problem-solving method of conducting negotiations called "principled negotiation" aimed at obtaining an agreement "which meets the legitimate interests of

⁹ See CBAO (1988) for several papers which define and address the legal implications of ADR.

¹⁰ Literature on environmental dispute resolution continues to grow, as does research into the potential for consensual decision-making in resource management. See, for example, BCRTEE 1991a & 1991b, Dale 1991, Dorcey 1991, Hansen 1991a & 1991b, Salasan and Associates 1991a & 1991b, and Wondolleck 1988.

each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account" (Scott 1988:7). They refer to the result of such an process as a "wise agreement".

Fisher and Ury (1981) emphasize four rules of principled negotiation: 1) separate the people from the problem; 2) focus on interests, not positions; 3) invent options for mutual gain; and 4) insist on using explicit criteria. By adopting these principles, participants are able to focus on creative solutions in an effort to maximize all interests, rather than focusing on compromises based on fixed positions.

Mediation is essentially a form of facilitated negotiation in which a third party is used to assist disputants in reaching an agreement. The mediator creates an environment that allows the parties to arrive at a solution that they could not reach themselves (Scott 1988). A mediator aids communication, guides, initiates and directs, but does not arbitrate. The decision to accept or reject a decision is left to the parties in conflict (Porter and Taplin 1987; Minnery 1985).

Consensus is variously interpreted, but generally refers to a situation in which all parties have agreed to a decision. This outcome may have been arrived at by one party being persuaded by the arguments of another, or by both finding a new common goal (Minnery 1985). Reaching a consensus may involve bargaining, negotiation, consultation, facilitation, fact-finding and/or mediation in order to resolve conflicts (BCRTEE 1991a). A consensus process is qualitatively different from other processes in that each participant has an effective veto in reaching a decision. This veto "levels the playing field" and provides each stakeholder with equal authority in reaching the decision (Cormick 1989). This is in contrast to a decision resulting from a vote or made

unilaterally by a decision-making authority. Reaching consensus is dependent on the willingness of stakeholders to participate in a positive way to reach a decision.

Advantages of consensus-based decision-making stem from stakeholder involvement in reaching a solution. Meaningful involvement contributes to greater commitment to and credibility of the resulting decision. This lessens the likelihood that appeals or protests would be pursued. Creativity in decision-making is heightened by stakeholders who bring new information and expertise to the process. A consensual decision-making environment also increases the potential that the focus of discussion will be real needs and interests and not hard positions. Finally, decision-making by consensus encourages the establishment of positive relations, channels of information and communication (BCRTEE 1991a).

The success of a consensual process is dependent on a number of conditions.¹¹ All stakeholders must perceive existing decision-making avenues to be unsatisfactory. Concurrent with this must be a willingness or incentive on the part of all stakeholders to reach a decision by consensus. Even if all stakeholders support such a process, there must also be political will to see the process through (BCRTEE 1991a).

Cormick (1989) contends that the power of consensus as a tool lies in its ability to protect the minority or single party from the "tyranny of the majority".

Interestingly, the sense of protection and influence accorded individual parties under a consensual process goes hand in hand with a sense of responsibility to search for mutually acceptable solutions: the safety from the threat of being overruled tends to foster greater openness in considering options. (Cormick 1989:131)

¹¹ For a more thorough review of consensus-based dispute resolution, see BCRTEE 1991a.

Susskind and Cruikshank (1987) provide a useful comparison of the attributes of conventional and consensual dispute resolution methods (see Table 1).

TABLE 1. ALTERNATIVE APPROACHES TO RESOLVING DISTRIBUTIONAL DISPUTES

ATTRIBUTES	CONVENTIONAL APPROACHES	CONSENSUAL APPROACHES
Outcomes	Win-lose, impaired relationships	All-gain, improved relationships
Participation	Mandatory	Voluntary
Style of Interaction	Indirect (through lawyers or hired advocates)	Direct (parties deal face-to-face)
Procedures	Same ground rules and procedures apply in all cases	New ground rules and procedures designed for each case
Methods of Reaching Closure	Imposition of a final determination by a judge or an official	Voluntary acceptance of a final decision by the parties
Role of Intermediaries	Unassisted; no role for intermediaries	Assisted or unassisted; various roles for intermediaries
Cost	Low to moderate in the short term; potentially very high in the long term	Moderate to high in the short term; low in the long term if successful
Representation	General-purpose elected or appointed officials	Ad-hoc; specially selected for each negotiation

(Reference: Susskind and Cruikshank 1987)

These attributes are significant when considering the structure of a decision-making process or institutional arrangements designed to administer such processes.

The stakeholder dissatisfaction documented in Chapter II demonstrates that stakeholders in this province are looking towards the benefits offered by more consensual approaches.

2.2.3. Conflict Management: Implications for Stakeholder Involvement

Without repeating the advantages and characteristics of conflict management strategies discussed above, it is clear that principled negotiation, mediation and consensus-building strategies each offer significant opportunities for stakeholder involvement, information exchange, relationship-building and effective decision-making. Each of the strategies reviewed above emphasizes the importance of access to information, opportunities for input and scrutiny of issues and concerns, and creating a constructive environment for decision-making. The success of these strategies is thus highly dependent on the explicit recognition that value differences and issues of concern held by all stakeholders are legitimate and central to conflict resolution. Moreover, a planning or decision-making process that does not explicitly recognize the validity of this range of perspectives is bound to invite further conflict. Institutional arrangements necessary for successful conflict management and stakeholder involvement are discussed more fully in the next section and chapter.

2.3. CONFLICT MANAGEMENT, STAKEHOLDER INVOLVEMENT AND PLANNING: IMPLICATIONS FOR INSTITUTIONAL ARRANGEMENTS

This section addresses the implications of stakeholder involvement and conflict management for institutional arrangements to provide a final context for the normative criteria addressed in Chapter III.

Essentially, the difference between traditional and consensus-based decision-making processes is rooted in the structure of the process itself (e.g. who is involved and how; how are issues framed and acted upon in making and implementing decisions). In

traditional processes, stakeholder involvement is limited and the use of input from stakeholders is at the discretion of the decision-making authority. In consensus-based decision-making, the role of stakeholders is more direct. Stakeholders decide on issues to be dealt with, participate in data acquisition, participate in making tradeoffs and conducting analyses, and are involved in decision implementation. Therefore, the major difference is in the level of true collaboration and involvement of traditionally non-decision-makers with decision-makers (Crowfoot and Wondolleck 1990).

2.3.1. The Necessity of Institutional Change

The overriding difference between traditional and participatory decision-making structures is that both participatory democracy and consensus-building conflict management strategies call for planning with stakeholders rather than planning for stakeholders. Institutional arrangements, in the form of legislation, organizational structures and planning processes, must explicitly recognize the role of consensus-building. Legislation must call for stakeholder involvement and allow for the adoption of consensus-building conflict management principles. Organizational structures must provide the resources to carry out participative planning. Most significant however, are the necessary provisions for stakeholder involvement within planning and decision-making processes. Arguments in preceding sections of this chapter have highlighted that the questions of who, when and how stakeholders are involved in planning and decision-making processes are critical to achieving the goals of fairness, stability and efficiency in decision-making.

2.3.2. Goals for a Revised Planning Process

The adoption of principles of consensual and participative methods of dispute resolution into decision-making requires the re-articulation of goals for a successful decision-making process. Building on the literatures already explored in this chapter, this section looks to empirical evidence of past experience documented by other authors who have drawn on these same literatures while addressing similar questions. Having observed the trends towards participative democracy and conflict resolution, these other commentators have identified goals and criteria suited to an evaluation of institutional arrangements designed to carry these objectives out. This section identifies three goals from the literature on the theory and practice of dispute resolution.

In their discussion of consensual approaches to resolving public disputes, Susskind and Cruikshank (1987) identify fairness, efficiency, wisdom and stability as goals of a successful dispute resolution process.

Wondolleck (1988) examined a number of National Forest Planning disputes in the United States to determine the nature of the disputes and characteristics of decision-making processes that were successful in resolving them. Through her analysis Wondolleck determined that while it will continue to be difficult to find technically "correct" solutions to current forest management tradeoffs, "it is possible to determine solutions which will be accepted and supported by affected interests rather than contested" (Wondolleck 1988:186). While value differences will always persist, these different values may be incorporated into the decision-making process in a manner that allows affected interests to be satisfied with the outcome. Wondolleck's study found that it is possible to rebuild trust in a decision-making agency and its processes, and to

improve stakeholders' understanding of the process while satisfying their information needs. Finally, she concluded that it is possible to structure decision-making processes which promote cooperation and collaboration rather than adversarial battling.

Wondolleck (1988) identifies five distinguishing characteristics of a successful decision-making process: building trust, building understanding, incorporating value differences, providing opportunities for joint fact-finding, and providing incentives for cooperation and collaboration. These five factors are common objectives of any conflict management process (Fisher and Ury 1981, Raiffa 1982, and Susskind and Cruikshank 1987).

Common to the goals defined by Susskind and Cruikshank (1987) and Wondolleck (1988) are the emphases on 1) providing a clear, well-designed, well-understood and well-adhered-to process, and on 2) providing the opportunity for participants to develop relationships through meaningful involvement throughout the process. Therefore, for the purposes of this thesis, three common goals are re-articulated for a decision-making process designed to incorporate consensual decision-making and dispute resolution: fairness, efficiency and stability. These goals are by no means mutually exclusive, but rather are complementary.

2.3.2.1. Fairness

"In a public dispute, a good process produces a good outcome; and a better process, a better outcome. A process is fair if it is perceived to be fair by the disputants and the community at large" (Susskind and Cruikshank 1987:24).

Evaluating the fairness of a decision can be conducted by judging the fairness of the process by which the decision was reached (Susskind and Cruikshank 1987). A

number of questions can be posed to determine the fairness of a decision-making process: Was the process open to public scrutiny? Were all the groups who wanted to participate given an adequate chance to do so? Were all parties given access to the technical information they needed? Was everyone given an opportunity to express his or her views? Were the people involved accountable to the constituencies they ostensibly represented? Was there a means whereby a due process complaint could be heard at the conclusion of the negotiations? (Susskind and Cruikshank 1987:22). These questions offer a checklist for attributes of a fair process.

Fairness is also a function of participant perceptions and, as such, perceived fairness depends on the nature of participation. A process designed to achieve a fair decision ensures that all participants understand both how a decision was reached and why a decision was reached. A fair process builds understanding of the process and helps to build trust in the process itself, in the decision-making agency, and the other participants involved (Wondolleck 1988).

There are some principles of a fair process that are beyond the control of institutional arrangements. For example, achieving a wise decision¹² is also a function of how the decision-making process is designed, in addition to being dependent on the interaction of participants. Wisdom requires cooperation between all participants in an effort to minimize the risk of being wrong (Susskind and Cruikshank 1987). While achieving wisdom may be beyond the control of the decision-making authority, a fair process can assist in its achievement. Providing opportunities for joint fact-finding and

¹² "A wise settlement is one that contains the most relevant information" (Susskind and Cruikshank 1987:30). Rather than asserting positional interests, achieving wisdom requires that all sides develop a working approach that accommodates the best possible technical evidence--no matter which "side" that evidence supports.

ensuring that value differences are incorporated into the process increases the validity of information used to make decisions (Wondolleck 1988).

Susskind and Cruikshank (1987) assert that the best way to determine the fairness of a negotiated solution is to evaluate the attitudes and perceptions of the parties most affected. Such an analysis is beyond the scope of this thesis.

2.3.2.2. Efficiency

A fair agreement is not acceptable, "if it takes an inordinately long time to achieve, or if it costs several times what it should have. ...a better process produces a more efficient as well as a fairer outcome" (Susskind and Cruikshank 1987:26).

Efficiency also relies on the perceptions of participants in a process, and the ease with which a decision is reached (Bloodoff 1981). If a group or individual "observes decisions being made and perceives their concerns to be unrepresented in those decisions, each [group] then levels charges against the agency for failing to adequately consider their concerns" (Wondolleck 1988:196). Participation in a decision-making process provides the participant with a sense of ownership over resulting agreements or decisions. With this sense of ownership comes support for its implementation and ultimately, the achievement of an efficient decision.

Increasing the efficiency of a decision-making process serves to promote trust in the process and the agency. Gunton and Vertinsky (1990) caution against indefinite delays caused by excessive appeals or unclear delineations of decision making authority that can diminish trust in a process and the agency. Efficiency also requires that information collection and analysis be suited to the specific issues and problems encountered.

2.3.2.3. Stability

"An agreement that is perceived as fair, is reached efficiently, and seems technically wise is nevertheless unsatisfactory if it does not endure" (Susskind and Cruikshank 1987:31). Reaching feasible solutions requires attention to the cultivation of support from all stakeholder groups, setting realistic timetables, and making provisions for renegotiation. Stability also depends on relationships.

Susskind and Cruikshank (1987) stress that conventional methods of settling disagreements are potentially win-lose, confrontational encounters that create hostility and ill will. They suggest that if an effort is made to build good working relationships between disputing parties, the prospects for stability are greatly enhanced.

Relationship building is fostered by providing opportunities for joint fact-finding, incorporating value differences into decision-making and providing incentives for cooperation and collaboration. Such provisions assure participants that their concerns have been accounted for. Support for decisions is cultivated by ensuring that participants know how and why decisions were reached. A forum to proactively and cooperatively raise and address concerns permits participants to listen to the concerns of others, test assumptions, and adjust personal arguments to accommodate others (Wondolleck 1988). Such a provision increases the likelihood that ideas will be constructively developed and problems will be creatively solved.

A decision-making process designed to achieve goals of fairness, efficiency and stability acknowledges that problems to be addressed are mutual problems, and provides for mutual efforts towards developing solutions. Wondolleck (1988) notes that through the use of dispute resolution processes, position-orientations of disputants can be

changed into issue-orientations. For example, a dispute over whether or not to approve a plan can be changed into a dialogue on how best to protect an area while satisfying certain resource needs. By changing this orientation, disputants are then able to focus attention on ways in which all concerns can be addressed. Such an approach broadens the agenda of alternative solutions and ultimately leads to solutions that are more likely to be fair, efficient, wise, and stable.

This section has reviewed goals for a process designed to foster relationships and meaningful participation, and minimize the opportunity for costly and time-consuming disputes. As mentioned earlier, the achievement of these goals is not entirely dependent on how a decision-making process is designed. However, there are questions that can be asked which determine whether or not an opportunity has been provided for stakeholders to understand, inform and participate in a planning or decision-making process. That is, questions can be asked or criteria can be set that address the design of the planning and decision-making processes. The following chapter identifies components of a process designed to achieve the above goals.

2.4 CONCLUSION

One means of reducing conflict is to reform institutional arrangements to allow for meaningful stakeholder involvement and to incorporate principles of conflict management. How stakeholders are involved in decision-making is key to improved (fair, efficient, stable) decision-making (and at the same time, serves to minimize the likelihood for appeals and conflicts).

By focusing on the structure of the decision-making process, ... planners and decision makers can begin to collaboratively and creatively address complex [planning] issues. Moreover, they can do so in a manner that potentially satisfies the many interests at stake and hence avoids the now costly and time-consuming outcomes of unmanaged conflicts. (Wondolleck 1985:352)

A process guided by professional expertise and including affected interests in developing and assessing alternatives and making tradeoffs has the potential to produce outcomes including mutual trust, satisfaction and support for final decisions. Employing collaborative joint-problem solving processes offers the possibility to reveal new options and construct outcomes that will be viable and supported by stakeholders. Moreover, by including stakeholders in actively determining decisions, they are given a stake in the final decision and in its implementation.

Such a process offers a number of advantages. In contrast to the continued mistrust and adversarial interactions often promoted by the traditional process, a constructive link can be developed between decision-making agencies and stakeholder groups. Stakeholders can be given an opportunity to cooperatively discuss their issues of concern face-to-face with agency officials, rather than adversarially in traditional administrative proceedings. In addition, there is an increased likelihood that the agency will reach decisions without appeals or protracted battles. And finally, decisions can be reached while preserving the agency's decision-making authority and administrative responsibilities. Stakeholders will support rather than contest resulting decisions (Wondolleck 1985).

Effective implementation requires appropriate institutional provisions. It also requires appropriate skills and techniques to both effectively manage as well as participate in such a collaborative, consensus-building effort.

Wondolleck (1985:355) concludes:

Perhaps the most valuable impact decision-makers can have in a given situation is not always in determining what decision or outcome is finally reached but in how those decisions are made: who is involved, how issues are framed and their consideration bounded, what information is brought to bear, how alternatives are developed and then analyzed and evaluated, how tradeoffs are made and how implementation and monitoring then occurs. Concepts and techniques of dispute resolution offer insights into how decision making processes might be fulfilled more effectively.

CHAPTER III. NORMATIVE CRITERIA FOR A PLANNING AND DECISION MAKING PROCESS DESIGNED TO ENHANCE STAKEHOLDER INVOLVEMENT AND ALLEVIATE CONFLICTS

The preceding chapter reviewed how integrating participative decision-making, negotiation and consensus-building into planning and decision-making processes can serve to minimize the occurrence of disputes and thereby improve decision-making. It also presented goals for a planning and decision-making process designed to foster relationships, minimize costly and time-consuming disputes, and provide meaningful participation. This chapter builds on these principles and provides explicit normative criteria designed to achieve these goals.

The normative criteria presented in this chapter form the basis for the analysis of the Ministry of Forests (MoF) planning process presented in Chapter V. These criteria are presented as components of a planning and decision-making process designed to achieve fairness, efficiency and stability through improved understanding and trust arising from opportunities for meaningful stakeholder involvement. These criteria are interrelated and interdependent, as were the goals in the previous chapter.

To assist in the evaluation presented in Chapter V (or in an analysis of a similar decision-making process), indices are also presented in this section. These indices are included to assist in determining whether a particular criterion has been met.

Twelve criteria that address the goals of fairness, efficiency and stability in decision-making can be drawn from the literatures discussed in the previous chapter. Elements of successful decision-making processes have also been discussed in various

recent reports assessing resource management and decision-making.¹³ The criteria discussed in this chapter are consistent with those developed in these reports and other literatures.

3.1. LEGAL FRAMEWORK

The decision-making process should be formally structured in a legal framework established by statutes and regulations.

Certainty is provided by a formal legal structure that outlines the process, information requirements, objectives and responsibilities of stakeholders. Interested parties could refer to written laws supporting the process in planning their affairs or resolving their disputes. Through a comprehensive legislative framework, administrative discretion is minimized, government performance becomes measurable, commitment is demonstrated, and in matters affecting the rights and interests of provincial residents, fairness, certainty and predictability are best served. The B.C. Forest Resources Commission notes that an effective public participation process must have a legal mandate (BCFRC 1991).

An index for this criterion is legislation for stakeholder involvement set in statutes and regulations with necessary provisions.

¹³ See, for example, Bloodoff 1981, Brenneis 1990, B.C. Forest Resources Commission 1991a, B.C. Ombudsman 1989, Gunton and Vertinsky 1990, and Niezen 1989.

3.2. PUBLIC DOCUMENT PROVIDING INFORMATION ON THE PROCESS

Information on the decision making process including timing, criteria and the roles of various actors in the process should be provided to all stakeholders. All aspects of the decision-making process should be clear, understandable and available to the public in a comprehensive written document.

Confidence in government increases when all aspects of the decision-making process and opportunities for stakeholder involvement are clear, understandable and available to all stakeholders. Misunderstandings about process and stakeholder involvement hinder effective decision-making. The B.C. Forest Resources Commission notes that to be effective, a public participation process must be easily understood (BCFRC 1991).

Objectives and priorities for the planning and stakeholder involvement process should be made clear before the process begins. Roles, responsibilities and accountability for planning must be clearly articulated and understood. Improved understanding about the process and decisions contributes to fairness and efficiency in decision-making. Performance and accountability are easier to judge when the decision structure is explicit. An index for this criterion is the preparation of a public document that clearly states guidelines, rules and regulations. This document should be in plain language and made available in public locations.

3.3. NOTIFICATION OF ALL DECISIONS

Stakeholders need formal and timely notification of all major upcoming decisions and opportunities to participate in those decisions.

Notification of opportunities for participation should be set out in a public document prepared by the government outlining the overall process. This would

increase the likelihood that a full representation of interests is included in the process. Public notification of specific stakeholder participation opportunities should be given before each participation event, allowing stakeholders sufficient time to prepare. While a clearly-defined public involvement process may reduce administrative flexibility to some degree, accountability for decisions should be increased and the basis for conflicts over decisions should be reduced. The B.C. Forest Resources Commission notes that an effective public participation process includes provisions to notify interested parties (BCFRC 1991). The provision of timely and adequate notification of participation opportunities contributes to fairness, efficiency and stability in decision-making.

An index for this criterion is a provision for timely notification of all decisions.

3.4. COMPREHENSIVE INVOLVEMENT OPPORTUNITIES

Comprehensive opportunities for stakeholder involvement must be provided to permit constructive, face-to-face, goal-oriented planning to occur.

Once provisions are made to allow stakeholder involvement, allowances must be made for how stakeholders will be involved. Stakeholder involvement should not be restricted to reactions to proposals. Rather, stakeholders need an opportunity to participate throughout the process and to provide both input and scrutiny.

Comprehensive involvement can reduce potential conflict by ensuring early inclusion of stakeholders' concerns and identification of potential solutions in a constructive forum. The development, evaluation and selection of preferred alternatives is the most critical phase of the planning process and should therefore be the phase in which stakeholders are most directly involved. Relationships and trust can be developed through appropriate workshops or planning sessions involving all stakeholders. Joint fact-finding

is facilitated by a planning process that permits direct, face-to-face interactions. The provision of comprehensive participation throughout the process also demonstrates commitment on the part of the government to the whole process. The B.C. Forest Resources Commission notes that an effective public participation process provides for public access at key levels of the process (BCFRC 1991). As well, participants in the Old Growth Strategy Project recognized the importance of meaningful industry and public participation to complement the decision-making process (Salasan and Assoc. 1991a).

Comprehensive involvement opportunities enhance the fairness, efficiency and stability of planning and decision-making by creating the opportunity for constructive relationships to develop through the process.

An index for comprehensive involvement is the inclusion of early and thorough participation by all stakeholders in all stages of a documented planning and decision-making process.

3.5. ADEQUATE RESOURCES TO PARTICIPATE

All stakeholders should have adequate resources to participate.

Financing participation is generally not a problem for a number of stakeholders including government, industry and some larger interest groups. However, small interest groups and many members of the public often lack the resources to participate on an equal basis. Without sufficient funds, their participation is restricted or even impossible. "The absence of certain members of the public due to a lack of funds would be an injustice to our democratic system, and would confirm that

participation in our democracy is regulated by wealth" (Brenneis 1990:39). Intervenor funding can help to overcome this inequity.¹⁴ Adequate funding ensures that all participants have access to the process and are able to hire necessary expertise to ensure effective participation. The B.C. Forest Resources Commission includes the provision of adequate resources for participation as a key element in an effective public participation process (BCFRC 1991).

The provision of resources for participation improves the fairness of the process and improves efficiency by ensuring that all issues are included in the process. The improvement of stakeholder representation in the process also improves the stability of decisions resulting from such a process. The index for this criterion is a provision in legislation for intervenor funding.

3.6. TIMELY ACCESS TO INFORMATION

Stakeholders need timely access to information utilized in the decision making process.

A lack of information is one of the key contributors to conflicts in resource planning and restricts participation in the decision-making process.¹⁵ Effective stakeholder involvement and equal representation requires that all stakeholders have access to all relevant information used during the decision-making or planning process. The right to information should be set in legislation that endeavours to make information more accessible. Old Growth Strategy Project participants called for

¹⁴ See for example, Parenteau 1988, Thompson 1980, Emond 1987.

¹⁵ See for example, BCFRC 1991a, BC Ombudsman 1989, Brenneis (1990), Gunton and Vertinsky (1990), Parenteau (1988), and Thompson (1980).

greater access to information used in decision-making to help communities to make informed decisions about issues of local concern (Salasan and Assoc. 1991a). The B.C. Forest Resources Commission also stresses that an effective public participation process provides stakeholders with access to information (BCFRC 1991).

Responses to requests for information should be provided in a timely fashion. All information used in a decision should be public information and shared by all parties. While some confidential information must remain private, the rules for confidentiality must be restricted and clearly defined. The Provincial Ombudsman has suggested: "Trade secrets or confidential business information should be exempted from disclosure, except where specific information is severable, or when the public interest regarding health, safety or environmental protection overrides private commercial interest" (BC Ombudsman 1989:33).

The improvement of access to information used in decision-making improves the fairness of a process and improves efficiency. It also illustrates government commitment to the process. Again, by providing opportunities for stakeholders to jointly gather information and exchange concerns, the validity of information used in a decision is improved, and the likelihood of challenges to decisions is reduced. In addition, timely access to information is critical to efficient decision-making. The index for this criterion is a provision for timely access to information used in the decision-making process.

3.7. WRITTEN REASONS FOR DECISIONS

Decision makers should be obligated to provide stakeholders with a written statement summarizing how key decisions were reached and how the various concerns expressed by stakeholders were taken into account.

Written records and responses, whether directly provided to individual participants or made available in a summarized form, enable stakeholders to gauge the performance of decision-makers. Such a provision permits stakeholders to clearly determine the basis upon which a decision was reached. Resulting decisions therefore will likely withstand later scrutiny by an independent review agency or tribunal.¹⁶ In addition, providing comprehensive opportunities for stakeholder participation decreases the need for challenges to final decisions. The B.C. Forest Resources Commission notes that written reasons for decisions are essential in an effective public participation process (BCFRC 1991).

The provision of written justification for decisions, including criteria upon which decisions are made, provides a valuable source of information for all interested parties. Improved understanding of the process and the basis for decisions contributes to a fair process and leads to stable decisions by minimizing the likelihood of appeals. An index for this criterion is a provision for written reasons for decisions to requests by stakeholders.

3.8. APPEAL MECHANISMS

An appeal process should be available allowing stakeholders to challenge land management decisions that contravene due process or are inconsistent with prescribed guidelines or objectives.

Appeal processes help to assure public confidence in the integrity of a process that regulates fundamental interests. The right to appeal remains an important check to

¹⁶ See for example, Gunton and Vertinsky (1990), Brenneis (1990), Sadler (1980), and BC Ombudsman (1989).

discretionary decision-making and helps to demonstrate government commitment to the process. As with all parts of a decision-making process, the appeal process must be easily accessible and understood by all stakeholders. The B.C. Forest Resources Commission includes an appeal process among its elements of an effective public participation process (BCFRC 1991).

The provincial Ombudsman has recommended a two-stage appeal process whereby disputes would be resolved at the most informal, cost-efficient level (BC Ombudsman 1989). The two-stage process would be comprised of an internal or administrative review residing within the government or specific agency and an independent external appeal body established within a legislative framework. If a satisfactory decision was not achieved at the internal appeal level, then the dispute would be taken to the external appeal body.

Provisions for internal and external appeal processes are two indices for this criterion. Fairness and stability of a process are both served by providing for appeals.

3.9. DEMOCRATIC ACCOUNTABILITY

Those responsible for making the final decision must be impartial, adequately represent the broad public interest, possess relevant expertise and be directly or indirectly accountable through the democratic process to those affected by the decision.

Stakeholder involvement provides stakeholders with the opportunity to influence decisions while enhancing the accountability of decision-makers and the legitimacy of decision-making procedures. However, decision-makers must remain democratically accountable, and this accountability must be clearly visible. That is, if decision-making authority is transferred to a member of the public or public group such

as an unelected interest group that is not democratically accountable, then a stakeholder involvement process would decrease the accountability of the decision-making process and in fact might undermine the democratic system. The B.C. Forest Resources Commission notes that those involved in decision-making must be accountable (BCFRC 1991).

The improvement of democratic accountability improves both the fairness and efficiency of a process by improving an understanding of the process and minimizing the need for questioning resulting decisions. An index for this criterion is a provision that democratically accountable individuals must make final decisions.

3.10. STRUCTURED ADMINISTRATIVE DISCRETION

The decision-making process should be flexible enough to accommodate diverse land use management problems. This necessitates some degree of discretion. Discretion, however, should be exercised within a structured framework specifying the circumstances and criteria to be used in decision-making.

Some means to structure administrative discretion is essential to assure public confidence.¹⁷ This is most effectively achieved through the application of objective assessment criteria as set out in legislation, regulations, and public ministry documents, including the publication of clearly defined criteria.

Fairness is served by eliminating undue discretion through improved accountability of decisions and decision-makers. Decisions are less likely to be challenged if the basis for decisions is well understood. Such fair decisions are also

¹⁷ See for example, B.C. Ombudsman (1989), and Gunton and Vertinsky (1990).

more efficiently reached. An index for this criterion is a list of objective assessment criteria.

3.11. MEDIATION AND CONFLICT RESOLUTION

When possible, mediation and negotiation techniques should be utilized to reduce conflict or achieve consensus.

A conflict resolution mechanism is an important component of a successful public participation process.¹⁸ While the thesis of this analysis has been that conflict resolution should be incorporated as a goal of the planning and decision-making process, this does not eliminate the need for specific mediation or conflict resolution mechanisms to deal with disputes which will continue to arise. That is, the criteria in this chapter provide a context for conflict avoidance, but disputes will still arise to some degree. The B.C. Forest Resources Commission calls for a conflict resolution mechanism in the development of an effective public participation process (BCFRC 1991).

Several authors advocate the establishment of an independent organization to offer assistance and provide neutral facilitators and mediators.¹⁹ Establishing a conflict resolution body provides the government, industry and the general public with an accessible solution to ongoing conflicts and disputes. However, in contrast to the appeal process, this process should be strictly voluntary. Successful conflict resolution requires that stakeholders enter into negotiations voluntarily, all interests are present, and that

¹⁸ See, for example, Amy (1987), BC Ombudsman (1989), Dunster (1988) and Gunton and Vertinsky (1990).

¹⁹ See for example, Brenneis (1990), BCFRC (1991), Gunton and Vertinsky (1990) and BC Ombudsman (1989).

each group has both a degree of bargaining power and an interest in resolving the dispute through such a method.

Provisions for mediation and conflict resolution improve fairness by allowing unresolved disputes to receive necessary attention. The provision of another opportunity for stakeholders to resolve residual issues of concern also contributes to relationship-building and ultimately, to the stability of decisions. Indices for this criterion include the establishment of an independent organization to offer assistance and provide neutral facilitators and mediators.

3.12. MONITORING OF DECISION IMPLEMENTATION

Implementation of land use decisions should be monitored to measure the success of the management strategy.

The monitoring process should be clearly prescribed and the results should be available to all interested parties. Monitoring determines which agency objectives have been achieved and enables managing agencies to evaluate the effects of alternative decisions. Monitoring is an important feedback mechanism for answering an agency's question "Did we meet our objectives?" Moreover, the establishment of objectives only becomes meaningful when there is a mechanism for evaluating the degree to which they have been attained. Monitoring enables the agency to determine progress towards stated objectives, to identify and address problem areas and to ascertain whether or not the objectives are realistic. Implementation, monitoring and evaluation of plans and processes ensures that proposed planning activities are carried out efficiently and effectively. Thus it is essential that every plan contains provisions that ensure that it is properly put into effect, is followed, is kept up-to-date and is relevant (OMNR 1986).

The monitoring of decision implementation improves the opportunity to learn from past experience, thereby improving the efficiency of decisions. By ensuring that stakeholders understand the monitoring process, fairness is achieved. An index for this criterion is a provision requiring ongoing monitoring of decision implementation. A monitoring process should be clearly prescribed and the results should be available to all interested parties.

CHAPTER IV. A REVIEW OF THE MINISTRY OF FORESTS PLANNING PROCESS

The purpose of this chapter is to review the current institutional arrangements for forestry planning in the B.C. Ministry of Forests. A review of forest tenures and planning provides a context for a discussion of the current institutional structure including the legislative mandate, organizational structure and planning processes of the Ministry of Forests.

4.1. FOREST TENURE SYSTEM

In response to the findings of the 1945 Sloan Commission of Inquiry into forest management, the Forest Act was amended in 1947 to create two kinds of forest management units--Tree Farm Licenses (TFLs) and Public Sustained Yield Units (PSYUs). Tree Farm Licenses were originally designed

to promote the orderly development and careful management of Crown and private land holdings, and to encourage industrial development and community stability by providing long-term supplies of timber for existing or proposed utilization plants (Pearse 1976).

Today, TFLs and Timber Supply Areas (which replaced PSYUs) continue to be the main forest management units in British Columbia. TFLs are long term tenure agreements between the provincial government and major forest products firms providing responsibilities for forest management within a specified area. TFLs are area-based tenures granting rights to licensees to manage forest resources according to a Management and Working Plan prepared by the licensee and approved periodically by the Chief Forester of the MoF. Each license has a term of twenty-five years with an

opportunity for replacement once every ten years. While licensees are responsible for the management of lands under TFLs and for the preparation of strategic plans, the Forest Service retains the responsibility for approving such plans. Currently there are 32 TFLs in British Columbia.

Public Sustained Yield Units (PSYUs) were originally established as parcels of Crown forest land managed by the Forest Service to meet the needs of smaller enterprises, or to provide timber where area-based licenses were considered inappropriate. Most PSYUs have been incorporated into the current 35 Timber Supply Areas (TSAs) which are geographic land units. TSA boundaries closely follow those of forest districts.

With the exception of Tree Farm Licenses, all other forms of tenure exist within TSAs. Within TSAs, timber is allocated using a series of licenses including Forest Licenses, Timber Sale Licenses, Pulpwood Agreements and Woodlot Licenses. TSAs are managed using a system of volume-based licenses. This arrangement provides the provincial government with flexibility to adjust existing licence areas and to open additional areas for new licenses (Niezen 1989). Distribution of tenures and timber volumes to various sectors of the industry is based on an apportionment plan prepared by the government that outlines Allowable Annual Cut (AAC) levels.

4.2. LEGISLATIVE MANDATE

The Ministry of Forests is the primary Ministry responsible for Crown land use planning in B.C. and operates under three interlocking pieces of legislation: the Ministry

of Forests Act (RSBC 1979, c.272), the Forest Act (RSBC 1979, c.140) and the Range Act (RSBC 1979). The Ministry of Forests was formally established by the Ministry of Forests Act of 1978 that also sets an administrative structure and specifies the Ministry's major objectives and powers. The Forest Act sets out planning guidelines and policies.

The Ministry of Forests Act gives the Ministry of Forests (MoF) the responsibility for planning and managing lands designated as provincial forests. The MoF presently controls 85% of the provincial land base. Under the Ministry of Forests Act, purposes of the MoF include encouraging the attainment of maximum productivity of a multiple use system for range and forest lands and a number of statutory functions.

Basic purposes of the Ministry are established in Section 4 of the MoF Act:

..."to:

- (a) encourage maximum productivity of the forest and range resources in the Province;
- (b) manage, protect and conserve the forest and range resources of the Crown, having regard to the immediate and long term economic and social benefits they may confer on the province;
- (c) plan the use of the forest and range resources of the Crown, so that the production of timber and forage, the harvesting of fisheries, wildlife, water, outdoor recreation and other natural resource values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the Crown and with the private sector;
- (d) encourage a vigorous, efficient and world competitive timber processing industry in the Province; and
- (e) assert the financial interest of the Crown in its forest and range resources in a systematic and equitable manner."

Section 4(c) provides the mandate for integrated resource planning and requires "consultation and cooperation ... with the private sector" where the "private sector" is interpreted by the MoF to include the public.

The MoF Act also requires the Minister to prepare a Forest and Range Resource Analysis every ten years containing an inventory of resources, a description of provincial forest and range management programs, and a summary of new developments in public policy that may affect forest and range resources. A five year Forest and Range Resource Program is required annually. Annual reports provide information on progress towards meeting objectives outlined in these documents.

The balance of the Ministry's mandate is contained in the Forest Act and the Range Act which, together, give the MoF the authority to manage all Crown forest and range resources in the province. In addition, these Acts define the overall framework within which the public and private resource interests in resource management are accommodated.

The Forest Act establishes provincial forests and provides for their licensing, control and maintenance in all phases of timber supply utilization. Also recognised and provided for in this Act are recreational, wildlife, fisheries, watershed and other uses. Amendments to the Forest Act in 1978 provided for the designation of Crown lands as provincial forests, setting of harvest rates, conversion of PSYUs to Timber Supply Areas (TSAs), establishment of the Small Business Enterprise Program, and creation of Timber Sale and Woodlot Licenses.

Under the Forest Act, the Chief Forester in the MoF may classify land as forest land

"if the greatest contribution to the social and economic welfare of the province will be provided if land is predominantly maintained in successive crops of trees, forage or both, or maintained as wilderness" (Section 4).

Recommendations for forest land classification are forwarded from the district level to the Chief Forester and further to Cabinet which has the authority to designate any forest land as provincial forest. Any Tree Farm Licence area is deemed a provincial forest (Ince and Pereboom 1984).

Within the Forest Act, the MoF is mandated to: classify and inventory forest land, determine the Allowable Annual Cut (AAC), and dispose of timber and manage harvests subject to integrated resource management considerations under a diverse set of tenures. In 1987 the Forest Act was amended to recognise wilderness as a resource in provincial forests. This amendment gave the Ministry of Forests the responsibility to consider wilderness in integrated resource management planning. Under Sections 3 and 4 of the Forest Act, wilderness is confirmed as a legitimate use of provincial forests (BC MoF 1989). The Forest Act empowers Cabinet to designate parts of the provincial forest as "wilderness areas". Lands under this designation must be managed to preserve wilderness values, or in a manner consistent with preserving its wilderness nature.²⁰

A number of policies in the MoF describe the content of ministry programs, resource use goals and ministry planning procedures. Policies serve to outline the purpose and scope of statutory requirements, provide details not included in the statutes, and assign responsibilities. The MoF's Public Involvement Program is governed by Ministry policy, but is not specifically mandated by legislation (other than the reference made above to Section 4(c) of the MoF Act). The overall goal of the Public Involvement Program is "to improve forest management by including social aspects in

²⁰ Although mineral exploration and development is not specifically prohibited in wilderness areas, such activity must be approved by the Mine Development Review Process of the Ministry of Energy, Mines and Petroleum Resources.

forest management decisions" (BC MoF 1984b). The current public involvement policy was adopted in 1983 after a consultative process with interested publics from across the province. It is intended to be responsive to changing public demands and resource management needs, and is subject to periodic reviews (BC MoF 1984b).²¹

In July of 1990, the Ministry of Forests adopted an Integrated Resource Planning Policy and an Integrated Resource Management Policy for management on provincial forests. These policies provide a definition of integrated resource management and clarify principles and procedures for integrated resource planning. Integrated resource management is defined by the MoF as "a process which identifies and considers all resource values along with social, economic and environmental needs" and which "assigns resource use and management emphasis based on present uses, the mix of benefits produced, the continued capability of the land to produce benefits and social preferences." Integrated resource use planning is defined as

a flexible and consultative decision-making process which examines the interaction of various resources, resource uses, developments and trends, and provides for interaction with stakeholders in the search for information, shared values, consensus and action that is both feasible and acceptable to the parties involved (BC MoF 1990).

4.3. ORGANIZATIONAL STRUCTURE

The Ministry of Forests is structured administratively into three levels: a headquarters in Victoria, six regions and forty three districts. Each level carries out

²¹ For a comprehensive account of the Ministry of Forests Public Involvement Process and its application to the MoF planning process, please refer to Vance (1990).

administrative functions relating to the MoF's three program areas: timber, range and recreation.

Government policy direction and program funding are established at headquarters level by the Ministry executive. Headquarters staff is responsible for developing planning policies and procedures, directing the Ministry's public involvement program, assisting the Chief Forester's determination of the Allowable Annual Cut (AAC) for TSAs and TFLs, providing technical support for planning throughout the Ministry, and monitoring regional planning activities (BC MoF 1983).

Branches within headquarters develop policy and procedural guidelines to facilitate consistent implementation by districts. Administration and planning is carried out by sections within the Integrated Resources Branch including Integrated Resources Section, Resource Planning Section and Timber Supply Section. The Integrated Resources Section develops public involvement policy and administers an issue management process. Issue management planners handle "issues" that elevate in conflict beyond individual districts and regions and that involve politicians and/or the Minister (e.g. Walbran Valley). Roles of the Resource Planning Section include: assisting in the preparation of TSA Resource Management Plans and Local Resource Use Plans; reviewing TFL Management and Working Plans and supporting documents; carrying out timber supply analyses; coordinating interagency liaison; consulting the public; and addressing environmental issues. Finally, the Timber Supply Section carries out timber supply analyses (Niezen 1991).

Development of policies to ensure effective management of the Province's TFL system and other forms of tenure found within TSAs is the responsibility of Timber

Harvesting Branch. Other responsibilities of this branch include reviewing TFL Management and Working Plans prepared by licensees and coordinating the government review of TFL applications. Inventory Branch maintains and coordinates an updated inventory program for the Province's forest land base.

Regional functions include the interpretation of provincial policies in a regional context, and the establishment of regional guidelines and priorities to meet program goals. Primary regional functions include ensuring the consistent and effective administration of policies and plans originating from headquarters and acting as a conduit between headquarters and the districts.

Districts are structured to implement programs and policies in accordance with regional guidelines and district procedures (BC MoF 1984a). District level staff are responsible for implementing TSA plans, adjudicating and monitoring resource development plans, and providing liaison with other ministries to ensure integration of other natural resources into timber harvesting plans.

The manner in which responsibilities are carried out by each of these levels is further discussed in the following section.

4.4. PLANNING PROCESS

As discussed earlier, the Ministry of Forests Act, the Forest Act and the Range Act give the Ministry of Forests a broad mandate to carry out integrated resource planning on Crown lands. Other ministries are consulted to determine their program objectives and how these interact with Ministry of Forests programs.

In the MoF forest planning is conducted through a hierarchical framework consisting of five planning levels: provincial policies, regional priorities, resource management planning, local resource use planning and resource development planning (see Figure 1).

Figure 1. Ministry of Forests Planning Framework



A summary of plans which result from these planning initiatives is provided in Figure 2.

The Resource Planning Manual is undergoing revisions and a (draft) revised third chapter on "Resource Management Planning" (formerly forest management

Figure 2. Summary of Ministry of Forests Plans

Summary of Ministry of Forests Plans

PLANS	planning level	planning responsibility	land unit	normal planning scale	normal planning horizon (years)		planning outputs
					detailed period	look-ahead period	
TSA plans TFL M&WPs	Forest Management Planning	Region	TSAs TFLs	1:100,000	20	200	- timber, range & recreation management strategies - AACs for timber
Local plans*	Local Resource Use Planning	District	watersheds, range units, etc.	1:20,000	5	20	- integrated resource management guidelines for designated development areas
timber Development plans range Development plans recreation Development plans	Resource Development Planning	District	five year development areas	1:5,000	5	5	- logistics for resource use development

* Local plans do not follow a standard naming convention. Examples of Local plans are the South Moresby Resource Plan or the Southgate Coordinated Resource Management Plan.

(Source: BC MoF 1983)

planning) reflects a renewed focus on the implementation of integrated resource planning (BC MoF 1990). Recent changes to the planning process include the subdivision of TSAs into "Resource Emphasis Areas" (REA) through a type of zoning exercise, and the use of interagency planning teams (IPTs) to ensure that the interests of all affected agencies are considered. The Integrated Resources Branch of the MoF is also proposing fundamental changes to the current planning system for Crown forest lands to develop a comprehensive planning system tailored to meet emerging demands for effective, consultative, government-led planning for provincial forest lands (BC MoF 1991).²²

The MoF planning process is designed to be flexible to account for regional differences and circumstances, and plans are intended to be flexible to account for changes in information, needs and values (Niezen 1990).

The following sub-sections discuss the purposes and products of the five planning levels in the hierarchical framework, as carried out by the MoF for TSAs throughout the province. Planning for Tree Farm Licenses (TFLs) is conducted by the licensee through the development of a Management and Working Plan using a three-tiered planning process. This latter process corresponds to the Resource Management Planning, Local Resource Use Planning and Resource Development Planning processes which follow. Differences in the planning processes for TSAs and TFLs are noted.

²² Still more recent revisions in the development of a "System for Forest Land Management Planning" is underway by the MoF. As a result, the planning processes discussed in this chapter reflect the existing documented processes. Wherever possible, mention will be made of potential changes to these processes as a result of this new initiative.

4.4.1. Provincial Planning

Provincial planning is undertaken to establish broad provincial policies. These policies are developed within the context of government priorities and its view of society's priorities and goals, and correspond to the Forest Minister's own policies and goals. Examples of provincial policies include the Public Involvement Policy, the Integrated Resource Planning Policy and the new policy framework for managing wilderness in provincial forests. Ministry policy is approved by the Deputy Minister and documented in the Ministry's Policy Manual.

The Ministry of Forests' Ten Year Forest Range and Resource Analysis and the Five Year Forest and Range Program are prepared through the provincial planning process. The Resource Analysis provides an account of provincial resources, consisting of an inventory of the forest and range resources, a description of the extent of forestry activities, an analysis of trends and forecasts, and a description of the programs undertaken. The Five Year Forest and Range Program, required annually by statute, is intended to direct the integrated management program and sets broad priorities and targets based on the supply and demand evaluation of the Resource Analysis.

At the provincial level, the Chief Forester sets the Allowable Annual Cut (AAC) for each TSA/TFL and aggregates these for the province. Headquarters staff provide policy direction and procedural guidance for regional staff, monitor regional planning activities, and provide technical support in the form of timber supply analyses.

Public participation is not officially required at the provincial level. When used, public participation at this level is characterized by briefs from organizations to

ministers or Cabinet, royal commissions, formal conferences and political advisory groups (BC MoF 1981).

4.4.2. Regional Priorities

There are six forest regions in the province. Within the context of provincial policies and goals and under the Regional Managers's direction, regional staff are responsible for coordinating planning activities with industry and other ministries. Regional priorities are developed in the form of tentative timber, range and recreation production targets set for TSAs and TFLs in each region. To date, no regional plans have been completed or drafted; priorities and production targets have simply been established. This is accomplished through an informal process of consultation and discussion with the forest industry and the regional resource managers of other government agencies (Vance 1990). Regional managers assess resource management priorities and allocate resources to District Managers for timber, range and recreation management programs within TSAs and TFLs. Regional coordination is provided for inter-ministry activities and for the preparation of TSA plans with appropriate public involvement procedures. Monitoring and evaluation of district performance is also provided at the regional level (BC MoF 1983).

4.4.3. Resource Management Planning

Resource management planning forms the strategic basis for developing and coordinating forestry programs carried out by the ministry and licensees. Most of the planning effort is focused here and this is the first level at which actual resource

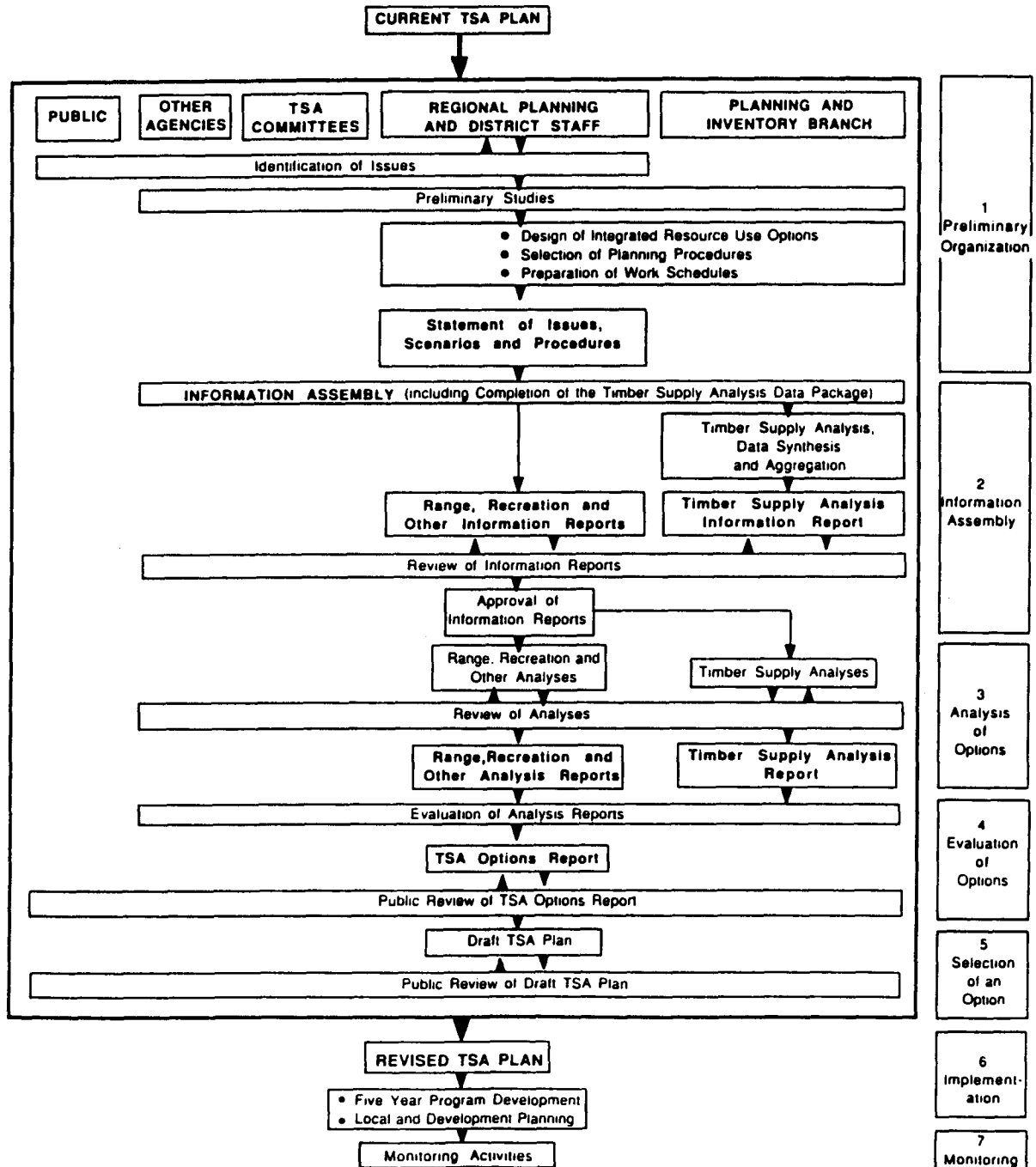
management plans are prepared. Resource management planning for individual TFLs and TSAs provides the link between broad, largely non-quantitative, provincial and regional level policies and priorities, and more detailed, area-specific resource use and resource development plans (BC MoF 1983).

Resource management plans are developed and maintained for each TSA and TFL (see Figures 3 and 4 for flowcharts of the TSA Resource Management Planning process and the TFL Management and Working Plan planning process). The Forest Service develops and revises TSA Resource Management Plans on a regular basis for each TSA. Similarly, TFL holders (licensees) develop five-year TFL Management and Working Plans (TFL M&WPs) for each TFL. Resource management planning determines the rate of harvest for timber and its subsequent apportionment, allocation among tenures and licenses, and the location of licensee's 20-year supplies of Crown timber (BC MoF 1985). The resulting TSA Resource Management Plans and TFL M&WPs constitute guidelines for resource management and set out strategic resource management goals and objectives for timber, range, recreation and other resources, resource use assumptions and designated supply areas for the next 20 years (Vance 1990). Five year Management and Working Plans for TFLs set the approved AAC for each license area and outline objectives for timber harvesting, forest protection and integrated resource management. Resource management plans are prepared every five years, or sooner if required. Overall coordination for resource management planning is a regional responsibility.

Resource Management Plans for TSAs contain:

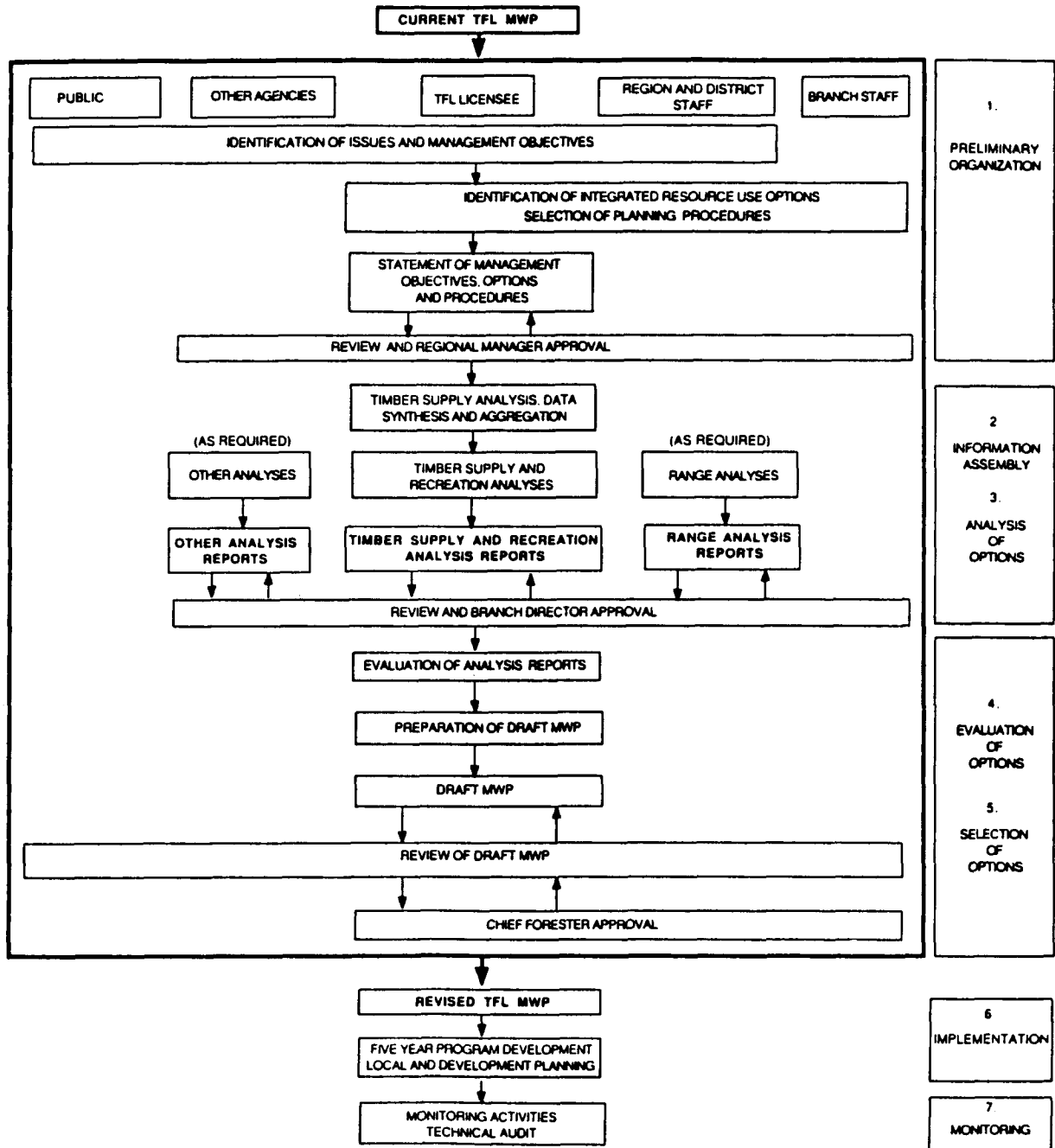
- 1) descriptions of resource management issues and objectives (including other agency objectives);

Figure 3. Timber Supply Area Planning Process



(Source: Andrews and Higman 1986)

Figure 4. Tree Farm License Planning Process



(Source: Andrews and Higman 1986)

- 2) targets for timber, range and recreation (expressed as quantitative, short-term and long-range forecasts);
- 3) resource use assumptions underlying these production targets;
- 4) maps showing resource emphasis decisions;
- 5) management strategies for achieving the production targets for timber, range and recreation;
- 6) management direction including integrated resource use guidelines for preparing Local Resource Use and Resource Development Plans; and
- 7) license timber harvesting areas over the next 20 years (BC MoF 1990).

Public involvement in TSA planning is conducted in accordance with Ministry public involvement policies and procedures. The Ministry is required to notify the public about opportunities for input. Public consultation is provided during the following stages: issue identification; review of draft terms of reference; review of the TSA Options Report; prior to the determination of an AAC; and through a public review of draft TSA plans before the approval of final, revised TSA plans. The manner in which public involvement is incorporated into the planning process is explained in greater detail later in this section.

TSA Steering committees conduct TSA planning for a 20-year period with reviews every 5 years. TSA Steering Committees consist of representatives from the MoF, resource agencies that promote other, non-timber forest and environmental resources like the Ministry of Environment and the federal Department of Fisheries, and forest industry representatives who advise on technical matters such as timber resource analysis (Vance 1990). This committee is formed under the direction of the Regional or District Manager with representatives selected to reflect specific needs of the area. The TSA Steering Committee focuses on timber issues and advises on the development of management options, conflict resolution between operators and other resource users, environmental, wildlife and fish habitat issues, recommendations for the

resolution of various industry, environment and agency concerns, and specific management issues as they arise (Vance 1990). A permanent body, the TSA Steering Committee functions during the resource management planning process in the development of terms of reference, review of analysis reports, and assisting in the development of Options Reports.

Recently, the MoF proposed the creation of interagency planning teams (IPTs) to prepare these plans (See Section 4.4.1). TSA planning will then be assisted by two types of committees: an IPT and a TSA Steering Committee. IPTs are still at a developmental stage, but their role has been tentatively identified. Appointed by the District Manager, the IPT will be chaired by an MoF planner and comprised of representatives from each of the resource agencies most directly affected. When formed, the IPT will include representatives from the TSA Steering Committee who will serve in an advisory capacity and assist planners on the timber resource analysis or other technical matters as required. Representatives from other agencies may also chair subcommittees dealing with specific issues, and these bodies will provide technical expertise to develop feasible options. Licensed resource users may also be included on these subcommittees. The IPT will be the main committee involved in the preparation of Resource Management Plans (Forest Land Management Plans). Public involvement will be at the discretion of this committee. Currently there is no provision for formal involvement of non-licensee holders in the decision-making process.

A recent addition to the resource management planning process is the sub-division of TSA units into "Resource Emphasis Areas" (REAs) to assist in identifying resource use issues more clearly. By sub-dividing TSAs into homogeneous planning

units defined on the basis of similar features, resource potentials, management requirements and operational constraints or combinations of these, REAs may then be placed into general use and management categories and assigned site-specific prescriptions (BC MoF 1990). Categorization of REAs also helps in the definition of analytical needs and identification of resource use conflicts.

Once plotted on TSA maps, the Resource Emphasis Area designations will be discussed with the planning team, the TSA Steering Committee and the public. Map labels will be used to indicate resource use preferences and constraints to other resource users (BC MoF 1990). Through this form of zoning exercise, issues and needs may be identified for a particular area for all stakeholders. Objectives articulated for all resources may then be used in a process of negotiation to achieve consensus amongst resource managers in the allocation of forest lands. Each issue or concern will be incorporated into the development of options for consideration in the planning process. The use of REAs will assist in the development of land management options and reflects the change in focus from a former production-target orientation.

TFL planning is similar to TSA planning except that planning is done by the licensee with Ministry consultation and technical review, and Chief Forester approval. Steering committees are not involved in planning for TFLs and opportunities for public participation are limited to two stages: public submissions are solicited when planning and the public is invited to review the contents of completed draft plans.

Ultimate approval of both TSA Resource Management Plans and TFL Management and Working Plans is given by the Chief Forester of the Ministry of Forests. The Minister of Forests approves the apportionment plans for TSAs. Plan

implementation is the responsibility of district staff who use these plans to establish forest management program proposals for the Ministry's Five Year Program.

Monitoring involves all levels of staff.

The MoF planning framework divides the resource management planning process into seven steps:

1. Preliminary Organization and Issue Identification
2. Information Assembly
3. Development and Analysis of Options
4. Evaluation of Options
5. Option Selection and Plan Development
6. Implementation
7. Monitoring

The relationship of these steps to the TSA and TFL planning processes is illustrated in Figures 3 and 4. These steps are briefly reviewed to illustrate how land use allocation and management decisions are made and how resource conflicts are dealt with.²³

4.4.3.1. Preliminary Organization and Issue Identification

Terms of reference are determined by the planning committee. At this stage, membership is organized, issues to be addressed are documented, information needs are determined, steering committees and working groups are formed, initial integrated resource use options are identified, analysis procedures are identified, and a work schedule is established for plan participants.

Issue identification involves identifying known or anticipated problems and perceived opportunities associated with the management of timber, range and recreation

²³ The manner in which these steps will change with the new Forest Land Management Planning System is not yet clear.

resources. Preliminary Resource Emphasis Areas (REAs) may be used in the identification of issues (that may be of a social or technical nature). Terms of Reference are reviewed by the TSA Steering Committee and other committees dealing with the TSA, referred to Integrated Resources Branch and Inventory Branch, and made available to other agencies and the public (BC MoF 1990). Notification is currently carried out through news advertisements and posted notices.

At this stage, MoF Public Involvement Policy requires that public input be solicited and considered. The MoF or licensee must advertise that a forest plan is being prepared and that public input is allowed. People can give ongoing input to the Regional Manager to keep their concerns in the forefront during preparation of the initial planning documents. Members of the public can also arrange to meet MoF staff to discuss issues they want addressed (Vance 1990).

Public input is not sought in the preparation of integrated resource use options for TSAs. Rather, the public is invited to comment on options developed by the MoF and the TSA Steering Committees. Licensees prepare options on TFLs, and no provision is made for public review or comment. Decision-makers are guided by Ministry policy in the selection of planning activities (involvement of other agencies, public involvement, choice of analytical techniques, etc.)

The first document prepared by regional and district planning staff on a TSA is called a Statement of Issues, Scenarios and Procedures (SISP). On TFLs, the licensee prepares a document called a Statement of Management Objectives, Options and Procedures (SMOOP) that describes preliminary steps to be carried out in the

development of a Management and Working Plan. Contents of these documents include management objectives, management issues and management options (Vance 1990).

Ultimately, the Statement of Management Objectives, Options and Procedures becomes an integral part of the TFL M&WP. SMOOPs are reviewed and evaluated by MoF and other agency staff before being approved or rejected by the Regional Manager. A SMOOP only becomes a public document after approval. While public input is not sought in the review of SMOOPs, the public can check completed plans to determine if issues of concern have been incorporated. If issues have not been addressed, the public can request a written reason for the omission.

The Statement of Issues, Scenarios and Procedures is equivalent to the SMOOP in that it forms the foundation of the TSA Resource Management Plan and is a public document once completed. It does not undergo the same review process as the SMOOP because it is developed "in house". Vance (1990) notes that neither the SMOOP nor the SISP are released for public review and comment, although subsequent phases of forest plans are based on the objectives, options and procedures identified and formalized in them. These documents are available for review by request from the Regional Managers once they have been finalized and approved.

4.4.3.2. Information Assembly

Information assembly involves the systematic identification and synthesis of forestry and other data, and research needs to generate required data. In TSAs, data is organized and combined by Inventory Branch staff at MoF headquarters. In TFLs, the licensee carries out this work. There is no provision for public involvement at this stage.

4.4.3.3. Development and Analysis of Options

A number of alternative management strategy options are generated by the planning committee in this stage. The purpose of these options is to assess the implications of: alternative resource use allocations that indicate basic differences in resource management emphasis; investment levels for resource development; and production requirements to meet industrial needs (BC MoF 1990).

Attention is focused on decisions about land allocation and management intensity rather than site-specific problems. Options are defined to reflect "alternative futures" and are to reflect identified issues. A baseline option representing the historical or present ("status quo") situation is also included for comparison with other options. The generated options are then reflected as adjustments to the productive forest land base in the timber supply analysis. A number of computer optimization models are used to analyze timber supplies. Analysis is provided for other non-timber resources by appropriate resource agency staff in consultation with Forest Service regional or district planning staff (BC MoF 1990). Inventory Branch in Victoria prepares the Timber Supply Analysis Report while regional and district staff prepare the Range, Recreation and other Analysis Reports for TSAs.

These analysis reports are reviewed by the TSA Planning Committee before receiving approval from the Director of Inventory Branch and the Regional Manager. Once completed and approved, these reports are available from the Regional Manager. After approval, TFL Analysis Reports are available from MoF staff at the regional office or Victoria.

In TSAs and TFLS, public input is not actively solicited during this phase, nor are the analysis reports made available for comment before being completed (Vance 1990).

4.4.3.4. Evaluation of Options

At this stage, issues that have been identified are addressed and the implications of each option are evaluated. Evaluations are conducted by resource users who may be affected by a plan, and by managers who have responsibility for management and implementation (Vance 1990). On the basis of these evaluations, the Planning Officer (or District Manager), Forest Service staff and the planning committee select and recommend the integrated resource use option that they feel merits further consideration in resource management plan development (BC MoF 1990).

An Options Report presenting the set of integrated resource use options that have been selected is submitted to the Chief Forester before being released to the public. Feedback is solicited from Forest Service staff, the public, other agencies and the forest industry. Following a review of the feedback and consultations with the planning team, the Regional Manager chooses an option and makes a recommendation to the Chief Forester.

4.4.3.5. Option Selection and Plan Development

Following a public review of the Options Report the Chief Forester decides on a management option. In arriving at a decision, consideration is given to the target AAC and management objectives. In order that the Chief Forester can make an overall evaluation of the analysis, consultation is sought from the Integrated Resources Branch, other resource agencies, other interest groups and the general public. A Rationale

Report is produced documenting the resource management decisions and their rationale. Conditions and assumptions are outlined and a revised timber supply forecast is provided.

A Draft TSA Resource Management Plan or TFL M&WP is then prepared detailing the preferred management option and the associated AAC, range and recreation targets, and summarizing the decisions and recommendations made in the plan's development. These form the basis for the development of operational details of the plan. Subsequent planning activities and decisions outline how the production targets will be met and guidelines and management prescriptions are provided. Responsibilities for implementation are also defined. These draft plans are then reviewed by the MoF and other agencies to assess compatibility with agency management objectives and MoF policies and procedures. They are also reviewed by the public and the TSA Steering Committee. With feedback from this review, the Regional Planning Officer or District Manager coordinates the preparation of a revised Resource Management Plan and the Regional Manager recommends approval of this draft plan to the Chief Forester.

Public involvement at this stage consists of an opportunity to view the draft plan at an advertised public viewing session. The Regional Manager will receive written comments from the public for thirty days after the public release of these draft documents. It is the Regional Manager's responsibility to respond to any public concerns about draft TFL M&WPs. These issues are discussed with the licensee. The licensee is then responsible for revising and submitting a final Management and Working Plan for approval. In TSAs, the MoF must review public input and either alter

the draft plans or provide written responses indicating why the issues or concerns were not incorporated.

Apportionment of the AAC is a process conducted parallel to the resource management planning process and apportionment options are prepared by the Regional Manager for coordination and evaluation by the Timber Harvesting Branch.

Apportionment is approved by the Minister rather than the Chief Forester.

Once approval is provided by the Chief Forester for the Resource Management Plan, the Forest Service proceeds to develop Local Resource Use Plans and resource development plans consistent with the objectives and standards outlined in the plan. (See Sections 4.3.4. and 4.3.5. for more details.)

4.4.3.6. Implementation

TSA plans are implemented at the district level by District Managers and licensees. These plans are then used in the preparation of district annual programs and Local Resource Use Planning.

4.4.3.7. Monitoring

Both plans and inventories are monitored at the district and regional level. Decisions at the local resource use planning level are compared with the assumptions used in the Resource Management Plans. Audits are conducted by regional staff to ensure that the plan is being used in district decision making. Resource Management Plans for TSAs are normally revised every five years, but may be revised sooner in the event of major changes (eg. fire, pests, etc.).

4.4.4. Local Resource Use Planning

Local Resource Use Planning is used to resolve significant multiple resource use conflicts for areas within TSAs and TFLs designated for development. Local Resource Use Plans (LRUPs) set out area-specific integrated resource management objectives and prescriptions and are prepared for smaller geographic areas within the TSAs and TFLs. These plans are used to establish a compatible set of resource guidelines and objectives that enable resource development planning to proceed, particularly in response to perceived resource use conflicts. Planning at this level is conducted on an "as-needed" basis. That is, local resource use planning is initiated to resolve special multiple resource use conflicts or when more intensive analysis and planning is required within TSAs and TFLs. The use of this level of planning and the form it takes corresponds directly to the potential for conflict.

The goal of Local Resource Use Planning is to fully account for non-timber values, and to minimize the environmental impact of logging (BC MoF 1985). Planning is generally conducted on a watershed level and the type of action is dependent on the questions being dealt with. The more complex the issues, the more comprehensive the planning process. Currently, there are approximately four hundred Local Resource Use Plans in the province (Vance 1990), including those prepared for areas such as South Moresby, the Lower Stikine, and Meares Island.

Local Resource Use Plans specify how timber harvesting (or range and recreational development) should take place. Specific objectives and constraints for integrated resource use are specified and the onus is placed on the licensee to prepare

and submit a Development Plan that complies with the Local Resource Use Plan requirements to the Forest Service (BC MoF 1985).

Public participation in Local resource use planning may range from no participation to consultation between government agencies, to task forces and joint planning teams. The choice will reflect the local situation. Again, the complexity of this process and the extent of public involvement depends upon the potential for resource use impacts and conflicts. Task forces represent the highest level of participation. Task forces may include government agencies, industry representatives, public interest groups, native representatives and general citizens who have responsibility for overseeing the plan preparation (Brenneis 1990). Methods chosen to develop Local Resource Use Plans may include public meetings or a formal committee structure to involve the public, if there is a high degree of concern about the proposed development. Input and recommendations of any committee or working group are advisory to the MoF (Vance 1990). The same planning steps used in Resource Management Planning are used in this process and all planning documents are available to the public.

Community watershed plans, coordinated resource management plans and resource folio plans may be used to resolve resource use conflicts and establish integrated resource use management guidelines for local areas within TSAs and TFLs. This process usually provides a five- to ten-year development perspective. District staff are responsible for Local Resource Use Planning. The responsibility for resource use decisions is also dependent upon the potential for resource use impacts and conflicts, and ranges from the District Manager to MoF headquarters.

Monitoring at the Local Resource Plan level is made possible by the development of quantifiable details. Formation of a monitoring group that may include public representatives is a district level decision and is usually dependent on the public profile of the plan (Brenneis 1990).

4.4.5. Resource Development Planning

Resource development planning addresses specific parts of TSAs or TFLs and outlines the details of how resource development will actually take place on those areas. Methods, schedules and responsibilities for accessing, harvesting, renewing and protecting the resource are specified to enable site-specific operations to proceed. The resource management plan strategies and integrated resource management objectives identified through local resource use planning are used. Resource development planning occurs at two levels: five year Resource Development Plans broadly outline proposed cut-blocks and preharvest silviculture prescriptions, and annual operational plans detail the logistics for resource use development.

Five year Resource Development plans provide more specific planning and a rational framework for the entire planning unit in which operational planning can be conducted. Cutting permits that outline specific cut-block boundaries and list conditions or harvest restrictions to protect non-timber resources are included in the operating plans.

Examples of resource development plans include: those required for the implementation of a TFL Management and Working Plan (TFL M&WP); resource development plans required of Forest License and Timber Sale License timber tenures

within TSAs; Range Unit Plans; and others such as recreational site development plans, silviculture development plans and major road development plans (BC MoF 1983).

Resource assessments are conducted to provide a perspective of all resources in the planning unit, to provide information and prescriptions for non-timber resources, and an outline of the total, harvestable timber producing area.

On TFLs, licensees draft resource development plans for approval by the District Manager. These plans provide specific information regarding harvesting and forestry projects in the license areas and are supplemented by annual updates. Comments obtained through consultation with other government agencies and from public reviews must be incorporated by the licensee. Preharvest silvicultural prescriptions prepared by the licensee must be approved by the MoF. These documents provide specific timber and topographic information from proposed harvesting areas and provide licensees with the authority to harvest timber in designated areas according to specific requirements (Niezen 1989).

4.5. CURRENT PLANNING INITIATIVES

As mentioned earlier, the MoF has undergone significant scrutiny in the past few years, and efforts have been initiated both within and without the MoF to address evolving challenges. During the past year, the MoF has continued to revise its forestry planning process (TSA resource management planning has been renamed "Forest Land Management Planning"), the B.C. Forest Resources Commission has submitted its first report to government following almost two year of research, and the Old Growth

Forestry Strategy Project is finalizing its first strategy report for government. This section briefly reviews these initiatives and their (in some cases, preliminary,) findings in the hopes of helping the reader to appreciate the complexity of the issues and the difficulty in assessing this constantly changing decision-making environment. These initiatives have dealt with a much broader agenda of issues than has this thesis. The following review is focused on recommendations or findings concerning stakeholder involvement, conflict management and institutional structures for planning and decision-making.

4.5.1. Ministry of Forests Forest Land Management Planning

Stemming from the revisions that were initiated last year, the MoF (by way of the Integrated Resources Branch) has continued to reform its planning system towards a more integrative, consultative, government-led process. Of primary significance has been the proposal for "interagency planning teams" comprised of government agency representatives to conduct forest land management planning. This effort stems from the concern that the existing process has been inadequate in integrating the objectives and programs of agencies having responsibilities on provincial forest lands.

Several pilot TSAs in the province are utilizing the proposed new process in the development of new Forest Land Management Plans. A major difference between the old and revised process is that where the former planning process was based on production targets (i.e. AAC-driven), the new process emphasizes the development of land management options. As these pilot TSA planning processes are occurring "in transition", they are using a hybrid of the old and new planning processes. The most

progressive planning efforts (e.g. Kispiox TSA and Kamloops TSA) have emphasized comprehensive opportunities for interest groups and the general public to participate, provide input and review the planning process at several stages. In addition, several processes are using principles of consensus-based decision-making (i.e. preparing consensus documents and making decisions by consensus). To date, revisions to the TFL planning process have not been initiated.

4.5.2. B.C. Forest Resources Commission

The B.C. Forest Resources Commission (FRC) was formed in 1989 as an open vehicle of inquiry to examine the state of the provincial forest land base and recommend improvements for its management. A permanent body, the FRC is not a Royal Commission, but the twelve commissioners have the same powers as a Royal Commission. Through a series of public hearings and written submissions over the past two years, the FRC received input from thousands of British Columbians.

In their final report, The Future of Our Forests, a number of recommendations were made that directly affect the forest planning process and provisions for stakeholder involvement. In its call for "enhanced stewardship" the FRC recognized the public's desire to see the provincial forest land base being managed for a full range of values. The FRC also felt that planning for forest lands must occur within the context of an overall land use strategy. Provisions for meaningful public participation were stressed again and again. Also recognized were the need for: a new and broader range of skills among resource managers including more training in environmental management, public participation and conflict resolution; training of

mediators and the development of a conflict resolution process; and provisions for ensuring that public participation is enshrined in legislation (BC FRC 1991). The FRC supported the following components of a public participation program: a legal mandate, an easily understood process, those involved must be accountable, public access at key levels of the process, provision to notify interested parties, access to information, adequate resources for participants, written reasons for decisions, a conflict resolution mechanism, and an appeal process (BC FRC 1991).

4.5.3. Old Growth Strategy Project

In response to continued concern about the fate of old growth forests in B.C., the MoF, in cooperation with the Ministries of Lands and Parks, Environment, and Development, Trade and Tourism undertook to develop a strategy for the management of old growth forests in the province. The process involved approximately ninety people from government, the public, labour, industry, universities and consulting firms in eighteen months of research, discussion and writing. Included in draft recommendations are calls for consensus-building negotiations among interested parties, backed by research, mediation and public involvement.

The participants were divided into five working groups to address the various elements or components of an old growth strategy. Two working groups that addressed questions of institutional arrangements and conflict management were the Policy Development Team and the Values Team. They reflected on questions of principled negotiation, consensus-based decision-making and appropriate institutional structures and processes for improved land use planning. Participants recognized the importance

of industry and public participation to complement the integrated resource management process and called for the use of the consensus-based negotiations approach. They also called for greater access to information used in decision-making to help communities make informed choices about issues of local concern (Salasan and Assoc. 1991a).

CHAPTER V. EVALUATION OF THE MINISTRY OF FORESTS PLANNING PROCESS

The purpose of this chapter is to evaluate the MoF planning process using the normative criteria established in Chapter III. Performance is discussed with respect to the normative criteria and briefly in terms of support for the three major goals: fairness, stability and efficiency.

5.1. PERFORMANCE OF CRITERIA

As noted earlier, the case study used in this thesis constrains the type of evaluation that may be conducted. These normative criteria are difficult to quantify and the case study is broadly descriptive. As a result, this preliminary evaluation identifies the process performance with respect to these criteria, and reaches qualitative conclusions.

5.1.1. Legal Framework

The decision-making process should be formally structured in a legal framework established by statutes and regulations.

Some aspects of the MoF planning process such as the requirement to prepare working plans are contained in legislation. Other planning procedures such as the access to information policy and the public participation program are outlined in policy documents that lack legal force. The absence of a formally structured decision-making process situated in legislation and regulations permits a high degree of administrative

discretion. While this may provide for flexibility in decision-making, it also leads to a lack of certainty.

Plans and planning procedures must remain flexible to accommodate changing needs, circumstances and information. This point has been a concern of some Ministry staff who fear losing flexibility in the planning and decision-making process by excessive rigidity resulting from legislating the process (O’Gorman 1991). However, the BCFRC (1991) noted that while a legislated decision-making process will reduce administrative flexibility to some degree, accountability for decisions should be increased and the basis for conflicts over decisions should be reduced.

Index conclusion: The current decision-making and planning process is not adequately situated in a legal framework.

5.1.2. Public Document

Information on the decision making process including timing, criteria and the roles of various actors in the process should be provided to all stakeholders. All aspects of the decision-making process should be clear, understandable and available to the public in a comprehensive written document.

Few specific details of the MoF’s public participation or planning processes are set in legislation or policy. There is no public government document offering a comprehensive description of the planning and stakeholder involvement processes in an easily understood format.²⁴ Documents such as the MoF Forest Planning Framework describe the existing planning process, but there is no single comprehensive document that describes the roles of various stakeholders, decision criteria employed and the

²⁴ Vance (1990) offers the most comprehensive description of existing opportunities for public involvement in forestry planning, but this is not a government document. Moreover, the MoF planning process has changed significantly since this report was released.

process. The Public Involvement Handbook documents the range of public involvement tools and mechanisms that may be used in forestry planning, but is not intended to help lay people to understand the process.

Index conclusion: There is no public, comprehensive written document outlining the planning and decision-making process.

5.1.3. Notification of Decisions

Stakeholders need formal and timely notification of all major upcoming decisions and opportunities to participate in those decisions.

Through their involvement in TSA Steering Committees, MoF and other agency staff are regularly apprised of decision points in the process. Similarly in TFL planning, the Management and Working Plan is prepared by the licensee and reviewed by relevant government agencies. However, notification (and participation) of other stakeholders is not as effective. Notification is currently carried out through news advertisements and posted notices. In TSA planning the public is notified when a planning process begins, and when there is an opportunity to review a draft TSA Resource Management plan. TFL holders are only obligated to notify the public when issues are identified at the commencement of the TFL planning process and when the TFL draft plan is completed.

While the public is notified at the commencement of these planning processes, the MoF still relies on stakeholders to let them know if they want to be involved in the process. In addition, although some MoF staff actively solicit broad involvement by direct contact with potential participants, there is no explicit requirement for this.

Index conclusion: The MoF adequately notifies stakeholders for required public participation opportunities. However, involvement in and notification of all key decisions could be enhanced. A clearly defined and well-understood process would improve notification of decisions.

5.1.4. Comprehensive Involvement Opportunities

Comprehensive opportunities for stakeholder involvement must be provided to permit constructive, face-to-face, goal-oriented planning to occur.

Traditionally, the right to participate and the level of influence ultimately given to the stakeholders has often only been outlined in policy and left to the discretion of the minister or agency. Such discretion may prevent stakeholders from participating in the decision-making process.

Current public participation opportunities in resource management planning are restricted to responding to select draft documents and plans prepared by the planning committees. This does not provide an active involvement opportunity for all stakeholders. Opportunities for involvement by other stakeholders (the "public") are usually set in a public meeting or open house format. This format tends to reinforce positions rather than exposing interests and concerns. In addition, membership on these committees is generally restricted to government agencies and industry representatives.

While a broader representation of stakeholders may be more involved in operational advisory committees in the preparation of Local Resource Use Plans, this occurs at the discretion of the MoF. The public is encouraged to review and comment on detailed resource development plans for forest management activities, but there is no opportunity for extended involvement in the preparation of these plans. Although more

participative forms of participation are available at the discretion of the MoF, stakeholder dissatisfaction noted earlier in this thesis would suggest that even when utilized, this practice is ineffective. In order to make effective, fair and equitable tradeoffs among conflicting objectives and competing users, stakeholders should have the opportunity to negotiate from positions of relative equality in a process coordinated by a neutral body (Pearse 1987). The resource management planning process for forest lands in B.C. is weak on both counts.

Stakeholders need opportunities to participate throughout the planning process: in issue identification, options generation and analysis, and in the choice of a decision. The development, evaluation and selection of preferred alternatives is the most important phase for stakeholder involvement (Vance 1990). Relationships, trust and understanding will be fostered by involvement opportunities that provide a constructive environment for face-to-face interaction and discussion.

The revised MoF planning process provides broader representation on Interagency Planning Teams and greater utilization of advisory committees with broader representation including the public. While team planning at the strategic level is an improvement, there is now a need for greater representation on these teams. This will ensure that stakeholders see that their concerns have been addressed and provides opportunities for joint fact-finding and the generation of mutually agreeable decisions.

Index conclusion: Provisions for stakeholder involvement throughout the process are inadequate.

5.1.5. Adequate Resources to Participate

All stakeholders should have adequate resources to participate.

While government and industry generally have adequate resources to participate, most members of the general public and many interest groups are limited by their economic status. However, restricting participation on the basis of a lack of adequate resources undermines the democratic principle that all parties affected by a project should be able to participate in the decision-making process.

Under MoF policy, some logistical support services are provided for "sponsored groups" in the form of expenses and clerical support for advisory groups or task forces. No intervenor funding is provided by the MoF.

When resources are provided to facilitate full stakeholder involvement, certain conditions should be placed on qualification for assistance. The ability to demonstrate a direct interest in the area in question may be a sufficient condition for qualification to receive funds (Parenteau 1988).

Index conclusion: Limited logistical support is made available to select participants, but adequate funding to ensure full stakeholder representation is not provided.

5.1.6. Timely Access to Information

Stakeholders need timely access to information utilized in the decision making process.

The current Access to Information Policy of the MoF is limited in its effectiveness because of the stipulation that only non-confidential information may be made available. The policy then proceeds to define permissible information so strictly

that the status quo is virtually maintained in which accessible information is extremely limited. To ensure that information is readily available, this provision should be seated in legislation.

Index conclusion: The current Access to Information Policy is too restricting in terms of information that is publicly available.

5.1.7. Written Reasons for Decisions

Decision-makers should be required to provide stakeholders with a written statement summarizing how key decisions were reached and how the various concerns expressed by stakeholders were taken into account.

MoF policy requires that written reasons for decisions be provided (when requested by a stakeholder) in the event that a stakeholder's recommendation was not incorporated in a plan. However, when this occurs, the written responses are brief and provide inadequate reasons for decisions. This policy could be improved by requiring that decision-making assumptions and rationales be made available to requesting stakeholders.

Although stakeholders understand when decisions were made (they know the timetable), and what decisions were reached (they see the plan), they do not always know why a given decision was reached or how their concerns were addressed. In order for trust and relationships to develop and to foster fair decisions, it is important that stakeholders see that their concerns have at least been considered.

Index conclusion: Decision criteria and written reasons are not adequately provided for all decisions.

5.1.8. Appeal Mechanisms

An appeal process should be available allowing stakeholders to challenge land management decisions that contravene due process or are inconsistent with prescribed guidelines or objectives.

The right to appeal is an important check to administrative or political discretionary decision-making. There are no provisions for an internal appeal in the MoF and external appeals to the courts may only be made for questions of law. Appeals to the courts are lengthy. Moreover, such appeals are weakened by excessive discretion in the legislation.

An appeal process can serve as an alternative to unsuccessful mediation or negotiation before a more costly and time-consuming legal route is pursued. Providing stakeholders with access to information and rationales for decision-making decreases the likelihood that appeals will be pursued.

Decision-making should not be transferred to an appeal body that is not democratically accountable. Rather, following examination by the appeal body, a contested decision should be returned to the planning body for re-evaluation.

Index conclusion: There are no provisions for an internal appeal and external appeals to the courts may only be made for questions of law.

5.1.9. Democratic Accountability

Those responsible for making the final decision must be impartial, adequately represent the broad public interest, possess relevant expertise and be directly or indirectly accountable through the democratic process to those affected by the decision.

In the MoF, ultimate authority is held by the elected provincial Cabinet, although the Chief Forester has been delegated responsibility to make most decisions.

Accountability thus passes from the Chief Forester to the Cabinet to the public. With all decisions made by the Chief Forester, the question emerges as to whether one member of a line agency can adequately represent the full range of interests affected by decisions. Such a structural feature serves to undermine openness in the process. A participative process using committees and stakeholder representation would serve to strengthen accountability.

Index conclusion: Cabinet and the Chief Forester are democratically accountable, but openness in the process is undermined by the fact that one person (the Chief Forester) makes the final decision.

5.1.10. Structured Administrative Discretion

The decision-making process should be flexible enough to accommodate diverse land use management problems. This necessitates some degree of discretion. Discretion, however, should be exercised within a structured framework specifying the circumstances and criteria to be used in decision-making.

There is a great deal of discretion in the current planning process. For example, the current access to information policy, the public participation program, decision-making criteria and analytical requirements for plan preparation are provided in policy documents that lack legal force. This contributes to a lack of certainty. The absence of formally structured legislation and regulations allows for a high degree of discretion in the decision-making process.

Index conclusion: There is excessive discretion in the current MoF planning process.

5.1.11. Mediation and Conflict Resolution

When possible, mediation and negotiation techniques should be utilized to reduce conflict or achieve consensus.

Interest in and the use of conflict resolution and consensus-building techniques have increased in recent provincial policy initiatives (BCFRC, Old Growth Strategy Project, Round Table on the Environment and the Economy) and in the proposed revisions to the MoF planning process. However, there is no provision for mediation or negotiation in the current planning process. With the use of Resource Emphasis Areas and increased emphases on land management options rather than production targets, the potential for mediation and negotiation to assist in decision-making is enhanced in the proposed revised process. These developments will require changes in the training and education of resource managers and decision-makers to increase their facility with these techniques.

Index conclusion: There is no provision for mediation or negotiation in the current planning process.

5.1.12. Monitoring of Decision Implementation

Implementation of land use decisions should be monitored to measure the success of the management strategy. The monitoring process should be clearly prescribed and the results should be available to all interested parties.

Provisions are made for headquarters to monitor regions and regions to monitor districts. In addition, regional planning staff oversee the implementation of TSA plans by the districts. However, monitoring as part of the Resource Management Planning process has tended to be weak (Niezen 1989).

While there are provisions for monitoring of TSA and TFL plans, this process is made problematic by the general nature of management objectives set in these plans. This influences the effectiveness of Local Resource Use Plan decisions as they relate to resource management assumptions. The absence of stakeholder involvement also leaves the entire monitoring process as a government responsibility whereas stakeholders who have been involved in the process could assist in this regard.

Index conclusion: While provisions for monitoring exist, their implementation is weak and problematic.

5.2. SUPPORT FOR THREE MAJOR GOALS

The MoF planning process achieves a certain level of fairness, stability and efficiency. However, there are additional elements of planning and decision-making processes that would strengthen the achievement of these goals. For example, fairness in the process is undermined largely by inadequate provisions for legislation of the process, for involvement in the process, for documentation and information about planning and decision-making, for resources to participate, for information used in decision-making, for appeals, for the structuring of discretion, for mediation and conflict resolution and for monitoring. Efficiency in decision-making is also undermined by inadequate provisions for a comprehensive legal framework for planning and decision-making, for documentation of the process, for notification of participation opportunities, for comprehensive involvement opportunities, for resources to participate, for access to information, for the structuring of discretion and for adequate monitoring of decision

implementation. Finally, stability in decision-making is not well served due to inadequate provisions for a legal framework for decision-making, for notification and provision of involvement opportunities, for sufficient resources to participate, for written reasons for decisions, for appeals, and for mediation and conflict resolution.

Conclusions and recommendations that address these inadequacies are developed in Chapter VI.

CHAPTER VI. CONCLUSIONS AND RECOMMENDATIONS

This thesis proposes that by improving the Ministry of Forests planning and decision-making process by providing meaningful stakeholder involvement and the incorporation of conflict management principles, resulting decisions and plans will be more fair, efficient and stable. Such a process will contribute to a reduction in the occurrence of forestry conflicts and disputes in this province. Greater stakeholder involvement is needed because societal values are changing. In order for the process to be responsive to changing values, the Ministry of Forests requires an understanding of forest resources as public resources that are managed with and for all stakeholders.

The purpose of this chapter is to summarize the conclusions of Chapter V and to develop general conclusions. Recommendations for further reform are also addressed. Finally, suggestions are made for further research.

6.1. SUMMARY OF CONCLUSIONS

Table 2 summarizes conclusions drawn from the evaluation in Chapter V.

TABLE 2. SUMMARY OF CONCLUSIONS

CRITERION	CONCLUSION
Legal Framework	The current decision-making and planning process is not adequately situated in a legal framework.
Public Document	There is no public, comprehensive, written document outlining the planning and decision-making process and opportunities for stakeholder involvement.
Notification of Decisions	The MoF adequately notifies stakeholders for required public participation opportunities. However, involvement in and notification of all key decisions could be enhanced.
Comprehensive Involvement Opportunities	Provisions for stakeholder involvement throughout the process are inadequate.
Adequate Resources to Participate	Limited logistical support is made available to select participants, but adequate funding to ensure full stakeholder representation is not provided.
Access to Information	The current Access to Information Policy is too restricting.
Written Reasons for Decisions	Decision criteria and written reasons are not provided for all decisions.
Appeal Mechanisms	There are no provisions for an internal or external appeal for planning decisions made in the MoF.
Democratic Accountability	The Provincial Cabinet and the Chief Forester are democratically accountable, but the process could be improved through increased stakeholder involvement.
Structured Administrative Discretion	There is excessive discretion in the current MoF planning process. In addition, the Chief Forester retains a great deal of discretion in decision-making.
Mediation and Conflict Resolution	There is no provision for mediation or negotiation in the current planning process.
Monitoring	Existing monitoring provisions are weak and problematic due to the absence of clear, quantified objectives in resource management plans.

6.2. SUMMARY OF RECOMMENDATIONS

6.2.1. Legal Framework

Existing legislation should be amended to make provisions for a stakeholder involvement process, an appeal process and access to information. A clear legal framework contributes to certainty, clarity and accountability in decision-making. Within a structured legal framework however, care must be taken to retain sufficient administrative discretion and flexibility to permit adjustments to changing planning environments and circumstances.

6.2.2. Public Document

A publicly available, comprehensive, written document outlining the planning and decision-making process is a prerequisite to achieving fair, efficient and stable decisions. The provision of such a document is necessary.

6.2.3. Notification of Decisions

A clearly defined and well-understood process would facilitate notification of decisions. Current legislation should be amended to require full and adequate notification of all decisions and stakeholder involvement opportunities. Key decision points requiring notification include the initiation of various stages in TSA and TFL resource management planning, local resource use planning and resource development planning. Notification should outline opportunities to participate and invite

stakeholders to be involved. All major stakeholders should be separately contacted and informed of the process.

6.2.4. Comprehensive Involvement Opportunities

Stakeholders should have the opportunity to meaningfully participate in the development of plans through all stages of the planning process. Meaningful opportunities permit stakeholders to meet and interact in a constructive, face-to-face environment where they can provide input and scrutinize information and assumptions used in decision-making.

6.2.5. Adequate Resources to Participate

Intervenor funding should be provided to ensure that a full representation of stakeholders is able to participate in the planning process. Allocation of funds should be based on criteria outlined in funding guidelines to ensure a reasonable and fair allocation of funds.

6.2.6. Access to information

A revised Freedom of Information Act should be enacted, containing explicit descriptions of rights and restrictions for access to information. Meeting stakeholder needs for improved access to information also requires sufficient resources for MoF staff to respond to such requests.

6.2.7. Written Reasons for Decisions

The MoF should be required by legislation to provide written reasons for decisions. Written responses should outline decision criteria that were utilized and respond to stakeholder questions and submissions. Also, the requirement for an annual report outlining stakeholder involvement opportunities should be fulfilled. Written responses should also outline appeal processes.

6.2.8. Appeal Mechanisms

Independent appeal mechanisms should be established including a two-step process with an administrative appeal and quasi-judicial external appeal. Standing, reasons for allowing appeals and the composition of the appeal body must be clearly defined. The appeal process should be narrowly defined to permit only questions of compliance with due process in plan formulation and compliance with officially approved planning guidelines. This process would provide an efficient cost-effective alternative to the courts.

Decision-making should not be transferred to the appeal body. Rather, following examination by the appeal body, a contested decision should be returned to the planning body for re-evaluation.

6.2.9. Democratic Accountability

Currently the Chief Forester has a great deal of discretion in decision-making while the position is removed by a couple of management levels from the electorate. Implementation of a meaningful stakeholder involvement process would improve the

accountability of decision-makers while enhancing the capability of the planning system to adapt to diverse, dynamic planning environments.

6.2.10. Structured Administrative Discretion

The provision of a comprehensive legal framework for planning and decision-making, including explicit decision-making criteria, would assist in structuring discretion.

6.2.11. Mediation and Conflict Resolution

Delays and appeals over resource plans would be reduced if principles of consensus-based decision-making were incorporated into the planning process. Provisions for mediators and facilitators to assist in decision-making are required. In addition, a strategy for mediation and conflict resolution should be developed.

6.2.12. Monitoring of Decision Implementation

Resources and provisions for monitoring the implementation of TSA and TFL resource management plans, Local Resource Use Plans and Resource Development Plans must be improved.

6.3 GENERAL CONCLUSIONS AND RECOMMENDATIONS

Three key conclusions can be drawn from the results of this study. Firstly, the difference between the existing decision-making processes and the process characteristics proposed in this thesis lies in how stakeholders are involved in the process--in the level

of true collaboration and involvement of traditionally non-decision-makers with decision-makers in the preparation of forest plans. Currently, stakeholders are essentially provided with draft or final documents for review and comments that may or may not be incorporated in the final plan. However, they are not given an opportunity to understand how and why the decisions were reached.

By providing involvement opportunities wherein all stakeholders can come together in a constructive, face-to-face working environment, the potential is created for joint fact-finding, discussion and debate about issues and information, and the generation of mutually agreeable decisions. In this way, trust, understanding and relationships can develop that will further improve future working interactions. Improved accountability of decision-makers also reduces the likelihood that appeals will be necessary.

Secondly, providing the above planning and decision-making environment requires appropriate institutional arrangements in the form of legislation, policies and procedures. Existing legislation and policies are inadequate in defining how planning and decision-making is to be conducted in forest planning, and in providing for full stakeholder representation and involvement. The normative criteria utilized in this thesis represent key components of a planning and decision-making process that should be accommodated in revised legislation and policies. Adequate provision of these components will assist in improving the fairness, efficiency and stability of resulting decisions and plans.

Thirdly, successful implementation of these revised processes requires appropriate training and education for all decision-makers and stakeholders. Interest in

consensus-based decision-making has advanced far ahead of the current training and experience of government staff and stakeholders. A broad brush education and training program will be required to improve stakeholder and government staff understanding of public participation, facilitation, mediation, negotiation and consensus-building.²⁵ Moreover, additional staff will be necessary to provide the neutral mediators and facilitators required to guide these revised planning and decision-making processes.

A preliminary evaluation suggests that the proposed reforms to the MoF Forest Land Management Planning process are encouraging in terms of their emphasis on interagency planning teams, land management options rather than production targets, and expanded stakeholder involvement. This process is in a state of transition and its adoption in pilot TSA planning processes including Kamloops TSA, Kispiox TSA and others is varied. From a strictly institutional arrangement perspective (i.e., have the provisions been meaningfully changed?), the following developments are clear: Interagency Planning Teams are to operate on a consensus basis; the public is to be involved at key stages; responses to public input and access to information are to be improved; working groups including a broader range of stakeholders may be established; and management alternatives are developed and analyzed in consultation with stakeholders.

Additional necessary changes include appropriate changes in legislation, a clearly defined decision-making and planning process, adequate resources for participation, and the development of an appeal process.

²⁵

A recent consultant's study into education and management training needs among resource managers across B.C. emphasized skills in public participation and conflict resolution as being lacking across the province (Ellis 1990).

6.4 RECOMMENDATIONS FOR FURTHER RESEARCH

Through the development and completion of this thesis certain questions remained unanswered and informational gaps became apparent. This thesis did not utilize detailed case studies or survey results. Through a broad, preliminary review however, strengths and weaknesses of the existing process have been identified. This review presents opportunities for further investigation related to reforming the planning and decision-making in B.C. forest land management. Suggestions for further research stemming from this thesis include:

1. A study of detailed case studies to determine how well the normative criteria are met in the implementation of the process. These studies would confirm (or not) the above conclusions in practice.
2. Site specific case studies of the use of consensus-based decision-making and other alternative dispute resolution mechanisms to conduct forest planning and to resolve forestry disputes.
3. Studies into the role of contextual factors not directly related to institutional factors, such as power relationships and politics.
4. Studies to consider how these planning changes will integrate with structural changes proposed by provincial planning initiatives such as the Forest Resources Commission, the Old Growth Strategy Project, the Round Table on the Environment and the Economy, and the new Provincial Land Use Committee.

5. Studies into the development of appropriate training, education and management development for resource managers and participants to facilitate the use of consensus-based decision-making in forest planning processes.

6. Studies into stakeholder value profiles to determine whether they feel that these planning reforms adequately address the dissatisfaction documented at the start of this thesis.

Following an evaluation of the Ministry of Forests planning process, the foregoing conclusions suggest changes to the existing process. However, this thesis also illuminates the need for attention to be paid to more serious structural changes. In the meantime, the preliminary evaluation conducted in this thesis suggests that a planning and decision-making process that provides meaningful opportunities for stakeholder involvement and participation in decision-making, while incorporating principles of conflict management, could greatly assist efforts to provide planning that is more fair, efficient and stable. Such a win-win process could build trust, relationships and understanding between forestry stakeholders in an effort to reduce forestry conflicts and disputes in this province.

REFERENCES

- Amy, Douglas. 1987. The Politics of Environmental Mediation. New York: Columbia University Press.
- Andrews, W.J. and J.W Higman. 1986. Protecting the B.C. Environment: A Catalogue of Project Review Processes. Edited by R.L. Sherwood. Environmental Protection, Conservation and Protection, Environment Canada. Vancouver: Environment Canada.
- Arnstein, S.R. 1969. "A Ladder of Citizen Participation." Jour.of American Institute of Planners, July: 216-224.
- Bercovitch, Jacob. 1984. Social Conflicts and Third Parties: Strategies of Conflict Resolution. Boulder, CO: Westview Press.
- Bingham, Gail. 1986. Resolving Environmental Disputes: A Decade of Experience. Washington: The Conservation Foundation.
- Bloodoff, Peter P. 1981. An Assessment of the Lower Mainland Crown Land Planning Process. Masters Thesis, School of Community and Regional Planning, UBC. Vancouver.
- Brenneis, Kim. 1991. An evaluation of public participation in the British Columbia Ministry of Forests. Research Project. Natural Resources Management Program, Report No. 82. Simon Fraser University, Burnaby.
- British Columbia. 1979a. Forest Act. Revised Statutes of British Columbia, Chapter 140. Victoria, B.C.
- British Columbia. 1979b. Ministry of Forests Act. Revised Statutes of British Columbia, Chapter 272. Victoria, B.C.
- British Columbia. 1979c. Range Act. Revised Statutes of British Columbia, Victoria, B.C.
- British Columbia. Forest Resources Commission (BCFRC). 1991. The future of our forests. Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1981. Public Involvement Handbook. Queen's Printer, Victoria.
- British Columbia. Ministry of Forests. (BC MoF) 1983. Forest Planning Framework. Victoria, B.C.

- British Columbia. Ministry of Forests. (BC MoF) 1984a. Forest and Range Resource Analysis. Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1984b. "Chapter Two: Public Involvement Resource Planning Manual." In: British Columbia Ministry of Forests, 1981. Public Involvement Handbook. Queen's Printer, Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1985. Resource Planning Manual. Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1989. Managing Wilderness in Provincial Forests: A Policy Framework. Integrated Resources Branch, Recreation Section. Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1990. DRAFT Chapter 3. "Resource Management Plans for Timber Supply Areas." Victoria, B.C.
- British Columbia. Ministry of Forests. (BC MoF) 1991. Forest Land Management Planning for B.C. (Background Paper Series, March 1991).
- British Columbia. Office of the Ombudsman. 1989. Ombudsman, fairness for all in British Columbia. Annual Report to the Legislative Assembly. Victoria, B.C.
- British Columbia Round Table on the Environment and the Economy (BCRTEE). Dispute Resolution Core Group. 1991a. Reaching Agreement. v.1. Consensus Processes in British Columbia.
- British Columbia Round Table on the Environment and the Economy (BCRTEE). Dispute Resolution Core Group. 1991b. Reaching Agreement. v.1. Consensus Processes in British Columbia. Appendices.
- British Columbia Task Force on Environment and Economy. 1989. Sustaining the Living Land. The Report of the British Columbia Task Force on Environment and Economy. Victoria: Queen's Printer.
- Canadian Bar Association - Ontario (CBAO). 1988. Alternative Dispute Resolution: What's all the fuss and where is it going? October 3, 1988. CBAO Education and Meeting Centre, Toronto.
- Cormick, Gerald. 1982. "Intervention and self-determination in environmental disputes: A mediator's perspective". Resolve. Winter, 1982:1-7.
- Cormick, Gerald. 1987. Commentary. In: The Place of Negotiation in EIA Processes: Institutional Considerations. Ottawa: Canadian Environmental Assessment Research Council.

- Cormick, Gerald. 1989. "Strategic Issues in Structuring Multi-Party Public Policy Negotiations". Negotiation Journal, 5(2): 125-132.
- Crowfoot, James E. and Julia M. Wondolleck. 1990. Environmental Disputes Community Involvement in Conflict Resolution. Washington, D.C. and Covelo, Calif.: Islands Press.
- Dale, Norman G. 1991. "The Quest for Consensus on Sustainable Development in the Use and Management of Fraser River Salmon," IN Perspectives in Sustainable Development in Water Management: Towards Agreement in the Fraser River Basin. ed. A.H.J. Dorcey, 1991. Vancouver: Westwater Research Centre, The University of British Columbia.
- de Bono, Edward. 1985. Conflicts: A Better Way to Resolve Them. London: Harrap Ltd.
- Dellert, Lois. 1990. Manager, Forest Productivity and Decision Aids, Research Branch, Ministry of Forests. Personal communication. July 1990.
- Deutsch, Morton. 1973. The Resolution of Conflict: Constructive and Destructive Processes. New Haven and London: Yale University Press.
- Dorcey, Anthony H.J. (ed.) 1991. Perspectives in Sustainable Development in Water Management: Towards Agreement in the Fraser River Basin. Vancouver: Westwater Research Centre, The University of British Columbia.
- Dorcey, A.H.J. 1986a. Bargaining in the Governance of Pacific Coastal Resources. Vancouver: Westwater Research Centre, The University of British Columbia.
- Dunster, Julian. 1988. Conflict in Canadian Forestry. Ph.D. Thesis. Waterloo: University of Waterloo.
- Ellis, R. 1990. The Future's Integrated Resource Manager: Management development needs of integrated resource managers facing new challenges. June 1990. Ministry of Forests.
- Emond, Paul. 1988. "Alternative Dispute Resolution: A conceptual overview." in CBAO. Alternative Dispute Resolution: What's all the fuss and where is it going? October 3, 1988. CBAO Education and Meeting Centre, Toronto.
- Emond, Paul. 1987. "Accommodating negotiation/mediation within existing assessment and approval processes." In: The Place of Negotiation in EIA Processes: Institutional Considerations. Ottawa: Canadian Environmental Assessment Research Council.

- Environics Research Group Ltd. and Synergistics Consulting Ltd. 1991. Environmental Monitor. Winter 1990.
- Fisher, Roger and William Ury. 1981. Getting to Yes: Negotiating Agreement Without Giving In. New York: Penguin Books.
- Fox, I.K. 1991. "Institutional Design for the Management of the Natural Resources of the Fraser River Basin." in Dorsey, A.H.J. (ed.) Perspectives in Sustainable Development in Water Management: Towards Agreement in the Fraser River Basin. Vancouver: Westwater Research Centre.
- Gardner, Julia E. 1984. Coastal Conservation in New Zealand. Ph.D. Thesis. University of Canterbury.
- Gardner, Julia E. 1989. "What happens to people who save trees?" Social Planning and Research Council News, 6(1):6.
- Gunton, Thomas I. and Ilan Vertinsky. 1990. "Reforming the Decision Making Process for Forest Land Planning in British Columbia." Background Paper prepared for the Forest Resources Commission. Vancouver.
- Hansen, Jeurgen. 1991a. "Decision-making by True Consensus: A Discussion Paper With Some Recipes." Unpublished manuscript.
- Hansen, Jeurgen. 1991b. "A Proposal for a Functional Public Input Process into Integrated Land Use Planning in British Columbia." Unpublished manuscript.
- Himes, J.S. 1980. Conflict and Conflict Management. Athens, GA: University of Georgia Press.
- Ince, J.G. and Z.M. Pereboom. 1984. Land Use Law: British Columbia Handbook. West Coast Environmental Law Association. Vancouver: Butterworth and Co. (Canada) Ltd.
- Knopp, Timothy B. and Elaine S. Caldbeck. 1990. "The Role of Participatory Democracy in Forest Management," Journal of Forestry, 88(5): 13-18.
- McQuillan, Alan G. 1990. "Is National Forest Planning Incompatible with a Land Ethic?" Journal of Forestry, 88(5): 31-37.
- M'Gonigle, R. Michael. 1989. "The Unnecessary Conflict: Resolving the Forestry/Wilderness Stalemate," Forestry Chronicle, 65(5):351-358.
- Minnery, John R. 1985. Conflict Management in Urban Planning. Brookfield, VT: Gower Publishing Co.

- Niezen, Al. 1989. Integrating Forestry and Wildlife Management Through Forest Management Planning in British Columbia. Masters Thesis. School of Community and Regional Planning, UBC.
- Niezen, Al. 1991. Forest Land Planner, Integrated Resources Branch, Ministry of Forests. Personal communication.
- Niezen, Al. 1990. Forestry Analyst, Integrated Resources Branch, Ministry of Forests. Personal communication.
- O'Gorman, Denis. 1991. Director, Policy and Planning, Ministry of Forests. Personal communication. May, 1991.
- Omnifacts Research Ltd, Environics Research Group Ltd and CROP Inc. 1991. Survey of Professional Foresters in Canada. Final Report to Forestry Canada. January, 1991.
- Ontario. Ministry of Natural Resources. Policy and Planning Secretariat. 1986a. A Framework for Resource Management Planning in MNR. Toronto: Queen's Printer.
- Ontario. Ministry of Natural Resources. Policy and Planning Secretariat. 1986b. Strategic Planning: Issues, Assumptions and Strategies. Toronto: Queen's Printer.
- Parenteau, R. 1988. Public Participation in Environmental Decision-making. Ottawa: Federal Environmental Assessment Review Office.
- Pearse, Peter. 1976. Timber Rights and Forest Policy in British Columbia: Report of the Royal Commission on Forest Resources. Victoria: Queen's Printer.
- Pearse, Peter. 1987. "The challenge of change," Forest Planning Canada 1(5).
- Porter, Jack Nusan and Ruth Taplin. 1987. Conflict and Conflict Resolution: A Sociological Introduction with Updates Bibliography and Theory Section. Lanham, MD: University of America Press.
- Priscoli, J.D. and P. Homenuck. "Consulting the Publics" In Lang, Reg. (ed.) 1986. Integrated Approaches to Resource Planning and Management. Calgary: The University of Calgary Press. (pp.67-80)
- Raiffa, Howard. 1982. The Art and Science of Negotiation. Cambridge, MA: Harvard University Press.
- Sadler, B. 1980. "Towards new strategies of public involvement in environmental management," In Public Participation in Environmental Decision-Making: Strategies for Change. Proceedings of a National Workshop. (ed.) B. Sadler

- Sadler, B. 1978. "Basic Issues in Public Participation: A Background Perspective." In Involvement and Environment: Proceedings of the Canadian Conference on Public Participation, ed. B. Sadler, 1-12. Calgary: Environment Council of Alberta.
- Salasan and Associates. 1991. Toward an Old Growth Strategy. Discussion Draft of the Edited Strategy. (For Review) May 10-11, 1991. Project Meeting, UBC. Ministry of Forests.
- Salasan and Associates. 1991. Toward an Old Growth Strategy: Consensus Manuscripts of the Old Growth Project Teams. Prepared for the Ministry of Forests. May 10, 1991. UBC. Final Workshop Version.
- Scott, The Honourable Ian G. 1988. "The Government Perspective" in CBAO. Alternative Dispute Resolution: What's all the fuss and where is it going? October 3, 1988. CBAO Education and Meeting Centre, Toronto.
- Sieffert, Bruce. 1990. Manager, Resource Planning, Integrated Resources Branch, Ministry of Forests. Personal communication. July 1990.
- Smith, L.G. 1982. "Alternative Mechanisms for Public Participation in Environmental Policy-making," Environments, 14(3):21-34.
- Smith, L.G. 1984. "Public Participation in Policy-making: the state-of-art in Canada," Geoforum, 15(2):253-259.
- Susskind, L. and J. Cruikshank. 1987. Breaking the Impasse: Consensual approaches to resolving public disputes. New York: Basic Books.
- Tanz, J.S. and A.F. Howard. 1991. "Meaningful public participation in the planning and management of publicly owned forests," Forestry Chronicle, 67(2): 125-130.
- Thompson, Andrew R. 1980. "A Disciplined Framework for Public Participation," In Public Participation in Environmental Decision-Making: Strategies for Change. Proceedings of a National Workshop. (ed.) B. Sadler.
- Vance, Joan. E. 1990. Tree Planning: A Guide to Public Involvement in Forest Stewardship. Vancouver: B.C. Public Interest Advocacy Centre.
- Wondolleck, Julia M. 1988. Public Lands Conflict and Resolution: Managing National Forest Disputes. New York and London: Plenum Press.
- Wondolleck, Julia M. 1985. "The importance of process in resolving environmental disputes". EIA Review, 5(4):341-356.