

Ministry of Forests  
Information for  
Timber Sale Licence Agreement Holders

Legislative Requirements  
For  
Road Construction and Modification  
Timber Harvesting

Under the

Forest Practices Code of British Columbia Act  
Forest Road Regulation  
Timber Harvesting and Silviculture Practices Regulation



This pamphlet is an unofficial reproduction of excerpts of the *Forest Practices Code of British Columbia Act*, the Forest Road regulation and the Timber Harvesting and Silviculture Practices Regulation. Every attempt has been made to ensure accuracy and completeness, however this cannot be guaranteed. It still remains your responsibility as an agreement holder to comply with legislative requirements.

Current to December 12, 2003

Contact information

Skeena Stikine Forest District  
Bag 6000 3333 Tatlow Road, Smithers BC V0J 2N0  
Phone (250) 847-6300 Fax (250) 847-6353

Contact for Road Authorities and Approvals  
Ron Donnelly Tenures Forester

Contact for Compliance & Enforcement  
Bill Myers Compliance & Enforcement Supervisor

Website: <http://www.for.gov.bc.ca/dss/>

## Notice to Commence

### Timber Harvesting and Silviculture Practices Regulation 58 Forest Road Regulation 20

“Commencement” means initial commencement or re-commencement after an inactive period of 3 months or more

must notify the district manager, in accordance with subsection (3), before commencement of timber harvesting in a cut block OR road construction or modification to relocate a road.

(3) A notice under subsection (2) must specify:

- (a) the location of the cut block, including any administrative identifier that pertains to the location;
- (b) the holder of the agreement under the Forest Act;
- (c) the name of the holder's representative who is responsible for conducting the road construction or modification
- (d) the projected commencement date.

You may accomplish this by any one of the following methods

Web site <http://www.for.gov.bc.ca/dss/>

Fax a notice or mail a notice.

Contact - Bill Myers

## Road Use

### Forest Practices Code of British Columbia Act

#### Section 54. Use of roads on Crown land for timber harvesting or other industrial purposes.

54 (1) A person must not use a road on Crown land unless one of the following requirements is met:

- (d) the road is a forest service road, and the person is authorized to use it by a road use permit.

A Road Use Permit may be obtained from the Skeena Stikine District Manager

### Section 63 Road Maintenance

63 (7) The district manager may require the holder of a road use permit that authorizes the use of a forest service road to assume all or part of the responsibility for maintaining the road.

This will be a condition of your road use permit if required

Contact – Ron Donnelly

## Road Construction or Modification

### Forest Practices Code of British Columbia Act

#### Section 58. Authority required to construct or modify a road on Crown land.

58 (1) A person, other than the government, who constructs or modifies a road on Crown land must comply with subsection (2)

a. A person to whom this subsection applies may only construct or modify the road

(a) if

- (i) the road is identified in a forest development plan prepared or approved by the district manager, and
- (ii) the construction or modification has been authorized by a road permit,

(b) if the road is

- (i) authorized by a cutting permit, or a timber sale licence that does not provide for cutting permits, and
- (ii) wholly contained in an area covered by a cutting permit, or a timber sale licence that does not provide for cutting permits

if the road is wholly contained within your cutblock, your timber sale licence is the authority you need to construct or modify those roads.

If the road is outside of the cutblock and/or within the cutblock but required to access future cutblocks, you require a road permit to construct or modify those roads. This permit should be part of your documentation received from BC Timber Sales.

### Forest Practices Code of British Columbia Act

#### Section 60. Road layout and design

60 (1) Before the holder of a road permit, a timber sale licence that does not provide for cutting permits, a cutting permit or a special use permit constructs or modifies a road, the holder must

- (a) prepare a road layout and design in accordance with the prescribed requirements, and
- (b) in prescribed circumstances, obtain the district manager's approval for the road layout and design.

(3) A holder required to prepare a road layout and design under this section must

- (a) ensure that the road layout and design is consistent with any applicable forest development plan, and
- (b) make the road layout and design publicly available at any reasonable time at the holder's place of business nearest to the area under the road layout and design, on request.

Before you construct or modify a road you must prepare a road layout and design in accordance with the Forest Road Regulation

**Contact - BC Timber Sales representative**

### Forest Road Regulation

#### Section 5.1 Road layout and design approval

- 5.1 (1) The prescribed circumstances under section 60(1)(b) of the Act in which a person must obtain the district manager's approval of a road layout and design are,
- (a) except for crossings, the road is proposed to be located within a riparian management area,
  - (b) the road is proposed to be located in a community watershed and within 100m upslope of a known licensed community water supply intake, or
  - (c) during and after construction, as a result of the road building practices employed, the likelihood of a landslide occurring is greater than low on terrain that impacts or is impacted by that road, as determined by a site inspection under section 4.1

District Manager's approval of a road layout and design prior to the construction or modification of a road in the above circumstances is required. **Contact - Ron Donnelly**

### Annual Reporting Requirements

#### Forest Road Regulation Section 8 (3) Subgrade construction

- 8 (3) on or before May 31 of each year, for roads
- (a) that were constructed or were modified by relocating them,
    - (i) after March 31 of the previous year, and
    - (ii) before April 1 of the year in which the report referred to in this subsection is to be submitted, and
  - (b) that are permanent access structures, and
    - (b.1) that were constructed or modified under the authority of a road permit or special use permit.

a person referred to in subsection (1) must submit to the district manager a map or report, in a form and manner satisfactory to the minister, that identifies the location of the following:

Refer to the Forest Road Regulation for these requirements.

**Contact - Ron Donnelly**

### Timber Harvesting

#### Forest Practices Code of British Columbia Act Section 67 General

- 67 (1) A person who carries out timber harvesting and related forest practices on
- (d) this Act, the regulations and standards, and
  - (e) any operational plan

An operational plan is defined as

**"operational plan"** means a forest development plan, logging plan, range use plan or silviculture prescription, or a site plan for a woodlot licence or for a community forest agreement;

### Timber Marking and Transportation

#### Scaling Regulation Section 2 Time of scaling

- 2 The owner of the timber and a person who has a right to the timber as a holder of an agreement under section 12 of the Act must ensure that timber required to be scaled under the Act is scaled as soon as possible after the timber is cut.

This generally means that timber is felled, skidded or yarded, processed, loaded, hauled and scaled within sixty (60) day time period.

Wood decked beyond this period of time may be subject to Late scale requirements under the Scaling Regulation

**Contact - Bill Myers**

#### Timber Marking and Transportation Regulations

- 2 For the purpose of Part 6 of the Act, a person must transport unscaled timber to a scale site designated by a forest officer.

Scale site designation is accomplished with the Mark Holder Form

**Contact – Dennis Blackmon**

- 3 (1) For the purposes of section 84 of the Forest Act, a person who stores unscaled timber in decks or piles must apply the correct timber mark to one end of at least 10% of the timber pieces in each deck or pile using hammer indentation.

- 3 For the purposes of section 84 of the Act, before a person transports unscaled timber by truck or rail car, the correct timber mark must be legibly and conspicuously applied to the timber carried on the truck or rail car
- (a) on at least 2 log ends at the front and at least 2 log ends at the back of the load of timber using a hammer indentation, and
  - (b) on each side of the load of timber with at least one timber mark using paint.

**Contact – Bill Myers**

### Debris Disposal

#### Timber Harvesting and Silviculture Practices Regulation Section 24 Landing and roadside debris accumulations

- 24 (1) A holder of an agreement under the Forest Act who is carrying out a harvesting operation must dispose of combustible debris.
- (2) Subject to subsection (3), if the holder of an agreement under the Forest Act burns the debris referred to in subsection (1)(b) the holder must burn it in the first burning season after harvesting is completed or, if it is insect-infested, before the insects emerge.

### Deactivation

#### Forest Practices Code of British Columbia Act Section 64 Road deactivation

- 64(1) Subject to subsection (11), a person who uses a road under the authority of a road permit, cutting permit, timber sale licence that does not provide for cutting permits or special use permit, or the government for a forest service road, must deactivate the road as required by, and in accordance with
- (a) any forest development plan,
  - (b) this Act, the regulations and standards,

If you build and use a road you are responsible to deactivate that road.

**Contact - BC Timber Sale representative**