

Ministry of Forests and Range
Information for
Forestry Licence to Cut and Miscellaneous Permits

Legislative Requirements
Timber Harvesting and Roads
Under the

Forest and Range Practices Act
Forest Planning and Practices Regulation



This pamphlet is an unofficial reproduction of excerpts of the *Forest and Range Practices Act* and the *Forest Planning and 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 November 15, 2005

Contact information

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Notice to Commence

Forest Planning and Practices Regulation Section 85 Notification of timber harvesting and road construction

- 85 (1) An agreement holder must notify the district manager before
- (a) Beginning
 - (i) timber harvesting in a cut block that comprises more than one hectare, or
 - (ii) construction of a road that is not a temporary access structure, and
 - (b) re-starting the activities described in paragraph (a) (i) and (ii) in a cutblock that comprises more than one hectare after an inactive period of 3 months or more.
- (2) A notice under subsection (1) must specify:
- (a) the location of the timber harvesting or road, including any administrative identifier that relates to the location;
 - (b) a contact name and contact information, and
 - (c) the projected date for beginning timber harvesting or road construction.

“**Harvest**” in relation to timber, means to fell or remove timber, other than under a silviculture treatment, including; yarding, decking or loading, processing timber on site, piling or disposing of logging debris, constructing excavated or bladed trails or other logging trails, soil disturbance rehabilitation.

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 and Range Practices Act Section 22.1 Industrial use of a road

- 22.1 (1) A person must not use a road for
- (a) timber harvesting, including transportation of the timber or associated machinery, materials or personnel, ...
except in one or more of the following circumstances...
 - (d) the road is a forest service road, and the person is authorized to use it by a road use permit or is exempt under subsection (4);
 - (e) the road is one for which another person has a timber sale licence that does not provide for a cutting permit or has a

woodlot licence cutting permit, road permit or special use permit.

22.1 (4) The minister may grant an exemption

- (a) referred to in subsection (1) (c) (ii) or (2) (b) if satisfied that the person's use of the road will not unnecessarily impact forest resources, or
- (b) referred to in subsection (1) (d) or (2) (d) if satisfied that the person's use of the road will not
 - (i) unnecessarily impact forest resources,
 - (ii) materially affect the use of the road by others, or
 - (iii) materially increase the need for road maintenance.

Notice of road use

22.1 (7) A person who uses a road under sub-sections(1) (d) or (e) (the previous sections) must give at least 5 clear days notice of the date on which the person will begin to use the road

- (a) to the holder of the applicable road permit, special use permit or woodlot licence, and
- (b) for a forest service road,
 - (i) to the minister (district manager), and
 - (ii) in prescribed circumstances, to the person required to maintain the forest service road.

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

When another person has been ordered to maintain the road you are required to notify them as per section 22.1 (7) (b) (ii)

Minor Salvage Operations or Special Forest Products

Forest Planning and Practices Regulation

79.1 (1) In this section, "**minor salvage operation**" means harvesting of

- (a) timber that
 - (i) is dead, infested with pests or otherwise damaged or that is required to be harvested to facilitate the removal of the dead, infested or damaged timber, or
 - (ii) is required as part of a sanitations treatment, andis of a total volume not exceeding 2 000 m³, excluding the volume harvested from any road clearing width, if the road

is required to facilitate the removal of timber referred to in subparagraph (i) or (ii), or

(b) special forest products

(2) Subject to subsection (3), section 22.1 (1) of the Act does not apply to a person using a road on Crown land for a minor salvage operation if the person does not carry out in a stream, or on, in or near a stream bank, any maintenance of the road other than to the road surface.

(3) However, section 22.1 (1) of the Act applies to a person using a road as described in subsection (2) if the minister notifies the person that the minister believes that the use of the road will

(a) materially affect the use of the road by others, or

(b) adversely impact forest resources

Regardless of your requirement to have or not to have road use authorities you are still required to give notification before using the road. [Section 22.1 (7) of the Act]

Road Maintenance

Forest Planning and Practices Regulation

Section 79 Road Maintenance

79 (4) The district manager may order the holder of a road use permit that authorizes the use of a forest service road to assume all or part of the responsibility to maintain the road, including bridges, culverts, fords and other structures associated with the road.

This will be an order in the form of a cover letter on your road use permit. If there are no other designated users you are required to maintain the road regardless of an authority or not

Contact – Ron Donnelly

Forest and Range Practices Act

Section 22.3 No payment for use of road except as provided

22.3 (1) By written notice under subsection (2), a holder of a road permit or of a woodlot licence, or, in prescribed circumstances, of a road use permit, may require payment, within the limits imposed under subsection (2), from a person who uses a road that is under the permit or licence.

(2) A written notice under subsection (1) must specify

(b) the amount of the payment, which amount must be limited to one or more of the following:

(i) a reasonable contribution to the expenses of maintaining the road:

(ii) the reasonable expenses of modifying the road to accommodate the special needs of the person;

(iii) the reasonable expense of repairing any damage to the road caused by the person's use of the road.

If the holder of the permit or licence who gives notice and you who receives notice do not agree on a payment the holder and you must submit that question for resolution, by an agreed process of dispute resolution, or by binding arbitration under the *Commercial Arbitration Act*.

Contact Ron Donnelly

Timber Harvesting

Forest Planning and Practices Regulation

Part 4 Practices Requirements

The provisions of this part apply to timber harvesting operations.

It is your responsibility to know these requirements and to exercise due diligence to ensure these requirements are achieved by you and any contractor, employee or agent working for you.

If your contractor, employee or agent contravenes a provision of the Acts in the course of carrying out the contract, employment or agency, you also contravene the provisions.

Users should refer to the official copies of legislation, produced by the Queen's printers.

Timber Scaling

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

Section 3 Late scale requirement

3 (1) If a regional manager, district manager or forest officer determines that timber required to be scaled under the Act has not been scaled as soon as possible after the timber is cut, he or she may order that the timber be scaled using an estimate.

Contact – Bill Myers

Timber Marking and Transportation

Timber Marking and Transportation Regulations

Section 2 Scale site designation

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

Section 3 Timber marking requirements – stored timber

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.

Section 4 Timber marking requirements – land transportation

4 (1) 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.

Section 10 Documentation requirements

10 (1) A person who transports timber in British Columbia, or causes timber to be transported in British Columbia, whether the timber was harvested at a place within or outside of British Columbia, must, at all times, have in his or her possession a written record of the timber being transported.

(2) The written record referred to in subsection (1) must include all of the following information:

- identification, by licence number or name, of the truck, rail car or vessel in which the timber is being transported;
- a description of the location of origin of the timber;
- the date on and time at which the transport of timber begins;
- the destination of the timber;
- the timber mark or timber brand, or both, applied to the timber being transported;
- the name and signature of the timber transport operator;
- if the timber has been scaled, the scaler's signature and licence number or the signature of an authorized person at the scale site;
- a unique serial number.

Contact Bill Myers